

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

TANYA ZURBA,

Plaintiff,

v.

Civil Action No. 1:25-cv-642

JURY TRIAL

CITY OF CEDAR PARK, TEXAS,

Defendant.

**ORIGINAL COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Tanya Zurba, Plaintiff by and through her attorneys, Lamar Treadwell<sup>1</sup>, and the Smith and Vinson Law Firm, PLLC (Jarrod Smith and Brad Vinson), brings this action for the violations of her civil and constitutional rights, and for her personal injury of sexual assault proximately caused by the City of Cedar Park, a Texas governmental entity, acting by and through its policy maker, Chief of Police, Mike Harmon, who is directly responsible for the enforcement of the laws of the State of Texas to timely prevent the commission of such acts by its police officers, and in particular Keco Motton. These failures constitute deliberate and reckless indifference, including by failing to properly train, supervise, and discipline officers, including for violations of well-established state and federal laws and civil rights pursuant to Title 42 U.S.C.A. § 1983, Title 18 U.S.C.A. §§ 241, 242, Title 28 U.S.C.A. § 1331, Title 28 U.S.C.A. § 1343, and the U.S. Constitution, Fourth Amendment (deprived of liberty interest in personal security and bodily integrity without due

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<sup>1</sup> Will file a request to appear Pro hac Vice

process of law) and Fourteenth Amendment to the United States Constitution, to include those unnamed supervisory officers that participated in violating well-established law in compliance with the policy of deliberate and reckless indifference. The Cedar Park Police Department has long had an institutional ad hoc policy that constitutes a culture of indifference that operates as official policy promulgated by the municipal policymaker, the Chief of Police, that was the moving force behind the constitutional violations committed against Plaintiff's Fourth Amendment right to be secure in her person, i.e., bodily integrity to be free from sexual assaults. The municipal policy systematically encourages sexual assaults by ignoring and refusing to investigate complaints the Police learn of and do nothing in response. In this case, Motton's false pretense (fraudulent) investigation into Plaintiff's domestic case was malicious, implicating an illegal Fourth Amendment seizure.

### **Summary of the case**

The Cedar Park Police Department and the Texas Rangers investigated numerous complaints made by females against Police Officer **Keco Motton**. In the investigation interviews, Officer Motton admitted to committing the sexual assault of Plaintiff and previously of other females over a period of years. After Plaintiff filed her complaint with the Cedar Park Police Department and the Texas Rangers, a news article appeared, and Motton killed himself. Plaintiff never consented to Motton's sexual contact, touching, or groping. Officer Motton used knowledge of Plaintiff's bruising from a domestic violence complaint and her fear of unjust punishment from a pending criminal charge, to coerce Plaintiff to submit to his assaults. At all times,

officer Motton acted under color of law when he violated Plaintiff's right to bodily integrity because he wore a police uniform, was on duty, was armed, and resorted to her vulnerability from a domestic dispute and fear of prosecution to assert his control, and using his authority as a mental health officer to unlawfully confront and coerce Plaintiff into submission. Many victims have complained and been ignored, some of their stories are included to prove a culture of indifference.

An officer who purposefully allows a fellow officer to violate a victim's Constitutional rights may be prosecuted for failure to intervene to stop the Constitutional violation. At various times, officers became aware of Motton's Constitutional violations, and likely those of other officers, and had opportunities to intervene, and chose not to do so thereby actively encouraging, aiding or abetting the assaults although not directly participating in them. By failing to sooner discipline Motton based upon complaints and internal affairs investigations, the Chief of Police engaged in an ad hoc policy or practice amounting to a custom of deliberate and reckless indifference to sexual assaultive behavior and disregard for civil liberties and well-established law. This custom, ad hoc policy or practice was the moving force for the sexual assault visited upon Plaintiff that injured her.

#### **A. Parties and Service**

1. Plaintiff, Tanya Zurba, is a citizen of the United States of America, and a citizen and resident of Williamson County, Texas. At all relevant times herein, Plaintiff resided in Williamson County Texas.

2. Defendant, City of Cedar Park, Texas, is a Texas municipal governmental entity that operates the City of Cedar Park Police Department. It may be served through its City Manager, Brenda Eivens, at 450 Cypress Creek Road, Building 1, Cedar Park, Texas 78613.

### **B. Jurisdiction**

3. This Court has original jurisdiction pursuant to 28 U.S.C.A. § 1331 and 1343 because Plaintiff is suing for relief under 42 U.S.C. § 1983.

4. This Court has supplemental jurisdiction of all Texas constitutional state law claims pursuant to 28 U.S.C. § 1367 for damages arising out of a § 1983 cause of action for deprivation of a right, privilege, or immunity secured by the constitution or laws of this state or the United States, including those that violate 18 U.S.C. §§ 214, 242, or 42 U.S.C. § 1985, as well as for attorney's fees pursuant to U.S.C.A. § 1988.

### **C. Venue**

5. Venue is proper in the Western District pursuant to 28 U.S.C.A. § 1391 because the Defendants all reside in the Western District of Texas, and all or a substantial part of the causes of action occurred in the Western District of Texas.

### **D. General factual background**

#### **i. Color of law**

6. At all times that Officer Keko Motton had contact with Plaintiff he was uniformed, armed, and acting under color of law as a law enforcement officer with the City of Cedar Park, Texas Police Department.

7. Officer Motton was acting under color of law because he was certified as a mental health officer under Texas Occupations Code § 1701.404(b) by training to

recognize the characteristics and symptoms of persons suffering from mental impairments or from conditions of stress.

8. By touching the genitals and vaginal fluids of Plaintiff that was beyond the scope of his employment as a law enforcement officer, and beyond the scope of generally accepted practices required in his role as a mental health officer, Officer Motton violated Texas Penal Code § 22.012(a)(2), (3), (b)(B)(i) and (ii).

9. Because Officer Motton intentionally or knowingly caused repeated physical contact with Plaintiff that he knew or should have reasonably believed Plaintiff would regard that contact as offensive or provocative, he violated Texas Penal Code 22.01(a)(3).

10. The pattern of assaults committed by Officer Motton over a period of time show that officer Motton's actions were conducted within his scope of employment and those acts violated well established law, but despite any policies to the contrary of the City of Cedar Park or the police department's such acts were neither investigated or disciplined.

11. The City's ad hoc policy allowed Officer Motton to use his status as a uniformed, armed Police Officer, and his position as a Mental Health Officer to facilitate his sexual assaults on Plaintiff.

## **ii. Policymakers and Supervisors**

12. The City of Cedar Park, acting by and through its Chief of Police, is the policy maker for establishing policies relating to the exercise of police power, including the training and the supervision procedures to inform its officers of all well-established

law relating to preventing violations of civil rights and liberties protected by Section 1983.

