

1  
2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Prairie Farms LLC, et al.,

10 Plaintiffs,

11 v.

12 Town of Colorado City, et al.,

13 Defendants.  
14

No. CV-16-08232-PCT-DLR

**ORDER**

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

- 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.)

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

- b. *The merits of plaintiffs' substantive claim* – The claims of Plaintiffs are undisputed because Defendant has never entered an appearance.
- c. *The sufficiency of the complaint* – The liability of Plaintiffs' claims is presumed from the allegations in the Amended Complaint and the damages are undisputed.
- d. *The money at stake in this action* – There is no possibility of dispute of material facts since Defendant Bishop has never responded to the lawsuit.
- e. *The possibility of a dispute concerning material facts* – There is no possibility of dispute of material facts since Defendant Bishop has never responded to the lawsuit.
- f. *Whether the default was due to excusable neglect* – No excusable neglect has ever been alleged by Defendant Bishop.
- g. *The strong policy favoring decisions on the merits* – There is no opportunity to determine a decision on the merits because Defendant Bishop has never disputed the allegations of the Complaint or at the damages hearing. *See Eitel McCool*, 782 F.2d 1470 (9th Cir. 1986).


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

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

### **JUDGMENTS**

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

Dated this 9th day of April, 2018.

  
Douglas L. Rayes  
United States District Judge