

Debra Hulett, Bar No. 8-6904  
Senior Assistant Attorney General  
Prentice B. Olive, Bar No. 8-6691  
Assistant Attorney General  
Wyoming Attorney General's Office  
109 State Capitol  
Cheyenne, Wyoming 82002  
(307) 777-7580  
(307) 777-3608  
(307) 777-8920 Facsimile  
[debra.hulett@wyo.gov](mailto:debra.hulett@wyo.gov)  
[prentice.olive@wyo.gov](mailto:prentice.olive@wyo.gov)  
Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

BLAISE CHIVERS-KING, )  
DYLAN TOLAR, by and through Debra Dever, )  
and CHARLES "REES" KARN, )  
)  
Plaintiffs, ) Case No. 24-CV-00039-SWS  
)  
v. )  
)  
WYOMING DEPARTMENT OF FAMILY SERVICES, )  
WYOMING BOYS' SCHOOL, )  
DALE WEBER, in his individual and official capacity, )  
ELSA OLSON, in her individual capacity, )  
AMANDA TURNER, in her individual capacity, )  
TATE ADAMS, in his individual capacity, )  
MIKE NELSON, in his individual capacity, )  
MARK NELSON, in his individual capacity, )  
THAD SHAFFER, in his individual capacity, )  
JOHN SCHWALBE, in his individual capacity, )  
KEVIN MCGENTY, in his individual capacity, )  
MARGARET DAHLKE, in her individual capacity, )  
)  
Defendants. )

---

**DEFENDANTS' ANSWER**

---

Defendants Wyoming Department of Family Services (DFS), Wyoming Boys' School,  
Dale Weber, in his individual and official capacity, and Elsa Olson, Amanda Turner, Tate Adams,

Mike Nelson, Mark Nelson, Thad Shaffer, John Schwalbe, Kevin McGinty,<sup>1</sup> and Margaret Dahlke, all in their individual capacities, submit this Answer to Plaintiffs' Complaint (ECF No. 1).

1. In response to paragraph 1, Defendants admit that Blaise Chivers-King, Dylan Tolar, and Charles Rees Karn are three former Wyoming Boys' School residents, and the Boys' School is located in Worland, Wyoming. Defendants deny the remaining allegations of paragraph 1.

2. In response to paragraph 2, Defendants admit that the Wyoming Boys' School is a State institution assigned by statute to the DFS; its residents have been ordered to be placed in the custody of DFS with placement at the Boys' School, through disposition in a juvenile delinquency action under the Juvenile Justice Act; and its residents are male, between ages 12–21. Defendants deny that the Boys' School is a hospital or psychiatric residential treatment facility, and deny the remaining allegations of paragraph 2.

3. In response to paragraph 3, Defendants admit that the Wyoming Boys' School provides residents opportunities to make changes to their lives using a variety of philosophies. Defendants deny the remaining allegations of paragraph 3.

4. Defendants deny the allegations of paragraph 4.

5. Defendants deny the allegations of paragraph 5.

6. In response to paragraph 6, Defendants admit that Plaintiffs state they have pleaded claims under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, and Plaintiffs state that they have brought this action pursuant to the Fourteenth and Eighth Amendments of the United States Constitution. Defendants deny the remaining allegations of paragraph 6.

---

<sup>1</sup> McGinty's last name is misspelled in the Complaint's caption.

7. Defendants admit the allegations of paragraph 7.

8. Defendants deny the allegations of paragraph 8 given that Plaintiffs have not asserted a claim for a declaratory judgment or declaratory relief.

9. In response to paragraph 9, Defendant admits venue is proper in this judicial district. Defendants deny the remaining allegations of paragraph 9.

10. In response to paragraph 10, Defendants DFS, Wyoming Boys' School, and Weber admit that Plaintiff Karn is from Cheyenne; was a Boys' School resident for two separate placements; and was discharged from the first placement in October 2019 when Karn was 15 years old. These Defendants deny the remaining allegations of paragraph 10. Defendants Olson, Turner, Adams, Mike Nelson, Mark Nelson, Shaffer, Schwalbe, McGinty, and Dahlke admit that Karn is from Cheyenne and is a former Boys' School resident, although these Defendants had involvement with Karn at different times, depending on his dormitory assignment and staffing needs at the time. These Defendants deny the remaining allegations of paragraph 10.

11. In response to paragraph 11, Defendants DFS, Wyoming Boys' School, and Weber admit that Chivers-King used to live in Sheridan, Wyoming; Chivers-King resided at the Boys' School from April 2020, when he was 15 years old, until he was discharged in March 2021; Chivers-King was admitted a second time in May 2021, when he was 16 years old; and Chivers-King was discharged from the Boys' School in May 2022. These Defendants deny the remaining allegations of paragraph 11. Defendants Olson, Turner, Adams, Mike Nelson, Mark Nelson, Shaffer, Schwalbe, McGinty, and Dahlke admit that Chivers-King is a former Boys' School resident, although these Defendants had involvement with Chivers-King at different times, depending on his dormitory assignment and staffing needs at the time. These Defendants deny the remaining allegations of paragraph 11.

12. In response to paragraph 12, Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, Schwalbe, and Dahlke admit that Tolar was a Boys' School resident from June 2020 until February 2021; that Debra Dever is Tolar's mother; that Tolar was reported to have had 1-2 seizures while he resided at the Boys' School; and that before admission, Tolar had been diagnosed with cerebral palsy and ADHD. These Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 12 regarding Tolar's guardianship and conservatorship and, therefore, deny those allegations. These Defendants deny the remaining allegations of paragraph 12. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 12 and, therefore, deny those allegations.

13. In response to paragraph 13, Defendants admit that the Wyoming Boys' School is a State institution located near Worland, Wyoming, whose residents, males between ages 12-21, have been adjudicated delinquent and ordered to be placed at the Boys' School. Paragraph 13 otherwise states legal conclusions to which no response is required. To the extent any factual allegations are made therein against Defendants, they are denied.

14. In response to paragraph 14, Defendant DFS admits that it falls within the definition of public entity under 42 U.S.C. § 12131(1); DFS receives some federal funding; under Wyo. Stat. § 9-2-2006, the Wyoming Boys' School is a State institution assigned to DFS; DFS certifies child care facilities; DFS is the State youth services authority; DFS employs juvenile probation officers; and DFS employs people who conduct child protective services investigations. Defendant DFS denies the remaining allegations of paragraph 14. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 14 and, therefore, deny those allegations.

15. In response to paragraph 15, Defendants admit Weber is the current Wyoming Boys' School Superintendent; and after his employment with the Boys' School commenced, Weber was, at times, the Boys' School's Duty Superintendent. Defendants deny the remaining allegations of paragraph 15.

16. In response to paragraph 16, Defendants DFS, Wyoming Boys' School, and Olson admit that Olson is a citizen of the United States, a resident of Wyoming, and that at relevant times, based on the factual allegations in the Complaint, Olson was acting under color of state law in her role as a Boys' School dormitory director for Dorm 4. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, Adams, Mike Nelson, Shaffer, and Schwalbe admit that Olson's current position at the Boys' School is Prison Rape Elimination Act Compliance Manager. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, Adams, Mike Nelson, Shaffer, and Schwalbe deny the remaining allegations of paragraph 16. Defendants Mark Nelson, McGinty, and Dahlke lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 16 and, therefore, deny those allegations.

17. In response to paragraph 17, Defendants DFS, Wyoming Boys' School, and Adams admit that Adams is a citizen of the United States, a resident of Wyoming, and that at relevant times, based on the factual allegations in the Complaint, Adams was acting under color of state law in his role as a Boys' School dormitory director for Dorm 3. These Defendants deny the remaining allegations of paragraph 17. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 17 and, therefore, deny those allegations.

18. In response to paragraph 18, Defendants DFS, Wyoming Boys' School, and Turner admit that Turner is a citizen of the United States, a resident of Wyoming, and that at relevant

times, based on the factual allegations in the Complaint, Turner was acting under color of state law in her role as a Boys' School dormitory director. These Defendants deny the remaining allegations of paragraph 18. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 18 and, therefore, deny those allegations.

19. In response to paragraph 19, Defendants DFS, Wyoming Boys' School, and Shaffer admit that Shaffer is a citizen of the United States, a resident of Wyoming, and that at relevant times, based on the factual allegations in the Complaint, Shaffer was acting under color of state law in his role at the Boys' School. These Defendants deny the remaining allegations of paragraph 19. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 19 and, therefore, deny those allegations.

