

<p>WELD COUNTY DISTRICT COURT STATE OF COLORADO</p> <p>Court Address: 901 9th Ave Greeley, CO 80631</p>	<p>DATE FILED: June 5, 2023 10:07 AM FILING ID: 5AF84E3FEF8C4 CASE NUMBER: 2023CV30414</p>
<p>Plaintiff: <b>NICOLE GALLEGOS and CAROL GONZALES</b></p> <p>v. Defendant: <b>ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC.</b></p>	<p><b>▲ COURT USE ONLY ▲</b></p>
<p><i>Attorneys for Plaintiffs:</i></p> <p>Matthew A. Haltzman, #47913 Mark S. Haltzman, #58470 Victor Kohl Watson, #57271</p> <p>HALTZMAN LAW FIRM, P.C. 204 Maple St. Unit 101 Fort Collins, Colorado 80521 Phone Number: (970) 692-3440</p>	<p>Case Number: 2023CV Division: Courtroom:</p>
<p><b>COMPLAINT AND JURY DEMAND</b></p>	

Plaintiffs, **NICOLE GALLEGOS** and **CAROL GONZALES**, by and through undersigned counsel, Haltzman Law Firm, P.C., submit this Complaint and Jury Demand against Defendants, **ECONO LODGE AT LONGMONT** and **PREMIER HOSPITALITY, INC.**, as follows:

**JURISDICTION AND VENUE**

1. Plaintiff Nicole Gallegos (“Gallegos”) and Plaintiff Carol Gonzales (“Gonzales or, together with Gallegos, “Plaintiffs”), are and were, at all times relevant hereto, residents of the County of Larimer, State of Colorado, residing in Berthoud, Colorado.

2. At all times relevant hereto, Defendant Econo Lodge at Longmont (“Econo”) and Defendant Premier Hospitality, Inc. (“Premier” or, together with Econo, “Defendants’), are and were Weld County businesses with a shared address of, upon information and belief, 10811 W I25 Frontage Rd, Longmont, Colorado 80504.

3. All acts or omissions material to Plaintiffs’ claims arose in and occurred in Weld County, State of Colorado.

4. Pursuant to C.R.C.P. 98(c), venue is proper in that the events described below occurred in Weld County, Colorado.

### **GENERAL ALLEGATIONS**

5. Plaintiffs incorporate by reference paragraphs 1 through 4.

6. Upon information and belief, Defendants, or either of them, own and/or operate a hotel known as the Econo Lodge at Longmont located at 10811 W I25 Frontage Road in Weld County Colorado (the “Hotel”).

7. The Hotel is marketed under the brand “Choice Hotels” and, upon information and belief, is marketed online by Defendants, or either of them.

8. Upon information and belief, Defendants boast that the Hotel provides “amenities [that] aren’t compromised for [the] [H]otel’s affordable rate” and indicates that guests can “rest easy” in their “spacious, inviting room[s]” when staying at the Hotel.

9. The Hotel similarly indicates that access to its rooms is accomplished by interior doors accessible via an interior hallway – in other words, doors to guest rooms at the Hotel *do not* have doors to the outside of the building housing the Hotel.

10. Despite the promises of the Hotel’s website, the events that would come to pass on January 3, 2023 were anything but “rest[ing] easy” for Plaintiffs.

11. During 2022, Defendants' establishment had an astonishing 173 documented 911 calls requesting police to come out and handle numerous criminal activities at their establishment.

12. On or about January 3, 2023, Plaintiff Gallegos, a 38-year old woman at the time, was occupying as a temporary resident a room rented from Defendants to Plaintiff Gonzales, Gallegos's mother, in the Hotel assigned room number 112 (the "Room").

13. During the evening of January 3, 2023, non-party Cody Czichos ("Czichos") visited the Room to eat pizza with Plaintiff Gallegos; both Plaintiffs were present at the time Czichos visited the room as Gallegos's invited guest for dinner. Plaintiffs and Czichos ate pizza while watching television in the Room.

14. Czichos was not a registered guest of the Hotel, was not listed in reference to the Room nor was he listed as an occupant thereof, and he did not have individual access to the Room.

15. During Czichos's visit to the Room, however, the situation between Plaintiffs and Czichos deteriorated, as Czichos began to act irrationally and unpredictably to the point where Plaintiff Gonzales told Czichos she believed he should leave. At that time, Czichos agreed.

16. Around this time, Czichos was losing his balance and was repeatedly packing and unpacking his backpack. Upon packing the backpack a final time, Czichos took with him when he departed from the Room. Plaintiff Gallegos closed the door behind him.

17. Plaintiffs did not would not, at any time leading up to or after the aforementioned departure of Czichos, invite Czichos to return to the Room, nor did they communicate to Defendants that Czichos was an invited guest of Plaintiffs, nor did they communicate to the defendants that he should otherwise be permitted to access the Room.

18. Indeed, Plaintiffs never communicated to Defendants at any time that Czichos should be given individual access to the Room and Plaintiffs had no reason to believe that Czichos would be given the ability to access the Room without their permission.

