

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

Civil Action No. 1:21-cv-761-WJM-NRN

SAMMIE LEON LAWRENCE IV,

Plaintiff,

v.

CITY OF BOULDER, COLORADO, a municipality  
and WAYLON LOLOTAI, in his individual capacity,

Defendants.

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**CITY OF BOULDER’S AMENDED RESPONSES AND OBJECTIONS TO  
PLAINTIFF’S FIRST DISCOVERY REQUESTS TO THE CITY OF BOULDER**

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Defendant City of Boulder respectfully submits its amended responses and objections to Plaintiff’s First Set of Discovery Requests to it as follows:

**GENERAL OBJECTIONS**

1. The City objects to the definitions and instructions to the extent they attempt to impose additional or different obligations than those contained in the Federal Rules of Civil Procedure.
2. The City objects to each definition to the extent it purports to define a term other than according to its generally accepted meaning.
3. The City objects to the “relevant time period” as not likely to lead to evidence relevant to any party’s claim or defense and not proportional to the needs of the case, particularly with respect to events occurring before Officer Lolotai joined the Boulder Police Department or after the date of the incident that forms the basis of Plaintiff’s claims.

- h. *Estate of Samuel Carl England Forgy v. The City of Boulder and Officer Dillon Garretson*, 2017-CV-01615, United States District Court, District of Colorado.
- i. *Estate of Michael Habay, et al. v. City of Boulder, et al.*, United States District Court, District of Colorado Case No. 15-cv-02570-WJM.

2. Describe what knowledge the City of Boulder had, if any, prior to hiring Defendant Lolotai, concerning any investigations of Defendant Lolotai's conduct as a law enforcement officer in jurisdictions other than the City of Boulder.

RESPONSE: The City was aware of an excessive force allegation against Officer Lolotai while he was employed in the Denver Sheriff's Department that had not been sustained, but which was under lengthy review. Commander Kerry Yamaguchi of the Boulder Police Department was permitted to review, but not copy, a Denver Sheriff's office document that stated that the office had cleared Officer Lolotai. Pursuant to Fed. R. Civ. P. 33(d)(1), the City is producing reports from the Boulder Police Department's pre-hiring investigation of Officer Lolotai from which the remainder to the response to this Interrogatory may be determined.

3. Explain the facts and circumstances regarding Defendant Lolotai's encounter with the persons experiencing homelessness on April 5, 2019, to whom Defendant Lolotai was speaking when Mr. Lawrence approached, including but not limited to whether those individuals were suspected of a crime, what crime they were suspected of, what information Defendant Lolotai had concerning any such alleged crime, and whether the individuals were cited for any offense.

RESPONSE: On April 1, 2019, the Boulder City Council email received an email from a resident noting disruptive behavior at the Mapleton Ball Fields. The email including the following statement:

Last Wednesday night, I arrived for an 8 pm game and was struck by the large number of transients gathered around the central structure between the main softball fields. There was a cloud of cigarette smoke in the air (even though smoking is prohibited), I witnessed a loud and aggressive argument, and the manager found two knives during a cleanup he was conducting after the crowd had dispersed somewhat. I usually bring my two daughters (age 10 and 11) to my softball games and allow them to walk around in the space between the two fields. Last week's scene was pretty concerning and really had me reconsider the idea of bringing my children to my softball games.

In response, the police chief sent out a department wide email asking for extra patrols at the Mapleton Ball Fields. On April 5, 2019, Officer Lolotai as part of his normal patrol activities stopped at the Mapleton Ball Fields.

Officer Lolotai contacted a group of three individuals after noticing trash strewn about the area they were occupying. As Officer Lolotai was speaking with the three individuals, Mr. Lawrence approached. Mr. Lawrence was carrying a large, solid wood staff in his right hand. The staff appeared to be over five feet in length with a circumference of approximately four inches.

Mr. Lawrence approached the group and stood right next to one of the individuals Officer Lolotai was investigating. Officer Lolotai ordered Mr. Lawrence to back up at least eight times and ordered him to put down his stick at least nine times. Mr. Lawrence never moved more than a few inches and did not put his stick down.