13. As the City's delegated policymaker, the Chief of Police has promulgated policies and procedures, and was therefore personally responsible in his official role to see that each sworn police officer or department non-sworn employee was trained, supervised, and disciplined to follow those policies and well-established law at all times.

- a. General Order, 1.06.01, duty to preserve the peace.
- b. General Order, 2.01.01, duty to enforce all laws and conduct themselves in a dignified and respectful manner to avoid distrust of law enforcement and comply with the Texas Commission on Law Enforcement (TCOLE) training, and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law. An officer has a duty to audio and video all stops and supervisors have a duty to regularly review.
- c. General Order, 2.02.01. Ethics. Employees, sworn and unsworn have a fundamental duty to protect the weak against oppression or intimidation, be honest and be mindful of the welfare of others.
- d. General Order, 2.04.01. Complaints and Internal Investigations. All complaints must be thoroughly investigated and resolved, and supervisors must ask fact finding questions, and refer all policy violations to internal affairs for further investigation.
- e. General Order, 1.14.01, Recording Systems. The use of body cam and recording equipment is mandatory when appropriate to the proper performance of official duties that are to be reviewed by supervisors.

- f. General Order, 2.03.01. Oath of Office. All police officers must take the Oath of Office to obey the laws of the United States and State of Texas.
- g. General Oder, 2.12.01. Personal and Professional Conduct. The officer has a duty to know and follow all polices, written directives, and laws in addition to the standards set forth in the City Human Resources Policy Manual, that controls. The duty includes to protect the reputation of the law enforcement profession to report any observation of any criminal, unconstitutional, or inappropriate actions, and has a duty to intervene when possible and to notify the appropriate chain of command.
- h. General Order 3.05.01. Service Training. Training includes legal updates, weapons, bias issues, crisis intervention and or mental health refresher.
- i. Standard Operating Procedure, 12.01.02. Evidence Collection and Preservation. Evidence that proves or disproves an alleged matter of fact, establishes a crime has been committed or provides a link between the crime and its victim, or its perpetrator that evidence must be preserved.
- j. For police officers to be certified by TCOLE they undergo training to know well-established state law concerning assault, battery, as well as the restraints imposed by constitutional due process and their oath of office.
- k. The conduct of officers is governed by general and special orders of the Cedar park PD and the employee policy of City of Cedar Park.
- l. Constructive notice of Motton's conduct is imputed to the Chief of Police because the officers are agents of the Chief of Police.

14. The Chief of Police as a policymaker had duty to train and supervise his officers to not violate the following laws:

- a. The Fourth Amendment as applied to the States through the Fourteenth Amendment to the United States constitution, including 42 U.S.C. § 1983, § 1985.
- b. Texas Penal Code, § 22.012, Indecent Assault, that is enhanced if the defendant is a mental or health services provider who committed the act during the course of service (police service) and the act was beyond the scope of the generally accepted practice.
- c. Texas Penal Code, § 22.011, Sexual Assault, where the assault is carried out by a public servant who coerces the other person to submit or participate, or is a mental health services provider certified under § 1701.404(b), Texas Occupations Code (police officers).
- d. Through inaction and by discouraging the reporting of sexual harassment and assaults the Chief of Police maintained an ad hoc policy of an institutional culture of indifference that was deliberate and recklessly indifferent about enforcing officer reporting as well as not properly investigating public complaints that was the moving force of constitutional violations committed against Plaintiff and others.
- e. This ad hoc policy is being continued in the present as shown by the Texas Commission Law Enforcement's response to Plaintiff's request to release its investigation into Keco L. Motton, case number 23-05-0886 because it unlawfully contends "**the case is still open**" nearly two years after Motton's death.
- f. TCOLE's refusal to release its investigation continues the ad hoc policy of a culture of indifference because to do so would show the number and dates of assaults committed by Officer Motton to facilitate, aid and bet the City Cedar Park in avoiding liability and further news articles.



**iii. Failure to investigate and discipline to prevent further assaults**

15. The Chief of Police is responsible for all internal affairs investigations.

16. The failure of the Chief of Police to sooner investigate and discipline Officer Motton to prevent further assaults was an arbitrary exercise of governmental police power that was also an ad hoc policy, practice or custom that was the direct moving force in causing the violation of Plaintiff's Fourteenth privileges and immunities.

17. The failure of the Chief of Police to sooner investigate and discipline Motton denied Plaintiff equal protection of the laws because the ad hoc policy to not so investigate and timely and properly discipline Officer Motton was discriminatory in nature as to gender when multiple complaints show Motton qualified as a sexual predator who would not voluntarily stop.

18. Prior to Plaintiff's assault, the Chief of Police, individually, as well as by and through those Bystander Police Department officers and employees, was made aware that Officer Motton was committing sexual assaults.

19. Evidence shows Motton used his training and unsupervised position as a Mental Health Officer to select and target his victims and was emboldened in knowing his fellow officers would not report him because of the policy of a culture of indifference, including adherence to the ad hoc policy by Commander, Darlene Lewis, Support Services Bureau, or Jean Pierre, Victim Services Coordinator, or Bryce Martin, Internal Affairs, or Sargent Whitley.

20. Jacqueline Lamar reported her assault by Officer Motton immediately after it happened on or about Valentine's day in 2022 through Cedar Park Facebook web page

where she was contacted on November 14, 2022, by Commander, Darlene Lewis of Support Services Bureau by e-mail attaching a complaint form and the following e-mail link to file a report:

From: **Darlene Lewis** <[darlene.lewis@cedarparktexas.gov](mailto:darlene.lewis@cedarparktexas.gov)>  
Date: Mon, Nov 14, 2022, 11:56 AM  
Subject: form  
To: [623601jacqueline@gmail.com](mailto:623601jacqueline@gmail.com) <[623601jacqueline@gmail.com](mailto:623601jacqueline@gmail.com)>

Jacqueline,

I have attached the PDF of the form that we use for our complaints. Please fill in the information and email it back to me. If you need to add more details, please feel free to add additional pages. I will also pull our reports to locate the call also. With the information you provided, we should be able have enough information to look into the incident. It would be beneficial for us to have your written account of the incident as well, but is not necessary at this time.

I have also included the link below to our online reporting for complaints. This will send the complaint into our department email. I wanted to give you this as an option, but understand it may be viewed other department members.

<https://www.cedarparktexas.gov/FormCenter/Police-10/Complaint-Form-118>

If you have further questions, please feel free to reach out to me.

Commander Lewis

**Darlene Lewis**  
Commander  
Support Services Bureau  
Cedar Park Police Department  
911 Quest Pkwy.  
Cedar Park, Tx. 78613  
Phone: 512-260-4724

21. After receiving no follow up on her report against Motton, Jacqueline personally went to the Police Department where she states she was laughed at her for filing a report.

