

STATE OF INDIANA)
COUNY OF VANDERBURGH)

82D01-2409-CT-005156

ESTATE OF ASSON HACKER,)
Special Administrator, Kourtney Hacker)
Plaintiff,)
v.)
)
KNOX COUNTY SHERIFF'S)
DEPARTMENT A/K/A DOUG VANTLIN,)
EVANSVILLE POLICE DEPARTMENT)
AKA CITY OF EVANSVILLE)
SOUTHWEST INDIANA LAW)
ENFORCEMENT ACADEMY)
MICHAEL FISHER)
GARRETT VANFLEET)
Defendants.)

COMPLAINT

Nature of the Case

1. This is an action for damages brought by Kourtney (Crockett) Hacker on behalf of the Estate of Asson Hacker against the Knox County Sheriff's Department (AKA Sheriff Doug Vantlin), Evansville Police Department (AKA City of Evansville AKA Southwest Indiana Law Enforcement Academy), The Defendants recklessly and/or intentionally violated Asson Hacker's 14th Amendments to the United States Constitution, and have committed the Indiana torts of negligence and/or caused the wrongful death of Asson Hacker. Michael Fisher and Garrett Vanfleet are sued in their individual capacity.

Jurisdiction and Venue

2. Vanderburgh County is the county of preferred venue under Indiana Rules of Trial Procedure 75(A), as the allegations within this complaint arise out of conduct that occurred within Vanderburgh County, Indiana. Additionally, Defendant, City of Evansville is located in Vanderburgh County, Indiana.

Parties

3. Kourtney (“Crockett”) Hacker is a citizen and resident of Vanderburgh County in the State of Indiana. Crockett is the administrator of the estate for the decedent, Asson Hacker (“Hacker”). Hacker is survived by his three dependent children, who are all minors. On or about July 17, 2024, Kourtney Crockett’s legal name was changed to Kourtney Hacker.
4. The Knox County Sheriff’s Department (“KCSD”) is located in the county seat of Knox County, which is in Vincennes, Indiana. Doug Vantlin is the elected Sheriff for Knox County, Indiana.
5. Defendant Southwest Indiana Law Enforcement Academy, (“SWILEA”), is a law enforcement academy located in Evansville, Indiana. SWILEA is operated by the Evansville Police Department (“EPD”). EPD is a municipal department of the City of Evansville. Evansville is an incorporated city in Vanderburgh County, Indiana.
6. Defendant Michael T. Fisher is an employed law enforcement officer of the KCSD.
7. Defendant Garret Vanfleet is employed as a law enforcement officer of the EPD.

Conditions Precedent

8. All conditions precedent to the institution of this lawsuit have been fulfilled. A notice of Tort Claim was served on the Defendants on or about July 25, 2023.

Factual Allegations

9. In December of 2022, Hacker was a recruit with the Vanderburgh County Sheriff’s Department (“VCSD”).
10. As a recruit with the VCSD, Hacker was required to complete a training program (“program”) put on by the SWILEA.

11. Recruits who did not successfully complete the SWILEA program were ineligible to become fulltime sworn law enforcement officers at VCSD.
12. SWILEA is a training academy that receives the majority of its funding from the EPD.
13. SWILEA acts a training academy for law enforcement agencies throughout Southwest Indiana, including the VCSD.
14. SWILEA employs, contracts, and/or utilizes sworn law enforcement officers from multiple different agencies, including EPD and KCSD.
15. SWILEA is not a registered entity with the Indiana Secretary of State's Office.
16. SWILEA is operated by the EPD.
17. EPD is a municipal department of the City of Evansville.
18. The City of Evansville is the suable party for EPD.
19. The City of Evansville is the suable party for SWILEA.
20. On March 2, 2023, the SWILEA held an event at the Club Bushido, in Evansville, IN.
21. Club Bushido is a martial arts training center.
22. The event was referred to as the "Big Fight."
23. Participation in the "Big Fight" was mandatory to successfully complete SWILEA's program.
24. The "Big Fight" had been a part of the program for at least two years prior to March of 2023.
25. The "Big Fight" was common knowledge in the EPD.
26. The Training Schedule for the February 23 – March 3, class in which Hacker was enrolled, listed the event as "Big Fight."