19. Similarly, Plaintiffs did not provide Czichos with a key-card to access the Room nor did they invite him to return.

20. The door to the Room was secure following Czichos's departure therefrom.

21. Following Czichos's initial departure from the Room and the Hotel, he later returned and was observed in the lobby of the Hotel; Plaintiffs are unsure how soon after his departure from the Room that Czichos returned to the Hotel or in what activities Czichos had engaged during his time away from the Hotel.

22. On the evening of January 3, 2023, at or around the time that Czichos returned to the Hotel, Hotel employees Socorro Salacar ("Salacar") and her husband Michael Tussey ("Tussey"), both employees of Defendants, or either of them, were working at the front desk of the Hotel.

23. Upon information and belief, there were also other employees of Defendants working in and around the Hotel, including the front desk, on the evening of January 3, 2023.

24. Upon Czichos's return to the Hotel, he approached the front desk and asked Salacar/Tussey, or another employee of Defendants working at the front desk, for a piece of paper and a pen.

25. Thereafter, both Salacar and Tussey observed Czichos writing on the aforementioned paper and muttering ominously threatening and expletive laden statements like, "I need to leave you" and "fuck you bitch."

26. Czichos did not appear to be talking to anyone in particular in the Hotel lobby. Yet, the threatening statements were audible enough that Salacar and Tussey were able to hear them from the front desk.

27. Czichos's state of mind was clearly altered during the episode witnessed by Salacar and Tussey, as they observed Czichos almost faint (his head unexpectedly and unnaturally slumped backwards momentarily) while writing on the piece of paper and muttering the aforementioned threatening statements.

28. Tussey stated, in a report collected by law enforcement, that he was able to recognize that Czichos was intoxicated because Tussey was a former drug addict.

29. Further, Salacar and Tussey clearly appreciated Czichos's altered state of mind whilst he was muttering to himself – Salacar specifically inquired to see if Czichos was “alright” and, in response, Czichos stated, “I just took a crap-ton of Xanax.”

30. Accordingly, Salacar, and Tussey, were explicitly aware of Czichos's altered mental state along with the ominous statements he had been muttering himself.

31. Upon information and belief, Czichos's altered state of mind was the product of more than just Xanax.

32. Based upon information and events Salacar and/or Tussey affirmatively admitted to observing, both Salacar and Tussey were aware that Czichos was, *at a minimum*, a threat to himself and those around him, including guests and employees of the Hotel, at the time he was milling about the Hotel lobby.

33. Despite what they had observed, Salacar and Tussey took no action, did not request Czichos to leave the Hotel, and did not alert any authority as to Czichos's disturbing and unpredictable behavior.

34. Upon information and belief, Salacar and Tussey never inquired as to whether Czichos was a registered guest at the Hotel or for what purpose he was loitering in the Hotel lobby.

35. Salacar and Tussey would ultimately take no action, even when Czichos continued to demonstrate continued disorderly and alarming behavior. Indeed, Czichos was present in and around the Hotel lobby for approximately 45 minutes to an hour. At the conclusion of Czichos's disgruntled, disturbing, and intoxicated appearance in the Hotel lobby, Czichos requested a key-card to the Room.

36. Employees of Defendants operating the front desk of the Hotel, including Salacar and Tussey, or either of them, alarmingly, *did not* request any photo-identification from Czichos, *did not* cross-check the room reservation against any name provided by Czichos, and *did not* call Plaintiffs in the Room to confirm that Czichos was a permitted invited guests of Plaintiffs.

37. Further, failing to conduct any of the above-referenced inquiries, employees of Defendants, including Salacar and Tussey, or either of them, issued Czichos a key-card despite the following circumstances: (1) Czichos was not a registered guest of the Hotel, (2) Czichos did not share a last name with either of Plaintiffs, (3) Czichos had loitered around the lobby for nearly an hour in a drug-altered mental state causing a disturbance, and (4) Czichos had been muttering ominous and threatening statements to himself clearly referencing Plaintiffs while milling about the Hotel's lobby.

38. Czichos's irrational and unstable behavior was apparent, as both Salacar and Tussey, and possibly other employees of Defendants, observed the same from their positions at the Hotel's front desk and/or other areas in the Hotel.

39. Upon acquiring the key-card to the Room, Czichos left the lobby and walked to the Room. Czichos then entered the Room using the key-card.

40. Shortly after Czichos's trespass to the Room, he became embroiled in an argument with Gonzales which culminated in Czichos battering her by angrily slapping Gonzales across the face.

41. At or around this time, Gonzales placed a call to the front desk of the Hotel asking that 911 be called due to Czichos's behavior.

42. At the time Gonzales placed the call to the front desk of the Hotel, or shortly before, Czichos exited the Room.

43. Immediately after Czichos departed, Plaintiff Gonzales left immediately behind him, secured the door to the Room, and ran in a terrified state towards the front-desk to make sure Czichos was no longer in the building.

44. When Gonzales reached the lobby of the Hotel to speak with the front desk, she observed Czichos in the foyer.

45. Upon seeing Gonzales, Czichos became irate once again, charging Gonzales and punching her as he ran past her and the front desk.