22. Jacqueline then filed another report and was visited by an “investigator” named “Bryce Martin”, who wrote the following e-mail to Jacqueline:

On Wed, Nov 16, 2022, 1:03 PM Bryce Martin  
<[bryce.martin@cedarparktexas.gov](mailto:bryce.martin@cedarparktexas.gov)> wrote:

Good Afternoon,

My name is Investigator Martin and I work in the Professional Standards Division. I wanted to reach out to inform you I have been assigned the Internal Affairs case that you recently filed in reference to Officer Motton. I have your statement and I will be conducting a thorough investigation. If there is anything else you would like to add, my contact information is below. Feel free to call or email me anytime. If you would like to come to the police department for an in person interview we can arrange that as well.

Thank you,

**Bryce Martin**  
Investigator  
Professional Standards Division  
Cedar Park Police Department  
911 Quest Pkwy.  
Cedar Park, Texas 78613  
Phone: 512-260-4634

23. Hearing nothing further, Jacqueline sent the following e-mail:

From: **Jackie Lamar** <[623601jacqueline@gmail.com](mailto:623601jacqueline@gmail.com)>  
Date: Tuesday, December 13, 2022  
Subject: Internal Investigation  
To: Bryce Martin <[bryce.martin@cedarparktexas.gov](mailto:bryce.martin@cedarparktexas.gov)>

Well. And? I'm here anytime. You know my cell ,you know my address and I'm sure at this point you know that sad excuse of a man is guilty. So what do you do now , what do I do now!? Let me tell u something It

was mind-blowing to see that man still in his uniform feet away from me while he was on scene here in cedar park by the bin drop right by the station. It's a joke. Go ahead do what y'all do best sweep it under the rug ...no big deal right. 😊

24. After learning of Officer Motton's death, Jacqueline again asked for confirmation of her complaint by this e-mail to the Victim Services Coordinator:

On Fri, Jun 9, 2023, 9:26 AM Jean JeanPierre  
<[Jean.JeanPierre@cedarparktexas.gov](mailto:Jean.JeanPierre@cedarparktexas.gov)> wrote:

Good morning Jacqueline,

I want to acknowledge your email and thank you for reaching out to Victim Services Division. I will like to get in contact with you and see how we can support and assist you.

What's your best contact number?

Thank you, talk to you soon.

Jean,

**Jean Pierre Choumate** (her official name according to Cedar Park.gov)  
Victim Services Coordinator  
Cedar Park Police Department  
Cedar Park Police Department  
911 Quest Parkway  
Cedar Park, Texas 78613  
Phone: 512-260-4656

25. Investigation conducted on the Cedar Park Police "Yelp" website shows comments made by other women who claim they were sexually assaulted, and their complaints ignored who gave the police department a "one-star" review, that included the following:

**Genice M.**  
Marshfield, WI

**Sean M.**

Austin, TX

**Jocelyn Q.**

Austin, TX

26. From the totality of circumstances known to the Chief of Police about sexual assaults in general, and in particular that Officer Motton was committing some of them, to explain why the Chief of Police failed to train, to supervise, and to enforce his own policy and procedures, attached in pertinent part below, was because of the ad hoc policy of a culture of cultural indifference and reckless disregard of violations of well-established state and federal laws and civil rights of women to bodily integrity when it involved complaints from women in general and Motton in particular.

## CEDAR PARK POLICE DEPARTMENT GENERAL ORDER

Complaints and Internal  
Investigations

NUMBER: 2.04.01

*[Signature]*

APPROVED: \_\_\_\_\_

Chief of Police

EFFECTIVE:  
02-01-2014



## I. POLICY

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It is the policy of the Cedar Park Police Department (“Department”) that all internal and external complaints of misconduct shall be thoroughly investigated and resolved. The public, and members, shall be assured of receiving fair, honest, and equal interactions.

## II. PURPOSE

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The Cedar Park Police Department has a responsibility to itself and to the community it serves to promote an accountable level of service and integrity. It is the purpose of this policy to inform all interested persons of the procedures that will be followed to initiate, record, investigate, and resolve complaints against members of the Cedar Park Police Department.

27. Due to ongoing citizen complaints about the Cedar Park Police Department the City Council engaged the police consulting firm of Hillard Heintz (HH) to conduct an independent assessment of the department’s policies and procedures as noted as from the Report dated, July 12, 2018:

“...The Cedar Park Police Department (CPPD) has recently come under scrutiny due to public criticism surrounding the manner in which the Department handled some high-profile criminal investigations....” Rpt. P. 5, ¶ 1.

28. The Report noted the following as a major problem:

“The CID team does not currently have a formal SOP manual that serves as a guide for the policies, procedures, practices and protocols they should follow as the investigate cases.” Rpt. P. 19, ¶ 5.

29. Even though the Mental Health Officer designation did not exist until 2022, the areas of deficiencies noted in the 2018 HH Report carry over to Motton’s conduct such as no SOP for the mental health unit and whether it is a patrol or investigation

unit, or if Motton should operate alone particularly with women, underscores a scenario for a culture of indifference and reckless disregard of civil liberties of sexual assaults by the Chief of Police.

30. The Matrix Consulting Group's report of May 24, 2024 for Police Staffing and Strategic Planning Study does not reference any SOP manual for the Mental Health Unit for the CP-PD.

**iv. Failure to train and supervise to not commit sexual assault**

31. Once the Chief of Police became aware that sexual assaults being committed by Motton he failed to adequately train and supervise the officers under his command to not violate clearly established constitutional rights guaranteed by the Fourth, Fifth, and Fourteenth Amendments.

32. Once becoming aware that sexual assaults by Motton were occurring, the Chief of Police failed to realize the inadequacy of his training and supervision to prevent Motton from committing sexual assaults of Plaintiff.

33. The Chief of Police's failure to timely and adequately train and supervise to address sexual assault conduct, and the failure to sooner investigate Motton's conduct was due to an ad hoc policy, custom, or practice that was deliberately indifferent to the Constitutional rights of Plaintiff, thus, the intentional delay set in motion was the direct moving cause of Plaintiff's injuries.

34. His inaction, to not sooner investigate and train to prevent injury to Plaintiff, constitutes evidence of the Chief of Police's ad hoc policy as part of as a long standing custom or culture of male entitlement and sexual aggression.

35. The Chief of Police failed to implement a task force for sexual assault training and supervision because the ad hoc policy or custom fostered the culture of indifference such that complaints would be discouraged, including by not having a sexual assault protocol for examination and support as to identification, collection, preservation and analysis of evidence.

