

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

LISA JOBE, as guardian and on behalf of)
K.J., a minor; AMY GAGE, as guardian)
and on behalf of B.G., a minor; CRYSTAL)
CUYLER, as guardian and on behalf of)
D.M., a minor; FRANKY JEAN-PIERRE;)
JEREMIAH DAVIS; MICHELLE MINOR,)
as guardian and on behalf of J.P., a minor,)
NIKEYTA MATTHEWS, as guardian and)
on behalf of K.G., a minor; and TERRICA)
HALL, as guardian and on behalf of T.H.,)
a minor; on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

v.)

Case No. 8:12-cv-00568-SDM-MAP

GRADY JUDD, Polk County Sheriff, in)
his official capacity; and CORIZON)
HEALTH, INC.,)

Defendants.)

_____)

THIRD AMENDED COMPLAINT -18.75 -13(H) /TT2 5wF4ea 5wF4ea 5wF4ea 5wF4ea 5wF4

RUGHU WR SURWHFW WKHPVHOYHV VRPH \RXWK VWD\ FRQ
UHJXKXDFDQ FRQWDFW HGXFDWLRQDO VHUYLFHV DQG UHFU
:KHQ 6KHULII -XGGV HPSOR\HHV GHFLGH WR SD\
FXVWRG\ LW LV WRR RIWHQ IRU WKH VROH SXUSRVH RI PH
D GHOLEHUDWHO\ FUXHO XVH RI F

,Q WKH)ORULGD /HJLVODWXUH SDVVHG 6HQDW
WKH ILUVW WLPH DXWKRULJHG &RXQWLHV WR KR XVH FKLOG
WKDQ LQ WKH FXVWRG\ RI WKH)ORULGD 'HSDUWPHQW RI -
PDGH WKH GHFLVLRQ WR H[SDQG WKH QXPEHU RI FKLOGUH
ODZ

3RON &RXQW\ LV WKH RQO\ FRXQW\ LQ)ORULGD WR
DGMXGLFDWHG MXYHQLOHV XQGHU MDLO VWDQGDUGV EDV
SURWHFWLYH MXYHQLOH MXVWLFH VWDQGDUGV GHYHORSH
ZRUNLQJ ZLWK FKLOGUHQ

'HIHQGDQW -XGG KDV ERDVWHG WKDW KLV REMHFV
WKH MDLO LV WR VDYH WKH FRXQW\ ODUJH VXPV RI PRQH
KRZHYHU KDYH FRPH DW WKH H[SHQVH RI WKH FKLOGUHQ
ZKR DUH LQFDUFHUDWHG ZKLOH SHQGLQJ WKH UHVROXWL
ZKHWKHU FKDUJHG DV MXYHQLOHV RU DGXOWV DUH MDLOH

\$OO FKLOGUHQ LQ 6KHULII *UDG\ -XGG¶V FXVWRG
LQGLYLGXDOLJHG WUHDWPHQW DQG UHKDELOLWDWLYH VHU
PDNH SRVLWLYH OLIH GHFLVLRQV RQFH WKH\ DUH UHOHDV
IURP WKHVH DEXVHV DQG UHPRYHG IURP 6KHULII -XGG¶V F
KLV IDFLOLWLHV²FUHDWLQJ D SXEOLF VDIHW\ FULVLV WKD
OHJDOWØLDELØL

3ODLQWLIIV . - % * ' 0)UDGNDHFLDUKUBDYLV DQG
7 + DUH RU ZHUH FKLOGUHQ LQFDUFHUDWHG DW WKH 3
GHFODUDWRU\ UHOLHI RQ EHKDOI RI WKHPVHOYHV DQG DOG

-85,6', &7,21

7KLV DFWLRQ DULVHV XQGHU WKH (LJKWK DQG)R
6WDWHV &RQVWLWXWLRQ DQG 8 6 & † 7KLV &RXUW
DQG D

9(18(

9HQXH LV SURSHU LQ WKLV &RXUW XQGHU 8 6 &
SDUW RI WKH HYHQWV RU RPLVLRQV JLYLQJ ULVH WR WKH
DXWKRULJHG WR JUDQW GHFODUDWRU\ UHOLHI XQGHU 8
SXUVXDQW WR 5XOH RI WKH)HGHUO 5XOHV RI &LYLO 3U