20. In response to paragraph 20, Defendants DFS, Wyoming Boys' School, and Schwalbe admit that Schwalbe is a citizen of the United States, a resident of Wyoming, and that at relevant times, based on the factual allegations in the Complaint, Schwalbe was acting under color of state law in his role as a Dorm 4 staff member. These Defendants deny the remaining allegations of paragraph 20. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 20 and, therefore, deny those allegations.

21. In response to paragraph 21, Defendants DFS, Wyoming Boys' School, and Mike Nelson admit that Mike Nelson is a citizen of the United States, a resident of Wyoming, and that at relevant times, based on the factual allegations in the Complaint, Mike Nelson was acting under color of state law in his role as a Boys' School Dorm 1 supervisor and later as a Dorm 4 director. These Defendants deny the remaining allegations of paragraph 21. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 21 and, therefore, deny those allegations.

22. In response to paragraph 22, Defendants DFS, Wyoming Boys' School, and Mark Nelson admit that Mark Nelson is a citizen of the United States, a resident of Wyoming, and that at relevant times, based on the factual allegations in the Complaint, Mark Nelson was acting under color of state law in his role at the Boys' School. These Defendants deny the remaining allegations of paragraph 22. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 22 and, therefore, deny those allegations.

23. In response to paragraph 23, Defendants DFS, Wyoming Boys' School, and McGinty admit that McGinty is a citizen of the United States, a resident of Wyoming, and that at relevant times, based on the factual allegations in the Complaint, McGinty was acting under color of state law in his role as a Boys' School staff member. These Defendants deny the remaining allegations of paragraph 23. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 23 and, therefore, deny those allegations.

24. In response to paragraph 24, Defendants DFS, Wyoming Boys' School, and Dahlke admit that Dahlke is a citizen of the United States and that at relevant times, based on the factual allegations in the Complaint, Dahlke was a resident of Wyoming and was acting under color of state law in her role as a Boys' School nurse. These Defendants deny the remaining allegations of paragraph 24. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 24 and, therefore, deny those allegations.

25. In response to paragraph 25, Defendants admit that the Wyoming Boys' School is a State institution whose residents, males between ages 12-21, have been adjudicated delinquent by a Wyoming court and were ordered to be placed at the Boys' School; the institution is near Worland, Wyoming, on approximately forty acres and has four dormitories; and the institution has

two on-campus residences for the Superintendent and Deputy Superintendent. Defendants deny the remaining allegations of paragraph 25.

26. Defendants deny that the Wyoming Boys' School is a residential treatment facility and deny the remaining allegations of paragraph 26.

27. In response to paragraph 27, Defendants admit that the Boys' School is intended to be reformatory and rehabilitative for the residents housed at the Boys' School, as provided in Wyo. Stat. § 25-3-205. Defendants deny the remaining allegations of paragraph 27.

28. In response to paragraph 28, Defendants admit that Boys' School residents have needs. Defendants deny the remaining allegations of paragraph 28.

29. In response to paragraph 29, Defendants admit that some Wyoming Boys' School residents have received mental health diagnoses prior to admission. Defendants deny that the Boys' School is a hospital or psychiatric residential treatment facility and deny the remaining allegations of paragraph 29.

30. In response to paragraph 30, Defendants DFS, Wyoming Boys' School, and Weber admit the quoted language was posted on a DFS website. Defendants deny that the website is accurate as to "focusing on psychological/ emotional stability" and "mental health therapies." The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 30 and, therefore, deny those allegations.

31. In response to paragraph 31, Defendants admit that Wyoming Boys' School residents are offered a variety of programming designed to be reformatory or rehabilitative. Defendants deny the remaining allegations of paragraph 31.

32. Defendants deny the allegations of paragraph 32.

33. Defendants deny the allegations of paragraph 33.

34. In response to paragraph 34, Defendants admit that Weber is currently the Superintendent; Weber was the Deputy Superintendent between June 2019 and March 2022; placing a resident in detention status requires approval from the Superintendent, Deputy Superintendent, or Duty Superintendent if the detention status exceeds one hour; and policies require other reviews and approvals depending on the circumstances. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 34.

35. In response to paragraph 35, Defendants admit that the referenced media article was published. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 35 regarding the referenced article's authors' motivations and the time spent investigating and, therefore, deny those allegations. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 35.

36. In response to paragraph 36, Defendants admit that the referenced National Commission on Correctional Health Care's 2016 Position Statement defines "solitary confinement" in the manner quoted. Defendants deny the remaining allegations of paragraph 36.

37. In response to paragraph 37, Defendants admit that the Wyoming Boys' School uses the terms "detention status" and "out of community status" that are referenced in written policies. Defendants deny that the Wyoming Boys' School uses "solitary confinement," defined as stated in the Complaint, paragraph 36: "housing . . . a juvenile with minimal to rare meaningful contact with other individuals." Defendants deny the remaining allegations of paragraph 37.

38. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 38.

39. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 39.

40. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 40.

41. In response to paragraph 41, Defendants DFS and Wyoming Boys' School admit the number of resident "holds" over 72 hours in State Fiscal Years 2018, 2020, and 2021. These Defendants deny that the Boys' School uses solitary confinement and deny the remaining allegations of paragraph 41. The remaining Defendants deny that the Boys' School uses solitary confinement. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 41 and, therefore, deny those allegations.

42. In response to paragraph 42, Defendants admit that detention rooms at the Wyoming Boys' School are approximately 8' x 10'; have a mattress that is often removed during the day; do not have furniture; have a concrete floor and cinderblock walls; have a door with a window; have a light that is controlled outside the room; and have a camera or cameras; and that a resident inside a detention room would not have a phone, radio, or television inside the room. Defendants deny that the Boys' School uses solitary confinement and deny the remaining allegations of paragraph 42.

43. Defendants deny the allegations of paragraph 43.

44. Defendants deny the allegations of paragraph 44.

45. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 45.

46. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 46.

47. In response to paragraph 47, Defendants admit that under Boys' School policy, detention status may be used when a resident is an immediate threat to himself or others for the least amount of time necessary. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 47.

48. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 48.

49. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 49.

50. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 50.

51. In response to paragraph 51, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 51 and, therefore, deny those allegations.

52. In response to paragraph 52, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 52 and, therefore, deny those allegations.

53. In response to paragraph 53, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information

sufficient to form a belief about the truth of the remaining allegations of paragraph 53 and, therefore, deny those allegations.

54. In response to paragraph 54, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 54 and, therefore, deny those allegations.

55. In response to paragraph 55, Defendants admit that children and its juvenile residents are still developing physically, psychologically, and socially. Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 55 and, therefore, deny those allegations.

56. In response to paragraph 56, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 56 and, therefore, deny those allegations.

57. In response to paragraph 57, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 57 and, therefore, deny those allegations.

58. In response to paragraph 58, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 58 and, therefore, deny those allegations.

59. In response to paragraph 59, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 59 and, therefore, deny those allegations.

60. In response to paragraph 60, Defendants admit that a misused restraint could result in harm. Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 60 regarding solitary confinement and, therefore, deny those allegations. Defendants deny the remaining allegations of paragraph 60.

61. In response to paragraph 61, Defendants deny that the Wyoming Boys' School uses solitary confinement or "isolation" with its juvenile residents. Because Defendants are not experts in the area of solitary confinement, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 61 and, therefore, deny those allegations.

62. In response to paragraph 62, Defendants deny that the Wyoming Boys' School uses solitary confinement or "isolation" with its juvenile residents. Because Defendants are not experts

in the area of solitary confinement, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 62 and, therefore, deny those allegations.

63. In response to paragraph 63, Defendants deny that the Wyoming Boys' School uses solitary confinement or "social isolation" with its juvenile residents. Because Defendants are not experts in the area of solitary confinement, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 63 and, therefore, deny those allegations.

64. In response to paragraph 64, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 64 and, therefore, deny those allegations.

65. In response to paragraph 65, Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 65 and, therefore, deny those allegations.

66. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 66.

67. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 67.

68. In response to paragraph 68, Defendants admit that a misused restraint could result in harm. Defendants deny that the Wyoming Boys' School uses solitary confinement. Because Defendants are not experts in the area of solitary confinement and do not use solitary confinement at the Boys' School, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 68 regarding solitary confinement and, therefore, deny those allegations. Defendants deny the remaining allegations of paragraph 68.

69. Defendants deny that the Wyoming Boys' School uses solitary confinement; deny that the Boys' School has a policy and practice of denying juveniles access to basic human needs; and deny the remaining allegations of paragraph 69.

70. Defendants deny the allegations of paragraph 70.

71. In response to paragraph 71, Defendants admit that Boys' School staff members are authorized to use physical management on a resident only as authorized by policy and training. Defendants deny the remaining allegations of paragraph 71.