36. The failure to sooner investigate, train, and supervise constituted an official policy of the Chief of Police of deliberate indifference to the serious risk of sexual assault occurring to Plaintiff and many others.

**v. Failure to timely have a policy supervising Officer Motton**

37. The 2022 Mental Health Unit was to consist of one Sargent, four officers and two mental health professionals from Bluebonnet Trails to eliminate regular duty officers from being taken out of service for prolonged periods of time that was to debut in the early months of 2023, however, the Mental Health Unit standard operating procedures were not put into place until December 2023 that provided for a supervisor implicating Motton was unsupervised at the time he assaulted Plaintiff and others.

38. At the time of Plaintiff's assault, Motton was not required to fill out paperwork or incident reports for a supervisor to review his whereabouts and conduct, thus, there was no supervisor for other officers or employees to report his conduct to when they knew he was not domestic violence investigator, which implicates a Command Staff policy level failure.

39. Motton was appointed by the Cedar Park PD to apply to be certified as mental health officer in in 2015 by completing the courses required by TCOLE 22.1(b) which



he did in 2015 by taking TCOLE Course number 4001 (Mental Health Officer Training, through the Travis County Sheriff's Department that included Crisis Intervention Training) but his TCOLE application was not completed until 2017. (Texas Commission on Law Enforcement, Personal Status Report).

40. Motton completed the Austin PD *Mental illness-De-Escalation Techniques Mission* course on December 15, 2017. (TCOLE PSR).

41. Motton completed Sexual Harassment Recognition training by the Praetorian Group on March 10, 2017 and previously on August 8, 2014 through the Texas Municipal League. (TCOLE PSR).

42. From January 2015 to February 2020 Chief Mannix was the policy maker for the Cedar Park PD, who was forced to resign over the false prosecution of Greg Kelly and the documentary OUTCRY" highlighting Mannix's incompetence was exposed at SXSW <https://seanmannix.tx.com/about/>.

43. The Chief Mannix scandal showed he operated the police department without any procedures or policies, thus, none were in place to supervise Motton's mental health activities implicating a cultural ad hoc policy of condoning sexual harassment by refusing to supervise, timely or properly investigate complaints, or by ignoring complaints.

44. Arguably, Officer Motton was allowed to go unsupervised from 2015 until 2023, including under Chief of Police, Mike Harmon because of the culture of indifference.

## **vi. Motton's sexual assaults**

45. Officer, Keco Motton was dispatched on May 4, 2023 to respond to a 911 call made by Tanya Zurba because her husband, Joel Zurba, wouldn't allow her to have access to her phone or to her money, thus Tanya Zurba fit Motton's target profile.

46. As part of a divorce and endeavor for independence, Zurba told Motton that she was opening a spa business and that she needed her driver's license and credit cards, but her husband had seized them.

47. Later, on the day of May 4, 2023, Motton returned to the residence asking for Zurba and was told she was out, but to call the Police Department when she returned.

48. Although Motton was not assigned to investigate the prior pending domestic abuse complaint filed by Zurba against her husband, his inserting himself into domestic dispute investigations fit his targeting pattern of selecting vulnerable women.

49. Zurba called the police department and left a message for Motton as requested, and when Motton called her back, he wanted to meet at the neighborhood swimming pool for the hand off of the seized items obtained from her husband.

50. While Zurba was in her car, Motton asked her to remove her leggings, so he could examine the bruises on her legs, at which time Motton made the demand that she remove her pants, and after doing that and without asking permission Motton moved her thighs as if to inspect the bruises more thoroughly.

51. Not yet being done with his "investigation," Motton then separated Zurba's thighs even more with his hand for a better look, at which moment he moved her underwear to touch her clitoral hood and clitoris and separate the vagina lips and

when this act occurred Zurba urinated slightly on Motton's hand due to her condition of "stress urinary incontinence."

52. Motton requested Zurba to take photos of the bruises and e-mail them to herself, which she did, and they were discovered by her over-controlling abusive husband.

53. Motton then commanded Zurba to go to the spa, and she complied.

54. Motton, due to his Mental Health Officer training, had insight into women going through domestic abuse situations are in a psychologically vulnerable mental state implicating a mental health condition that he could use coercively to his advantage to commit the assaults.

55. Motton asked to see the spa Zurba was opening, she complied, and once in the building Motton then demanded they go the bathroom, and ordered Zurba to face the mirror, raise her shirt for Motton to see any bruises on her back, at which time Motton then put his hands on her hips, turned her and placed his hand on her buttocks.

56. Motton asked if the cameras he saw on the way in worked and when Zurba said yes, he stopped and left.

57. But for the cameras, Zurba believed she would have been raped.

## **vii. Police and DPS Texas Ranger Conduct**

### **a. Actual or constructive knowledge of Motton's prior assaults**

58. Prior to the attack Zurba sustained on May 4, 2023, the Chief of Police was aware, actually or constructively, that Motton was engaging in sexual assaults while on duty from public complaints, or other officers who decided to not just remain silent.

59. Prior to the May 4, 2023 attacks, the City of Cedar Park was also made aware of the complaints against Motton for sexual assaults because it and the Chief of Police, was conducting an internal affairs investigation of Motton.

60. Being upset, later on May 4, 2023, Zurba went to the Police station to make a complaint and was met by Texas Ranger Reid Rackley, who interviewed her, where she related the facts set forth above.

61. On May 5, 2023 Texas Ranger, Rackley with Ranger Tyler Williamson interviewed Motton who claimed he was dispatched to the Motton residence as extra security and confirmed details of the swimming pool meeting.

62. Under interrogation by the Rangers, Motton admitted he was aware at the swimming pool meeting that Zurba had a pending criminal case, and that he was not involved in that investigation but apparently denied any sexual assault conduct contending his body worn camera (BWC) would sustain his version of the meeting.

63. Initially, Motton's version of what happened at the spa deviated considerably from Zurba's but when confronted by Zurba's photos showed they were taken at the swimming pool and Motton admitted he was present, his story changed, and he later admitted the sexual touching.

64. Motton was arrested on May 5, 2023.

65. Later, in the day of May 5, 2023, Ranger Rackley and other unknown officers executed a **search warrant** on Motton's residence in Bell County, Texas that authorized them to seize DNA material, cell phones, and CCPD equipment, including Motton's patrol vehicle.

66. Apparently, the Ranger's investigation was leaked to the news media.

**b. Evidence of Cedar Park's policy by a custom, that is a persistent, widespread practice of City officials or employees, which, although not authorized by officially adopted and promulgated policy, is so common and well-settled as to constitutes a custom that fairly represents municipal policy, including by not training or supervising its employees about their legal duties to avoid violating citizen's rights.**

67. The following complaints of Williamson County residents in the jurisdiction of the Cedar Park Police Department constitute direct causal connection between the ad hoc policy and the violation of Plaintiff's constitutional rights under the Fourth and Fourteenth Amendments.