27. Individuals in the EPD who are responsible for instituting practice, policy, and procedure for EPD and SWILEA were aware of the existence of the “Big Fight.”
28. The Big Fight was set up in a fighting circle similar to that of an MMA or UFC style fight.
29. Each of the training cadets was required to participate in the fighting.
30. Each individual training cadet was paired with a veteran police officer for their fight.
31. Female cadets were not required to participate in the March 2, 2023, “Big Fight.”
32. On March 2, 2023, Hacker was required by the program to participate in the “Big Fight.”
33. SWILEA scheduled more than twenty fight on March 2, 2023, between cadets and veteran law enforcement officers.
34. The individual assigned to fight Hacker in the “Big Fight” was Major Michael Fisher.
35. Major Michael Fisher (“Fisher”) was an employee of the Knox County Sheriff’s Department (“KCSD”).
36. Fisher also served as an instructor for the SWILEA.
37. Fisher weighed significantly more than Hacker.
38. Fisher had significantly more training in fighting than Hacker.
39. SWILEA/EPD/City of Evansville was the party that assigned Fisher to fight Hacker.
40. SWILEA/EPD/City of Evansville were aware that Fisher was substantially larger and more well trained in fighting than Hacker.
41. KCSD was aware of Fisher’s participation in the program.
42. Fisher had been participating in the program for at least six years.
43. Fisher was a representative of the KCSD in his role as an instructor with SWILEA.
44. On March 2, 2023, Hacker was forced to fight Fisher to complete his SWILEA training, and thus it was condition for Hacker to maintain his employment with VCSD.

45. Fisher proceeded to *inter alia* choke, strangle, hit, punch, kick, and body slam Hacker.
46. On multiple occasions Fisher impeded Hacker's ability to breathe.
47. It was Fisher's intent to cause pain and/or injury to Hacker.
48. Fisher used physical tactics against Hacker that would be deemed an excessive use of force by department standards.
49. The fight between Hacker and Fisher was filmed.
50. There were multiple spectators to the fight between Hacker and Fisher.
51. The "Big Fight" was treated as a rite of passage for recruits, and was a hazing styled exercise, as opposed to a legitimate training exercise.
52. The fight between Hacker and Fisher lasted more than seven minutes.
53. Garret Vanfleet ("Vanfleet"), of the EPD, was also working as a SWILEA instructor on March 2, 2023.
54. Vanfleet's role as an instructor with SWILEA was part of his employment with the EPD.
55. Vanfleet was not a certified martial arts instructor.
56. Vanfleet was the "coach" for the fight between Fisher and Hacker.
57. Vanfleet was supposed to stop the fight after 5 minutes.
58. Vanfleet was at all times during the fight within close proximity of Hacker and Fisher.
59. Vanfleet did not at any time stop Fisher from his assaults on Hacker.
60. Vanfleet encouraged Hacker and Fisher to continue to fight.
61. At the conclusion of the fight, Hacker showed obvious signs of exhaustion.
62. Hacker is shown on the video lying motionless on the fighting surface.
63. Despite obvious signs that Hacker needed immediate medical assistance, no meaningful assistance was provided to Hacker for a significant period of time.

64. Despite the obvious dangers of serious injury and/or death in conducting the “Big Fight,” SWILEA/EPD/City of Evansville did not staff Club Bushido with adequate medical personnel.
65. Following the fight, Hacker’s struggled to breath, and his medical condition worsened.
66. After several more fights between cadets and instructors occurred, Hacker was finally taken to the hospital by officers from the EPD.
67. Hacker was admitted to the hospital at approximately 12:06 P.M.
68. Hacker was declared deceased at approximately 4:03 P.M.
69. Hacker’s death was the result of his participation in the program.
70. The program was an event sponsored by a municipal entity.
71. VanFleet and Fisher were working in their capacity as law enforcement officers.
72. All employees, instructors, contractors of the SWILEA were operating under the color of state law.
73. VanFleet, Fisher, and SWILEA/EPD/City of Evansville individually and collectively affirmatively placed Hacker in a position of danger that he otherwise would have not faced.
74. Hacker did not knowingly consent to the actions of the Defendants.

Statement of Claims

Count I- Substantive Due Process Claim, 42 USCA sec. 1983 (Fisher and Vanfleet)

75. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.
76. The Due Process clause of the 14th Amendment prohibits state government from depriving "any person of life, liberty, or property without due process of law.”
77. Hacker has a right to not be killed as a result of actions committed by state actors.