3\$57,(6

3ODLQWLIIV DUH FKLOGUHQ ZKR DUH RU ZHUH LQFD
WLPH RI ILOLQJ RI WKLV DFWLRQ DQG ZKR DUH VXEMHFW
ULJKWV XQGHU WKH 8 6 &RQVWLWXWLRQ

\$W WKH WLPH RI ILOLQJ 3ODLQWLII . - ZDV D \H
&RXQW\ -DLO DZDLWLQJ VHQWHQFLQJ

\$W WKH WLPH RI ILOLQJ 3ODLQWLII % * ZDV D \H
&RXQW\LO SHQGLQJ UHVROXWLRQ RI WKH FKDUJHV DJDLQVW

6LQFH WKH ILOLQJ RI WKLV DFWLRQ 3ODLQWLII - ' KDV UHDFKH
DSSHDULQJ LQ KLV RZQ QDPH

6LQFH WKH ILOLQJ RI WKLV DFWLRQ 3ODLQWLII) - 3 KDV UHDFK
DSSHDULQJ LQ KLV RZQ QDPH +H UHPDLQV VXEMHFW WR WKH M

&/\$66 \$&7,21 \$//(*\$7,216

7KH QDPHG 3ODLQWLIIV EULQJ WKLW VXLW RQ WK
FKLOGUHQ ZKR DUH RU ZLOO LQ WKH IXWXUH EH LQFDUFH

3ODLQWLIIV VHHN WR FHUWLI\ D FODVV GHILQHG DV

\$OO LQGLYLGXDOV ZKR DUH XQGHU WKH DJH RI DQG
MXULVGLFWLRQ RI WKH MXYHQLOH FRXUW UHJDUGOHV
IXWXUH EH LQFDUFHUDWHG DW WKH 3RON &RXQW\ -DLO

3ODLQWLIIV VHHN WR FHUWLI\ D VXEFODVV GHILQH

\$OO LQGLYLGXDOV XQGHU WKH VROH MXULVGLFWLRQ
ZLOO LQ WKH IXWXUH EH LQFDUFHUDWHG DW WKH 3RON

3ODLQWLIIV VHHN WR FHUWLI\ D VHFRQG VXEFODVV

C•

7KHU DUH TXHVWLRQV RI ODZ DQG IDFW FRPPRQ W
QRW OLPLWHG WR ZKHWKHU FRQGLWLRQV RI FRQILQHPHQW
YLRODWH WKHLU ULJKWV XQGHU WKH (LJKWK DQG)RXUWHH

%HFDXVH WKH SROLFLHV SUDFWLFHV DQG FXVWRP
ZLWK HTXDO IRUFH WR WKH QDPHG 3ODLQWLIIV DQG WKH
QDPHG 3ODLQWLIIV DUH W\SLFDO RI WKH FODVV LQ JHQHUD

7KH QDPHG 3ODLQWLIIV ZLOO IDLUO\ DQG DGHTXDW
7KH\ SRVVHV D VWURQJ SHUVRQDO LQWHUHVW LQ WKH VX
H[SHULHQFHG FRXQVHO ZLWK H[SHUWLHV LQ FODVV DFWLF
&RXQVHO KDYH WKH OHJDO NQRZOHGJH DQG UHVRXUFHV W
RI DOO FODVV PHPEHUV LQ WKLV DFWLRQ

'HIHQGDQW -XGG KDV DFWHG RU UHIXVHG WR DFW
FODVV KLV SROLFLHV SUDFWLFHV DFWV DQG RPLVVLRQV
\$FFRUGLQJO\ ILQDO LQMXQFWLYH DQG GHFODUDWRU\ UHO