68. Cedar Park Police Department maintains a "Yelp" page where people attempt to publically "talk" to the CP-PD, thus, this constitutes the CP-PD was made aware of the City's policy that was the moving force of constitutional violations of sexual assault suffered by Plaintiff and many other victims prior to her.

69. **Genice M. 08-15-2019.**

"My daughter was raped in Cedar Park, and she reported it IMMEDIATELY, a Rape kit was done and then the officers told her it was HER FAULT for having a party at her home that involved drinking. She was not drunk and she was forcibly raped, she had marks all over her from what the rapist did to her and they dismissed it as something she deserved to have happen."

70. **Austin American Statesman**, 12-22-2014 (Claire Osborn), updated, 09-26-2018. **Cedar Park police officer's ties to rape suspect led to suspension.**

“A Cedar Park police officer was suspended in September in connection with an investigation against Jordan Benford, who is accused of being a serial rapist. Officer James Arrick, 29, was suspended for being dishonest during an internal affairs investigation, said Cedar Park Police Chief Sean Mannix on Tuesday. Arrick searched on a police database without having a law enforcement purpose, Mannix said. Arrick used the database to search for warrants against Benford and then gave investigators “three different accounts of what he might have done,” Mannix said. Police also searched Benford’s cellphone when they arrested him in August and found a picture of Arrick and Benford together on motorcycles and another picture of Arrick and Benford at a park with their girlfriends or other friends, Mannix said. Mannix said he had no proof that Arrick knew about Benford’s criminal history. Cedar Park police arrested Benford in August after accusing him of sexually assaulting a 15-year-old girl in March. They have also charged him with another sexual assault against another 15-year-old girl. Mannix said Arrick was not suspended because of his friendship with Benford. “He was fired because he was not honest during the investigation,” Mannix said.

**71. Jocelyn Q. 09-18-2018.**

“I reported my rape twice to this police department. The first time, less than two months after it happened. Not even one follow up question and it was never addressed. Every interaction with officers was positive and they were polite and kind. The victim's service people were nice but I basically felt powerless and disenfranchised as far as holding the perpetrator accountable for attacking me. It is an awful feeling to know someone can get away with sexually assaulting you. I hope that other women who go there for help have a better experience.”

72. **Orquieda Cumpian.** After reading about Motton in the news, on May 8, 2023 Orquieda Lindo Cumpian contacted Ranger Rackley that she had been sexually assaulted by Motton several years earlier in 2018 or 2019.

73. Like Zurba, Cumpian had prior police contact when she complained about a domestic disturbance that involved her son. Motton arrived, and while conducting a search of her son's room, Motton repeatedly thrust his groin against her butt as he ordered her around her son's room.

74. For fear of losing her children in a custody fight, she did not file a complaint.

75. Because Motton repeatedly showed up at her residence Cumpian installed security cameras, fearing retaliation if she complained.

76. Cedar Park police records document that Motton had contact with Cumpian at least six times.

77. **Jacqueline Lamar.** Lamar reported to Ranger Rackley that she was sexually assaulted by Motton on February 14, 2023.

78. When Lamar's dog bit someone Motton showed up and reached into Lamar's pockets and repeatedly grabbed her vagina.

79. When Lamar approached another officer to report the incident, she claims she was yelled at for harboring a fugitive.

80. Lamar then posted on the Cedar Park Police Facebook page that she wanted a woman to contact her about what happened.

81. Someone at the Cedar Park Police Department named "Bryce" came to Lamar's house to take a statement.

82. Because Lamar heard nothing further from the Cedar Park Police Department, she attempted to file a complaint at the front desk of the police department and cried about what had happened, but when those officers present were not interested, she left.

83. **Amber Sapp.** Ranger Rackley was told by Sapp about a domestic incident involving her ex-boyfriend in August of 2022 where she reported the issue by going directly to the Cedar Park Police Department to file a complaint.

84. Motton took photos of the bruises on her breasts and other places.

85. Motton required Sapp to remove her pants to view the bruising on her legs.

86. But like Zurba, Sapp felt afterward something was wrong.

87. Subsequently, Motton required Sapp to meet him in a church parking lot to “ask additional questions” and Sapp declined, but never made a report at that time.

88. **City of Cedar Park.** At the time of the Motton investigation, City Attorney J. P. LeCompte knew that there was an internal investigation into other sexual assaults that has been kept secret likely to avoid liability for the City.

### **c. Texas Rangers internal police investigations**

89. **PD Dispatcher, Brooke Stewart.** As part of the deepening independent investigation into the Zurba assault, Ranger Rackley interviewed Police Dispatcher, Brooke Stewart, who recounted a strange encounter involving Motton on May 4, 2023.



90. Stewart said that Motton was near her police workstation when Tanya called 911.

91. As Stewart ran both Tanya and Joel's driver's licenses, she described to Ranger Rackely Motton's unusual behavior toward Tanya's driver license photo.

92. Stweart related that Motton commented out loud, "Mmmmm," and licked his finger while smoothing his eyebrows.

93. When Stewart mentioned that Tanya had been arrested for sexual assault involving a 15-year-old, Motton responded with "Oh damn, let me roll by."

94. Stewart knew that although Motton was a Mental Health Officer, that Zurba had no mental health history, finding Motton's insertion of himself into responding to the 911 call weird and she shared what she heard and observed with other officers.

95. **PD Victim Services.** Police Department employee, **Lillie Nichols**, stated to Ranger Rackley on May 11, 2023 that she knew about an August 2022 complaint from **Kristine Pequeno**.

96. In August of 2022 Nichlos recalled that when she called Pequeno's residence that Motton answered the telephone call, and when Nichols asked "why," Motton said. "Well, I'm with her."

97. When Nichols insisted on talking to victim Pequeno, Motton seemed reluctant to comply, however, this incident was not reported by Nichols.

98. The Rangers found that Motton was violating departmental policy when he used another officer's PIN to enter a police building.

#### **d. TCOLE, Cedar Park PD, and Texas Rangers coverup**

99. Pursuant to Plaintiff's Public Information Act open records request for TCOLE to produce its investigation pursuant to Case number 23-05-0886, an unnamed bureaucrat responded on March 20, 2025, “ Review of TCOLE records revealed **open** TCOLE case(s) 23-05-0886 regarding Keco L. Motton. Because the case is **still open**, no documentation is eligible for release at this time.

100. Upon further inquiry, TCOLE refuses to give any reason why the case is still open and pending implicating the only reason is the ad hoc policy of cultural indifference arising from police departments being predominantly male.