78. Defendants Fisher and Vanfleet's conduct was willful and wanton and/or criminally reckless.
79. Fisher and Vanfleet's conduct as it related to the fight between Hacker and Fisher and their collective failure to protect him "shocks the conscience."
80. Fisher and Vanfleet's failure to ensure that Hacker received prompt medical attention following his fight "shocks the conscience."
81. Hacker's death was caused by the conduct of Fisher and Vanfleet, and their unconstitutional actions.
82. Hacker's death was the result of a state created danger by the Defendants.
83. Hacker was safe before the state created danger by the Defendants.
84. By way of this claim, Plaintiff is seeking all available compensatory and punitive damages, remedies, and just relief, including recovery of attorney fees and costs.

Count II- Policy Procedure and Practice, 42 USCA sec. 1983

(EPD/SWILEA/City of Evansville)

85. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.
86. Hacker's death was caused by the failures of EPD/SWILEA/City of Evansville to properly supervise, train, and/or to enforce its policies to provide a safe training program for cadets.
87. Hacker's death was caused by EPD/SWILEA/City of Evansville requiring its cadets to participate in the "Big Fight."
88. Despite the obvious dangers of serious injury and/or death in conducting the "Big Fight," SWILEA/EPD/City of Evansville, it was these Defendants' custom to not properly staff Club Bushido with adequate medical personnel and/or require that paramedics be on site.

89. EPD/SWILEA/City of Evansville policies, procedures, customs, and/or practices created the dangerous situation that caused the death of Hacker.
90. Hacker's death was the result of a state created danger.
91. Hacker was safe before the state created danger by the Defendants.
92. The "Big Fight" was not a legitimate training exercise but rather a state sponsored hazing event that created an obviously dangerous situation.
93. The existence of the "Big Fight," "shocks the conscience."
94. Requiring cadets participate in the "Big Fight" was an abuse of governmental power.
95. Hacker suffered and ultimately died because of these constitutional violations.
96. EPD/SWILEA/City of Evansville are liable under *Monell* for creating and/or acquiescing to the policies, procedures, customs, and/or practices that caused the violation of Hacker's 14th amendment rights.
97. By way of this claim, Plaintiff is seeking all available compensatory and punitive damages, remedies, and just relief, including recovery of attorney fees and costs.

Count III –State Law Claims of Negligence/Wrongful Death against all Defendants

98. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.
99. All Defendants owed Hacker a duty of care.
100. Defendants (EPD/SWILEA/City of Evansville) were negligent in staging the "Big Fight."
101. Defendants Fisher and Vanfleet's conduct was willful and wanton, grossly negligent, reckless, and/or criminal.
102. Defendants KCSD and (EPD/SWILEA/City of Evansville) are vicariously liable for the actions of their employees, contractors, and instructors.

103. All Defendants were negligent in their failure to provide immediate and proper medical care to Hacker.
104. Despite the obvious dangers of serious injury and/or death in conducting the “Big Fight,” SWILEA/EPD/City of Evansville, it was these Defendants’ custom to not properly staff Club Bushido with adequate medical personnel and/or require that paramedics be on site.
105. The failure to provide prompt and appropriate medical assistance was indifferent, reckless, and/or willful.
106. Defendants failed to comply with the applicable standard of care to the Plaintiff, by failing to provide him proper oversight and care.
107. The failures by the Defendant caused the wrongful death of the Hacker.
108. The failures by the Defendant created a “loss of chance,” to save Hacker’s life.
109. By way of this claim, Plaintiff is seeking all available & appropriate damages, remedies, and just relief, including but not limited to reasonable medical, hospital, funeral and burial expenses and lost earnings of the decedent resulting from the wrongful act or omission, and loss of love, care, and affection.

Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully pray for relief and judgment, as follows:

I. Awarding compensatory damages in favor of Plaintiff against all Defendants jointly and severally, for all damages sustained as a result of Defendants' wrong doing, in an amount to be proven at trial.

II. Awarding punitive damages in favor of Plaintiff against all individual Defendants jointly and severally, for all damages sustained as a result of Defendants' wrong doing, in an amount to be proven at trial.

III. Awarding Plaintiff his reasonable costs and expenses incurred in this action, including attorney fees and expert fees; and

IV. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Charles C. Hayes

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JURY TRIAL DEMAND

Plaintiff respectfully request that this matter be tried by a jury on all issues.

Respectfully submitted,

/s/ Charles C. Hayes

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