'HIHQGDQW &RULJRQ +HDOWK KDV DFWHG RU UHIX
DSSOLFDEOH WR WKH VHFRQG VXEFODVV U/!•p OHG 0Töö•€`E

LV &Vi0€p0J•0 FpV @V 0 H\$P0 ÀHvÒDSSOLFFWH PPÀIFOD\•p€ö v

LPSULVRQLQJ FKLOGUHQ LV WUHDWPHQW DQG UHKDELOLWD
SURJUDPV LQ IDFLOLWLHV WKDW KRXXH FKLOGUHQ PXVW E
\$OWKRXXJK WKH)ORULGD MXYHQLOH MXVWLFH V
UHKDELOLWDWLRQ WR FKLOGUHQ FKDUJHG ZLWK GHOLQTXH
FKSÀDMLRQV PIFQKRUUPEOLEOH² ZKLFK PHDQV LQFDSDEOH I

SDUWV RI WKH MDLO \$V D UHVXOW FKLOGUHQ HQJDJH LQ
PDLQWDLQHG DQ DGXOW SUHVHQFH RU DGHTXDWH VXSH
LQFDUFHUDWHG 'HIHQGDQW -XGG NQRZV WKDW WKHVH
LQDGHTXDWH WUDLQLQJ DQG VWDIILQJ \HW GLVUHJDUGV
FKLOGUHQ V VDIHW\

'HIHQGDQW -XGG V SDWWHUQ DQG SUDFWLFH RI
VXSHUYLVLRQ DQG IDLOLQJ WR SURWHFW \RXWK IURP KDU
DOO FKLOGUHQ GHWDLQHG DW WKH MDLO

6LQFH 2FWREHU 'HIHQGDQW -XGG V IDLOXUH
VXSHUYLVLRQ KDV UHVXOWHG LQ QXPHURXV SUHYHQWDEO
WKDW LQFDUFHUDWHG FKLOGUHQ HQJDJH LQ WHVW RI KHD
WR SUHYHQW WKHVH ILJKWV IURP RFFXUULQJ 'HIHQGDQW
IRRG WUD\ V IURP \RXQJHU PRUH YXOQHUDEOH FKLOGUHQ
LV NQRZQ WKURXJKRXW WKH IDFLOLW\ DV SD\UROO 'HVS
'HIHQGDQW -XGG KDV IDLOHG WR SURWHFW \RXWK IURP YLF

\$V UHFHQWO\ DV ODUFK WKH 6KHULI V 2IILF
3RON &RXW\ MDLO KDYH EHHQ FKDUJHG ZLWK DWWHPSWH
DQG WRUWXUH RI 7 : DQRWKHU \RXWK LQFDUFHUDWHG DW
JXDUGV V NQRZOHGJH DQG GXW\ WR SURWHFW DOO \RXWK
KDSSHQLQJ RQ WKHLU ZDWFK

7KHHVH LQFLGHQWV UHIOHFW 'HIHQGDQW -XGG¶V
QHFHVVDU\ WUDLQLQJ VWDIILQJ SDWWHUQV DQG VXSHUYLV

8QODZIXO 8VH RI 'DQJHURXV &KHPLFDO 5HVWUD

'HIHQGDQW -XGG SURPXOJDWHV D SROLF\ DQG SUD
JXDUGV WR FDUU\ GDQJHURXV FKHPLFDO DJHQWV DW DOO V
LQWHUDFWLQJ ZLWK LQFDUFHUDWHG FKLOGUHQ FUHDWLQJ

*XDUGV URXWLQHO\ XVH WKHHVH GDQJHURXV FKHPL
PDLQWDLQWH HQYLURQPHQW RU SUHYHQW KDUP 'HIHQGD
FKLOGUHQ ZLWK FKHPLFDOV WKDW FDXVH DQ H[FUXFLDWLQ
SXQLVKPHQW IRU SHUFHLYHG PLQRU UXOH YLRODWLRQV L
LPSOLFDFWH IDFLOLW\ VHFUXULW\ DQG IRU HQJDJLQJ LQ EH
QRW PRYLQJ TXLFNO\ HQRXJK WR JHW GUHVHVG

:KHQ WKHUH DUH ILJKWV JXDUGV LQGLVFULPLQDV
FKHPLFDO DJHQWV²LQFOXGLQJ FKLOGUHQ QRW LQYROYHG
ILJKWLRQ FKLOGUHQ ZKR KDYH DOUHDG\ EHHQ GLVDEOHG D
GHVFULEHG DV WKH YLFWLP RI WKH ILJKW