46. In response to Czichos's second battering of Gonzales, Salacar or Tussey, or some other employee of Defendants operating the front desk, ushered Gonzales away to a separate room.

47. However, Czichos's path back to the Room after Gonzales was ushered away was completely unimpeded by Defendants' employees. Czichos still had the room key-card handed to him by the employees of the Hotel.

48. Upon information and belief, while Gonzales was placed in a separate room, Czichos either exited the Hotel or hid somewhere in the Hotel because, not long after the incident in lobby with Gonzales, Czichos would reemerge or reenter the Hotel and utilize the key-card obtained from Salacar or Tussey, or another employee of Defendants, to enter the Room.

49. Plaintiff Gallegos, who remained in the Room at the time of Czichos's unauthorized reentry facilitated by Defendants and Defendants' employees, awoke to a living nightmare with Czichos on top of her brandishing a knife from which she would be lucky to escape with her life.

50. In those harrowing moments, Czichos told Gallegos that he was going to kill her while holding the sharp edge of the knife to her throat and proceeded to attack Gallegos.

51. But for Gallegos's efforts in struggling against Czichos, she would most likely have perished at his hand, as she was able to avoid her throat being cut by Czichos's blade with Czichos instead slashing her chin.

52. The gash to Gallegos's face would not be the extent of the injuries she suffered during Czichos's unhinged assault, as Czichos would slash through Gallegos's hand as she raised the same to defend herself from Czichos's blade, slashing through and completely severing all of the tendons in her thumb.

53. Later, Czichos brutally stomped on Gallegos's head, knocking out one of Gallegos's teeth, chipping another, and causing a traumatic brain injury.

54. Czichos also savagely kicked Gallegos in the ribs with such force that eight of Gallegos ribs were broken.

55. After the attack, Czichos fled the hotel and was quickly apprehended by the Weld County Sheriff's Department; while in custody, Czichos stated, "I just lost it."

56. In the wake of her brutalization, Gallegos wrapped herself up in a blanket, both to stem her bleeding and in an attempt to comfort herself after the vicious attack; Gallegos was found wrapped in said blanket, cowering on the ground and bleeding profusely, by Gonzales and Salacar.



57. While it may have been Czichos wielding the blade against Plaintiff, it was Defendants and their employees that just short of *literally* opened the door to the Room to permit the vicious attack to occur.

58. Following the events detailed herein, *supra*, the Room was observed to have blood smeared across multiple surfaces therein, including a pool of blood in between the two beds, in one of which Gallegos had awoken to Czichos attempt to murder her.



59. Upon information and belief, the Hotel, and Defendants, failed to maintain proper surveillance equipment or to maintain the existing surveillance equipment in good order, as Tussey specifically admitted to officers that many of the cameras did not have appropriate storage medium to actually record anything and that the system responsible for storing footage from other cameras had been confiscated by the police relative to a prior violent incident at the Hotel.

60. Defendants, and their employees, including, without limitation, Salacar and Tussey, recklessly failed to ensure the safety of their invitees, Gallegos and Gonzales, by permitting an

individual who was not a registered guest of the Hotel and clearly experiencing a personal, drug-induced crisis, and who had overtly exhibited observable feelings of rage, to access the Room *using a key-card affirmatively provided to Czichos by Defendants and their employees.*

61. The injuries suffered by Gallegos and Gonzales go well beyond the physical, as they each will carry with them, for the rest of their respective lives, the memory of the terror inflicted upon them by Czichos as facilitated by Defendants.

62. The torts committed and described herein, resulting in physical and mental/psychological injuries to Gallegos and Gonzales, occurred in Weld County, Colorado.

63. Defendants, and their employees, including, without limitation, Salacar and Tussey, recklessly, carelessly, and/or negligently provided an obviously disturbed, intoxicated person to access the Room by giving him a key-card to access the same.

64. Defendants, and their employees, including, without limitation, Salacar and Tussey, recklessly, carelessly, and/or negligently failed to confirm: (1) whether Czichos was a registered guest of the Hotel, (2) Czichos's photo identification, and (3) with Plaintiffs whether Czichos was an invited guest of Plaintiffs and permitted to access the Room.

65. Defendants, and their employees, including, without limitation, Salacar and Tussey, had a duty to safeguard Plaintiffs by restricting access to the Room by supplying only authorized individuals a key-card to the Room. Indeed, it is the controlled access and exclusivity of occupancy which underlies the entire concept of temporary hotel lodging. Further, no action taken by Plaintiffs could have intervened to prevent the ill-effects of Defendants' reckless, negligent, and careless behavior.

66. Defendants, and their employees, including, without limitation, Salacar and Tussey, breached their duty to safeguard Gallegos and Gonzales by supplying an unauthorized and clearly

mentally altered person, Czichos, a key-card to the Room and by permitting Czichos to move unimpeded throughout the Hotel during his drug-addled, rage infused episode.

