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Sparks City Attorney's Office
c/o Brandon Sendall
431 Prater Way
Sparks, NV 89431

July 14, 2020

RE: Grundy v. City of Sparks

Mr. Sendall,

Pursuant to my conversation with you and Mr. Adams on July 1, 2020, please accept the following as the Plaintiff Alayne Grundy's settlement demand. As I am sure you know, on October 2, 2019, my client was working as a med tech in the Emergency Department at Renown Regional Medical Center, when she was an innocent victim of a violent attack by a man who was under arrest and in the custody of two City of Sparks police officers. While we have not yet received any information, documentation, or video footage from Sparks PD regarding the incident, we understand that the assailant, Clinton Swaim, was known to SPD to be homicidal/suicidal prior to being brought into Renown that evening¹. For this reason, and for numerous other reasons which we are confident once evidence such as body cam footage is turned over it will prove that the Sparks police officers failed to maintain control of a person in their custody with documented violent and harmful propensities and left their prisoner unsupervised and without handcuffs or other restraints during a medical examination thus allowing him an opportunity to inflict serious bodily harm and emotional distress upon Ms. Grundy.

¹ Ms. Grundy recalls that Renown was called ahead of time and Ms. Grundy was told by her charge nurse that SPD was going to be arriving with an "SI/HI legal 2000" which in hospital terms means person with suicidal ideation/homicidal ideation whose behavior was so erratic that he was going to be put on a legal 72 hour psychotic hold for supervision and analysis. We have not received any records however Ms. Grundy will testify to this under oath.

Ms. Grundy describes that her attacker was brought in by the officers through a side entrance designated for prisoners. He was wearing pants but no shirt and was sitting on a gurney totally unresponsive to any dialogue². It was her responsibility to record his vitals, which included taking his blood pressure. At the time, Ms. Grundy states that the two Sparks police officers were not in the room but had stepped away to the hallway leaving her alone with the prisoner while performing her exam. Swaim, the homicidal/suicidal prisoner, suddenly and without warning jumped up from the gurney and attacked her, putting her in chokehold from which she could not break free. As you must know, Swaim was a Washoe County deputy sheriff for 20+ years and as such was in good physical shape and trained in things in chokeholds much to the disadvantage of Ms. Grundy, a very petite and unsuspecting victim. In any event, the two custodial Sparks police officers, apparently, witnessed or heard what was happening and tried to intervene in the attack but were not able to free Ms. Grundy from the chokehold and they jumped on top of Swaim, (and consequently Ms. Grundy) resulting in three large men fighting to gain control of Ms. Grundy and at some point during the attack, her head was slammed into either a wall or floor. The body cam footage, which we have been told does exist, was requested back in December, and we are confident it will support Ms. Grundy's memory.

As a result of the attack Ms. Grundy was incapacitated and confined largely to bedrest for several weeks. She did attempt to return to work two nights after the injury but was immediately sent home by Dr. Berner (who had evaluated her on the night of the injury) and she was advised by the ER manager that she would not be allowed to return to work until cleared by Workmen's Comp. She was cleared to return to work with extensive restrictions in November: light duties, limited computer screen time, low light and sound environment, and limited to two shifts per week (not consecutive). She suffered her first panic attack at work upon attempting to return to the Green Pod in the ER, where the assault occurred. She continued to have significant persisting deficits (detailed below) and was referred to a specialist in December, who remains as her primary WC provider. PTSD symptoms were evaluated in May by Dr. Tearman, and she was taken off of work completely again on 5/27/2020 for the PTSD and she remains off of work as of the date of writing this demand. While many of her symptoms have resolved or improved with Ms. Grundy's compliance with her treatment regimen, she has still not reached maximum medical improvement, and the prognosis for full recovery is uncertain at this time.

Ms. Grundy's injury has resulted in her seeing over 18 medical care providers, most of whom are new to her care. Other visits to established providers have been necessitated by aggravation of pre-existing conditions. She continues to require care from one or more of these providers on an average of once or twice a week.

