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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Prairie Farms LLC, et al.,

No. CV-16-08232-PCT-DLR

10 Plaintiffs,

ORDER

11 v.

12 Town of Colorado City, et al.,

13 Defendants.

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15 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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17 1. On January 24, 2018, this Court held an evidentiary hearing, the purpose of which
18 was for Plaintiffs to prove their damages against defaulting defendant Corporation
19 of Presiding Bishop of the Fundamentalist Church of Latter Day Saints (“FLDS,”
20 “Bishop”).

21 2. The Court accepts all well pleaded liability allegations in the Amended Complaint,
22 filed October 31, 2016. (Doc. 8.) The allegations of the Amended Complaint
23 allege and establish that Defendant Bishop has liability for conspiring with others
24 to deprive Plaintiffs of their constitutional rights by engaging in religious
25 discrimination in violation of 28 U.S.C. §§ 1983 and 1985. *See Inplant Enviro-*
26 *Systems v. Lee*, No. 1:15-CV-0394-LMM, 2015 WL 13297963 (N.D. Ga. June 9,
27 2015); *Eagle Hosp. Physicians, L.L.C., v. SRG Consulting, Inc.*, 561 F.3d 1298,
28 1307 (11th Cir. 2009.).

3. Plaintiff Claude Seth Cooke (“Cooke”) was called as a witness at the default
4. judgment hearing to establish the damages to Plaintiff Prairie Farms, LLC
5. (“Prairie Farms”). He is, and was at all relevant times, the sole owner and CEO of
6. Prairie Farms.
7. The total compensatory damages due to Prairie Farms are \$347, 934.00.
8. Cooke testified concerning his personal damages. His personal damages for being
9. unable to access the property for almost a year, and the emotional distress
10. damages to him for having his family turned against him are \$240,000.00.
11. Plaintiff Andrew Chatwin (“Chatwin”) testified concerning the compensatory
12. damages to him for suffering two arrests, on October 13 and October 17, 2015, for
13. being incarcerated for three and one-half days total, for being strip searched and
14. forced to stand naked, forced to access a toilet in front of approximately 40 other
15. men, and suffer physical infirmities without proper medication as a diabetic. He
16. also testified that his lost income from inability to utilize the property for a chick
17. breeding business cost \$12,000.00. He is awarded compensatory damages in the
18. amount of \$300,000.00.
19. Plaintiff Patrick Pipkin (“Pipkin”) also suffered two arrests on October 13 and
20. October 17, 2015. He was incarcerated for a total of three and one-half days,
21. forced to undergo a strip search and prevented from going on the property in
22. question for approximately nine months. He also suffered damages of \$31,500.00
23. for his inability to run the property with Prairie Farms. He is awarded
24. compensatory damages in the amount of \$500,000.00
25. 8. The Amended Complaint properly pleads the acts of Defendant Bishop were
26. malicious and justify an award of punitive damages for each Plaintiff.
27. 9. Factors which may be considered by the Court in exercising its discretion include:
28. a. *A possibility of prejudice to the plaintiff* – Plaintiffs in this case would be
substantially prejudiced because Defendant Bishop has never entered an
appearance.

1 b. *The merits of plaintiffs' substantive claim* – The claims of Plaintiffs are
2 undisputed because Defendant has never entered an appearance.

3 c. *The sufficiency of the complaint* – The liability of Plaintiffs' claims is
4 presumed from the allegations in the Amended Complaint and the damages
5 are undisputed.

6 d. *The money at stake in this action* – There is no possibility of dispute of
7 material facts since Defendant Bishop has never responded to the lawsuit.

8 e. *The possibility of a dispute concerning material facts* – There is no
9 possibility of dispute of material facts since Defendant Bishop has never
10 responded to the lawsuit.

11 f. *Whether the default was due to excusable neglect* – No excusable neglect
12 has ever been alleged by Defendant Bishop.

13 g. *The strong policy favoring decisions on the merits* – There is no
14 opportunity to determine a decision on the merits because Defendant
15 Bishop has never disputed the allegations of the Complaint or at the
16 damages hearing. *See Eitel McCool*, 782 F.2d 1470 (9th Cir. 1986).

17 10. Punitive damages are hereby awarded to Cooke in the amount of \$250,000.00;
18 awarded to Chatwin in the amount of \$250,000.00; and awarded to Pipkin in the
19 amount of \$250,000.00. The Court finds that Prairie Farms is not entitled to
20 punitive damages.

21 11. Any setoff or contribution by other defendants to the judgment awarded herein
22 have been waived as not having been pled by Defendant Bishop. Fed. R. Civ. P.
23 8(c); *Goldsmith v. Murphy*, No. 2-C-5777, 2005 WL 442230 (N.D. Ill. Feb. 22,
24 2005).

JUDGMENTS

26 Based on the Amended Complaint of Plaintiffs and evidence solicited at the
27 damages hearing on January 24, 2018, the Court renders judgments entered against
28 Defendant Bishop in favor of Plaintiffs:

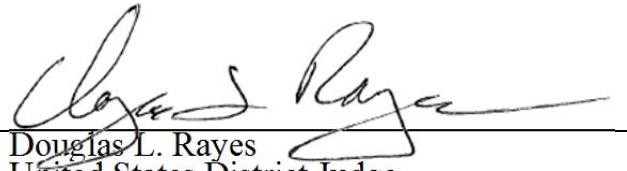
1 **FOR PLAINTIFF PRAIRIE FARMS, LCC** in amounts of \$347,934.00 for
2 compensatory damages.

3 **FOR PLAINTIFF CLAUDE SETH COOKE** in amounts of \$240,000.00 for
4 compensatory damages and \$250,000.00 for punitive damages.

5 **FOR PLAINTIFF ANDREW CHATWIN** in amounts of \$300,000.00 for
6 compensatory damages and \$250,000.00 for punitive damages.

7 **FOR PLAINTIFF PATRICK PIPKIN** in amounts of \$500,000.00 for
8 compensatory damages and \$250,000.00 for punitive damages.

9 Dated this 9th day of April, 2018.

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13 Douglas L. Rayes
14 United States District Judge

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