67. Salacar and/or Tussey affirmatively admitted to officers that responded to the attack to providing Czichos a key-card to the Room, even after also noting having seen Czichos acting unpredictably in the Hotel lobby, hearing him mutter vicious statements to himself, and admitting to having taken a “crap-ton” of Xanax.

68. But for Defendants’ agent (or agents) providing Czichos with a key-card, Plaintiffs would not have been harmed as detailed herein. Indeed, Defendants’ agents negligent, reckless, and/or careless conduct was the direct and proximate cause of Plaintiffs’ mental and physical injuries.

69. Defendants had a duty to: (1) not hire *unqualified* individuals, (2) to *properly train* their agents and employees, (3) maintain policies for reference by Defendants’ employees relative to access to the Hotel and the controlled-access portions thereof, namely the Room.

70. Defendants breached their duties to Plaintiffs by: (1) hiring *unqualified* individuals who permitted and/or provided Czichos a key-card to access the Room when they had failed to confirm his status as an invitee of Plaintiffs, failed to cross-reference Czichos’s name against the registered hotel guest list, failed to obtain photo identification from Czichos, and failed to call Plaintiffs to confirm Czichos was permitted access to the Room; (2) failing to train their employees and agents to ensure they did not permit or provide Czichos a key-card to access the Room when they had failed to confirm his status as an invitee of Plaintiffs, failed to cross-reference Czichos’s name against the registered hotel guest list, failed to obtain photo identification from Czichos, and failed to call Plaintiffs to confirm Czichos was permitted access to the Room; and (3) failing to maintain policies relative to access to the Hotel and the controlled-access portions thereof, which

ultimately led to Defendants' employees/agents providing Czichos a key-card to access to Room where they had failed to confirm his status as an invitee of Plaintiffs, failed to cross-reference Czichos's name against the registered hotel guest list, failed to obtain photo identification from Czichos, and failed to call Plaintiffs to confirm Czichos was permitted access to the Room.

71. As a direct, foreseeable, and proximate result of the harrowing events of January 3, 2023, Plaintiffs have suffered, and will continue to suffer, severe and permanent personal injuries, including but not limited to:

- a) Bodily injuries;
- b) Past medical expenses;
- c) Future medical expenses;
- d) Past, present and future pain and suffering;
- e) Past, present and future emotional distress;
- f) Past, present and future loss of enjoyment of life;
- g) Permanent disfigurement;
- h) Permanent impairment;
- i) Loss of time;
- j) Lost wages;
- k) Incidental damages; and
- l) Other injuries and damages not yet determined.

**WHEREFORE**, Plaintiff prays for relief and requests judgment upon all claims and requests for all damages claimed, and such other relief as the Court deems just and proper.

**First Claim for Relief – NEGLIGENCE**  
**(Claim of Negligence Against Defendants ECONO LODGE AT LONGMONT and  
PREMIER HOSPITALITY, INC.)**

72. Plaintiffs reallege and incorporate herein by this reference each and every allegation set forth in Paragraphs 1-71 above as though fully set forth herein.

73. Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, had a duty to act with a degree of care and caution that an ordinarily careful and prudent person, acting in the same or similar circumstances, would exercise for the safety of others in providing a safe environment for attendees and invitees of the ECONO LODGE AT LONGMONT.

74. Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, breached their duty when they failed to act with a sufficient amount of care and caution to protect Plaintiffs from physical and emotional harm.

75. Defendants' failure to exercise care and caution in a reasonable manner caused Plaintiffs, NICOLE GALLEGOS and CAROL GONZALES, to be battered and physically and emotionally injured in the savage attack by Czichos.

76. Defendants' negligent, careless and reckless actions and/or failure to act caused the Plaintiffs to suffer damages, including, but not limited to, pain and suffering, emotional distress, loss of past and future income, hospital and medical expenses and general damages.

77. Defendants intentionally acted and/or failed to act in a way which they knew, or should have known was highly probable to cause harm and thus, Defendants, acted and/or failed to act with a conscious disregard for the rights and safety of others, thereby warranting punitive damages.

78. Defendants' actions were the proximate cause of the Plaintiffs' physical and mental injuries.

**WHEREFORE**, Plaintiffs pray for relief and request judgment upon all claims and request for all damages claimed, and such other relief as the Court deems just and proper.

**Second Claim for Relief – NEGLIGENCE HIRING**  
**(Claim of Negligence ECONO LODGE AT LONGMONT and**  
**PREMIER HOSPITALITY, INC.)**

79. Plaintiffs reallege and incorporate herein by this reference each and every allegation set forth in Paragraphs 1-78 above as though fully set forth herein.

80. At all times herein mentioned, Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, owed Plaintiffs a duty to provide a safe environment while Plaintiffs were guests at the ECONO LODGE AT LONGMONT. At all times herein mentioned, Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, owed Plaintiffs a duty to use reasonable care in safeguarding Plaintiffs from physical and psychological harm from attackers while in and around the premises of the ECONO LODGE AT LONGMONT and while Plaintiffs were within her private room at the hotel.

81. On a date known only to Defendants, Defendants negligently hired Salacar and/or Tussey, without adequately inquiring, checking, researching, doing a background check, checking references or otherwise assuring that Defendants were using reasonable care to select a competent employee.

