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DENISE HUSKINS and AARON QUINN

9
10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 DENISE HUSKINS and AARON QUINN,

13
14 Plaintiffs,

15 v.

16 CITY OF VALLEJO, a public entity, KENNY
17 PARK, MATHEW MUSTARD, and DOES 1-
25,

18 Defendants.
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Case No.

COMPLAINT FOR:

1. VIOLATION OF THE FOURTEENTH AMENDMENT – STIGMA PLUS UNDER 42 U.S.C. § 1983 AND *PAUL V. DAVIS*;
2. DEFAMATION UNDER CAL. CIVIL CODE §§ 43, ET SEQ.;
3. VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS – UNREASONABLE SEIZURE UNDER 42 U.S.C. § 1983;
4. FALSE ARREST AND FALSE IMPRISONMENT;
5. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
6. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS.

JURY TRIAL DEMANDED

1 Plaintiff Denise Huskins and Aaron Quinn (collectively “Plaintiffs”) hereby allege as
2 follows:

3 **INTRODUCTION**

4 1. Defendant City of Vallejo and members of its police department Kenny Park,
5 Matthew Mustard, and Does 1-25 (collectively “Defendants”) waged a vicious and shocking
6 attack on two victims of a terrifying home invasion, kidnapping, and rape. As part of its
7 continuous pattern of malicious and unlawful conduct, Defendants violated Denise Huskins and
8 Aaron Quinn’s constitutional rights and unfairly destroyed their reputations through an
9 outrageous and wholly unfounded campaign of disparagement. Instead of focusing on finding
10 the true perpetrator (who has since been identified in court filings) and protecting the community
11 from a violent predator, Defendants attacked Plaintiffs and Plaintiffs’ families, created a
12 destructive nationwide media frenzy through public statements accusing Plaintiffs of faking
13 Denise’s kidnapping and rape, and rubbed salt in Plaintiffs’ fresh wounds in the days and weeks
14 following the attacks. Denise and Aaron deserve justice for Defendants’ inexcusable conduct.

15 **PARTIES**

16 2. Denise Huskins (“Huskins”) is a licensed physical therapist who had been living
17 in Vallejo, California at the time of the events discussed herein. Huskins has a Doctorate in
18 Physical Therapy, and at the time of the events was a resident in an international, post-graduate
19 residency program for adult neurological rehabilitation. Huskins had been in line for a
20 prestigious orthopedic fellowship at Kaiser until her life was derailed by Defendants’ treatment
21 of her.

22 3. Aaron Quinn (“Quinn”) is a licensed physical therapist who had been living in
23 Vallejo, California at the time of the events discussed herein. Quinn has a Doctorate in Physical
24 Therapy, and had been working at Kaiser’s neurological rehabilitation center. Quinn has been in
25 a relationship with Huskins since before the kidnapping occurred.

26 4. Defendant City of Vallejo is a public entity and the largest city in Solano County,
27 California. The City of Vallejo contains the Vallejo Police Department (“VPD”), which is not a
28 separate legal entity from the City of Vallejo. VPD’s website states that it is “a premier law

1 enforcement agency that is second to none.” VPD’s mission is “[t]o provide professional law
2 enforcement services that enhance, protect, and promote the quality of life for persons residing,
3 visiting, or doing business in the City of Vallejo.” VPD’s core values include “professionalism,”
4 whereby VPD states it “will conduct itself consistent with our professional and ethical standards
5 of leadership, communication and responsibility. . . . We . . . will be accountable for ourselves
6 and our actions and will at all times treat others with honor, respect and compassion.”

7 5. Defendant Detective Mathew Mustard (“Det. Mustard”) is and was, at all relevant
8 times, a Detective with VPD. On information and belief, Det. Mustard is a resident of the City
9 of Vallejo, and is currently the President of the Vallejo Police Officers’ Association.

10 6. Defendant Lieutenant Kenny Park (“Lt. Park”) is and was, at all relevant times, a
11 Lieutenant with VPD. On information and belief, Lt. Park is a resident of the City of Vallejo.

12 7. Plaintiffs are currently unaware of the true identities of the other Defendants,
13 particularly the individual officers at VPD who were involved in the allegations described below.
14 Plaintiffs reserve the right to add additional names as new information is learned.

15 8. The true names and capacities of defendants Does 1-25, inclusive, are unknown to
16 Plaintiffs. Plaintiffs therefore sue said defendants by such fictitious names. Plaintiff further
17 alleges that each of said fictitious defendants is in some manner responsible for the acts and
18 occurrences herein set forth. Plaintiff will amend this Complaint to show these defendants’ true
19 names and capacities when they are ascertained, as well as the specific manner in which each
20 fictitious defendant is responsible.

21 9. Plaintiff is informed and believes, and on that basis alleges, that at all times
22 mentioned in this Complaint, each defendant was an agent, manager, director, officer, servant,
23 employee, co-conspirator and/or joint venturer of each remaining defendant, and was at all times
24 acting within the course and scope of that agency, management, direction, office, servant,
25 employment, co-conspiracy and/or joint venture.

26 **JURISDICTION AND VENUE**

27 10. This Court has federal subject matter jurisdiction over claims for deprivation of
28 constitutional and federal statutory rights in violation of 42 U.S.C. § 1983 pursuant to 28 U.S.C.

1 §§ 1331 and 1343. This Court has supplemental jurisdiction over Plaintiffs’ remaining claims
2 pursuant to 28 U.S.C. § 1367.

3 11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a
4 substantial part of the events or omissions giving rise to this claim occurred in this District. On
5 information and belief, all Defendants are residents of California and reside in this District.

6 **GENERAL ALLEGATIONS**

7 **Huskins And Quinn Are Violently Assaulted In Their Sleep, Terrorized And**
8 **Interrogated, And Huskins Is Kidnapped**

9 12. During the early hours of March 23, 2015, Plaintiffs were peacefully sleeping in
10 Quinn’s home in Vallejo when an intruder broke in and proceeded to assault and terrorize them.¹
11 The intruder blindfolded Plaintiffs, bound their hands and feet, put headphones around their ears,
12 drugged them, and separated them into different rooms.