72. In response to paragraph 72, Defendants admit that in the dormitories, Boys' School staff members are authorized to use mechanical restraints only as authorized by policy and training. Defendants deny the remaining allegations of paragraph 72.

73. In response to paragraph 73, Defendants DFS and Wyoming Boys' School admit the number of uses of mechanical restraints in State Fiscal Years 2018, 2019, and 2021. These Defendants deny the remaining allegations of paragraph 73. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 73 and, therefore, deny those allegations.

74. In response to paragraph 74, Defendants DFS and Wyoming Boys' School admit the number of restraint chair uses in State Fiscal Years 2018, 2019, and 2020, and 2021. These

Defendants deny the remaining allegations of paragraph 74. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 74 and, therefore, deny those allegations.

75. Defendants deny the allegations of paragraph 75.

76. In response to paragraph 76, Defendants DFS, Wyoming Boys' School, Weber, Adams, Mike Nelson, Shaffer, and Schwalbe admit that in 2021, Boys' School personnel called the Washakie County Sheriff's Office to report crimes committed by residents. These Defendants deny the remaining allegations of paragraph 76. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 76 and, therefore, deny those allegations.

77. Defendants DFS, Wyoming Boys' School, Weber, and Mark Nelson deny the allegations of paragraph 77 that pertain to events occurring at the Boys' School. These Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 77 regarding an alleged notation by a deputy and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 77 and, therefore, deny those allegations.

78. In response to paragraph 78, Defendants DFS, Wyoming Boys' School, and Weber admit that in recent years, the Boys' School has not hired a TruThought trainer to provide training at the Boys' School because it is not central to programming and staff members receive appropriate training. These Defendants further admit that some positions at the Boys' School require prior experience working with children, and others do not, depending on the duties of a particular position. These Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 78 regarding reports by an unnamed staff member and,

therefore, deny those allegations. These Defendants deny the remaining allegations of paragraph 78. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 78 and, therefore, deny those allegations.

79. Defendants deny the allegations of paragraph 79.

80. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 80.

81. In response to paragraph 81, Defendants admit that the Wyoming Boys' School provides training and rehabilitative programming to help its residents return to the community without danger to themselves or the community. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 81.

82. In response to paragraph 82, Defendants admit that a court has committed each resident to the Wyoming Boys' School for reformatory and rehabilitative programming based on considerations specified in the Juvenile Justice Act, including the conduct in violation of the Wyoming Criminal Code that formed the basis for the adjudication of delinquency. Defendants deny that the Boys' School uses solitary confinement and deny the remaining allegations of paragraph 82.

83. In response to paragraph 83, Defendants admit that when a resident engages in attempted or actual assaultive conduct or self-harm, the Wyoming Boys' School takes reasonable measures to ensure the safety of other residents, staff, and the resident. Defendants deny that the Boys' School uses solitary confinement and deny the remaining allegations of paragraph 83.

84. In response to paragraph 84, Defendants admit that when a resident engages in assaultive conduct or attempted or actual self-harm, the Wyoming Boys' School takes reasonable

measures to ensure the safety of other residents, staff, and the resident. Defendants deny that the Boys' School uses solitary confinement and deny the remaining allegations of paragraph 84.

85. In response to paragraph 85, Defendants DFS, Wyoming Boys' School, Weber, Olson, Adams, Mike Nelson, Mark Nelson, Shaffer, Schwalbe, McGinty, and Dahlke admit that Karn is from Cheyenne, and has a mother and brother. Defendant Turner admits that Karn is from Cheyenne. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 85 and, therefore, deny those allegations.

86. Based on DFS records, Defendant DFS denies the allegations of paragraph 86 that Karn was abused as a child and was in DFS custody for the majority of his childhood. Defendant DFS lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 86 regarding information about alleged abuse that was never disclosed to DFS and, therefore, denies those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 86 and, therefore, deny those allegations.

87. Defendants DFS, Wyoming Boys' School, Weber, Olson, Adams, Mike Nelson, Schwalbe, and Dahlke admit that before his second admission, Karn was reported to have been diagnosed with depression, ADHD, oppositional defiant disorder, and impulse control disorder. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 87 and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 87 and, therefore, deny those allegations.

88. Defendants deny the allegations of paragraph 88.

89. Defendants deny the allegations of paragraph 89.

90. In response to paragraph 90, Defendants DFS and Wyoming Boys' School admit that Karn was in eighth grade when he was first admitted to the Boys' School. These Defendants deny the remaining allegations of paragraph 90. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 90 and, therefore, deny those allegations.

91. In response to paragraph 91 and subparts (a)–(f), Defendant DFS and Wyoming Boys' School admit that when Karn's first placement with the Boys' School was complete, he was discharged to his mother's custody. Defendant Wyoming Boys' School lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 91 and subparts (a)–(f) and, therefore, denies those allegations. Defendant DFS admits that after Karn was discharged from the Boys' School, a licensed psychologist conducted a court-ordered psychological evaluation; and the psychologist made "suggestions for treatment" that are partially described in paragraph 91 and subparts (a)–(f). Defendant DFS denies the remaining allegations of paragraph 91 and subparts (a)–(f). The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 91 and subparts (a)–(f) and, therefore, deny those allegations.

92. In response to paragraph 92, Defendants DFS, Wyoming Boys' School, and Weber admit that in May 2020, Karn returned to Wyoming Boys' School. Defendant DFS denies the remaining allegations of paragraph 92. Defendants Wyoming Boys' School and Weber lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 92 and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 92 and, therefore, deny those allegations.

93. Defendants deny the allegations of paragraph 93.

94. In response to paragraph 94, Defendants DFS and Wyoming Boys' School admit that during Karn's first placement at the Boys' School, the then-Superintendent transferred Karn from Dorm 4 to Dorm 2 for a period, then transferred Karn back to Dorm 4 to complete his Dorm 4 program. These Defendants deny the remaining allegations of paragraph 94. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 94 and, therefore, deny those allegations.

95. Defendants deny the allegations of paragraph 95.

96. Defendants deny the allegations of paragraph 96.

97. Defendants deny that the Boys' School uses solitary confinement and deny the allegations of paragraph 97.

98. Defendants deny the allegations of paragraph 98.

99. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Adams deny the allegations of paragraph 99. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 99 and, therefore, deny those allegations.

100. In response to paragraph 100, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Adams admit that during Karn's second placement at the Boys' School, at times, Weber approved placing Karn on detention status. These Defendants deny that the Boys' School uses solitary confinement and deny the remaining allegations of paragraph 100. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 100 and, therefore, deny those allegations.

101. Defendants DFS, Wyoming Boys' School, Weber, Olson, Adams, and McGinty lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 101 that a staff member spoke up about Karn and, therefore, deny those allegations. Defendants DFS, Wyoming Boys' School, Weber, Olson, Adams, and McGinty deny that the Boys' School uses solitary confinement; deny that Karn spent 24 hours per day alone; deny that when Karn went on recreation, he was not permitted any meaningful human interaction; and deny the remaining allegations of paragraph 101. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 101 and, therefore, deny those allegations.

102. Defendants DFS, Wyoming Boys' School, Weber, and Olson deny the allegations of paragraph 102. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 102 and, therefore, deny those allegations.

103. Defendants DFS, Wyoming Boys' School, Weber, and Adams deny the allegations of paragraph 103. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 103 and, therefore, deny those allegations.

104. In response to paragraph 104, Defendants admit that Wyoming Boys' School closed Dorm 2 for budgetary reasons; and that to prevent Karn from disrupting the other residents' progress on their programs and activities, at times, Karn was placed on detention status in Dorm 2. Defendants deny the remaining allegations of paragraph 104.

105. Defendants deny the allegations of paragraph 105.

106. Defendants DFS, Wyoming Boys' School, Weber, Olson, Adams, Mark Nelson, Shaffer, McGinty, and Dahlke deny the allegations of paragraph 106. The remaining Defendants

lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 106 and, therefore, deny those allegations.

107. Defendants deny the allegations of paragraph 107.

108. In response to paragraph 108, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 108 regarding Karn's feelings and, therefore, deny those allegations. Defendants deny that the Boys' School uses solitary confinement; deny that Karn was placed in solitary confinement; and deny the remaining allegations of paragraph 108.

109. In response to paragraph 109, Defendants DFS, Wyoming Boys' School, Weber, Mark Nelson, Shaffer, and Schwalbe admit that for safety reasons, at times, Karn was placed in a restraint chair. These Defendants deny the remaining allegations of paragraph 109. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 109 and, therefore, deny those allegations.