NEW PROVIDERS DUE TO INJURY:

Mathew Berner, MD (Renown ER)
1155 Mill St.
Reno, NV 89502
Evaluation date: 10/2/2019

² Ms. Grundy was also told ahead of time to expect the prisoner to be completely naked and so she was surprised when he arrived wearing jeans, and mentioned this to the EMTs. He was not however wearing shoes or socks.

Diagnoses: Assault, closed head injury, contusion of scalp, contusion of right hand, right hip pain

Luis Palacio, MD (Sports Medicine/head injury specialist, overall managing physician for Workmen's Comp)

4791 Summit Ridge Dr.

Reno, NV 89523

775-982-5000

Treatment started: 12/5/2019 - ongoing, monthly

Diagnoses: concussion, saccadic eye movements, anterograde amnesia, Broca's aphasia, PTSD

Jessica Ryder, PT, DPT (Vestibular Therapy)

901 E 2nd St. #101

Reno, NV 89502

775-982-5001

Treatment started: January 3, 2020 - ongoing, weekly

Diagnoses: vertigo, loss of balance, nystagmus, ataxia, muscle weakness

Blake Tearnan, PHD (Psychology)

5470 Kietzke Ln #300

Reno, NV 89511

775-525-1022

Treatment started: 5/26/2020 - ongoing, twice weekly

Diagnoses: PTSD, anxiety, stress management

Mitchell Strominger, MD (Neuro-ophthalmology)

1500 E 2nd St #300

Reno, NV 89502

775-982-6270

Evaluation date: 2/25/2020

Diagnoses: closed head injury, ophthalmoplegia, myopia of both eyes related to head injury

Jeannette Caron, SLP & Lisa Morris SLP (Speech Therapy)

901 E 2nd St. #101

Reno, NV 89502

775-982-5001

Treatment started: first week of February 2020, concluded May 2020

Diagnoses: concussion, anterograde amnesia, aphasia, Late Effect Of Head Trauma, Cognitive Deficits

Michael Hodes, AUD (Audiology)

501 Hammill Ln

Reno, NV 89511

775-682-4000

Evaluation done: 7/2/2020 - ongoing

Diagnoses: audiology testing done; vestibular testing pending 7/16/20

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Merle Bruce, M.D. (ENT)
501 Hammill Ln
Reno, NV 89511
775-786-9300
Evaluation done: 6/17/2020
Diagnosis: severe TMJ—> referral to oral surgeon (this is still pending)

Tyhesia White, APRN (initial WC provider)
975 Ryland St.
Reno, NV 89502
775-982-4754
Treatment started: 10/16/2019
Diagnosis: Assault/concussion with loss of consciousness

Micheal Lewandowski, Ph.D. (Behavioral and Cognitive Psychology)
5421 Kietzke Ln Ste 101
Reno, NV 89511
775-828-2955
Evaluation date: 12/13/2019, neuropsychological testing done (?)
Diagnoses: PTSD and anxiety

Samuel Shields, M.D. (ER)
10101 Double R Blvd
Reno, NV 89521
775-982-7000
Evaluation date: 6/23/2020
Diagnoses: Generalized weakness/neck pain

FOLLOW UP VISITS NEEDED FROM ESTABLISHED PROVIDERS DUE TO INJURY:

Denis Patterson, DO & Melissa Delamora, APN (Pain Management)
5578 Longley Ln.
Reno, NV 89511
775-284-8650
Treatment: ongoing
Diagnoses: neck pain, headaches

Summer Foster, OD (Optometry)
620 Sierra Rose Dr.
Reno NV 89511
775-689-4519
Evaluation date: 5/11/2020

Diagnosis: follow up visual difficulties and adjust correction post head injury

Jaime Pryble, PT (Physical Therapy)

5578 Longley Ln.

Reno, NV 89511

775-284-8650

treatment: last visit 12/2019, copays unaffordable and then suspended due to Covid-19