Three times Officer Lolotai informed Mr. Lawrence that if he did not back up, he would be arrested. At one point, Mr. Lawrence responded: "Good." Mr. Lawrence stated that he was recording Officer Lolotai's contact with the three individuals. Officer Lolotai responded: "Good, I am recording everything also." Officer Lolotai never told Mr. Lawrence that he could not record.

At the time of his initial encounter with Mr. Lawrence and for a period of 6 minutes, Officer Lolotai was alone. In addition to Mr. Lawrence and the three individuals Officer Lolotai was attempting to contact, there were 5 other unidentified individuals in the area.

Because of Mr. Lawrence's interference with Officer Lolotai's investigation, the City does not believe that Officer Lolotai formed any reasonable suspicion of any crime committed by any of the eight individuals there besides Officer Lolotai and Mr. Lawrence.

4. Identify and describe each use of force by Defendant Lolotai performed while on duty as a Boulder Police Officer, including by identifying each such person he used force against and describing the type of force used.

**RESPONSE:** The City objects to this Interrogatory as seeking confidential information regarding non-parties. Subject to and without waiving these objections or its general objections, the City states as follows: The City does not have use of force data for Officer Lolotai for 2016 because he was in the academy and did not have any instances of use of force. The following is the type of force used and the date. Persons named in the database as associated with the incident are listed, however, Officer Lolotai did not necessarily use force against each person identified.

- a. [REDACTED], Takedown, Jan. 24, 2017.
- b. [REDACTED], Firearm to gain compliance, Feb. 12, 2017.
- c. [REDACTED], Firearm and taser to gain compliance, March 10, 2017.
- d. [REDACTED], Firearm to gain compliance, March 18, 2017.
- e. [REDACTED], Empty hand, March 18, 2017.
- f. [REDACTED], Firearm to gain compliance, May 4, 2017.
- g. [REDACTED], Hobble, May 4, 2017.
- h. [REDACTED], Takedown, May 28, 2017.
- i. [REDACTED], Firearm to gain compliance, June 11, 2017.

- j. [REDACTED], firearm to gain compliance, July 8, 2017.
- k. [REDACTED], Firearm to gain compliance, July 4, 2017.
- l. [REDACTED], Taser to gain compliance, July 10, 2017.
- m. [REDACTED], Firearm to gain compliance, July 18, 2017.
- n. [REDACTED], Takedown, September 14, 2017.
- o. [REDACTED], Hobble, September 22, 2017.
- p. [REDACTED], Firearm to gain compliance, October 1, 2017
- q. [REDACTED], Taser to gain compliance, October 1, 2017.
- r. [REDACTED], Firearm to gain compliance, October 2, 2017.
- s. [REDACTED], takedown, strikes/kicks, taser used to gain compliance, October 6, 2017.
- t. [REDACTED], Empty Hand, Strikes/Kicks, Takedown, Firearm to Gain Compliance, Taser Deploy Drive Stun, October 22, 2017.
- u. [REDACTED], Strikes/Kicks, Hobble, October 23, 2017.
- v. [REDACTED], Taser to gain compliance, Strikes/Kicks, November 4, 2017.
- w. [REDACTED], Taser to gain compliance, Empty Hand, November 5, 2017.
- x. [REDACTED], Takedown, November 5, 2017.
- y. [REDACTED], Firearm to gain compliance, Taser to gain compliance, November 6, 2017.
- z. [REDACTED], Hobble, November 19, 2017.
- aa. [REDACTED], Firearm to gain compliance, November 20, 2017.
- bb. [REDACTED], Strikes/Kicks, Other, December 8, 2017.