101. The refusal by the Rangers, TCOLE and Chief of Policy to comply with well-established open records law though concerted inaction is further evidence that they deliberately maintain the ad hoc policy of institutional culture of indifference *by silence* because not to do so would show the number and dates of assaults committed by Motton to facilitate, aid and abet the City of Cedar Park in avoiding liability and further news articles.

102. The Rangers must have been investigating records of sexual assault complaints held by the CP-PD, but never acted upon them.

103. TCOLE, the Rangers (agents of the Texas Department of Public Safety, and the City of Cedar Park, acting by and through its Chief of Police policy maker), are deliberately and recklessly indifferent about enforcing training, and supervision to learn about sexual assaults.

104. Whistleblowers employees of the City of Cedar Park and its Police Department have sent e-mails to Plaintiff's counsel confirming that the ad hoc policy exists, and as shown by the following example:

**"I am a retired officer.**

**CPPD has a history of not investigating alleged sexual assaults. Look into the cases former Sergeant Whitley (now Lieutenant) worked when she headed SVU. Multiple cases closed without investigation.**

**Several complaints filed by the victims also went un-investigated by PSD."**

105. Other employees fear retaliation but are providing information to counter the Public Statement issued by the City of Cedar Park that only Officer Motton is to blame and Plaintiff should sue Motton's family and not the City.

#### **viii. News Media and Motton's suicide**

106. Motton was arrested on May 5, 2023 for the sexual assault of Zurba.

107. Motton was pronounced dead on May 11, 2023 by Justice of Peace Wilkey.

108. KVUE reported the Arrest on the evening news on May 5, and that Motton had immediately resigned.

109. The City publically stated that the resignation stopped law enforcement's ability to further investigate and effect appropriate discipline.

#### **ix. Cedar Park Police Department lacks an operating manual To guide criminal investigations**

110. Without an operating manual there can be no adequate training or supervision of officers to investigate sexual assaults.

111. As a result of public outcry from the *Kelley v. Cedar Park* civil rights case, 1:20-CV-481-RP, the City of Cedar Park City Manager, Brenda Eiven and City Attorney, J.P. LeCompte, requested an independent review of the Police Department's policies and procedures for criminal investigations by the firm of Hillard-Heintze.

112. Hillard-Heintze senior vice president, Robert Davis, reported in July of 2018 recommended creating an operating manual implicating none existed in 2018 for criminal investigations, implicating arbitrary and capricious discretion for training, supervision, and lack of follow up to investigate sexual assaults.

113. The takeaway from the Hillard-Heintz report was that the CP-PD needed more supervision, verification is provided by,

<https://communityimpact.com/austin/leander-cedar-park/city-county/2018/07/13/firm-recommends-staffing-analysis-more-supervision-in-cedar-park-police-review>.

#### **x. Police Department's Mental Health Unit**

114. In 2019 when Motton committed one or more sexual assaults, there was no formal Cedar Park Police Department (CP-PD) "Mental Health Unit" (MHU).

115. Although Dispatcher, Brooke Stewart was aware that Motton was a Mental Health Officer and he was operating outside his scope of employment duties because he was not an investigating officer in the Zurba domestic violence case, and she knew the Zurba case exhibited no mental health issues.

116. Despite what the CP-PD represents on its website that its MHU Unit officers are highly trained to safely and effectively address the needs of person with mental

illnesses...” there was no MHU oversight or supervision of Motton in 2023 to contradict the ad hoc cultural policy of deliberate indifference to reporting and investigating sexual assault complaints.

117. Because several of the police calls that Motton inserted himself into under false pretenses were not mental health issue type dispatches showing just how unsupervised he was that was consistent with the ad hoc policy to facilitate his assaults.

**xi. Policymakers and Supervisors condoned Motton’s conduct**

118. Officer Motton had access to departmental police computers and records to troll abused or vulnerable women, particularly arising out of domestic type scenarios to victimize women in cases in which he was not assigned any investigatory role.

119. Chief of Police, Mike Harmon, is a policy maker for the City of Cedar Park and its Police Department, who also performs supervisory duties over the training and disciplining of officers under his command.

120. In an interview on May 28, 2021 Chief Harmon admitted in an interview that **“Culture is shaped by the worst behavior that leaders will tolerate.”** See, for verification,

<https://communityimpact.com/austin/cedar-park-leander/public-safety/2021/05/28/qa-get-to-know-cedar-parks-new-police-chief-mike-harmon/>

121. The risk of tortious conduct is broadly incidental to the undertaking of law enforcement requiring policies, training, supervision, and to discipline to prevent misuse of police authority to prevent officers from engaging in assaultive conduct.

122. Standard police procedure requires a supervisor to review and sign off on incident reports for any officer answering a dispatch call for service, and each officer that is not the first on scene incident reporter writer, must be either listed on the report, or provide a supplemental reports subject to supervisor review.

123. Because the reporting officer for an incident to which Motton self-dispatched would be required to list Motton as responding, as well as would the Dispatcher on her computer aided record, thereby these reports would document to the Sargeant or Lieutenant reviewing the reports to question Motton and to discipline him for violating protocol that would lead to inquiry and discipline and discovery of his assaults.

124. Because all police activity is subject to supervisory review, the failure to discipline Motton for self-dispatching is deliberate and intentional conduct consistent with the ad hoc policy of a culture of indifference to discover, report and discipline Motton's sexual assault conduct sooner to prevent the attack on Plaintiff.

125. Because of the considerable power and coercive authority that police officers possess, it is neither unknown nor unexpected that on occasion an officer, such as Motton, will misuse that authority by engaging in assaultive conduct implicating that procedures and policies for supervision and discipline must not be in place but enforced to counter a male dominated police department.

126. “Law enforcement agencies and executives have a duty to prevent sexual victimization, to ensure it is not perpetrated by their officers, and to take every step possible to ensure the safety and dignity of everyone in the community” <sup>2</sup>.

127. “When an incident of sexual misconduct involving a law enforcement officer is reported, it presents one of the most difficult challenges a law enforcement executive can face. Therefore, it is imperative that executives prepare through agency mission, policy, and training to proactively address and prevent incidents. Leaders must demonstrate to their officers and their community a consistent, focused effort to identify and eliminate misconduct through the institutionalization of a zero tolerance position.” See Fn. 2 below.

128. “Sexual misconduct within an agency may be indicative of a need for systemic and cultural changes.” See fn. 2 below.

129. As Chief of Police, Mike Harmon, acting under color of law, and within his scope of employment, committed one or more acts of deliberately intentional or recklessly indifferent conduct, including by omission, by failing to properly implement, train, and supervise discipline for infractions of law, by not having in place any relevant policies and procedures for criminal investigations, as well as for other officers to report misconduct in a timely manner without fear of retaliation to sooner learn of and to investigate officer’s Motton conduct to prevent assaults, and in particular the assaults committed against Plaintiff.