Diagnosis: neck pain aggravated by injury

Natalie Chen, MD (Primary Care)

25 McCabe Drive

Reno, NV 89511

775-982-5000

Evaluation: ? date uncertain

Diagnosis: follow up - closed head injury

Jonathan Spivack, MD (Neurology)

75 Pringle Way #401

Reno, Nv 89502

775-982-2970

Evaluation date: 2/5/2020

Diagnosis: follow up - closed head injury

Marshall Tolbert, MD (Neurosurgery)

5590 Kietzke Ln

Reno, NV 89511

775-323-2080

Treatment: ongoing

Diagnoses: neck and low back pain

NEW SYMPTOMS FOLLOWING THE INJURY:

- Vertigo/spinning dizziness for months- mostly resolved
- Confusion, mental foggiess- mostly resolved, still improving
- Anterograde Amnesia/loss of short-term memory- gradually improving
- Broca's aphasia- gradually improving
- Irritability- resolved
- Loss of balance and ataxia- ongoing and resulting in fall down the stairs in her home (4/23/20)

- Double vision (persisting) with documented ophthalmoplegia (abnormal eye movements)
- New onset myopia likely related to head injury- (suspected permanent per neuro-ophthalmologist)
- Tremors- ongoing
- PTSD and panic attacks- ongoing
- TMJ- ongoing
- Weakness and fatigue- ongoing, worsening recently- etiology uncertain. Endocrine labs recently done to evaluate for possible traumatic injury to hypothalamic-pituitary-adrenal axis; repeat cervical spine MRI to be considered, especially in light of April fall related to post injury loss of balance, pending results of endocrine labs

PRE-EXISTING CONDITIONS AGGRAVATED BY THE INJURY:

- Migraine
- Neck pain
- Low back pain
- Anxiety

IMPACT OF THE ASSAULT AND INJURIES ON MS. GRUNDY'S LIFE:

Ms. Grundy feels that this traumatic event has completely changed her life- mentally, physically, and emotionally. Renown, a place where she felt comfortable and safe working for the past 6 years, now evokes feelings of terror and trauma. This has resulted in high levels of stress, leading particularly to aggravation of her severe migraine disorder. The headaches and stress were causing her to miss the majority of her scheduled shifts during recent months, even under the ongoing duty restrictions, until she was taken off of work completely again on 5/27/2020. The effects of the head injury are ongoing and she does not know if she will ever be normal again. She states that this is the most difficult thing she has ever had to endure in her life.


It is a shame that any of this occurred. Mr. Swaim was arrested and in custody and known to the officers to be mentally unstable and homicidal/suicidal prior to arriving at Renown, both of which proved to be true.³ But despite this, for some unknown reason, the SPD officers took the unnecessary and reckless risk with Ms. Grundy's and others' safety by leaving Mr. Swaim alone and unrestrained during what appears to have been a psychotic break. I have no doubt that law

³ Of course we learned that just two months after the subject attack, tragically Mr. Swaim took his own life while being held at Lake's Crossing, Nevada's maximum security psychiatric facility for mentally disordered offenders which further goes to establish the mental state of Mr. Swaim.

enforcement experts would agree that leaving an unrestrained homicidal prisoner alone with a defenseless woman amounts to grossly negligent and reckless conduct. We understand that the most the City of Sparks can be held accountable for is \$100,000.00 pursuant to NRS 41.035. Frankly, \$100,000.00 is not nearly enough to compensate Ms. Grundy for the physical and emotional trauma caused by this terrifying event which will impact her for the rest of her life. Additionally, the end is not in sight as she continues to seek medical and treatment and therapy from various providers multiple times per week and thus her damages continue to accumulate.

For the reasons discussed above, Ms. Grundy must be compensated to the fullest extent allowed by the law and will accept no less than \$100,000.00. This Offer shall remain open for one week, until July 21, 2020 at which time the demand must either be accepted or Defendant's Answer must be filed.

Sincerely,



Allasia L. Brennan
DURNEY & BRENNAN