

Sheryl has been unable to get work since the arrest. *Dep. 6-7; 24:24-25*. She has a Master's in Rehabilitation counseling and vocational rehabilitation experience. *Dep. 5-6; 89:9-10*. She is certified to teach, but now must tell prospective teaching employers that she has been arrested for assault. *Dep. 25:1-8; 26:24-27:11*. After the arrest, Sheryl was no longer qualified for the teaching position at Austin Community College for which she was at that time a final candidate, because her injuries prevented her from being able to start on the required date. *Dep. 25:12-26:19*.

E. Discrepancy Precludes Summary Judgment

There is some discrepancy in the summary judgment evidence. Specifically, the Officer's sworn affidavit insists, "At no point did I exit my vehicle or have any contact with Sheryl Hayes Pupko." *Crawford Affidavit, March 8, 2005 ("Crawford") at ¶ 5*. This directly contradicts Defendants' acknowledgment that he "helped" put Sheryl into the back of Dutton's vehicle (*Motion at 5*), as well as Sheryl's testimony that he appeared, assisted, and approved Dutton's handling of the situation, from slamming her against a car to breaking her wrist, during which the Officer merely laughed when she begged for his assistance, and then physically forced her into the car with Dutton. *Dep. 15:12-21; 16:13-14; Aff. ¶ 9-11*.

At the summary judgment stage, any doubt must be resolved in Sheryl's favor – but such contradictions regarding Sheryl's injury at the hands of the only law enforcement officials on the scene at least establishes the existence of genuine issues of material fact precluding summary judgment. Additionally, the summary judgment evidence establishes