

DISTRICT COURT, DOUGLAS COUNTY,  
COLORADO

Court Address: Douglas County Justice Center  
4000 Justice Way, #2009  
Castle Rock, CO 80109

Phone Number: (303) 663-7200

**Plaintiffs:**

Marcus Lucas, a minor, by and through his guardians  
and natural parents, David Lucas and Debra Lucas; and,  
David Lucas and Debra Lucas, individually

**Defendant:**

Michael Purcell

Attorney for Plaintiffs:

Name: James H. Chalats  
Christopher P. Koupal  
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Case No:

Div.:

**COMPLAINT AND JURY DEMAND**

The Plaintiffs, by and through their counsel, James H. Chalats and Christopher P. Koupal  
of Chalats Hatten Law Offices, P.C., by and for their complaint, allege as follows:

1. Plaintiff Marcus Lucas is at present a minor child, DOB 2/13/1990. Marcus brings this action, by and through his natural parents David Lucas and Debra Lucas as his next friends and guardians, for past and future injuries, damages, and losses, arising out of the incident described below, which occurred on November 3, 2007. It is anticipated that this case will be pending when plaintiff Marcus Lucas reaches age eighteen. At that time, his claims for past non-economic, impairment, disfigurement, and pain and suffering will revert to his own name. Also, at that time, his claims as an adult for future damages, and post-majority damages will vest in his own name.
2. David Lucas and Debra Lucas also make claims jointly and severally to recover economic damages they have sustained or will sustain prior to Marcus's reaching the age of majority, and economic damages arising from Marcus's injuries, including past and future medical, transportation, rehabilitation, and care expenses.
3. The incident in question occurred in Douglas County, Colorado. Upon information and belief, the defendant is a resident of Douglas County, Colorado. Therefore, venue proper in the Douglas County District Court.
4. Plaintiffs are submitting herewith their JDF 601 & 602 forms electing to exclude this case from Simplified Procedure under C.R.C.P. 16.1. Damages in excess of the maximum allowable pursuant to Rule 16.1 are being sought by plaintiffs.

**Identification of Parties:**

5. Plaintiff Marcus Lucas is the minor child of co-plaintiffs David and Debra Lucas (Mr. & Mrs. Lucas). They are his natural parents and lawful guardians. Marcus is a senior at Rangeview High School in Aurora, Colorado. At all relevant times, Marcus was playing

right offensive tackle for the Rangeview High School varsity football team, the Rangeview *Raiders*.

6. Defendant Michael Purcell, also believed to be a minor, is a resident of Douglas County. Michael Purcell attends Highlands Ranch High School. At all relevant times, Michael Purcell was playing defensive lineman for the Highlands Ranch High School varsity football team, the Highlands Ranch *Falcons*.

**General Factual Allegations:**

7. On November 3, 2007, the *Raiders* played the *Falcons* in the first round of the 5A Colorado state high school football playoffs. The game was played at Shea Stadium in Highlands Ranch, Colorado. During the game, Marcus was playing right offensive tackle for the Rangeview *Raiders*; Michael Purcell was playing defensive lineman for the Highlands Ranch *Falcons*.
8. By the third quarter of the game, the score was 20 to 6 in favor of the *Falcons*. During an offensive drive, the *Raiders* advanced the ball to scoring position near the *Falcons*' 10-yard line.
9. During a third down play with 7 yards to go, Marcus took position for the *Raiders* as the right offensive tackle. Playing opposite of Marcus and in the defensive tackle or end position for the *Falcons*, was the defendant Michael Purcell. Following the snap, the *Raiders*' quarterback ran to his right, looking to make a pass play. The *Raiders*' quarterback was downed before he could pass the ball, bringing the play to an end.
10. During the play, Marcus blocked Michael Purcell on the line, preventing him from making a defensive play as the *Raiders*' quarterback was in motion. As the play ended,

and away from the ball carrier, Michael Purcell grabbed Marcus by the facemask of his helmet. As the play was whistled dead, Purcell forcibly dragged Marcus by the face mask, taking at least three steps backward, pulling Marcus's head and neck downward. Purcell then left his feet rolling onto his back while maintaining his grip on Marcus's facemask. Video shows Marcus trying, but unable to loosen Purcell's grip on the face mask. As Purcell left his feet, he leveraged Marcus off of his feet, and into a head-first dive to the turf. Marcus landed head-first on the ground, breaking his neck.