13 13. The intruder then asked Quinn (who was under the effects of the heavy sedatives
14 the intruder gave him) numerous questions about his financial accounts, email and account
15 passwords, and personal history. Quinn was informed that the intruder was asking similar
16 questions of Huskins and that he would harm Huskins and Quinn if they lied to him regarding
17 this information. Quinn did the best that he could to provide such information under extremely
18 terrifying circumstances and eventually the assailant determined that he had all of the
19 information he needed.

20 14. Quinn was then informed that Huskins would be kidnapped for \$15,000 ransom.
21 The kidnapper placed Quinn on the couch and ordered him to not move from that spot, where he
22 was required to stay within a designated area marked off by tape and where he would be watched
23 by surveillance cameras the intruder left behind. The intruder would communicate with Quinn
24 by cell phone, which he was told to monitor with the line open, and through Quinn’s own email
25

26 ¹ The intruder was subsequently identified by authorities as Matthew Muller. Although
27 Mr. Muller has since indicated that he was acting alone, Plaintiffs thought at that the time (due to
28 the manner in which they were blindfolded and bound) that there were multiple people involved.
For ease of reference, this complaint simply references the “intruder” or “kidnapper” (singular)
even though more individuals may still have been involved.

1 account. Quinn was specifically told that he was being watched on camera and that if he did not
2 follow the intruder's instructions the intruder would harm Huskins. The kidnapper also
3 threatened to hurt Quinn's family if he went to the police. Quinn was further instructed that the
4 intruder would be taking Quinn's car and laptop. The kidnapper then took Huskins and left the
5 residence.

6 15. Quinn, confined to the couch, ultimately succumbed to sleep from effects of the
7 strong sedative the intruder had given him. When he awoke hours later he was terrified and
8 agonized for the next several hours about what to do. He was afraid to leave the house or call the
9 police for fear that the kidnapper would harm Huskins. In the intervening hours, he received a
10 number of texts and emails requesting a ransom for Huskins's release—now up to two separate
11 payments of \$8,500 for a total of \$17,000.

12 16. Ultimately, Quinn was left with an impossible choice: go to the police and risk the
13 kidnapper harming Huskins as a result, or not obtain the help of professional law enforcement to
14 secure her release, and risk that such inaction could cause Huskins more harm. Thinking—
15 incorrectly, as it turned out—that the best way to protect Huskins would be to secure the help of
16 law enforcement officers who could help track down their assailant, Quinn called the Vallejo
17 Police Department.

18 **Defendants Aggressively Interrogate Quinn For Nearly 18 Hours**

19 17. Quinn called VPD at approximately 1:50 p.m. on March 23, 2015. VPD came to
20 his home. Before Quinn could tell them what had happened the night before, VPD broke
21 through the tape line the kidnapper created and unplugged the camera the kidnapper set up.
22 Quinn showed VPD the numerous items left by the intruder, including a battery pack and the
23 camera, but VPD nonsensically focused on whether Quinn had recently held a party. Had the
24 police even performed a routine investigation, they would have also discovered corroborating
25 evidence, including where the intruder slit window screens and drilled holes into the windows to
26 unlatch the locks in order to enter the home forcibly.

27 18. Quinn then went with officers to the VPD station at 3:30 p.m., where he was
28 promptly and maliciously treated like he had already been convicted of murdering Huskins.

1 19. VPD took Quinn’s clothing. In exchange, Quinn was given prison pants with the
2 words “Solano Prison” displayed on the side and a dirty white t-shirt, but no underwear or socks.
3 They also took his blood and DNA but did not share the results of these tests with him. The
4 police placed Quinn in an interrogation room, where he was cut off from any family or other
5 visitors who would be able to help him. The room was accessible only to those who passed
6 through doors with keypad locks, and individuals who entered the room were required to offload
7 their personal effects.

8 20. Rather than even entertain that Quinn was telling the truth and that Huskins—and
9 the public—were at extreme danger from a violent predator, VPD immediately and recklessly
10 assumed, based on nothing but fanciful speculation, that Huskins was already dead and that
11 Quinn had killed her. Thus, they proceeded to interrogate Quinn aggressively for 18 straight
12 hours, while Huskins was still in the hands of a violent kidnapper and being subjected to even
13 more grievous harm.

14 21. Det. Mustard and others aggressively interrogated Quinn, and repeatedly told
15 Quinn they believed he was lying, that they did not want to hear anything else about any claimed
16 intruders, and that they knew that Quinn had really killed Huskins. VPD told Quinn he would be
17 branded a “cold, calculated monster,” asked him whether he had ever seen a body after it had
18 been exposed to the elements, and told him he was going to ruin his family’s name.

19 22. VPD (including but not limited to Det. Mustard) led Quinn to believe that he was
20 not free to leave. For example, a sign on the inside of the door read “This door is to remain
21 closed at all times.” During the interrogation, they locked the door from the outside and had to
22 unlock the door to enter. They intentionally confined him in a small space without a clock,
23 positioned themselves between Quinn and the doorway—physically blocking his ability to
24 leave—and screamed at Quinn and invaded his personal space.

25 23. When Quinn had to use the bathroom, officers accompanied him and never left
26 him alone. During his entire time at the police station, Quinn was given only two bottles of
27 water, a travel-size bag of chips, and a slice of cold pizza during the interminable interrogation.
28

1 At breaks, Quinn was left in the room alone, where he curled up in the rolling swivel chairs and
2 cried.

3 24. They also kept Quinn incommunicado from his relatives, despite requests from
4 both Quinn and his relatives that they be allowed to see each other. For nearly the entire
5 interrogation, Quinn's father, mother, and brother waited at the VPD station. Quinn requested to
6 speak with his brother multiple times. VPD falsely told Quinn that no one was there for him, in
7 an apparent effort to coerce him to confess to a crime he did not commit.

8 25. Even more outrageously, because VPD was so intent upon going after Quinn,
9 rather than attempting to find the true perpetrators of these crimes, VPD missed (or intentionally
10 ignored) key evidence that would have both corroborated Quinn's account and could have kept
11 Huskins from further harm. Quinn had told the officers that the kidnapper would be
12 communicating with him via his email account and cell phone. VPD prevented Quinn from
13 being able to monitor the phone himself by detaining him apart from the phone during the
14 interrogation. Once taken from Quinn, the officers never so much as monitored the phone or
15 Quinn's email accounts. As Quinn told the officers would occur, the kidnapper reached out both
16 by email and phone. At 7:46 p.m. and 8:13 p.m., while Quinn was being detained, the kidnapper
17 sent emails stating that he would call Quinn on his mobile device "at about 9pm." The kidnapper
18 followed through with phone calls, placing at least two calls and likely a third call as well that
19 never registered because the police had taken the incredible step of putting Quinn's phone on
20 airplane mode. Because the officers failed to monitor these lines of communication, they missed
21 an opportunity to trace the phone to its South Lake Tahoe location (as they were easily able to do
22 when their egregious mistake was realized approximately 24 hours later). And while the officers
23 were dithering, Huskins was still in the hands of the kidnapper enduring the ultimate nightmare.