110. Defendants DFS, Wyoming Boys' School, Weber, Mark Nelson, Shaffer, Schwalbe, and Dahlke deny the allegations of paragraph 110. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 110 and, therefore, deny those allegations.

111. Defendants DFS, Wyoming Boys' School, Weber, Mark Nelson, Shaffer, Schwalbe, and Dahlke deny the allegations of paragraph 111. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 111 and, therefore, deny those allegations.

112. Defendants DFS, Wyoming Boys' School, and Weber, and Dahlke admit that nursing staff was typically present when the restraint chair was used, in part to monitor vitals.

These Defendants deny the remaining allegations of paragraph 112. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 112 and, therefore, deny those allegations.

113. Defendants DFS, Wyoming Boys' School, Weber, Mark Nelson, Shaffer, Schwalbe, and Dahlke deny the allegations of paragraph 113. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 113 and, therefore, deny those allegations.

114. Defendants DFS, Wyoming Boys' School, Weber, Shaffer, and Schwalbe deny the allegations of paragraph 114. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 114 and, therefore, deny those allegations.

115. Defendants DFS, Wyoming Boys' School, Weber, and Schwalbe deny the allegations of paragraph 115. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 115 and, therefore, deny those allegations.

116. Defendants DFS, Wyoming Boys' School, Weber, Shaffer, and Dahlke deny the allegations of paragraph 116. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 116 and, therefore, deny those allegations.

117. In response to paragraph 117, Defendants DFS, Wyoming Boys' School, Weber, and Dahlke admit that Karn complained about pain in his right hand and wrist; he was repeatedly assessed by nursing; and a physician examined Karn and diagnosed a soft tissue strain. These Defendants deny the remaining allegations of paragraph 117. The remaining Defendants lack

knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 117 and, therefore, deny those allegations.

118. In response to paragraph 118, Defendants DFS, Wyoming Boys' School, Weber, and Dahlke admit that Karn was provided over-the-counter pain medication for his complaints of right hand and wrist pain; nursing staff repeatedly examined and monitored the area; and a physician examined Karn and diagnosed a soft tissue strain, then prescribed conservative therapy, with over-the-counter medication as needed. These Defendants deny the remaining allegations of paragraph 118. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 118 and, therefore, deny those allegations.

119. In response to paragraph 119, Defendants DFS, Wyoming Boys' School, Weber, and Dahlke admit that a physician examined Karn and determined that Karn had a soft tissue strain. These Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 119 regarding an alleged whistleblower and, therefore, deny those allegations. These Defendants deny the remaining allegations of paragraph 119. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 119 and, therefore, deny those allegations.

120. In response to paragraph 120, Defendants DFS, Wyoming Boys' School, Weber, and Dahlke admit that for safety reasons, at times, Karn was placed in the restraint chair. These Defendants deny the remaining allegations of paragraph 120. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 120 and, therefore, deny those allegations.

121. In response to paragraph 121, Defendants DFS and Wyoming Boys' School deny that Karn never had suicidal ideations before his second stay the Boys' School. Defendants DFS,

Wyoming Boys' School, Weber, and McGinty lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 121 regarding Karn's thoughts and feelings and, therefore, deny those allegations. Defendants DFS, Wyoming Boys' School, Weber, and McGinty deny that Karn was in solitary confinement at the Boys' School; deny that Karn attempted suicide in McGinty's presence during his second stay at the Boys' School; and deny the remaining allegations of paragraph 121. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 121 and, therefore, deny those allegations.

122. Defendants DFS, Wyoming Boys' School, Weber, and McGinty deny the allegations of paragraph 122. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 122 and, therefore, deny those allegations.

123. Defendants DFS, Wyoming Boys' School, Weber, and McGinty deny the allegations of paragraph 123. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 123 and, therefore, deny those allegations.

124. In response to paragraph 124, Defendants deny that the Boys' School uses solitary confinement and deny that Karn was placed in solitary confinement. Defendants DFS, Wyoming Boys' School, and Weber deny the remaining allegations of paragraph 124. Defendant McGinty denies that Karn attempted suicide in the referenced incident. Defendant McGinty lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 124 regarding therapy and, therefore, denies those allegations. Given the absence of a date

reference, the remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 124 and, therefore, deny those allegations.

125. In response to paragraph 125, Defendant DFS admits a DFS employee requested a psychological evaluation of Karn to determine whether he would benefit from a placement at a psychiatric residential treatment facility. Defendant DFS denies the remaining allegations of paragraph 125. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 125 and, therefore, deny those allegations.

126. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Adams deny the allegations of paragraph 126. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 126 and, therefore, deny those allegations.

127. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Adams deny the allegations of paragraph 127. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 127 and, therefore, deny those allegations.

128. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Adams deny the allegations of paragraph 128. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 128 and, therefore, deny those allegations.

129. Defendants deny the allegations of paragraph 129.

130. Defendants deny the allegations of paragraph 130.

131. In response to paragraph 131, Defendants DFS, Wyoming Boys' School, and Weber admit that Chivers-King resided at the Boys' School from April 2020 until March 2021; was

admitted to the Boys' School in May 2021, where he resided for a period; and was discharged in May 2022. These Defendants deny the remaining allegations of paragraph 131. In response to paragraph 85, Defendants Olson, Turner, Adams, Mike Nelson, Mark Nelson, Shaffer, Schwalbe, McGinty, and Dahlke admit that Chivers-King is a former Boys' School resident but these Defendants had involvement with Chivers-King at different times, depending on his dormitory assignment and staffing needs at the time. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 131 and, therefore, deny those allegations.

132. In response to paragraph 132, Defendants DFS, Wyoming Boys' School, Weber, Turner, Adams, Mike Nelson, and Schwalbe admit that before his admission, Chivers-King was diagnosed with anxiety and took psychiatric medication. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 132 and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 132 and, therefore, deny those allegations.

133. Defendants deny the allegations of paragraph 133.

134. Defendants deny the allegations of paragraph 134.

135. Defendants DFS, Wyoming Boys' School, and Weber admit Chivers-King had an IEP with his home school district. These Defendants deny the remaining allegations of paragraph 135. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 135 and, therefore, deny those allegations.

136. Defendants deny the allegations of paragraph 136.

137. In response to paragraph 137, Defendants admit that Wyoming Boys' School staff recognized Chivers-King could be dangerous based on his repeated conduct assaulting and attempting to assault staff and threatening to harm staff. Defendants deny the remaining allegations of paragraph 137.

138. Defendants deny that the Boys' School uses solitary confinement or placed Chivers-King in solitary confinement, and deny the remaining allegations of paragraph 138.

139. Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, and Shaffer deny the allegations of paragraph 139. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 139 and, therefore, deny those allegations.

140. Defendants deny the allegations of paragraph 140.

141. In response to paragraph 141, Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, and Schwalbe admit that on December 10, 2021, a Boys' School employee called the sheriff's department. These Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 141 regarding the sheriff's department's review of or a deputy's thoughts about surveillance video and, therefore, deny those allegations. These Defendants deny the remaining allegations of paragraph 141. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 141 and, therefore, deny those allegations.

142. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 142.

143. Defendants DFS, Wyoming Boys' School, Weber, and Mike Nelson deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph

143. The remaining Defendants deny that the Boys' School uses solitary confinement or placed Chivers-King in solitary confinement. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 143 and, therefore, deny those allegations.

144. In response to paragraph 144, Defendants admit that Chivers-King was at times in Dorm 2. Defendants deny the remaining allegations of paragraph 144.

145. Defendants deny the allegations of paragraph 145.

146. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 146.

147. Defendants deny the allegations of paragraph 147.

148. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 148.

149. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 149.

150. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 150.

151. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 151.

152. Defendants DFS, Wyoming Boys' School, Weber, and Shaffer deny the allegations of paragraph 152. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 152 and, therefore, deny those allegations.

153. Defendants deny the allegations of paragraph 153.

154. Defendants DFS, Wyoming Boys' School, and Mark Nelson deny the allegations of paragraph 154. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 154 and, therefore, deny those allegations.

155. Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, Mark Nelson, and Shaffer deny the allegations of paragraph 155. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 155 and, therefore, deny those allegations.

156. In response to paragraph 156, Defendants DFS, Wyoming Boys' School, Weber, and Schwalbe admit that on December 10, 2021, Chivers-King threatened to physically harm staff and based on past incidents, had the ability to do so, and took additional actions. These Defendants deny the remaining allegations of paragraph 156. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 156 and, therefore, deny those allegations.