11. The manner of contact employed by Michael Purcell was in violation of the National Federation of State High School Associations ("NFHS") rules governing high school play in Colorado. Specifically, the actions of Michael Purcell were in violation of NFHS Rule 9-4-3(h), and were flagrant as defined in NFHS Rule 2-16-2(c).
12. The conduct of Michael Purcell was not an accepted part of either the playing rules or the general customs of the game of high school football. Defendant's conduct was beyond the reasonable expectations of participants in a high school football game, and totally outside the range of the ordinary activity involved in the sport of high school football.
13. Marcus suffered severe neck injuries as a result of the actions of Michael Purcell, including a C4-5 fracture dislocation with unilateral jumped facet and C5 radiculopathy on the right side.
14. Marcus was taken off of the field and transported by ambulance to Littleton Adventist Hospital. There, he underwent placement of a halo brace, and thereafter thirty-six hours of traction (120 lbs of traction in total) in order to re-align the vertebrae in his neck. On November 5, 2007, Marcus underwent an anterior cervical discectomy and fusion, C4-5,

with allograft bone dowel and anterior Synthes CSLP plating. The two fractured vertebrae in his neck were fused together, and titanium plates were installed.

15. Several days following surgery, Marcus was transferred from Littleton Adventist Hospital to Denver - Spalding Rehabilitation Hospital, where he began to undergo rehabilitation therapy. He was discharged from Spalding Rehabilitation on November 11, 2007; he was later re-admitted to The Children's Hospital, Denver, for complications, and then re-discharged. Since that time, he has been undergoing extensive rehabilitation and therapy.

**FIRST CLAIM FOR RELIEF**  
**Wilful and wanton misconduct causing injury**

16. All previous paragraphs are re-alleged as if set forth in full.
17. Defendant Purcell's conduct at the relevant time and date, was purposely committed. By grabbing Marcus by the facemask, taking him up and over his body, and throwing him directly onto his head, Purcell knew or should have known that his conduct was dangerous, and done without regard to the safety of Marcus Lucas.
18. The conduct of Michael Purcell was not an accepted part of either the playing rules or the general customs of the game of high school football; the conduct was beyond the reasonable expectations of participants in a high school football game, and totally outside the range of the ordinary activity involved in the sport of high school football.
19. The wilful and wanton misconduct of Michael Purcell as described above was the direct and proximate cause of the injuries suffered by Marcus Lucas, and of the losses suffered by David and Debra Lucas on Marcus's behalf.

**SECOND CLAIM FOR RELIEF**

**Reckless misconduct causing injury**

20. All previous paragraphs are re-alleged as if set forth in full.
21. Michael Purcell had a duty to refrain from acting with a reckless disregard for the safety of others, and/or to refrain from conduct which would cause a substantial and unjustifiable risk of serious bodily injury to another player.
22. The conduct of Purcell in grabbing Marcus by the facemask, taking him up and over his body, and throwing him directly on to his head, was purposeful conduct, done with knowledge or at least reason to know of facts which would lead a reasonable man to appreciate that the conduct not only created an unreasonable risk of bodily harm, but also involved a high degree of probability that substantial harm would result.
23. The actions of Michael Purcell were therefore reckless, and not an accepted part of either the playing rules or the general customs of the game of high school football; the conduct was beyond the reasonable expectations of participants in a high school football game, and totally outside the range of the ordinary activity involved in the sport of high school football.
24. The reckless conduct of Michael Purcell as described above was the direct and proximate cause of the injuries suffered by Marcus Lucas, and of the losses suffered by David and Debra Lucas on Marcus's behalf.

**THIRD CLAIM FOR RELIEF**  
**Gross Negligence**

25. All previous paragraphs are re-alleged as if set forth in full.
26. At the time of the afore-referenced contact with plaintiff Marcus Lucas on November 3,

2007, Michael Purcell had a duty to use reasonable care in acting within the accepted rules of Colorado High School football, and to refrain from acting in a manner characterized as “gross negligence.”