82. On a date known only to Defendants, Defendants, inclusive, hired various employees, including Salacar and/or Tussey, without adequately inquiring, checking, researching,

doing a background check, checking references of its employees or otherwise assuring that they were using reasonable care to safeguard Plaintiff.

83. If Defendants and each of them had adequately screened, examined, investigated, and checked the references and background of employees, including Salacar and/or Tussey, Defendants would not have hired Socorro Salacar due to her incompetence to protect the guests at the ECONO LODGE AT LONGMONT.

84. If Defendants and each of them had adequately screened, examined, investigated, and/or checked the references and background of their employees, including Salacar and/or Tussey, Plaintiffs NICOLE GALLEGOS and CAROL GONZALES would not have been battered and physically and emotionally injured by Czichos.

85. As a direct result of Defendants' negligent hiring of their employees, including Salacar and/or Tussey, Plaintiffs NICOLE GALLEGOS and CAROL GONZALES were placed in a position of being battered and physically and emotionally injured by Cody Czichos.

86. As a legal result of Defendants' direct negligence, Plaintiffs have been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity, medical and related expenses for care and procedures both now and in the future, emotional distress, pain and suffering any other related injuries. Defendants' actions were the proximate cause of the Plaintiffs' physical and mental injuries.

87. As a direct and legal result of the direct acts and omissions of the Defendants, and each of them, Plaintiffs suffered, among other things, numerous emotional injuries, including, but not limited to, severe fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries are not known to the Plaintiffs, who will pray leave of the Court to insert the same when they are ascertained. Plaintiffs do not at this time know the exact duration of permanence of

said injuries, but is informed and believes, and thereon alleges, that some of the said injuries are certain to be permanent in character.

88. As a further legal result of the direct acts and omissions of the Defendants, and each of them, Plaintiffs have been forced to incur expenses for medical care during the period of Plaintiffs' disability and are informed and believe, and thereon allege, that Plaintiffs will in the future be forced to incur additional expenses of the same nature, all in an amount which are at present unknown. Plaintiffs will pray leave of Court to show the exact amount of said expenses at the time of trial.

89. Prior to the occurrence of the incident described herein, Plaintiffs were able-bodied individuals with no emotional abnormalities, but since said incident Plaintiffs have been unable to engage fully in their respective occupations, and are informed and believe, and thereon allege, that they will be incapacitated and unable to perform their usual work for an indefinite period of time in the future, all to Plaintiffs' damage in an amount which is at present unascertained. Plaintiff will pray leave of Court to show the total amount of loss of earnings at the time of trial.

**WHEREFORE**, Plaintiffs pray for relief and request judgment upon all claims and requests for all damages claimed, and such other relief as the Court deems just and proper.

**Third Claim for Relief – NEGLIGENCE RETENTION**  
**(Claim of Negligence ECONO LODGE AT LONGMONT and**  
**PREMIER HOSPITALITY, INC.)**

90. Plaintiffs reallege and incorporate herein by this reference each and every allegation set forth in Paragraphs 1-89 above as though fully set forth herein.

91. At all times herein mentioned, Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar



and Tussey, inclusive, owed Plaintiffs a duty to provide a safe environment while they were guests at the ECONO LODGE AT LONGMONT.

92. At all times herein mentioned, Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, owed Plaintiffs a duty to use reasonable care in safeguarding Plaintiffs while they were guests and legal invitee at the ECONO LODGE AT LONGMONT and while they were within their private room at the hotel.

93. On a date known only to Defendants, Defendants negligently hired Salacar and/or Tussey. Defendants hired these employees, including Salacar and/or Tussey, without adequately inquiring, checking, researching, doing a background check, checking references or otherwise assuring that they were using reasonable care to safeguard the Plaintiff.

94. After Salacar and/or Tussey began working for Defendants, Salacar and/or Tussey began failing to act reasonably in keeping guests at the ECONO LODGE AT LONGMONT safe from harm by producing key-cards to private rooms without asking for proper identification.

95. On or about January 3, 2023, Salacar and/or Tussey failed to protect the Plaintiffs by allowing access to Plaintiffs' Room to an assailant not authorized to enter Plaintiffs' Room and thereby allowed Plaintiffs NICOLE GALLEGOS and CAROL GONZALES to be battered and physically and emotionally injured by Czichos.

96. Upon information and belief, throughout the employment of Salacar and/or Tussey, and despite Defendants' knowledge of prior instances of failure by Salacar and/or Tussey to reasonably protect hotel guests by providing key-cards without proper identification, Defendants failed to take any disciplinary action, failed to remove Salacar and/or Tussey from the position of being a desk clerks at the ECONO LODGE AT LONGMONT and thereby exposed Plaintiffs

NICOLE GALLEGOS and CAROL GONZALES to being battered and physically and emotionally injured by Czichos.