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<sup>2</sup> Addressing Sexual Offenses and Misconduct by Law Enforcement, Executive guide, International Association of Chiefs of Police pursuant to a 2005 grant from the Office on Violence Against Women, U.S. Department of Justice.

130. Part and parcel of the policy of a culture of indifference is to maintain secrecy and silence by hiding facts for the purpose of keeping the ad hoc policy in place, and to prevent publicity that would alert other victims to come forward who may be experiencing delayed PTSD symptoms and fear as so often have been seen as in the recent cases of Weinstein, Disneyland, Bill Kirby, Epstein, Ailes, and Church pedophilia, a real epidemic.

131. As a policy maker of the City of Cedar Park, Chief of Police Mike Harmon is responsible for the lack of training, supervision, and discipline that supported and encouraged the ad hoc policy of a culture of indifference to not report, timely or properly investigate, and to conceal information of sexual assaults in violation of civil liberties of life, liberty and bodily integrity by denial of constitutional due process under color of law that was the moving force for Motton's undisciplined assaultive conduct causing injury to Plaintiff.

132. In response to a confidential settlement offer sent to the City's Attorney under Texas Rule of Civil Procedure 408, the City of Cedar Park's only response was to issue a public statement to disclaim any liability for Officer Motton's conduct and released to the news media Plaintiff's confidential settlement demand letter to humiliate the Plaintiff and to gain an unfair litigation advantage, but in doing so, under the invited error doctrine, the City has opened the door for the Plaintiff to counter the City's argument that it is protecting the public treasury when in fact it is continuing to validate and enforce its policy of deliberate indifference to sexual assaults.



133. The April 29, and 30, 2025 public statements released by the City in response to Plaintiff's claims that ignores the information contained in the City Police Department's files and that constitutes an act in furtherance of the conspiracy to coverup the sexual assaults reported to it but never investigated, or pursued for prosecution.

**xii. Attorney fees, 42 U.S.C.A § 1988**

134. It was necessary for Tanya Zurba to hire counsel to represent her, and their fees are reasonable and documented by the lodestar method.

135. As a prevailing party, Zurba is entitled to recover from Defendant her reasonable attorney's fees and costs as provided for by § 1988.

**xiii. Conditions precedent**

136. All conditions precedent necessary to bringing this cause of action have occurred, have been performed, or have been waived.

**xiv. Mental anguish, violation of bodily integrity**

137. As a direct and foreseeable result of the repeated unconsented assaults on her person, Zurba has suffered mental and emotional anguish for which she seeks professional help.

**CAUSES OF ACTION**

**Count I.**

**Deliberate indifference and causes of action under  
*Monell v. New York City Department of Civil Services* for  
Violations of the Fourth Amendment pursuant to 41 U.S.C.A. § 1983  
against Defendant, City of Cedar Park**

138. The allegations contained in each of the paragraphs above are hereby incorporated by reference, as a fully set forth herein, and Plaintiff further alleges as follows:

139. The Fourth and Fourteenth Amendments to the United States Constitution prevents the deprivation of life, liberty or property without due process, substantive, or procedural.

140. The City of Cedar Park and its Chief of Police instituted an unlawful ad hoc policy of a culture of indifference to ignore, and to encourage ignoring of sexual misconduct complaints, including by failure to implement adequate policies and procedures to train, supervise and discipline mental health officers, and implement those policies that were the moving force behind the violations of the constitutional rights of Plaintiff.

141. The conduct of the City of Cedar Park by and through its Chief of police, and his subordinates, identified and unidentified, constituted the unlawful use of force by invading the liberty right to bodily integrity in violation of the Fourth Amendment of the United States Constitution, as incorporated and applied through the Fourteenth Amendment.

142. The conduct of the City of Cedar Park by and through its Chief of police and his subordinates, identified and unidentified, described herein, each acted under color of state law, and as employees or agents of the City of Cedar Park, Texas.

143. The conduct of the City of Cedar Park by and through its Chief of police and his subordinates, wore their official department uniforms and were acting within the

scope and course of their duties as employees of the City of Cedar Park police officers at the time they acted consistent with the ad hoc policy of the culture of indifference to not sooner train, supervise, investigate, or discipline officer Motton to prevent violations of constitutional law.

144. **Policymaker.** Defendant, Chief of Police, Mike Harmon, was the chief or final policymaker for all matters related to the activities of the CP-PD including all law enforcement activities and as delegated to him by the City of Cedar Park.

145. **Official Policy.** The City of Cedar Park and Chief of Police, Mike Harman, as policymakers, instituted an unlawful ad hoc policy of a culture of indifference contrary to the well-established law under the 4<sup>th</sup> Amendment to the United States Constitution that no person shall be deprived of life, liberty or property without due process as applied by the Fourteenth Amendment to the states.

146. This ad hoc policy was created, enforced, and evidenced by the following:

- a. The Chief of Police had a practice widespread enough to constitute a policy and custom of reckless and deliberate indifference to constitutional rights and well-established law, as well as departmental policy and procedures that were evidenced in part by a rising pattern of victim injuries and citizen complaints, whistleblower reports, news media investigative reporting, prior to and relating to officer Motton's sexual assaults that were violations of well-established law.
- b. Deliberate indifference is evidenced by the City of Cedar Park and its Chief of Police being fully aware that officer Motton was committing sexual assaults, but consistent with the ad hoc policy of condoning such violations, and their choice to do nothing, timely or properly.

c. The police officers and Dispatcher knew Motton was not supposed to be answering calls he was not dispatched for over long periods of time, and supervisors ignoring Motton's violations of protocol was ample notice to the City of Cedar Park and its Chief of Police of the reckless and deliberate indifference policy condoning Motton's use of force assaults.

d. Consistent with the ad hoc policy of a culture of indifference present in a predominantly male police force, the City of Cedar Park and its Chief of Police, aided and abetted by TCOLE and DPS Rangers, refuse to comply with well-established open records law by falsely contending that the investigation of Motton's conduct is an open case when it cannot be.

e. In reality, the City of Cedar Park, Chief of Police and their officers had no objectively reasonable concern of discipline for failing to report, supervise, train, or investigate Motton's conduct of excessive use of force as a violation of well-established law such that the Ranger's interview process undoubtedly uncovered numerous facts of violations of police procedure and policy by individuals that evidenced the ad hoc policy that encouraged and allowed Motton to commit repeated constitutional violations.

f. The City of Cedar Park, Chief of Police, Department of Public Service, Ranger Division, and TCOLE's false pretense that there is any investigation still open is an agreement to conspire to conceal evidence of the ad hoc policy of its culture of indifference and an obstruction of justice to spoliage evidence of facts of liability against the Defendants.