24 26. Over twelve hours after Quinn's interrogation began—and approximately 24
25 hours after he had first been drugged and assaulted by the kidnapper—the investigating officers
26 subjected Quinn to a lie detector test at approximately 3:00 a.m. Upon information and belief,
27 there was no indication that Quinn lied in response to any question. Nonetheless, Quinn was told
28 that he had failed the test, and VPD continued to interrogate him even more aggressively.

1 27. At breaks during Quinn’s interrogation, the officers falsely implied to Quinn’s
2 family that their son and brother had killed Huskins.

3 28. Quinn demanded to speak to an attorney. Even then, the police continued to
4 violate Quinn’s Constitutional and other rights by keeping him isolated from his attorneys for
5 several more hours.

6 29. At one specific break, Det. Mustard even asked Quinn’s brother, who is a special
7 agent with the FBI and an attorney, to help get a confession from Quinn. Det. Mustard lied to
8 Quinn’s brother, telling him that there was no camera at Quinn’s home, and stated that Quinn
9 was having a schizophrenic breakdown. Det. Mustard emphasized that Quinn was guilty and
10 that they could still charge Quinn for murder without Huskins’s body, but that he only wanted to
11 locate Huskins’s body for her family.

12 30. At 6:00 a.m., VPD finally allowed Quinn to speak with his brother. Quinn’s
13 brother recognized Quinn was not free to leave, and assisted Quinn in finding an attorney by
14 9:00 a.m.

15 31. Despite the aggressive posturing, VPD did not have any evidence to charge Quinn
16 with any crime, and he was released after his attorney arrived. VPD delayed Quinn’s departure
17 in an attempt to secure more media coverage of Quinn’s release. When VPD finally allowed
18 Quinn to leave, they tried to force Quinn—sleep deprived, hungry, and still wearing the jail
19 clothes from VPD—to exit the front of the station where numerous media outlets had
20 congregated at VPD’s instruction. Quinn’s attorneys identified what VPD was doing and
21 secured a more discrete release.

22 **Huskins Is Kidnapped, Transported Across The State In The Trunk Of A Car, And**
23 **Raped Twice**

24 32. While VPD focused on unsubstantiated theories and ignored evidence, Huskins
25 endured unimaginable terror and a violent assault. When initially taken from Quinn’s house,
26 Huskins was forced into the trunk of Quinn’s stolen car. At some point, the kidnapper
27 transferred Huskins into the trunk of a second car, where she eventually lost consciousness from
28 the heavy sedative.

1 33. After the long drive ended, Huskins was dragged into the bedroom of a quiet
2 home and tied to the bed with zip ties and a bike lock. For the next day, Huskins remained a
3 hostage in this small room, and was forced to wear a blindfold made of blacked out swim
4 goggles when her captor entered the room.

5 34. During the first day, the kidnapper told Huskins he would rape her. Even more
6 horrifying, Huskins was told the kidnapper would be filming the encounter, which would be used
7 against her if she ever went to the police. The kidnapper followed through with his threat while
8 she was still blindfolded, all while she understood a camera captured the repulsive act. During
9 these times, Huskins felt as though she was going to be killed.

10 35. Once finished, Huskins was left alone in the small room. The kidnapper returned
11 to the room a few times to provide water and food. Huskins was drugged again and again while
12 held captive.

13 36. The following day, the kidnapper told Huskins that his “boss” demanded that he
14 rape her a second time in order to secure a better recording. Again, Huskins was raped while the
15 kidnapper purportedly filmed it. And again, Huskins remained alone in an unknown room after
16 the kidnapper left.

17 37. Following the second rape, the kidnapper told Huskins that she would be released.
18 Huskins was convinced that she would be killed before the kidnapper would ever release her.
19 The kidnapper threatened Huskins again, telling her that when she spoke with the police or
20 media she should never speak of the rape or the fact that the kidnapper mentioned he was ex-
21 military. Huskins was terrified of what this person, much less the organization he claimed to be
22 part of, would do if she did not comply.

23 38. Huskins was again drugged and blindfolded, as the kidnapper drove for hours.

24 **Following A “Proof Of Life” Tape, VPD Makes Vulgar Accusations**

25 39. While held captive, the kidnapper forced Huskins to record a “proof of life” tape,
26 used by kidnappers asking for ransom to prove that the kidnapped person is still alive. That
27 recording was transmitted to Henry Lee of the San Francisco Chronicle on the afternoon of
28

1 Tuesday, March 24, who shared it with VPD. Shortly thereafter, VPD had Huskins’s mother and
2 brother verify that her voice was the voice in the recording. They confirmed that it was.

3 40. During that encounter, VPD officers asked Huskins’s mother if Huskins had ever
4 been kidnapped or assaulted before. Huskins’s mother confided that Huskins had been sexually
5 molested when she was 12 years old. In yet another shocking attempt to blame the victim, an
6 officer (who, on information and belief, was Detective Mustard) stated that the fact Huskins had
7 previously been sexually abused made sense because, in his experience, women who have
8 already been sexually assaulted often pretend that it is happening again in order to gain attention
9 and re-live the excitement of that experience. He explained that this “fact,” along with the
10 evidence that Huskins was still alive, made it likely that Huskins was just making this whole
11 incident up to get attention.

12 41. Later that evening, and while Huskins’s whereabouts were still unclear, an
13 unknown officer walked Huskins’s mother and brother out of the VPD station. The officer
14 remarked that in five years—presumably after any statute of limitations had run on any legal
15 claims—he would love to tell them what happened. Huskins’s mother and brother interpreted
16 this statement as recognition that something corrupt was going on behind the scenes. The officer
17 refused to expand on his statement.