- cc. [REDACTED], Firearm to gain compliance, December 8, 2017.
- dd. [REDACTED], Takedown, Strikes/Kicks, December 16, 2017.
- ee. [REDACTED], Empty hand, Firearm to gain compliance, January 1, 2018.
- ff. [REDACTED], Firearm to gain compliance, January 1, 2018.
- gg. [REDACTED], Takedown, January 19, 2018.
- hh. [REDACTED], Takedown, Strikes/Kicks, February 9, 2018.
- ii. [REDACTED], Firearm to gain compliance, February 10, 2018.
- jj. [REDACTED], Takedown, Empty Hand, February 16, 2018.
- kk. [REDACTED], Taser to gain compliance, March 24, 2018.
- ll. [REDACTED], Hobble, March 31, 2018.
- mm. [REDACTED], Firearm to gain compliance, April 1, 2018.
- nn. [REDACTED], Takedown, April 4, 2018.
- oo. [REDACTED], Firearm to gain compliance, April 13, 2018.
- pp. [REDACTED], Firearm to gain compliance, April 14, 2018.
- qq. [REDACTED], Hobble, April 20, 2018.
- rr. [REDACTED], Takedown, May 4, 2018.
- ss. [REDACTED], Hobble, May 6, 2018.
- tt. [REDACTED], Firearm to gain compliance, May 7, 2018.
- uu. [REDACTED], Firearm to gain compliance, May 13, 2018.
- vv. [REDACTED], Firearm to gain compliance, June 9, 2018.
- ww. [REDACTED], Hobble, June 22, 2018.

- xx. [REDACTED], Takedown, July 14, 2018.
- yy. [REDACTED], Hobble, Strikes/Kicks, July 15, 2018.
- zz. [REDACTED], Firearm to gain compliance, July 16, 2018.
- aaa. [REDACTED], Firearm to gain compliance, August 6, 2018.
- bbb. [REDACTED], Firearm to gain compliance, September 24, 2018.
- ccc. [REDACTED], Firearm to gain compliance,  
October 5, 2018.
- ddd. [REDACTED], Firearm to gain compliance, October 5, 2018.
- eee. [REDACTED], Takedown, October 19, 2018.
- fff. [REDACTED], Takedown, Strikes/Kicks, November 29, 2018.
- ggg. [REDACTED], Less-lethal to  
gain compliance, firearm to gain compliance, Dec. 22, 2018.
- hhh. [REDACTED], Firearm to gain compliance, February 10, 2019.
- iii. [REDACTED], Takedown, February 18, 2019.
- jjj. [REDACTED], Firearm to gain compliance, February 24,  
2019.
- kkk. [REDACTED], Firearm to gain compliance, February 25, 2019.
- lll. [REDACTED], Takedown, April 5, 2019.
- mmm. [REDACTED], Firearm to gain compliance, May 16, 2019.
- nnn. [REDACTED], Firearm to gain compliance, May 23, 2019.
- ooo. [REDACTED], Firearm to gain compliance, July 25, 2019.
- ppp. [REDACTED], Firearm to gain compliance, July 27, 2019.

- qqq. [REDACTED], Taser used to gain compliance, firearm used to gain compliance, August 24, 2019.
- rrr. [REDACTED], Takedown, August 25, 2019.
- sss. [REDACTED], Hobble, September 25, 2019.
- ttt. [REDACTED], firearm to gain compliance, November 21, 2019.
- uuu. [REDACTED], firearm to gain compliance, January 31, 2020.
- vvv. [REDACTED], Less-Lethal to gain compliance, February 22, 2020.
- www. [REDACTED], Firearm to gain compliance, February 26, 2020.
- xxx. [REDACTED], Takedown, February 29, 2020.
- yyy. [REDACTED], Takedown, Firearm to gain compliance, Strikes/Kicks, March 6, 2020.
- zzz. [REDACTED], Strikes/Kicks, Firearm to gain compliance, April 8, 2020.
- aaaa. [REDACTED], Firearm to gain compliance, April 25, 2020.
- bbbb. [REDACTED], Takedown, June 10, 2020.
- cccc. [REDACTED], Less-lethal to gain compliance, June 11, 2020.

5. List the dates of all payments made by the City of Boulder to Waylon Lolotai, the amounts of each such payment, and the purpose of each such payment.

RESPONSE: The City objects to this Interrogatory as not likely to lead to the discovery of information relevant to claims or defenses of any party and as seeking confidential financial information of Officer Lolotai. Subject to and without waiving these objections or its general objections, the City states that Officer Lolotai continues to be paid regular salary by the City