157. Defendants deny the allegations of paragraph 157.

158. Defendants DFS, Wyoming Boys' School, Weber, and Dahlke deny the allegations of paragraph 158 regarding Dahlke allegedly prescribing Chivers-King an illegal limit of a new medication. These Defendants lack knowledge or information sufficient to form a belief about the truth of paragraph 158 regarding the opinion of a physician who examined Chivers-King after he was discharged from the Boys' School and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 158 and, therefore, deny those allegations.

159. Defendants DFS, Wyoming Boys' School, Weber, and Dahlke deny the allegations of paragraph 159. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 159 and, therefore, deny those allegations.

160. Defendants DFS, Wyoming Boys' School, Weber, and Dahlke deny the allegations of paragraph 160 as to the alleged conversation between Chivers-King's mother and Dahlke. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 160 regarding Chivers-King's mother's thoughts and perceptions and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 160 and, therefore, deny those allegations.

161. In response to paragraph 161, Defendants DFS, Wyoming Boys' School, Weber, Turner, Mike Nelson, and Shaffer admit that on occasion, Chivers-King banged or rubbed his head against a wall. Defendants Turner and Shaffer lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 161 regarding the metal braces on Chivers-King's teeth and, therefore, deny those allegations. Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, and Shaffer admit that on one occasion, Chivers-King removed the wire spacers from his mouth. Defendants DFS, Wyoming Boys' School, Weber, Turner, and Mike Nelson, deny the remaining allegations of paragraph 161. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 161 and, therefore, deny those allegations.

162. In response to paragraph 162, Defendants deny that Chivers-King attempted suicide while he was a Boys' School resident. Defendants lack knowledge or information sufficient to

form a belief about the truth of the remaining allegations of paragraph 162 and, therefore, deny those allegations.

163. Defendants DFS, Wyoming Boys' School, and Mike Nelson deny the allegations of paragraph 163. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 163 and, therefore, deny those allegations.

164. Defendants DFS, Wyoming Boys' School, and Weber deny the allegations of paragraph 164. Defendants Turner, Adams, and Mike Nelson deny that the Boys' School failed to provide Chivers-King with a meaningful education. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 164 and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 164 and, therefore, deny those allegations.

165. Defendants deny the allegations of paragraph 165.

166. Defendants deny the Wyoming Boys' School placed Chivers-King in solitary confinement; deny that the Boys' School caused Chivers-King to not graduate from high school or earn his GED; and deny the remaining allegations of paragraph 166 regarding events that occurred while Chivers-King was a Boys' School resident. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 164 regarding Chivers-King's efforts after he was discharged to graduate from high school or earn his GED and, therefore, deny those allegations.

167. Defendants deny the Wyoming Boys' School placed Chivers-King in solitary confinement and deny the remaining allegations of paragraph 167.

168. Defendants deny the Wyoming Boys' School placed Chivers-King in solitary confinement and deny the remaining allegations of paragraph 168.

169. Defendants deny the Wyoming Boys' School placed Chivers-King in solitary confinement and deny the remaining allegations of paragraph 169.

170. Defendants deny the Wyoming Boys' School placed Chivers-King in solitary confinement and deny the remaining allegations of paragraph 170.

171. In response to paragraph 171, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Turner admit that Tolar was admitted to the Boys' School on June 22, 2020, when he was seventeen years old, after the court ordered a change in placement. These Defendants deny the remaining allegations of paragraph 171. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 171 and, therefore, deny those allegations.

172. In response to paragraph 172, Defendants DFS, Wyoming Boys' School, Weber, Olson, Schwalbe, and Dahlke admit they were notified that before admission, Tolar had a diagnosis of schizencephaly and cerebral palsy. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 172 and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 172 and, therefore, deny those allegations.

173. In response to paragraph 173, Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, Schwalbe, and Dahlke admit that when Tolar was a Boys' School resident, he wore a leg brace. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 173 and, therefore, deny those allegations. The

remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 173 and, therefore, deny those allegations.

174. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 174 and, therefore, deny those allegations.

175. In response to paragraph 175, Defendants DFS, Wyoming Boys' School, Weber, Olson, Schwalbe, and Dahlke admit that Tolar was diagnosed with ADHD before he was admitted to the Boys' School. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 175 and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 175 and, therefore, deny those allegations.

176. In response to paragraph 176, Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, Schwalbe, and Dahlke admit that Tolar had physical restrictions associated with his right leg. These Defendants deny the remaining allegations of paragraph 176. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 176 and, therefore, deny those allegations.

177. In response to paragraph 177, Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, Schwalbe, and Dahlke admit that Tolar had physical restrictions associated with his right leg. These Defendants deny the remaining allegations of paragraph 177. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 177 and, therefore, deny those allegations.

178. In response to paragraph 178, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Turner admit that Tolar was ordered by a court to be placed at the Boys' School for an indefinite period of time. These Defendants deny that Tolar's mother dropped him off at the Boys'

School facility parking lot when he first arrived, and deny that Olson, Turner, or a male security guard met Tolar and his mother in the Boys' School parking lot and immediately shackled his wrists and ankles over his mother's protests. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 178 as to Tolar's mother's feelings and thoughts and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 178 and, therefore, deny those allegations.

179. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Turner deny the allegations of paragraph 179. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 179 and, therefore, deny those allegations.

180. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, and Schwalbe admit that for a period, Tolar was assigned to Dorm 4 for his Dorm 4 program, and Olson was the Dorm 4 Director. These Defendants deny the remaining allegations of paragraph 180. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 180 and, therefore, deny those allegations.

181. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 181 and, therefore, deny those allegations.

182. Defendants DFS, Wyoming Boys' School, Weber, and Turner deny the allegations of paragraph 182. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 182 and, therefore, deny those allegations.

183. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 183 and, therefore, deny those allegations.

184. Defendants DFS, Wyoming Boys' School, Weber, and Olson deny the allegations of paragraph 184. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 184 and, therefore, deny those allegations.

185. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe admit that Tolar participated in the Dorm 4 sexual offender program. These Defendants deny the remaining allegations of paragraph 185. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 185 and, therefore, deny those allegations.

186. In response to paragraph 186, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe admit that after Tolar tested positive for COVID-19, he was quarantined in a dorm room within a pod designated for quarantined residents in compliance with public health orders. These Defendants deny that Tolar was wholly isolated when he was quarantined and deny the remaining allegations of paragraph 186. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 186 and, therefore, deny those allegations.

187. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe admit that Tolar's assigned dorm room on Dorm 4 had cinderblock walls, a metal door, and a single window, and was different from the intake room he initially stayed in. These Defendants deny the remaining allegations of paragraph 187. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 187 and, therefore, deny those allegations.

188. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe deny the allegations of paragraph 188. The remaining Defendants lack knowledge or information sufficient

to form a belief about the truth of the allegations of paragraph 188 and, therefore, deny those allegations.

189. Defendants DFS, Wyoming Boys' School, Weber, Olson, Schwalbe, and Dahlke deny the allegations of paragraph 189. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 189 and, therefore, deny those allegations.

190. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe deny the allegations of paragraph 190. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 190 and, therefore, deny those allegations.

191. In response to paragraph 191, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe admit that, except when a resident mentor was assigned to a resident, residents were not allowed to freely converse with each other, but a resident could request permission to converse with another dorm resident. Defendants deny the remaining allegations of paragraph 191. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 191 and, therefore, deny those allegations.

192. In response to paragraph 192, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 192 regarding Tolar's thoughts, feelings, and actions talking to himself or playing different characters and, therefore, deny those allegations. These Defendants deny that the Boys' School uses solitary confinement, deny that Tolar was in solitary confinement while he was a Dorm 4 resident, and deny the remaining allegations of paragraph 192. The remaining

Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 192 and, therefore, deny those allegations.

193. In response to paragraph 193, Defendants DFS, Wyoming Boys' School, Weber, and Schwalbe deny that the Boys' School uses solitary confinement; deny that Tolar was in solitary confinement while he was a Dorm 4 resident; and deny that Schwalbe told a student to "shut the f\*ck up or I'll make you," slammed a minor to the ground, or placed a minor in mechanical restraints that resembled a straitjacket. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 193 regarding Tolar's thoughts or actions and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 193 and, therefore, deny those allegations.

194. In response to paragraph 194, Defendants DFS, Wyoming Boys' School, Weber, Olson, Schwalbe, and Dahlke admit they understand that Tolar was diagnosed as having one or two seizures while he resided at the Boys' School. These Defendants deny that Tolar was in solitary confinement at the Boys' School and deny the remaining allegations of paragraph 194. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 194 and, therefore, deny those allegations.

195. In response to paragraph 195, Defendants DFS, Wyoming Boys' School, Weber, Olson, Schwalbe, and Dahlke admit that they were told that Tolar had not had seizures for approximately 12 years. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 195 and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 195 and, therefore, deny those allegations.

196. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe deny the allegations of paragraph 196. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 196 and, therefore, deny those allegations.

197. Defendants DFS, Wyoming Boys' School, Weber, and Schwalbe deny the allegations of paragraph 197. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 197 and, therefore, deny those allegations.

198. In response to paragraph 198, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe admit that in November 2020, Tolar tested positive for COVID-19. These Defendants deny the remaining allegations of paragraph 198. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 198 and, therefore, deny those allegations.

199. Defendants DFS, Wyoming Boys' School, Weber, and Olson deny the allegations of paragraph 199. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 199 and, therefore, deny those allegations.

200. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe deny the allegations of paragraph 200. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 200 and, therefore, deny those allegations.

201. In response to paragraph 201, Defendants DFS, Wyoming Boys' School, Weber, and Schwalbe admit that Tolar wrote a statement in which he detailed sexual and other fantasies about Galovich. These Defendants deny the remaining allegations of paragraph 201. The

remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 201 and, therefore, deny those allegations.

202. In response to paragraph 202, Defendants DFS, Wyoming Boys' School, Weber, and Olson admit that Olson is not a licensed medical professional. These Defendants deny that Olson refused to accept that Tolar had anything wrong with his brain. These Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 202 regarding the opinions of medical professionals and the results of a brain scan showing that Tolar has a hole in the gray matter of his brain and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 202 and, therefore, deny those allegations.

203. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe deny the allegations of paragraph 203. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 203 and, therefore, deny those allegations.

204. In response to paragraph 204, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe admit that Tolar wore a right leg brace for medical reasons. These Defendants deny the remaining allegations of paragraph 204. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 204 and, therefore, deny those allegations.

205. In response to paragraph 205, Defendants DFS, Wyoming Boys' School, Weber, and Olson admit that Weber was aware that Tolar wore a right leg brace for medical reasons. These Defendants deny the remaining allegations of paragraph 205. The remaining Defendants lack

knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 205 and, therefore, deny those allegations.

206. Defendants DFS, Wyoming Boys' School, Weber, and Olson admit that on occasion, Tolar's leg brace was broken. These Defendants deny the remaining allegations of paragraph 206. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 206 and, therefore, deny those allegations.

207. In response to paragraph 207, Defendants DFS, Wyoming Boys' School, Weber, and Olson admit that Tolar's leg brace was promptly repaired and returned to him. These Defendants deny the remaining allegations of paragraph 207. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 207 and, therefore, deny those allegations.

208. In response to paragraph 208, Defendants DFS, Wyoming Boys' School, Weber, and Olson admit that Tolar's leg brace was repaired by the maintenance department; after the leg brace was broken again, it was promptly repaired a second time and returned to Tolar; and lower body physical training restrictions were imposed on Tolar due to concerns that the leg brace might break again. These Defendants deny the remaining allegations of paragraph 208. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 208 and, therefore, deny those allegations.

209. In response to paragraph 209, Defendants DFS, Wyoming Boys' School, Weber, and Olson deny that staff denied Tolar his leg brace, and deny that Tolar sustained an injury to his leg, foot, or ankle because staff denied Tolar his leg brace. These Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 209 regarding the current condition of Tolar's right leg, foot, or ankle and, therefore, deny those allegations. The

remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 209 and, therefore, deny those allegations.

210. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 210 and, therefore, deny those allegations.

211. In response to paragraph 211, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Dahlke admit that the Boys' School authorized and secured paperwork for Tolar's mother to transport Tolar to his medical provider in Utah to obtain Botox injections. Defendant DFS, Wyoming Boys' School, Weber, and Dahlke deny that Boys' School staff denied the treatments to Tolar. Defendant Dahlke lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 211 and, therefore, denies those allegations. Defendants DFS, Wyoming Boys' School, Weber, and Olson admit that for safety reasons, a court order required Tolar to stay in secure detention overnight in the Sweetwater County Detention Center rather than at his mother's home in Rock Springs. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 211 and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 211 and, therefore, deny those allegations.

212. In response to paragraph 212, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe deny that Boys' School staff intercepted a letter from Tolar's mother to him; deny that Tolar was not aware his mother was picking him up; and deny that Tolar experienced abuse at the Boys' School. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 212 regarding events that transpired involving Tolar and his mother while they traveled to Salt Lake City and, therefore, deny those

allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 212 and, therefore, deny those allegations.

213. In response to paragraph 213, Defendant DFS admits that Tolar's mother called Dan Mast. Defendant DFS denies the remaining allegations of paragraph 213. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 213 and, therefore, deny those allegations.

214. In response to paragraph 214, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Turner admit that Tolar was transferred to a different dorm. Defendant Turner lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 214 and, therefore, denies those allegations. Defendants DFS, Wyoming Boys' School, Weber, and Olson admit Tolar had a history of not telling the truth, and Child Protective Services conducted an investigation. These Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 214 regarding Tolar's mother's communications and, therefore, deny those allegations. These Defendants deny the remaining allegations of paragraph 214. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 214 and, therefore, deny those allegations.

215. In response to paragraph 215, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe admit that no discipline occurred. These Defendants deny that Boys' School staff engaged in abuse or other conduct toward Tolar that would warrant discipline, and deny the remaining allegations of paragraph 215. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 215 and, therefore, deny those allegations.

216. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, and Schwalbe deny the allegations of paragraph 216. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 216 and, therefore, deny those allegations.

217. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, and Schwalbe deny the allegations of paragraph 217. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 217 and, therefore, deny those allegations.

218. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, and Schwalbe deny the allegations of paragraph 218. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 218 and, therefore, deny those allegations.

219. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, and Schwalbe deny that Tolar was placed in solitary confinement, and deny the remaining allegations of paragraph 219. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 219 and, therefore, deny those allegations.

220. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, and Schwalbe deny that Tolar was placed in solitary confinement, and deny the remaining allegations of paragraph 220. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 220 and, therefore, deny those allegations.

221. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, and Schwalbe deny that Tolar was placed in solitary confinement, and deny the remaining allegations of

paragraph 221. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 221 and, therefore, deny those allegations.

222. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, and Schwalbe deny the allegations of paragraph 222. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 222 and, therefore, deny those allegations.

223. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, and Schwalbe deny the allegations of paragraph 223. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 223 and, therefore, deny those allegations.

224. In response to paragraph 224, Defendants DFS and Wyoming Boys' School deny that Tolar had not needed medication for seizures for several years before his admission to the Boys' School. These Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 224 and, therefore, deny those allegations. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 224 and, therefore, deny those allegations.

## **LEGAL CLAIMS**

### **FIRST CLAIM FOR RELIEF**

#### **Isolation Resulting in Deprivation of Basic Human Needs—Violation of Plaintiffs' Eighth & Fourteenth Amendment Rights**

(Against Defendants Weber, Adams, Olson, Amanda Turner, and Mike Nelson)

225. In response to paragraph 225, Defendants repeat and incorporate by this reference the responses set forth herein.

226. In response to paragraph 226, Defendants admit that Defendants Weber (in his individual capacity), Olson, Turner, Adams, and Mike Nelson are persons under 42 U.S.C. § 1983

and acted under color of state law at relevant times. Defendants deny the remaining allegations of paragraph 226 and specifically deny that Weber in his official capacity is a “person” under section 1983. *See Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 64–66, 70–71 (1989).

227. In response to paragraph 227, Defendants admit that at times, Adams, Olson, Turner, and Michael Nelson were dormitory directors at the Boys’ School. Defendants deny the remaining allegations of paragraph 227.

228. In response to paragraph 228, Defendants admit that at times, Weber was the Duty Superintendent. Defendants deny the remaining allegations of paragraph 228.

229. Defendants deny the allegations of paragraph 229.

230. Defendants deny the allegations of paragraph 230.

231. In response to paragraph 231, Defendants deny that the Wyoming Boys’ School uses solitary confinement; deny that Plaintiffs were in solitary confinement when they were Boys’ School residents; deny that Plaintiffs experienced serious deprivations of basic human needs, including human contact, environmental and sensory stimulation, mental and physical health care, physical exercise, sleep, nourishing food, and meaningful activity; deny that Plaintiffs were deprived of their basic dignity and humanity in violation of contemporary standards of human decency; deny that Plaintiffs were children with disabilities while they were Boys’ School residents; deny that Plaintiffs were subjected to cruel and unusual punishment while they were Boys’ School residents; and deny that Defendants Weber, Olson, Turner, Adams, and Mike Nelson violated Plaintiffs’ Eighth and/or Fourteenth Amendment rights. Because Defendants are not experts in the area of solitary confinement, Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 231 and, therefore, deny those allegations.