27. Nonetheless, the conduct of defendant Michael Purcell was grossly negligent. Purcell’s conduct could be characterized as wanting even “scant care;” and evinced an extreme departure from the ordinary standard of conduct exercised in a Colorado High School football game.
28. The gross negligence of Michael Purcell as described above was the direct and proximate cause of the injuries suffered by Marcus Lucas, and of the losses suffered by David and Debra Lucas on Marcus’s behalf.

**FOURTH CLAIM FOR RELIEF**  
**Assault**

29. All previous paragraphs are re-alleged as if set forth in full.
30. By his actions, Michael Purcell intended to make physical contact with Marcus Lucas, and intended to place Marcus Lucas in apprehension of such physical contact.
31. Michael Purcell placed Marcus Lucas in apprehension of immediate physical contact which was and appeared to be harmful or offensive.
32. The assault upon Marcus Lucas was the proximate cause of the injuries he suffered, and of the losses suffered by David and Debra Lucas on Marcus’s behalf.

**FIFTH CLAIM FOR RELIEF**  
**Battery**

33. All previous paragraphs are re-alleged as if set forth in full.
34. By his actions, Michael Purcell battered and made harmful and offensive physical contact with Marcus Lucas.
35. Michael Purcell intended to make physical contact with plaintiff Marcus Lucas, and knew that such conduct would probably occur.
36. Michael Purcell's battery upon and physical contact with Marcus Lucas was harmful and offensive.
37. Michael Purcell's battery upon and physical contact with Marcus Lucas was the proximate cause of the injuries he suffered, and of the losses suffered by plaintiffs David and Debra Lucas on Marcus's behalf.

**DAMAGES**

38. As a direct result of the reckless and otherwise actionable conduct of Michael Purcell, Marcus Lucas suffered severe injuries including a C4-5 fracture dislocation with unilateral jumped facet and C5 radiculopathy on the right. Marcus underwent placement of a halo brace, traction, and ultimately underwent an anterior cervical discectomy and fusion, C4-5, with allograft bone dowel and anterior Synthes CSLP plating. Following surgery, Marcus underwent significant rehabilitation therapy. Shortly after discharge from rehabilitation, he was admitted to The Children's Hospital, Denver, for treatment of complications. He continues to be at risk for complications and will suffer impairment in the future.

39. As the direct and proximate result of the injuries suffered, Marcus will suffer economic losses in the form of medical and rehabilitation expenses from age eighteen forward, and in the form of lost college scholarship opportunities.
40. As the direct and proximate result of the injuries suffered, Marcus has and will continue to suffer non-economic injuries, including, but not limited to: temporary and permanent disability, disfigurement, earnings impairment, pain, suffering, mental and emotional distress, and a loss of enjoyment of life.
41. As the direct and proximate result of the injuries Marcus suffered, Plaintiffs David and Debra Lucas, acting individually and as guardians, have incurred and will continue to incur economic losses until Marcus reaches age eighteen. Such losses include past and future charges for physicians' services and examinations, expenses and charges for hospitalization, surgery, rehabilitation, pharmaceuticals, dispensary, nursing care, room charges, operating room expenses, anesthesia, treatment and recovery, and other related medical expenses as a result of Marcus's injuries. All of these expenses and associated expenses constitute economic damages prayed for herein.

WHEREFORE, the plaintiffs pray for damages in an amount to be determined at trial but in excess of the jurisdictional minimum, and in excess of the maximum allowed under Rule 16.1 for Simplified Procedure. Plaintiffs also pray for and claim interest from the date of the injury: November 3, 2007, costs and expenses of suit, attorneys' fees, if appropriate, and such other relief as the Court deems proper.

**JURY TRIAL DEMANDED**

Dated December 17, 2007

Respectfully submitted,

S/ James H. Chalot

and:

S/ Christopher P. Koupal

ATTORNEY FOR PLAINTIFFS

Plaintiffs' Address:

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