18 **Huskins Is Released In Huntington Beach, And VPD Accuses Her Of A Crime**
19 **Before Taking Her Statement**

20 42. Huskins was released near her parents’ homes in Huntington Beach around 10:00
21 a.m. on March 25, 2015. Huskins located a neighbor, who called her father and the police. The
22 Huntington Beach Police Department (“HBPD”) responded within minutes.

23 43. When they first arrived, HBPD observed “‘darker impression circles’ around her
24 eyes, consistent with wearing swim goggles.” Huskins also showed HBPD the shoes—which
25 were too large for her feet—and water bottle the kidnapper had given her. Still tired, terrified,
26 and traumatized, Huskins spoke with HBPD for approximately one hour about the events leading
27 to her release.

28

1 44. With respect to the home invasion, Huskins’s account entirely corroborated
2 Quinn’s.

3 45. Huskins also relayed all of the information concerning her captivity to the police.
4 Huskins told HBPD “that she was scared of what could happen to her if she spoke with police
5 and what information she provided would become public.” Huskins was even more afraid
6 because the kidnapper knew where her parents lived. Still in shock from the kidnapping and
7 fearful of retribution from a dangerous criminal still on the run, Huskins denied to HBPD that
8 she had twice been sexually assaulted and did not mention that the kidnapper claimed to be ex-
9 military.

10 46. HBPD contacted VPD, and spoke with them for approximately one-half hour. An
11 HBPD officer returned and attempted to arrange for a jet to take Huskins to Vallejo from John
12 Wayne Airport. On information and belief, VPD representatives made false and damaging
13 statements to HBPD about Quinn and Huskins.

14 47. On information and belief, VPD gratuitously made numerous additional false and
15 otherwise defamatory statements about Huskins and Quinn to others without any valid law
16 enforcement purpose.

17 48. Around that same time, Huskins’s cousin, who is a lawyer, and aunt arrived at the
18 scene. Following over two days of captivity, Huskins told her cousin she just wanted to be
19 somewhere safe with family, away from the chaos of the police and media, who had swarmed the
20 area where she was released.

21 49. At some point after the initial contact with Huskins, VPD released a written press
22 release confirming that Huskins was located and that VPD planned to “meet with Ms. Huskins to
23 further piece together the details of the kidnap for ransom.” The release continued, “From an
24 investigative standpoint, **nothing has changed.**”²

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28 ² Press Release: “City of Vallejo Kidnap for Ransom – 4th update,” March 25, 2015.

1 50. Meanwhile, Det. Mustard was on the phone with HBPD and asked to speak with
2 Huskins. Huskins’s cousin took the call. By this point, VPD had not seen or spoken with
3 Huskins, and had heard only portions of her account second-hand through an HBPD officer.

4 51. VPD’s first contact with Huskins—through Det. Mustard’s call with Huskins’s
5 cousin—was not to ask about Huskins’s condition or follow up on her story to help catch the
6 dangerous predator that had just released her. Instead, Det. Mustard immediately threatened and
7 verbally attacked Huskins. Det. Mustard told Huskins’s cousin that VPD was offering a “proffer
8 of agreement” for immunity. Det. Mustard stated that Quinn had been at the station cooperating
9 with VPD, and whoever accepted first would get immunity. Although he had no new evidence
10 other than the fact that Huskins was alive, Det. Mustard instantaneously and tactically discounted
11 his “Quinn murdered Huskins” theory and entertained a salacious and absurd “Gone Girl”³
12 theory. Given that Huskins had “inconveniently” shown up alive, VPD maliciously transitioned
13 to the hoax story to avoid criticism for its initial and utterly false accusations of murder. Det.
14 Mustard told Huskins’s cousin, “I don’t want to hear any more about this Navy Seal bullshit,” or
15 words to that effect.

16 52. Back at the VPD station, Huskins’s family, including her mother, father, brother,
17 cousins, and aunt, waited with bated breath during Huskins’s release from her kidnapping for any
18 information about her condition. Rather than comfort a distraught family, Det. Mustard told
19 Huskins’s family members the same thing he told her cousin over the phone: that they did not
20 believe Huskins’s story and that VPD may investigate her for criminal activity. Additionally,
21 Det. Mustard believed Quinn was involved, and Huskins would be offered immunity to help put
22 Quinn away. Det. Mustard had grown increasingly angry that day, repeatedly stating he did not
23

24
25 ³ “Gone Girl” is a fictitious book-turned-to-film about a cheating husband accused of
26 killing his wife. A final twist reveals that, rather than being kidnapped, the wife elaborately
27 faked her disappearance to frame the husband as revenge for his infidelity. As the wife eludes
28 the authorities, she seeks help from a former lover, who takes her into his home. The wife tricks
the former lover into having sex with her, during which she slits his throat with a box-cutter.
The wife then uses a wine bottle to mimic the injuries suffered during rape, returns to her home
covered in blood, and blames the former lover for kidnapping and raping her. The wife’s hoax
succeeds.

1 want to hear any more about the supposed kidnappers, referring to them derisively as “frog
2 men.” Huskins’s family at the VPD station relayed this hostile behavior to her in Huntington
3 Beach.

4 53. At 3:30 p.m., Lt. Park held a press conference following up on the written press
5 release. Lt. Park stated that Huskins had been located. Lt. Park acknowledged that he was
6 unaware of Huskins’s medical condition and refused to answer numerous questions concerning
7 details of the investigation.

8 54. Det. Mustard also interviewed Quinn again. During this interview, although Det.
9 Mustard acknowledged that VPD still had a lot of questions and very few answers, he told Quinn
10 that he did not believe there was a kidnapping. Quinn’s attorney asked VPD for a single
11 question they thought Quinn could answer that he had not already—they provided none. Still,
12 Det. Mustard stated that he did not want to waste resources and wanted to “put this thing to bed.”

13 55. Before ever seeing or speaking with Huskins, and without a shred of evidence in
14 support of their preconceived conclusion, VPD treated the victim of a kidnapping and sexual
15 assault like the criminal they refused to pursue. Fearful that VPD would unjustifiably arrest her
16 and return her to a small locked room by herself, Huskins hired a criminal attorney and arranged
17 for her own transportation back to the Bay Area. Huskins travelled alone with a borrowed cell
18 phone, cowering wherever she could to avoid the press, police, or kidnapper, each which she
19 reasonably believed were still after her.