g. The Chief of Police lacked an operating policy for criminal investigations that violated his own training, supervision, and knowledge of disciplinary policies and procedures to be in place in order to prevent, report, train, supervise, and discipline for use of excessive force by assault as unconstitutional violations as evidenced by all the acts of commission or

omission done in conformity with the ad hoc policy of a culture of indifference that was the moving force that caused the violations of Plaintiff's constitutional rights resulting in her personal injury.

h. Standard police procedure requires the use of a body worn camera which Motton had and did not use to document his contact with victims claiming it malfunctioned, which is further evidence of the lack of supervision and enforcement of standards by the Chief of Police consistent with the ad hoc policy of condoning not timely or properly investigating sexual assaults by Motton.

i. Since at least 2017, the time Motton was certified as a mental health officer by the CP-PD, it was the official policy of the Chief of Police to act with deliberate indifference to well-established law that was also the custom of the City of Cedar Park that resulted in the widespread and persistent policy constituting a practice of condoning, adopting, ratifying, or encouraging by inaction, excessive use of force to commit sexual assaults.

j. The Chief of Police had departmental duties to supervise and discipline violations brought about by the ad hoc policy of a culture of indifference policy and to intervene to stop such use of excessive force and violence of sexual assaults, but he was deliberately indifferent to his duties. As a result, the incident giving rise to this cause of action occurred.

k. The Chief of Police by commission and omission of his departmental duties was deliberately indifferent to the increased risk of harm to the personal health and safety of the citizens of Williamson County that he and his officers created that caused the injury to Plaintiff.

147. THEREFORE, the policies, customs, procedures of the City of Cedar Park as set forth was an official policy that violated Plaintiff's constitutional rights, whose

moving force was those policies and customs of deliberate indifference and reckless disregard of constitutional violations.

148. The City knew that the constitutional violations would result or would likely result, and that were resulting prior to this incident, that would and in fact did proximately cause Tanya Zurba's constitutional rights to be deprived, causing serious personal injuries and violating her constitutional right to be free from violation of the integrity of her body.

149. Thus, the moving force and the deliberate indifference to federally protected rights directly caused the unconstitutional deprivation of Tanya Zurba's constitutional rights.

## COUNT II

### Civil conspiracy under 42 U.S.C. § 1985

#### Plaintiff's right to discovery under the Texas Public Information Act, Texas Government Code § 552, et seq. and Denial of access to TCOLE and DPS Texas Ranger investigations

150. The allegations contained in each of the other paragraphs above are hereby incorporated by reference as if fully set forth herein, and Plaintiff further alleges as follows:

151. As held in *U.S. v. Bowen*, 969 F.Supp.2d 546, 568 (E.D. La., 2013):

“[F]air play ... is the essence of due process.” *Galvan v. Press*, 347 U.S. 522, 530, (1954). Such fair play includes “the deep-rooted feeling that the police must obey the law while enforcing the law; that in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves.” *Spano v. New York*, 360 U.S. 315, 320–21, (1959).

152. An unlawful agreement existed between the City of Cedar park, acting by and through its policymaker, the Chief of Police, and TCOLE to use a false pretense to deny complying with the Texas Public Information Act, (PIA) Texas Government Code, § 552, et seq.

153. The agreement is evidenced by TCOLE's statement that its (City of Cedar Park, DPS Texas Rangers, and TCOLE) that no PIA information can be released from TCOLE case 23-05-0886 regarding Motton because the case is still open when it cannot be.

154. The code of silence to not report wrongful conduct by police officers for fear of retaliation, or that it creates a hostile work environment, or that it can result in adverse employment actions is well established and is tantamount to "refusing to testify."

155. **The Code of Silence.** "A city's official policies include any persistent, widespread practice of city officials or employees that is not authorized by officially adopted and promulgated policy but is so common and well settled as to constitute a custom that fairly represents municipal policy." *See, Marceaux v. Lafayette City-Parish Consol. Government*, 921 F.Supp.2d 605, 622 (W.D. La., 2013) ("Code of Silence" was such a policy used to create a permanent hostile work environment in the police department and led to adverse employment actions, including wrongful terminations, against police officers who failed to comply with the "Code of Silence.")

156. The withholding of investigatory information implicates that officers knew of and did not report Motton's felony conduct that provides for the concealment because

the knowledge and investigatory answers could constitute misprision of a felony in violation of 18 U.S.C. § 4 and to avoid being prosecuted for a violation of 18 U.S.C. § 241, 242.

157. The City has conspired to violate well established law to conceal giving information under the PIA as an official policy in collaboration with others in furtherance of its policy of constitutionally depriving Plaintiff of her constitutionally protected property right to information.

158. The April 29, and 30, 2025 public statements released by the City to the NEWS MEDIA in response to Plaintiff's claims that ignores the information of sexual assaults contained in the City Police Department files constitutes an act in furtherance of the conspiracy to coverup the sexual assaults reported to it but never investigated, or pursued for prosecution.

159. DISCOVERY RULE, and EQUITABLE ESTOPPEL, because the City refuses to release public information, and is engaged in acts of fraudulent concealment where the doctrines of the Discovery Rule extend any statute of limitation, and under the doctrine of equitable estoppel that stays any statute of limitation until Plaintiff can conduct discovery to determine all the other state actors, or to allege spoliation.

### **COUNT III**

#### **Plaintiff's damages**

160. The Plaintiff repeats and realleges each allegation contained in the above paragraphs as if fully repeated herein.

161. **Compensatory Damages.** The unconstitutional policies, procedures and customs were a direct and proximate cause and moving force that also created an



increased danger of risk of direct harm and injury to the Plaintiff; therefore, her injuries were a foreseeable event, and as a result, the Plaintiff is entitled to recover all actual damages allowed by law.

162. But for, and as a direct and proximate result of the occurrences made the basis of this lawsuit, the Plaintiff, Tanya Zurba, respectfully requests, pursuant to 42 U.S.C. § 1983 that she recover for her suffering an award of damage for the following:

- a. Conscious pain and suffering and mental anguish, including related psychological conditions requiring treatment.
- b. Humiliation
- c. Embarrassment
- d. Recovery of costs, as may be presented or proven, related to her physical injuries, and psychological treatment of her trauma, past, present, and future.
- e. Attorney's fees pursuant to 42 U.S.C. § 1988.

**COUNT IV.**  
**Jury Trial Request**

163. The Plaintiff demands a trial by jury.

**PRAYER**

The Plaintiff respectfully requests that judgment be rendered against the Defendant for an amount within the Court's jurisdiction. The Plaintiff prays for all other relief he is entitled to, and for which she is justly entitled by these proceedings.

Respectfully submitted,

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