97. Despite multiple complaints, concerns, and discussions involving failure to reasonably protect, Defendants refused to take any steps regarding these allegations and minimized or ignored them, continuing to allow Salacar and/or Tussey to work in the same position as a desk clerk in charge of producing key cards to private hotel rooms in the ECONO LODGE AT LONGMONT. Thus, Salacar and/or Tussey, consistently and repeatedly provided key cards to hotel rooms without requesting proper identification.

98. As a direct result of Defendants' negligent retention of Salacar and/or Tussey, Plaintiffs NICOLE GALLEGOS and CAROL GONZALES were placed in a position of being battered and physically and emotionally injured by Czichos. Defendants' actions were the proximate cause of the Plaintiffs physical and mental injuries.

99. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiffs have been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity, medical and related expenses for care and procedures both now and in the future, for which Plaintiffs will seek leave of Court to amend when ascertained.

100. As a further direct and legal result of the direct acts and conduct of Defendants, as aforesaid, Plaintiffs have been caused to suffer and did suffer and continues to suffer severe and permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries are presently unknown to Plaintiffs, who will pray leave of Court to assert the same when they are ascertained.

101. As a further legal result of the acts and omissions of the Defendants and each of them, Plaintiffs have been forced to incur expenses for medical care, during the period of Plaintiffs'

disability and is informed and believes, and thereon alleges, that Plaintiffs will in the future be forced to incur additional expenses of the same nature, all in an amount which are at present unknown. Plaintiffs will pray leave of Court to show the exact amount of said expenses at the time of trial.

102. Prior to the occurrence of the incident described herein, Plaintiffs were an able-bodied individuals, but since said incident Plaintiffs have been unable to engage fully in her occupation, and is informed and believes, and thereon allege, that they will be incapacitated and unable to perform their usual work for an indefinite period of time in the future, and will pray leave of Court to show the total amount of loss of earnings at the time of trial.

**WHEREFORE**, Plaintiffs pray for relief and request judgment upon all claims and requests for all damages claimed, and such other relief as the Court deems just and proper.

**Fourth Claim for Relief – NEGLIGENCE SUPERVISION**  
**(Claim of Negligence ECONO LODGE AT LONGMONT and**  
**PREMIER HOSPITALITY, INC.)**

103. Plaintiffs reallege and incorporate herein by this reference each and every allegation set forth in Paragraphs 1-102 above as though fully set forth herein.

104. At all times herein mentioned, Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, owed Plaintiffs a duty to use reasonable care in safeguarding Plaintiffs while Plaintiffs were invitees at the ECONO LODGE AT LONGMONT and while they were within their private hotel Room and the other areas within the Hotel.

105. Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, breached

that duty owed to the Plaintiffs by failing to use reasonable care to supervise their employees, including but not limited to supervision of Salacar and/or Tussey.

106. From the time that Defendants hired Salacar and/or Tussey, they knew or should have known, or upon reasonable investigation would have known, that Salacar and/or Tussey had a history of negligently failing to protect the persons in the hotel through their jobs as desk clerks in charge of producing key cards to private rooms by providing keys cards without requesting proper identification.

107. After Salacar and/or Tussey began working for Defendants, they began to fail to protect hotel guests as desk clerks in charge of producing key cards to private rooms by producing such key cards without asking for proper identification.

108. Throughout their employment with Defendants as desk clerks at a hotel in charge of producing key cards to private rooms, and despite Defendants knowledge of prior instances of failure to protect guests at the hotel, Defendants failed to take any disciplinary action, failed to remove Salacar and/or Tussey from the position of being desk clerks and thereby exposed Plaintiffs NICOLE GALLEGOS and CAROL GONZALES to being battered and physically and emotionally injured by Czichos.

109. Despite the multiple complaints, reports, allegations, concerns, discussions involving failure to reasonably protect persons at the ECONO LODGE AT LONGMONT, Defendants refused to remove Salacar and/or Tussey. Also, Defendants refused to supervise Salacar and/or Tussey, even after being alerted to the fact that Salacar and/or Tussey unreasonably failed to protect persons at the ECONO LODGE AT LONGMONT, and instead let Salacar and/or Tussey to continue to act as desk clerk in charge of producing key cards to private rooms.

110. Defendants allowed Salacar and/or Tussey to continue to provide key cards to private rooms without asking for proper identification, which lead Plaintiffs NICOLE GALLEGOS and CAROL GONZALES to being battered and physically and emotionally injured by Cody Czichos.

111. Defendants failed to supervise Salacar and/or Tussey, and exposed Plaintiffs to harm and injury.

112. As a direct result of Defendants' negligent supervision of Salacar and/or Tussey, Plaintiffs NICOLE GALLEGOS and CAROL GONZALES were placed in a position of being battered and physically and emotionally injured by Czichos. Defendants' actions were the proximate cause of the Plaintiffs physical and mental injuries.

113. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiffs have been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity and medical and related expenses for care and procedures both now and in the future for which Plaintiffs will seek leave of Court to amend when ascertained.

114. As a further direct and legal result of the acts and conduct of Defendants, as aforesaid, Plaintiffs have been caused to and did suffer and continues to suffer severe and permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries are presently unknown to Plaintiffs, who will pray leave of Court to assert the same when they are ascertained.