20 56. She arrived in San Francisco at approximately 9:30 p.m. on March 25, 2015.
21 When she had landed, VPD had changed her life for the worse.

22 **VPD Publicly Smears Huskins And Quinn**

23 57. VPD’s frustration with its own inadequate investigation boiled over into a series
24 of retaliatory actions targeted at Huskins and Quinn that destroyed their reputations and have
25 forced them to move away from the community. To date, VPD has not provided any basis for
26 any of its public statements, nor has it provided any evidence to justify its disastrous conclusions.
27 This campaign of character assassination was neither required nor part of any professional police
28 activity.

1 58. VPD's dramatic public relations assault began while Huskins was attempting to
2 return to Vallejo on the evening of March 25, 2015. First, VPD issued a press release, stating in
3 part:

4 **Today, there is no evidence to support the claims that this was a**
5 **stranger abduction or an abduction at all. Given the facts that have**
6 **been presented thus far, this event appears to be an orchestrated**
7 **event and not a kidnapping.**

8 59. This release was neither required nor accurate, and it was not made during the
9 exercise of any policy-making functions by VPD (but instead as part of VPD's ministerial and/or
10 operational duties).

11 60. At a press conference held that same evening at approximately 9:27 p.m., Lt. Park
12 made the following statements:

- 13 ○ "And from this point forward, I will not refer to them as a victim or a
14 witness."
- 15 ○ "We also know that the statement that Mr. Quinn provided was such an
16 incredible story, we initially had a hard time believing it, and, upon further
17 investigation, we were not able to substantiate any of the things that he
18 was saying."
- 19 ○ "So over the course of the last few days, if I can kind of put things in
20 perspective, we have had over 40 police detectives from the local, state
21 and federal levels, and over 100 support personnel assisting in the
22 investigation, working around the clock, to help locate Ms. Huskins. That
23 is a tremendous amount of resources that, in my opinion, was wasted. **I**
24 **can sit here and apologize for me – for all of us – being guarded with**
25 **our information, but I can tell you in the grand scheme of things, Mr.**
26 **Quinn and Ms. Huskins has plundered valuable resources away from**
27 **our community, and has taken the focus away from the true victims of**
28 **our community, while instilling fear amongst our community**
members. So, if anything, it is Mr. Quinn and Ms. Huskins that owes
this community an apology."
- Question: "Can you say again, Lieutenant, what this has done to the
community of Vallejo, just getting out of bankruptcy, and a very small
police department?"

Lt. Park: "If you can imagine devoting all of our resources, 24 hours a
day, **on what I will – uh - classify as a wild goose chase** – it's a
tremendous loss. It's disappointing, it's disheartening, and **the fact that**
we've essentially wasted all of these resources, for essentially nothing,
is upsetting."

- 1 ○ Question: “Is there any evidence that makes you know, conclusively, that
2 this was a fake? I mean, did something come up that made it without
argument that this was all a hoax?”

3 Lt. Park: “**I can tell you that our investigation has concluded that none**
4 **of the claims has been substantiated. I can go one step further to say**
5 **this – that this was not a random act, and that the members of our**
community are safe, and that they have nothing to fear.”

6 61. Each statement was undeniably false and despicable—VPD, a professional law
7 enforcement organization, formally accused two victims of a horrific home invasion and
8 kidnapping of falsifying the entire incident. Lt. Park and VPD knew that it is a crime to provide
9 false statements to the police, and indicated that Huskins and Quinn had committed that crime.
10 Lt. Park’s public statements were delivered with malice and careless disregard for the truth. Lt.
11 Park preemptively announced that Huskins and Quinn caused a “wild goose chase” and “owe[]
12 this community an apology,” but refused to go into any details about what led to such a
13 conclusion.

14 62. But what is worse, although Lt. Park stated he could not go into the details in
15 order to preserve the investigation, VPD and Lt. Park had no evidence to support the false and
16 disparaging comments made so publicly during an open investigation. That VPD could not
17 substantiate Huskins or Quinn’s story was not Huskins or Quinn’s fault, nor the nature of what
18 had occurred, but was instead a product of VPD’s own carelessness, recklessness, and/or
19 intentional misconduct during the investigation. Where VPD could have impartially evaluated
20 the evidence presented, VPD took its cues from Hollywood.

21 63. More still, VPD had effectively ended other investigations that could have more
22 quickly identified and apprehended the kidnapper. VPD’s statement extinguished any stream of
23 leads that would connect the kidnapper to prior cases, particularly given the unique facts.

24 64. Within minutes of VPD’s false statements that Huskins’s kidnapping was a hoax,
25 VPD had successfully and widely spread its “Gone Girl” theory, turning a local disappearance
26 into a worldwide media frenzy proliferating VPD’s public smearing of Huskins and Quinn.
27 News outlets across the world likened Huskins to the lead character in the film “Gone Girl,” and
28 placed Huskins’s picture next to that of the lead character, including one depicting the character

1 naked and covered in blood.⁴ Nancy Grace took to television displaying the Twitter hashtag
2 “#kidnappinghoax.”⁵

3 65. This is the world Huskins returned to—that VPD created—after over two days of
4 sexual assault, being locked to a bed blindfolded, and being transported in the trunk of a car all
5 over California.

6 66. VPD’s conduct was so outrageous that it inspired *even the person responsible for*
7 *kidnapping and raping Huskins* to come to her defense. In three long, anonymous emails written
8 to Henry Lee of the San Francisco Chronicle within five days of Huskins’s release, Huskins’s
9 kidnapper provided a “full account” of what happened in order to alleviate the public perception
10 that Huskins and Quinn, indisputable victims, were somehow criminals. The emails provided the
11 same description of events that Huskins and Quinn had provided to the authorities, as well as
12 additional details about the background and purpose of the kidnapping.

13 **VPD Continues To Attack Huskins And Quinn**

14 67. Shortly after Huskins landed in San Francisco, Huskins’s attorney told VPD that
15 she would cooperate. Huskins’s attorney also told VPD that Huskins wished to submit to a
16 sexual assault exam as soon as possible. VPD demeaned the exam request, responded that the
17 sexual assault exam could wait, and told her attorney that Huskins should “keep her clothes on.”
18 A law enforcement official on the case told Huskins’s attorney to watch “Gone Girl” to
19 understand their investigation. VPD both publicly and privately implied that Huskins had lied
20 about being sexually assaulted, patronizingly and misogynistically implying that she could not
21 have been raped unless she had grievous physical injuries.