232. In response to paragraph 232, Defendants admit that Plaintiffs, as Boys' School residents who were adjudicated delinquent and ordered to the placement by a court, were subjected to various conditions of confinement. Defendants deny that Plaintiffs were subjected to extreme conditions of isolation, and deny the remaining allegations of paragraph 232.

233. In response to paragraph 233, Defendants deny that Plaintiffs were children with disabilities when they were Wyoming Boys' School residents; deny that Plaintiffs were housed in isolation while they were Boys' School residents; deny that Boys' School practices risked harm to Plaintiffs' mental and physical health; and deny the remaining allegations of paragraph 233.

234. In response to paragraph 234, Defendants deny that the Wyoming Boys' School uses solitary confinement; deny that the Boys' School's policies and practices violate contemporary standards of human dignity and decency; deny that Plaintiffs had mental disabilities; and because the Boys' School does not use solitary confinement, Defendants deny that other states' practices regarding solitary confinement provide a meaningful comparison and show the Boys' School's practices are "unusual." Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 234 and, therefore, deny those allegations.

235. Defendants deny that the Wyoming Boys' School uses solitary confinement and deny the remaining allegations of paragraph 235.

236. Defendants deny the allegations of paragraph 236.

237. Defendants DFS, Wyoming Boys' School, Weber, Olson, Turner, Adams, and Mike Nelson deny the allegations of paragraph 237. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 237 regarding

the alleged acts or omissions of Defendants Weber, Olson, Turner, Adams, and Mike Nelson and, therefore, deny those allegations.

238. Defendants deny the allegations of paragraph 238.

239. Defendants deny the allegations of paragraph 239.

**SECOND CLAIM FOR RELIEF**  
**Violation of 42 U.S.C. § 1983—Fourteenth Amendment**  
**Unlawful Use of Restraints and Excessive Force**

(Against Defendants Weber, Shaffer, Schwalbe, Mike Nelson, and Mark Nelson)

240. In response to paragraph 240, Defendants repeat and incorporate by this reference the responses set forth herein.

241. In response to paragraph 241, Defendants admit that Defendants Weber (in his individual capacity), Mike Nelson, Mark Nelson, Shaffer, and Schwalbe are persons under 42 U.S.C. § 1983 and acted under color of state law at relevant times. Defendants deny the remaining allegations of paragraph 241 and specifically deny that Weber in his official capacity is a “person” under section 1983. *See Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 64–66, 70–71 (1989).

242. In response to paragraph 242, Defendants admit that in the general sense, Plaintiffs had rights under the Fourteenth Amendment. Defendants deny that Plaintiffs were subjected to constitutionally excessive force and deny the remaining allegations of paragraph 242.

243. Defendants DFS, Wyoming Boys’ School, Weber, Mike Nelson, Mark Nelson, Shaffer, and Schwalbe deny the allegations of paragraph 243 and subparagraphs (a)–(h). The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 243 and subparagraphs (a)–(h) and, therefore, deny those allegations.

244. Defendants deny the allegations of paragraph 244.

245. Defendants DFS, Wyoming Boys’ School, Weber, Mike Nelson, Mark Nelson, Shaffer, and Schwalbe deny the allegations of paragraph 245. The remaining Defendants lack

knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 245 and, therefore, deny those allegations.

246. Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, Mark Nelson, Shaffer, and Schwalbe deny the allegations of paragraph 246. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 246 and, therefore, deny those allegations.

247. Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, Mark Nelson, Shaffer, and Schwalbe deny the allegations of paragraph 247. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 247 and, therefore, deny those allegations.

248. In response to paragraph 248, Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, Mark Nelson, Shaffer, and Schwalbe deny using restraints excessively as a form of punishment; deny using restraints on Plaintiffs in a manner that could impose serious psychological pain and suffering and physical injuries; and deny the remaining allegations of paragraph 248. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 248 and, therefore, deny those allegations.

249. Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, Mark Nelson, Shaffer, and Schwalbe deny the allegations of paragraph 249. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 249 and, therefore, deny those allegations.

250. Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, Mark Nelson, Shaffer, and Schwalbe deny using restraints excessively on Plaintiffs; deny using excessive force on Plaintiffs; deny placing Plaintiffs at risk; and deny the remaining allegations of paragraph 250.

The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 250 and, therefore, deny those allegations.

251. Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, Mark Nelson, Shaffer, and Schwalbe deny the allegations of paragraph 251. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 251 and, therefore, deny those allegations.

252. Defendants DFS, Wyoming Boys' School, Weber, Mike Nelson, Mark Nelson, Shaffer, and Schwalbe deny the allegations of paragraph 252. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 252 and, therefore, deny those allegations.

253. Defendants deny the allegations of paragraph 253.

254. Defendants deny the allegations of paragraph 254.

**THIRD CLAIM FOR RELIEF**  
**Violation of 42 U.S.C. § 1983—Fourteenth Amendment**  
**Deliberate Indifference to Medical Needs**

(Against Defendants Olson, Shaffer, Schwalbe, Mike Nelson, Dahlke, McGinty, and Weber)

255. In response to paragraph 255, Defendants repeat and incorporate by reference the responses set forth herein.

256. In response to paragraph 256, Defendants admit that Defendants Weber (in his individual capacity), Olson, Mike Nelson, Shaffer, Schwalbe, McGinty, and Dahlke and are persons under 42 U.S.C. § 1983 and acted under color of state law at the relevant times. Defendants deny the remaining allegations of paragraph 256 and specifically deny that Weber in his official capacity is a “person” under section 1983. *See Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 64–66, 70–71 (1989).

257. In response to paragraph 257, Defendants admit that in the general sense, Plaintiffs had rights under the Fourteenth Amendment. Defendants deny that Defendants Weber, Olson, Mike Nelson, Shaffer, Schwalbe, McGinty, and Dahlke were deliberately indifferent to Plaintiffs' known serious medical needs and deny the remaining allegations of paragraph 257.

258. In response to paragraph 258, Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe admit they were aware Tolar wore a leg brace. Defendants DFS, Wyoming Boys' School, Weber, and Olson admit that Tolar needed Botox injections and arrangements were made for Tolar to receive Botox injections, which he did receive. Defendant Schwalbe lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 258 regarding Botox injections and, therefore, denies those allegations. Defendants DFS, Wyoming Boys' School, Weber, Olson, and Schwalbe deny the remaining allegations of paragraph 258. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 258 and, therefore, deny those allegations.

259. Defendants DFS, Wyoming Boys' School, Weber, Shaffer, Schwalbe, and McGinty deny the allegations in paragraph 259. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 259 and, therefore, deny those allegations.

260. Defendants DFS, Wyoming Boys' School, Weber, and Dahlke deny the allegations in paragraph 260. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 260 and, therefore, deny those allegations.

261. Defendants deny the allegations of paragraph 261.

262. Defendants DFS, Wyoming Boys' School, Weber, Olson, Mike Nelson, Shaffer, Schwalbe, McGinty, and Dahlke deny the allegations of paragraph 262. The remaining Defendants

lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 262 and, therefore, deny those allegations.

263. Defendants DFS, Wyoming Boys' School, Weber, Olson, Mike Nelson, Shaffer, Schwalbe, McGinty, and Dahlke deny the allegations of paragraph 263. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 263 and, therefore, deny those allegations.

264. Defendants DFS, Wyoming Boys' School, Weber, Olson, Mike Nelson, Shaffer, Schwalbe, McGinty, and Dahlke deny the allegations of paragraph 264. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 264 and, therefore, deny those allegations.

265. Defendants deny the allegations of paragraph 265.

266. Defendants deny the allegations of paragraph 266.

267. Defendants deny the allegations of paragraph 267.

**FOURTH CLAIM FOR RELIEF**  
**Violation of 42 U.S.C. § 1983—Fourteenth Amendment**  
**Due Process**  
(Against Defendant Weber)

268. In response to paragraph 268, Defendants repeat and incorporate by reference the responses set forth herein.

269. In response to paragraph 269, Defendants admit that Weber is a “person” under 42 U.S.C. § 1983 as to the individual capacity claim against him. Defendants deny the remaining allegations of paragraph 269 and specifically deny that Weber in his official capacity is a “person” under section 1983. *See Will v. Mich. Dep't of State Police*, 491 U.S. 58, 64–66, 70–71 (1989).

270. In response to paragraph 270, Defendants admit that in the general sense, Plaintiffs had due process rights under the Fourteenth Amendment. Defendants deny that Plaintiffs were deprived of due process and deny the remaining allegations of paragraph 270.