'HIHQGDQW -XGG DXWKRULJHV DQG SHUPLWV JXDUG
WKHHVH VLWXDWLRQV 7KHUH LV QR VHFUXULW\ UHKDELOL
-XGG¶V XVH RI FKHPLFDO DJHQWV

'HIHQGDQW -XGG¶V SROLFLHV DQG SUDFWLFHV F
LUUHSDUDEOH LQMXU\ WR WKH QDPHG 3ODLQWLIIV DQG DC

'HIHQGDQW -XGG KDV FODLPHG SXEOLFO\ WKDW W
FKLOGUHQ DW WKH 3RON &RXQW\ -DLO LV ³UDUH ´ ,Q IDFW

SHSSHU VSUD\ SXQLWLYHO\ DJDLQVW VHYHUDO FKLOGUHQ
0 & 0 & ' - ' * -HUHPLDK 'DYLW DQG 3ODLQWLIIV .

FKLOGUHQ FKDUJHG DV DGXOWV LQFOXGLQJ / 0 ' 0 6 :

,Q 2FWREHU IRU H[DPSOH 6 : ZDV DPRQJ VHYH

VSUD\HG IROORZLQJ D ILJKW HYHQ WKRXJK 6 : ZDV QRW

GLVDEOHG E\ WKH FKHPLFDO DJHQW ZKLFK PDGH KLV H\HV

FUDZO RQ WKH IORRU WR WKH VKRZHU WR ZDVK LW RII EXV

,Q -DQXDU\ JXDUGV SHSSHU VSUD\HG VL[FKLO

3ODLQWLII - 3 ZKR WKH 6KHULII V 2IILFH KDV GHVFULEHG

,Q -DQXDU\ ' ' RQH RI WKH LQFDUFHUDWHG

VSUD\ D PHQWDOO\ LOO JLUO RQ VXLFLGH ZDWFK IRU VLWV

WR PRYH WR KHU EHG ZKHQ WROG OHDYLQJ KHU FU\LQJ DO

,Q 0DUFK 0 + ZDV SHSSHU VSUD\HG DIWHU P

KLPVHOI E\ KLV VKHHW

&KLOGUHQ DW WKH MDLO LQFOXGLQJ % * -HUHP

SHSSHU VSUD\HG VLPSO\ IRU IDLOLQJ WR IROORZ DQ RUGH

WR FHDVH VLQJLQJ

3XQLWLYH ,VRODWLRQ DQG 6XLFLGH 3UHYHQWL

'HIHQGDQW -XGG KDV D SROLF\ DQG SUDFWLFH RI V

VXLFLGH ZDWFK WR SXQLWLYH LVRODWLRQ IRUFHG LGOH

DQG XQQHFHVVDU\ GLVFRPIRUW SDLQ DQG KXPLOLDWLRQ

WKH\ DUH IRUFHG WR VWULS QDNHG LQ IURQW RI WKHLU S

VKRUW VOHHYHOHVV JDUPHQW WKDW OHDYHV FKLOGUHQ

&KLOGUHQ ZKR VXIIHU IURP PHQWDO LOOQHVV DU
LQFDUFHUDWHG DW WKH 3RON &RXQW\ -DLO

0HGLFDO VWDII DQG JXDUGV DW WKH 3RON &RXQW
NQRZQ PHGLFDO QHHGV RI WKHVH FKLOGUHQ GHPRQVWUD
PHQWDO KHDOWK QHHGV DQG SXWWLQJ WKHP DW XQQHFHV

&KLOGUHQ ZLWK PHQWDO LOOQHVV DUH URXWLQHO
PHGLFDW[€]L_RQ DQG WUHDWPHQW 7KH\ DUH UHJXODUO\ QR
WLPHO\ PDQQHU LI DW DOO 6WDII FRQGXFW JURVVO\ LQD

0HGLFDWLRQ ZKHQ SURYLGHG LV IUHTXHQWO\

)RU H[DP SOH ' ' D \H DU RO G JLUO ZKR KDV E
&RXQW\ -DLO ILYH WLP HV KDV RQO\ LUU HJXODUO\ EHHQ S
RFFDVLRQV GHVSLWH D NQRZQ KLVWRU\ RI VHULRXV PHQW
% * D \H DU RO G ER\ SUHVHQWO\ LQFDUFHUDWHG
UHLFYH DQ\ PHQWDO KHDOWK PHGLFDWLRQ IURP WKH WLP H
\$SULO GHVSLWH UHSRUWLQJ WR VWDII WKDW KH ZDV
MDLO