22 68. On information and belief, VPD never tested Huskins’s SART test.
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25 ⁴ Jimmy McCloskey, *Woman who faked her own kidnapping is dubbed the real ‘gone girl’*,
26 Daily Star, March 27, 2015, <http://www.dailystar.co.uk/news/latest-news/433043/Gone-girl-kidnapping-faked-woman> (last visited Sept. 16, 2015).

27 ⁵ Matthew Zarrell, *Kidnap hoax: Is she the real-life ‘Gone Girl’?*, HLN, Nancy Grace,
28 March 26, 2015, <http://www.hlntv.com/video/2015/03/26/kidnap-hoax-denise-huskins-gone-girl-real-life> (last visited Sept. 16, 2015).

1 69. Huskins ultimately spoke with VPD for nearly two full days about her captivity
2 and sexual assaults. Nothing Huskins said provided any additional justification to the public
3 statements Lt. Park made about her on behalf of VPD, yet VPD focused intently on proving up
4 its “Gone Girl” case. Investigators repeatedly told Huskins and her attorneys that she was lying,
5 and built up a deceptive evidentiary record in hopes that they could charge her with a crime.

6 70. To that end, VPD harassed Huskins’s ex-boyfriend for information to see whether
7 he thought Huskins was mentally ill. Her ex-boyfriend did not agree with any of VPD’s
8 characterizations. When VPD continued to ask only questions to elicit information that would
9 further smear Huskins, her ex-boyfriend grew upset with VPD’s intransigence and refused to
10 malign Huskins’s character unjustly. VPD ultimately determined that he would not be of help to
11 them and left, but not before making wholly gratuitous statements about the case to his neighbors
12 in a further apparent attempt to harm Huskins’s reputation and the reputations of those with
13 whom she had associated.

14 71. Due to the ongoing and aggressive harassment of Huskins and Quinn, and those
15 connected to them, by VPD, Huskins and Quinn no longer feel safe in the City of Vallejo.
16 VPD’s actions have forced Huskins and Quinn to leave the City of Vallejo.

17 **The FBI Arrests Matthew Muller For The Home Invasion And Kidnapping**

18 72. According to court filings, on June 5, 2015 at approximately 3:24 a.m., Huskins’s
19 kidnapper struck again in Dublin, California. Again, he entered a home through a window
20 screen while the homeowners slept, and woke the homeowners with a flashlight while standing
21 at the edge of their bed. A struggle ensued, and the male homeowner was struck in the head with
22 a hard metal object, resulting in a large gash. The fight continued for approximately four
23 minutes before the intruder fled. The police arrived and found zip ties, duct tape, a glove, and a
24 cell phone. The Dublin Police Department contacted surrounding Bay Area police agencies to
25 determine whether they were working on a similar home invasion. Dublin Police Department’s
26 simple outreach revealed two other incidents involving details that were eerily similar to Huskins
27 and Quinn’s case and the Dublin case.

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1 73. In one incident, a man broke into a Mountain View home wearing tight fitting, all
2 black clothing, and a black cotton ski mask. The intruder tied up the female tenant, placed swim
3 goggles over her eyes, and forced her to drink a Nyquil-like sedative. Then, the woman was
4 forced to reveal personal information and information about her computer. During the incident,
5 the victim heard the intruder whispering and talking to another person. Like Huskins, the
6 intruder told the woman he would rape her. Ultimately, following her pleas, the intruder did not
7 rape the woman. The incident lasted approximately two hours before the intruder left.

8 74. In the second incident, a man broke into a Palo Alto apartment at approximately
9 3:30 a.m. The intruder awoke the female tenant by straddling her and told her that it was a
10 robbery. The intruder was wearing tight fitting, all black, spandex-type clothing, a black mask
11 over his face, and gloves. The woman was tied up, blindfolded, and drugged with a NyQuil-like
12 sedative. The intruder then demanded personal information and access information to the
13 victim's online accounts. During the incident, the victim heard the intruder whispering and
14 talking to another person. The intruder then attempted to rape the woman. When she fought
15 back, the intruder threatened to drug her. The victim then told the intruder she had been raped
16 before, and he stopped attempting to rape her. Palo Alto police investigated the crime, and even
17 spoke with Matthew Muller about it.

18 75. Within three days, Matthew Muller was implicated in the June 5 invasion and
19 arrested in South Lake Tahoe. Detectives confiscated a number of items in the home that were
20 described in the anonymous emails to Henry Lee, as well as a laptop matching the description of
21 Quinn's missing laptop.

22 76. On July 13, 2015, an unsealed FBI affidavit in support of an arrest and search
23 warrant for Matthew Muller detailed Muller's involvement in Huskins's kidnapping. The 50-
24 plus page affidavit mirrored the accounts of Huskins and Quinn and expressly contradicted
25 VPD's public statements. The affidavit explained how careless VPD's statements were to the
26 investigation, noting that VPD's statements "that this was not a kidnapping . . . could risk the
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1 suppression of any evidence seized pursuant to the search warrant for which I am applying.”⁶

2 77. On October 1, 2015, Muller was indicted on a charge of kidnapping for what
3 happened to Plaintiffs.

4 78. VPD has never explained what dramatic failures resulted in such a nightmarish
5 investigation and spiteful public relations campaign against Huskins and Quinn.

6 79. VPD never had any evidence that the kidnapping was a hoax. VPD’s public
7 statements were a vicious and destructive attack on Plaintiffs, destroyed their reputations, and
8 struck them at their most vulnerable moment. The FBI’s affidavit⁷ proved nearly every
9 statement from VPD’s press release and Lt. Park’s press conference false, and has fully
10 substantiated Plaintiffs’ accounts of the incident. In addition, VPD’s false statements harmed
11 public safety by incorrectly suggesting to the community that there was nothing to fear when in
12 fact the kidnapper was still on the loose.