271. Defendants DFS, Wyoming Boys' School, and Weber deny the allegations of paragraph 271. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 271 and, therefore, deny those allegations.

272. Defendants DFS, Wyoming Boys' School, and Weber deny the allegations of paragraph 272. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 272 and, therefore, deny those allegations.

273. In response to paragraph 273, Defendants DFS, Wyoming Boys' School, and Weber admit that Karn and Chivers-King received meaningful notice about how to alter their behavior to have restraints removed and end detention status. These Defendants deny that Tolar was subjected to unlawful restraints or confinement in isolation; deny that Karn and Chivers-King were subjected to an atypical and significant hardship; deny that Karn and Chivers-King suffered exceedingly harsh and isolating conditions; and deny the remaining allegations of paragraph 273. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 273 and, therefore, deny those allegations.

274. Defendants DFS, Wyoming Boys' School, and Weber deny the allegations of paragraph 274. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 274 and, therefore, deny those allegations.

275. Defendants DFS, Wyoming Boys' School, and Weber deny the allegations of paragraph 275. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 275 and, therefore, deny those allegations.

276. Defendants DFS, Wyoming Boys' School, and Weber deny the allegations of paragraph 276. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 276 and, therefore, deny those allegations.

277. Defendants deny the allegations of paragraph 277.

278. Defendants deny the allegations of paragraph 278.

279. Defendants deny the allegations of paragraph 279.

280. Defendants deny the allegations of paragraph 280.

**FIFTH CLAIM FOR RELIEF**  
**42 U.S.C. § 12132—Disability Discrimination**  
(Against all Defendants)

281. In response to paragraph 281, Defendants repeat and incorporate by reference the responses set forth herein.

282. In response to paragraph 282, Defendants DFS and Wyoming Boys' School admit that Title II of the Americans with Disabilities Act prohibits disability discrimination in public services, and that the block quotation accurately quotes a federal statute.<sup>2</sup> These Defendants deny the remaining allegations of paragraph 282. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 282 and, therefore, deny those allegations.

283. In response to paragraph 283, Defendants DFS and Wyoming Boys' School admit that Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131(1), defines "public entity" to include "any State or local government" and "any department, agency, special purpose district, or other instrumentality of a State . . . or local government." Paragraph 283 otherwise states legal conclusions to which no response is required. To the extent any factual allegations are made therein

---

<sup>2</sup> 42 U.S.C. § 12132.

against Defendants DFS and Wyoming Boys' School, they are denied. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 283 and, therefore, deny those allegations.

284. Defendants deny the allegations of paragraph 284.

285. Defendants deny the allegations of paragraph 285.

286. Defendants DFS and Wyoming Boys' School deny the allegations of paragraph 286.

The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 286 and, therefore, deny those allegations.

287. In response to paragraph 287, Defendants DFS and Wyoming Boys' School admit that Plaintiffs received the services, programs, activities, and benefits that they qualified to receive at the Boys' School. These Defendants deny the remaining allegations of paragraph 287. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 287 and, therefore, deny those allegations.

288. Defendants deny the allegations of paragraph 288.

289. Defendants deny that Plaintiffs were locked in solitary confinement while at the Boys' School, and deny the remaining allegations of paragraph 289 and subparagraphs (a)–(c) therein.

290. Defendants deny that the Boys' School uses solitary confinement. Defendants DFS and Wyoming Boys' School deny the remaining allegations of paragraph 290. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 290 therein and, therefore, deny those allegations.

291. Defendants deny the allegations of paragraph 291.

292. Defendants deny the allegations of paragraph 292.

293. Defendants DFS and Wyoming Boys' School deny the allegations of paragraph 293.

The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 293 and, therefore, deny those allegations.

294. Defendants deny the allegations of paragraph 294.

295. Defendants deny the allegations of paragraph 295.

296. Defendants deny the allegations of paragraph 296.

297. Defendants deny the allegations of paragraph 297.

**SIXTH CLAIM FOR RELIEF**  
**Section 504 of the Rehabilitation Act—Discrimination**  
(Against all Defendants)

298. In response to paragraph 298, Defendants repeat and incorporate by reference the responses set forth herein.

299. Defendants admit the allegations of paragraph 299.

300. Paragraph 300 states legal conclusions to which no response is required. To the extent any factual allegations are made therein against Defendants DFS and Wyoming Boys' School, they are denied. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 300 and, therefore, deny those allegations.

301. Defendants deny the allegations of paragraph 301.

302. Defendants deny the allegations of paragraph 302.

303. Defendants DFS and Wyoming Boys' School deny the allegations of paragraph 303.

The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 303 and, therefore, deny those allegations.

304. Defendants deny the allegations of paragraph 304.

305. Defendants deny the allegations of paragraph 305.

306. Defendants deny that the Boys' School uses solitary confinement. Defendants DFS and Wyoming Boys' School deny the remaining allegations of paragraph 306. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 306 therein and, therefore, deny those allegations.

307. Defendants deny the allegations of paragraph 307.

308. Defendants deny the allegations of paragraph 308.

309. Defendants DFS and Wyoming Boys' School deny the allegations of paragraph 309. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 309 and, therefore, deny those allegations.

310. Defendants deny the allegations of paragraph 310.

311. Defendants deny the allegations of paragraph 311.

312. Defendants deny the allegations of paragraph 312.

313. Defendants deny the allegations of paragraph 313.

### **PRAYER FOR RELIEF**

WHEREFORE, Defendants pray that the court dismiss this matter with prejudice, Plaintiffs taking nothing hereby, award the Defendants the costs incurred herein, and grant the Defendants such other and further relief as the court deems proper.

### **FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

### **SECOND AFFIRMATIVE DEFENSE**

Qualified, governmental, and/or sovereign immunity bars Plaintiffs' claims against Defendants.

**THIRD AFFIRMATIVE DEFENSE**

To the extent that Plaintiffs' claims were not filed within the applicable limitations period, the statute of limitations bars the claim.

**FOURTH AFFIRMATIVE DEFENSE**

Some or all of Plaintiffs' claims may be barred by the doctrines of laches, waiver, unclean hands, or estoppel.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs' alleged injuries are the result of unrelated, pre-existing, or subsequent conditions unrelated to Defendants' alleged conduct, which is denied.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs have failed to mitigate the alleged damages, the existence of which is denied.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' alleged damages, the existence of which is denied, are the result of the actions of persons or third parties that Defendants did not control or events in which Defendants was not involved.

**EIGHTH AFFIRMATIVE DEFENSE**

An award of punitive damages would violate Defendants' right to due process under the Fourteenth Amendment; violate Defendants' right of protection against excessive fines as provided in the Eighth Amendment; and fails to state a cause of action supporting punitive damages relief.

**NINTH AFFIRMATIVE DEFENSE**

Defendants plead all other applicable immunities to which they are entitled by law as a complete bar to all applicable claims in this action.

WHEREFORE, Defendants pray that the court dismiss this matter with prejudice, Plaintiffs taking nothing hereby, award the Defendants the costs incurred herein and grant the Defendants such other and further relief as the court deems proper.

DATED this 29th day of April, 2024.

*/s/Debra Hulett*

---

Debra Hulett, Bar No. 8-6904  
Senior Assistant Attorney General  
Prentice B. Olive, Bar No. 8-6691  
Assistant Attorney General  
Wyoming Attorney General's Office  
109 State Capitol  
Cheyenne, Wyoming 82002  
(307) 777-7580  
(307) 777-3608  
(307) 777-8920 Facsimile  
[debra.hulett@wyo.gov](mailto:debra.hulett@wyo.gov)  
[prentice.olive@wyo.gov](mailto:prentice.olive@wyo.gov)

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I do hereby certify that on this 29th day of April, 2024, a true and correct copy of the foregoing **Defendants' Answer** was served as indicated below:

Qusair Mohamedbhai  
Ciara M. Anderson  
Matthew J. Cron  
2701 Lawrence St., Suite 100  
Denver, CO 80205  
[qm@rmlawyers.com](mailto:qm@rmlawyers.com)  
[ca@rmlawyers.com](mailto:ca@rmlawyers.com)  
[mc@rmlawyers.com](mailto:mc@rmlawyers.com)

[✓] CM/ECF

Attorneys for Plaintiffs

Allison Mahoney  
PO Box 5520  
Snowmass Village, CO 81615  
[allison@almlawllc.com](mailto:allison@almlawllc.com)

[✓] CM/ECF

Attorney for Plaintiffs

/s/ Kathy Lackey  
Kathy Lackey, Paralegal  
Office of the Wyoming Attorney General