& ' D \H DU RO G ER\ SUHVHQWO\ LQFDUFHUDWHG
IURP NQRZQ PHQWDO LOOQHVV LV SUHVHQWO\ QRW UHFH
FRQGLWLRQ GHVSLWH DGYLVLQJ VWDII WKDW KH QHHGHG V

- 1 D \H DU RO G ER\ SUHVHQWO\ LQFDUFHUDWH
UHLFYHG QHHGHG PHQWDO KHDOWK WUHDWPHQW GHVSLWH D
2QH JXDUG DW WKH 3RON &RXQW\ -DLO WROG - 1 3WKL V LV

\$V D UHVXOW RI GDQJHURXVO\ LQDGHTXDWH PHQ
PHQWDO LOOQHVV ZKR DUH GHWDLQHG DW WKH 3RON &RX
DFWLQJ RXW VXLFLGDO LGHDWLRQ DQG XQQHFHVVDU\ SD
XQQHFHVVDU\ ULVN RI IXUWKHU GHWHULRUDWLRQ RI WKHLU

(YHQ WKRXJK WKH YDVW PDMRULW\ RI FKLOGUHQ Z
&RXQW\ -DLO DUH KHOG SUH WULDO 'HIHQGDQWV VXEMHF
IXUWKHU H[DFHUEDWLQJ WKH V\PSWRPV RI WKHLU PHQWDO

'HIHQGDQWV SROLFLHV DQG SUDFWLFHV FRQVWLW
PHQWDO KHDOWK

7KLV LV WR GLVWLQJXLVK WKL V FKLOG IURP QDPHG 3ODLQWLII % *

+DUPIXO 8VH RI ,VRODWLRQ :LWKRXW 'XH 3URF
,Q DGGLWLRQ WR WKH XQFRQVWLWXWLRQDO XVH
VXLFLGH ZDWFK 'HIHQGDQW *UDG\ -XGG KDV D SROLF\ DQG
LQ D GLVSURSRUWLRQDWHO\ SXQLWLYH PDQQHU ZLWK GH
KDUP DQG ZLWKRXW GXH SURFHVV \$OO FKLOGUHQ GHWD
XQFRQVWLWXWLRQDOO\ SODFHG LQ KDUPIXO LVRODWLRQ

'HIHQGDQW *UDG\ -XGG HPSOR\V LVRODWLRQ LQ YD
VSHFLILFDOO\ GHVLJQDWHG DV ³LVRODWLRQ URRPV' RU ³LV
LQ LVRODWLRQ LQ UHJXODU FHOOV ZKHUH WKH\ DUH IRUF
KRXUV D GD\ IRU GD\V RU ZHHNV DW D WLPH

'HIHQGDQW *UDG\ -XGG SODFHV FKLOGUHQ LQ LVRO
FKLOGUHQ RI KRZ ORQJ WKH\ ZLOO EH OHIW WKHUH

:KHQ FKLOGUHQ UHTXHV WR EH WDNHQ RII LVRO
UHVSRQG WKDW RQO\ WKH JXDUG ZKR SODFHG WKHP RQ LV
WKDW JXDUG ZRUDNLQJ QH[W DQG ZLWKRXW OHJLWLPDWH MXV

'HIHQGDQW *UDG\ -XGG IDLOV WR SURYLGH FKLOGU
QRWLFH RI WKH UHDVRQ IRU LPSRVLQJ LVRODWLRQ RU DQ
LPSDUWLDO HQWLW\ DQG SUHVHQW ZLWQHVVHV RQ WKHLU

7KH DUHD GHVLJQDWHG DV ³LVRODWLRQ' IRU \RXW
RI IRXU VPDOO URRPV PDGH RI FRQFUHWH ZDOOV ZLWK D

WKHVH DW PRVW IRU D VKRUW LQWHUYDO DW QLJKW 7KH
GRUP DQG FORVHG RII E\ D KHDY\ PHWDO GRRU

1R JXDUG LV URXWLQHO\ VWDWLRQH G LQ WKH GHV
KRXVHG WKHUH ,I D FKLOG LQ LVRODWLRQ QHHGV WR FRP
IRRG IODS RSHQLQJ LQ WKH GRRU DQG KRSH WKDW VRPH
SHUIRUP URXQGV WKHVH DUH LQFRQVLVWHQW DQG QRW DV