13 80. On July 20, 2014, the City of Vallejo privately offered a self-serving and
14 halfhearted apology to Huskins and Quinn via letter. VPD acknowledged that the comments
15 they made “contributed to the difficulty and personal ordeal that you have experienced” and that
16 the statements “proved to be unnecessarily harsh and offensive.” VPD added that “it is clear
17 now that there was a kidnapping on March 23, 2015, that it was not a hoax or orchestrated event
18 and that VPD conclusions were incorrect.” VPD refused however to publicize this apology,
19 opting rather to protect their own self-interest at the expense of the rights of these two innocent
20 victims.

21 81. To date, Defendants have failed to issue a public apology or publicly retract any
22 prior statements about Plaintiffs.

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27 ⁶ Jason R. Walter Affidavit, June 29, 2015, p. 2.

28 ⁷ A subsequent FBI affidavit filed in support of a request for search warrant to examine Muller’s electronic devices adds that Muller confessed to Huskins’s kidnapping to a reporter while in jail. Affidavit of Wesley S. Drone, Aug. 14, 2015, para. 11.

1 Huskins. That is a tremendous amount of resources that, in my
2 opinion, was wasted. I can sit here and apologize for me – for all of us
3 – being guarded with our information, but I can tell you in the grand
4 scheme of things, Mr. Quinn and Ms. Huskins has plundered valuable
5 resources away from our community, and has taken the focus away
6 from the true victims of our community, while instilling fear amongst
7 our community members. So, if anything, it is Mr. Quinn and Ms.
8 Huskins that owes this community an apology.” (March 25, 2015 Press
9 Conference.)

- 10
- 11 ○ Question: “Can you say again, Lieutenant, what this has done to the
12 community of Vallejo, just getting out of bankruptcy, and a very small
13 police department?”

14 Lt. Park: “If you can imagine devoting all of our resources, 24 hours a
15 day, on what I will – uh – classify as a wild goose chase – it’s a
16 tremendous loss. It’s disappointing, it’s disheartening, and the fact
17 that we’ve essentially wasted all of these resources, for essentially
18 nothing, is upsetting.” (March 25, 2015 Press Conference.)

- 19
- 20 ○ Question: “Is there any evidence that makes you know, conclusively,
21 that this was a fake? I mean, did something come up that made it
22 without argument that this was all a hoax?”

23 Lt. Park: “I can tell you that our investigation has concluded that none
24 of the claims has been substantiated. I can go one step further to say
25 this – that this was not a random act, and that the members of our
26 community are safe, and that they have nothing to fear.” (March 25,
27 2015 Press Conference.)

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90. These defendants knew or should have known that the statements, which were defamatory as to Huskins and Quinn, were false.

91. Each of these statements were reasonably understood to mean that Plaintiffs had committed a crime, even though these defendants possessed no evidence that Huskins and Quinn committed any crime.

92. As a result of these defendants’ actions, Huskins and Quinn have suffered severe emotional and physical distress, humiliation, and mental anguish. Huskins and Quinn have attended counseling and therapy to address the harm Defendants’ actions caused.

93. As a result of these defendants’ actions, Huskins and Quinn suffered actual damage.

1 102. The public reasonably understood that each of those statements were about
2 Huskins and Quinn.

3 103. Each statement was false and defamatory, including:

- 4 ○ “Today, there is no evidence to support the claims that this was a
5 stranger abduction or an abduction at all. Given the facts that have
6 been presented thus far, this event appears to be an orchestrated event
7 and not a kidnapping.” (March 25, 2015 Press Release.)
- 8 ○ Lt. Park: “We also know that the statement that Mr. Quinn provided
9 was such an incredible story, we initially had a hard time believing it,
10 and, upon further investigation, we were not able to substantiate any of
11 the things that he was saying.” (March 25, 2015 Press Conference.)
- 12 ○ Lt. Park: “So over the course of the last few days, if I can kind of put
13 things in perspective, we have had over 40 police detectives from the
14 local, state and federal levels, and over 100 support personnel assisting
15 in the investigation, working around the clock, to help locate Ms.
16 Huskins. That is a tremendous amount of resources that, in my
17 opinion, was wasted. I can sit here and apologize for me – for all of us
18 – being guarded with our information, but I can tell you in the grand
19 scheme of things, Mr. Quinn and Ms. Huskins has plundered valuable
20 resources away from our community, and has taken the focus away
21 from the true victims of our community, while instilling fear amongst
22 our community members. So, if anything, it is Mr. Quinn and Ms.
23 Huskins that owes this community an apology.” (March 25, 2015 Press
24 Conference.)
- 25 ○ Question: “Can you say again, Lieutenant, what this has done to the
26 community of Vallejo, just getting out of bankruptcy, and a very small
27 police department?”
- 28 Lt. Park: “If you can imagine devoting all of our resources, 24 hours a
day, on what I will – uh – classify as a wild goose chase – it’s a
tremendous loss. It’s disappointing, it’s disheartening, and the fact
that we’ve essentially wasted all of these resources, for essentially
nothing, is upsetting.” (March 25, 2015 Press Conference.)
- Question: “Is there any evidence that makes you know, conclusively,
that this was a fake? I mean, did something come up that made it
without argument that this was all a hoax?”
- Lt. Park: “I can tell you that our investigation has concluded that none
of the claims has been substantiated. I can go one step further to say
this – that this was not a random act, and that the members of our
community are safe, and that they have nothing to fear.” (March 25,
2015 Press Conference.)

1 104. The City of Vallejo is vicariously liable for the conduct of its employees under
2 California Government Code § 815.2.

3 105. Defendants knew or should have known that the statements, which were
4 defamatory as to Huskins and Quinn, were false.

5 106. Each of these statements were reasonably understood to mean that Plaintiffs had
6 committed a crime, even though Defendants possessed no evidence that Huskins and Quinn
7 committed any crime.

8 107. As a result of Defendants' actions, Huskins and Quinn have suffered severe
9 emotional and physical distress, humiliation, and mental anguish. Huskins and Quinn have
10 attended counseling and therapy to address the harm Defendants' actions caused.

11 108. As a result of Defendants' actions, Huskins and Quinn suffered actual damage.

12 109. Defendants' statements were a substantial factor in causing Huskins personal and
13 professional harm and associated deprivations of her constitutional and statutory rights. Because
14 of Defendants' conduct, Huskins lost out on a prestigious physical therapy fellowship and was
15 severely hindered in her employment.