115. As a further legal result of the acts and omissions of the Defendants and each of them, Plaintiffs have been forced to incur expenses for medical care, during the period of Plaintiffs' disability and is informed and believes, and thereon alleges, that Plaintiffs will in the future be forced to incur additional expenses of the same nature, all in an amount which are at present

unknown. Plaintiffs will pray leave of Court to show the exact amount of said expenses at the time of trial.

116. Prior to the occurrence of the incidents, Plaintiffs were an able-bodied individuals, but since said incidents Plaintiffs have been unable to engage fully in her occupation, and are informed and believe, and thereon allege, that they will be incapacitated and unable to perform their usual work for an indefinite period of time in the future, and will pray leave of Court to show the total amount of loss of earnings at the time of trial.

**WHEREFORE**, Plaintiffs pray for relief and request judgment upon all claims and requests for all damages claimed, and such other relief as the Court deems just and proper.

**Fifth Claim for Relief – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**(Claim of Negligence ECONO LODGE AT LONGMONT and**  
**PREMIER HOSPITALITY, INC.)**

117. Plaintiffs reallege and incorporate herein by this reference each and every allegation set forth in Paragraphs 1-116 above as though fully set forth herein.

118. On or about January 3, 2023, Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, caused Plaintiffs NICOLE GALLEGOS and CAROL GONZALES to suffer severe emotional injury caused by Defendants outrageous conduct. Specifically, Defendants, and each of them, caused, permitted, and/or allowed and intended Czichos to batter and physically and emotionally injure Plaintiffs in their private hotel room by providing a key-card without asking him for identification and while he had overtly displayed the outrageous and disturbing conduct as described herein, *supra*.

119. There was no privilege or consent for this outrageous conduct by Defendants, and each of them acted with reckless disregard of the probability of causing emotional distress.

120. Defendants, and each of them, abused their position of power that could allow them to damage Plaintiffs' interest.

121. The Defendants, and each of them, acted intentionally and/or unreasonably with the recognition that the acts were likely to result in illness through mental distress directly to Plaintiffs NICOLE GALLEGOS and CAROL GONZALES. Defendants' actions were the proximate cause of the Plaintiffs physical and mental injuries.

122. As a further direct and legal result of the outrageous acts and conduct of Defendants, as aforesaid, Plaintiffs have been caused to and did suffer and continue to suffer severe and permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries are presently unknown to Plaintiffs, who will pray leave of Court to assert the same when they are ascertained.

123. As a further legal result of the outrageous acts and omissions of the Defendants and each of them, Plaintiffs have been forced to incur expenses for medical care, during the period of Plaintiffs disability and is informed and believes, and thereon alleges, that Plaintiff will in the future be forced to incur additional expenses of the same nature, all in an amount which are at present unknown. Plaintiff will pray leave of Court to show the exact amount of said expenses at the time of trial.

124. The aforementioned conduct of Defendants, and each of them, was willful and malicious and was intended to oppress and cause injury to Plaintiffs, thereby warranting punitive damages against Defendants.

125. Defendants, intentionally acted and/or failed to act in a way which they knew, or should have known was highly probable to cause harm and thus, Defendants, acted and/or failed

to act with a conscious disregard for the rights and safety of others, thereby warranting punitive damages.

**WHEREFORE**, Plaintiffs pray for relief and request judgment upon all claims and requests for all damages claimed, and such other relief as the Court deems just and proper.

**Sixth Claim for Relief – NEGLIGENCE INFLICTION OF EMOTIONAL DISTRESS**  
**(Claim of Negligence ECONO LODGE AT LONGMONT and**  
**PREMIER HOSPITALITY, INC.)**

126. Plaintiffs reallege and incorporate herein by this reference each and every allegation set forth in Paragraphs 1-125 above as though fully set forth herein.

127. Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, had a duty to act with the degree of care and caution that an ordinarily careful and prudent person, acting in the same or similar circumstances, would exercise for the safety of others in providing a safe environment for attendees and invitees of the ECONO LODGE AT LONGMONT.

128. Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and their employees, including, without limitation, Salacar and Tussey, inclusive, breached their duty when they failed to act with a sufficient amount of care and caution to protect Plaintiffs from physical and emotional harm. On or about April 20, 2014, Defendants, and each of them, caused NICOLE GALLEGOS and CAROL GONZALES to be in a position to be battered and physically and emotionally injured by Cody Czichos, which was ultimately caused by Defendants' outrageous conduct. Specifically, Defendants, and each of them, caused, permitted, and/or allowed Cody Czichos to batter and physically and emotionally injure Plaintiffs NICOLE GALLEGOS and CAROL GONZALES in their private hotel Room by providing a key-card to an individual



not registered with the Hotel as a guest and without asking him for identification and after the same individual was behaving outrageously as described herein.

129. Defendants' failure to exercise care and caution in a reasonable manner caused Plaintiffs NICOLE GALLEGOS and CAROL GONZALES to be battered and physically and emotionally injured by Cody Czichos. Defendants' actions were the proximate cause of the Plaintiffs physical and mental injuries.

130. Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., abused their position of power that could allow them to damage Plaintiffs' interest.

131. Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., acted negligently and unreasonably with the recognition that the acts were likely to result in illness through mental distress directly to Plaintiffs NICOLE GALLEGOS and CAROL GONZALES.

132. There was no privilege or consent for this outrageous conduct by Defendants, and each of them acted with reckless disregard of the probability of causing emotional distress.

133. Defendants, negligent, careless and reckless actions and/or failure to act caused Plaintiffs to suffer damages, including but not limited to, pain and suffering, emotional distress, loss of past and future income, hospital and medical expenses and general damages.

134. As a further direct and legal result of the outrageous acts and conduct of Defendants, as aforesaid, Plaintiff has been caused to and did suffer and continues to suffer severe and permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries are presently unknown to Plaintiff, who will pray leave of Court to assert the same when they are ascertained.

135. As a further legal result of the outrageous acts and omissions of the Defendants and each of them, Plaintiffs have been forced to incur expenses for medical care, during the period of Plaintiffs' disability and are informed and believes, and thereon alleges, that Plaintiffs will in the future be forced to incur additional expenses of the same nature, all in an amount which are at present unknown. Plaintiffs will pray leave of Court to show the exact amount of said expenses at the time of trial.

136. Defendants, negligently acted and/or failed to act in a way which they knew, or should have known was highly probable to cause harm and thus, Defendants, acted and/or failed to act with a conscious disregard for the rights and safety of others, thereby warranting punitive damages.

**WHEREFORE**, Plaintiffs pray for relief and request judgment upon all claims and requests for all damages claimed, and such other relief as the Court deems just and proper.

**Seventh Claim for Relief – RESPONDENT SUPERIOR**  
**(Claim of Negligence ECONO LODGE AT LONGMONT and**  
**PREMIER HOSPITALITY, INC.)**

137. Plaintiffs reallege and incorporate herein by this reference each and every allegation set forth in Paragraphs 1-136 above as though fully set forth herein.

138. At all times herein mentioned Salacar and/or Tussey and/or other individuals working at the Hotel were the agent, employee, and member of Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., and, in doing the acts herein described and referred to herein, were acting in the course and within the scope of their authority as agents, employees and members, and in the transaction of the business of the membership, employment or agency. Plaintiffs are informed and believe and therefore allege that Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., gave Salacar and/or Tussey

actual authorization for all the acts described above, actually participated in all the acts described above or ratified the acts of all the Defendants including Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., are, therefore, liable to Plaintiffs for the acts of Salacar and/or Tussey.

**WHEREFORE**, Plaintiffs pray for relief and request judgment upon all claims and requests for all damages claimed, and such other relief as the Court deems just and proper.

**Eighth Claim for Relief – PREMISES LIABILITY**  
**(Claim of Negligence ECONO LODGE AT LONGMONT and**  
**PREMIER HOSPITALITY, INC.)**

139. Plaintiffs reallege and incorporate herein by this reference each and every allegation set forth in Paragraphs 1-138 above as though fully set forth herein.

87. As stated above, Plaintiffs NICOLE GALLEGOS and CAROL GONZALES were placed in a position of being battered and physically and emotionally injured by Cody Czichos by the Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., on or about January 3rd, 2023. Defendants had a duty of care to Plaintiff, who was a legal guest and business invitee to their premises, to provide a safe environment. Defendants, ECONO LODGE AT LONGMONT and PREMIER HOSPITALITY, INC., owned, operated, managed, supervised, had control of, or possession of the premises in and around the ECONO LODGE AT LONGMONT. These Defendants also had actual notice of the unsafe and dangerous condition before the assault and battery of Plaintiffs but failed to exercise reasonable care to repair or remedy the unsafe condition, or to give Plaintiffs adequate warning of the danger - a breach of their duty of care.

88. As a result, Plaintiffs suffered bodily and emotional injuries resulting in special and general damages to be proven at trial.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully requests this Court enter judgment in their favor and against Defendants, and award them all relief as allowed by law and equity, including but not limited to:

- a. Declaratory relief and injunctive relief, as appropriate;
- b. Actual economic damages as established at trial;
- c. Compensatory damages, including but not limited to those for past and future pecuniary and non-pecuniary losses, physical and mental pain, trauma, fear, anxiety, loss of enjoyment of life, loss of sense of security, and other non-pecuniary losses;
- d. Punitive or exemplary damages for all claims as allowed by law in an amount to be determined at trial;
- e. Pre-judgment and post-judgment interest at the highest lawful rate;
- f. Attorney’s fees and costs; and such further relief as justice requires.

**JURY DEMAND**

**PLAINTIFF HEREBY DEMANDS A TRIAL TO A JURY ON ALL ISSUES SO TRIABLE.**

Respectfully Submitted this 5<sup>th</sup> day of June 2023, by:

Haltzman Law Firm, P.C.

/s/Matthew Haltzman

Matthew A. Haltzman, #47913

Mark S. Haltzman, #58470

Victor Kohl Watson, #57271