16 110. Defendants' statements were a substantial factor in causing Quinn personal and
17 professional harm. Because of Defendants' conduct, Quinn's employer began an "internal
18 investigation" of him, causing him to miss a substantial amount of work and delaying his ability
19 for advancement. Additionally, Defendants' conduct caused Quinn to lose potential patients,
20 who declined him professionally because of the events at issue.

21 111. Defendants acted with malice, oppression, and fraud. Among other things, they
22 knew or should have known that the statements about Huskins and Quinn were false, and made
23 them anyway in complete indifference to Plaintiffs' rights and at a time when Plaintiffs were
24 most vulnerable.

25 **THIRD CLAIM**
26 **(VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS –**
27 **UNREASONABLE SEIZURE UNDER 42 U.S.C. § 1983)**
28 **(Against Mathew Mustard and Does 1-25)**

112. Plaintiffs hereby incorporate paragraphs 1 through 111 herein.

1 113. Quinn hereby alleges that Defendants Mathew Mustard and Does 1-25 deprived
2 him of his right to be free from an unreasonable seizure of his person and false imprisonment
3 under the Fourth and Fourteenth Amendment of the United States Constitution, as well as under
4 California law.

5 114. These defendants seized Quinn's person without sufficient cause to do so while
6 interrogating him at the VPD station under color of law. Among other things, Det. Mustard and
7 various VPD officer employees:

- 8 o forced Quinn to wear prisoner pants with the words "Solano Prison" on the
9 side, a dirty shirt, and provided him with no underwear,
- 10 o locked the door to the interrogation room,
- 11 o stood in front of the door to the interrogation room,
- 12 o refused to allow Quinn access to his family members who were waiting
13 outside, one of whom was an attorney,
- 14 o screamed at him and invaded his personal space,
- 15 o wrongfully accused Quinn of numerous crimes, including the murder of
16 Huskins, and
- o held Quinn for longer than was reasonably necessary.

17 115. These defendants acted intentionally in seizing Quinn's person without sufficient
18 cause to do so.

19 116. The seizure of Quinn's person was unreasonable. Specifically, these defendants
20 had no evidence that Quinn had committed a crime. They did not possess probable cause or even
21 reasonable suspicion when Quinn was seized. To date, they have not revealed a single piece of
22 evidence linking Quinn to Huskins's disappearance at that time, or any evidence that any
23 information Quinn provided to authorities was inaccurate or dishonest.

24 117. As a result of these defendants' conduct, Quinn suffered severe emotional and
25 physical distress, humiliation, and mental anguish.

26 118. These defendants acted maliciously and oppressively, and with full knowledge
27 that the conduct complained of was a violation of Quinn's constitutional and other rights.
28

1 **FOURTH CLAIM**
2 **(FALSE ARREST AND FALSE IMPRISONMENT)**
3 **(Against All Defendants)**

4 119. Plaintiffs hereby incorporate paragraphs 1 through 118 herein.

5 120. Quinn hereby alleges that Defendants deprived him of his right to be free from
6 false arrest and imprisonment under California law.

7 121. Defendants seized Quinn's person without sufficient cause to do so while
8 interrogating him at the VPD station under color of law. Among other things, Det. Mustard and
9 various VPD officer employees:

- 10 ○ forced Quinn to wear prisoner pants with the words "Solano Prison" on the
11 side, a dirty shirt, and provided him with no underwear,
- 12 ○ locked the door to the interrogation room,
- 13 ○ stood in front of the door to the interrogation room,
- 14 ○ refused to allow Quinn access to his family members who were waiting
15 outside, one of whom was an attorney,
- 16 ○ screamed at him and invaded his personal space,
- 17 ○ wrongfully accused Quinn of numerous crimes, including the murder of
18 Huskins, and
- 19 ○ held Quinn for longer than was reasonably necessary.

20 122. Defendants acted intentionally in seizing Quinn's person without sufficient cause
21 to do so.

22 123. The seizure of Quinn's person was unreasonable. Specifically, Defendants had no
23 evidence that Quinn had committed a crime. Defendants did not possess probable cause or even
24 reasonable suspicion when Quinn was seized. To date, Defendants have not revealed a single
25 piece of evidence linking Quinn to Huskins's disappearance at that time, or any evidence that
26 any information Quinn provided to authorities was inaccurate or dishonest.

27 124. The City of Vallejo is vicariously liable for the conduct of its employees under
28 California Government Code § 815.2.

1 **SIXTH CAUSE OF ACTION**
2 **(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)**
3 **(Against All Defendants)**

4 137. Plaintiffs hereby incorporate paragraphs 1 through 136 herein.

5 138. Defendants' conduct was negligent.

6 139. Plaintiffs suffered severe emotional distress. Plaintiffs have suffered emotional
7 and physical distress, humiliation, and mental anguish. Plaintiffs have attended counseling and
8 therapy since the underlying incidents to address the harm Defendants caused. Plaintiffs have
9 been plagued by depression, anxiety, anguish, fright, horror, worry, humiliation, shame,
10 nightmares, insomnia, and paranoia, among other symptoms.

11 140. Defendants' conduct was a substantial factor in causing Plaintiffs' severe
12 emotional distress.

13 141. In so doing, Defendants acted with malice and oppression against Plaintiffs.

14 142. The City of Vallejo is vicariously liable for the conduct of its employees under
15 California Government Code § 815.2.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiffs pray for relief as follows:

- 18 1. For general and special damages, according to proof;
 - 19 2. For a money judgment for emotional and physical distress, humiliation, and
20 mental anguish, according to proof, with interest at the maximum legal rate, according to proof;
 - 21 3. Lost wages, according to proof;
 - 22 4. Compensation for litigation costs, expert witness fees, and attorneys' fees;
 - 23 5. For an award of punitive damages against the individual defendants, according to
24 proof; and
 - 25 6. For such other and further relief as the court deems proper.
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Date: March 22, 2016

KERR & WAGSTAFFE LLP

By: /s/ Kevin B. Clune
KEVIN B. CLUNE

Attorneys for Plaintiffs
DENISE HUSKINS and AARON QUINN

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DEMAND FOR JURY TRIAL

Plaintiffs Denise Huskins and Aaron Quinn hereby demand trial by jury in this action.

Date: March 22, 2016

KERR & WAGSTAFFE LLP

By: /s/ Kevin B. Clune
KEVIN B. CLUNE

Attorneys for Plaintiffs
DENISE HUSKINS and AARON QUINN