7KHUH LV QR HPHUJHQF\ FDOO EXWWRQ LQ WKH LV

7KHUH DUH QR FDPHUDV ORRNQJ LQWR WKH LVRO
LQ WKH KDOOZD\ LQ IURQW RI WKH FHOOV DQG VKRZV QR Y

&KLOGUHQ LQ LVRODWLRQ DUH RIWHQ GHSULYHG D
DQG WKH RSSRUWXQLW\ WR LQWHUFW ZLWK RWKHU FKLOG

&KLOGUHQ LQ LVRODWLRQ DUH QRW SHUPLWWHG Y
WKHP DQG WKHLU UHTXHVWV IRU SDSHU SHQFLOV RU UHD
PHDOV DORQH LQ WKHLU FHOOV

'HIHQGDQW *UDG\ -XGG\ V SODFHPHQW RI FKLOGUH
IHDU KXPLOLDWLRQ WRUPHQW VXLFLGDO LGHDWLRQV DQ
LQ LVRODWLRQ IRU GD\ V ZHHNV DQG HYHQ PRQWKV

'HIHQGDQW &RUL]RQ LV DZDUH RI 'HIHQGDQW *UDG
LVRODWLRQ EXW IDLOV WR KDYH D SROLF\ RU SUDFWLFH V
ULVN RI SK\VLFDQ DQG SV\FKRORJLFDQ KDUP IURP SODFH
SURYLGH QHFHVVDU\ PHQWDO KHDOWK VHUYLFHV WR HQV
FKLOGUHQ H[SRVHG WR KDUPIXO LVRODWLRQ

:KLOH DW WKH 3RON &RXQW\ -DLO 3ODLQWLII)U
LVRODWLRQ FHOO ZKHQ D JXDUG DVNHG D JURXS RI FKLOG
0U -HDQ 3LHUUH VDLG KH GLVWUDNQRZLGRWPWHH 0U
ORQJ KH ZRXOG EH OHIW LQ LVRODWLRQ 0U -HDQ 3LHUUH

:KLOH LQ WKH FDJH ZKLFK LV YLVLEOH WR RWKHU
DQG SXW RQ D VXLFLGH JRZQ NQRZQ LQ WKH MDLO DV D 3
DQG GHJUDGLQJ

% * ZDV DOORZHG QRWKLQJ EXW D PDW DSSUR[L
EDWKURRP KH KDG WR DVN D JXDUG IRU SHUPLVVLRQ DQG
+H ZDV QRW DOORZHG WR NHHS KLV H\HJODVVHV ZKLFK KH

% * UHPDLQHG LQ WKH FDJH XQWLO)HEUXDU\
PHGLFDO SHUVRQQHO PHW ZLWK KLP % * SDVVHG WKH V
\RXWK ZDV SODFHG LQ D QHDUE\ FDJH KH ZDV QRW DEOH V
EULHI FRQYHUVDWLRQV DV WKH\ZDONHG E\ ZKHUH KH ZDV
DQG OHIW LW IRU KLP WR HDW DORQH

3ODLQWLII . - ± 3XQLWLYH 8VH RI 6XLFLGH :DWFK

2Q)HEUXDU\ 3ODLQWLII . - ZDV SODFHG
DSSUR[LPDWHO\ IHHW DZD\ DV SXQLVKPHQW IRU HQJDJ
FDJH IRU VXLFLGH ZDWFK KH ZDV DOORZHG WR EULQJ WKH

8SRQ EHLQJ SODFHG LQ WKH FDJH . - EHJDQ NLFM
E\ HQWHULQJ WKH FDJH DQG SXVKLQJ . - DJDLQVW WKH ZD

/DWHU LQ WKH HYHQLQJ . - FDOOHG RXW WR % *
ZK\ KH ZDV RQ VXLFLGH ZDWFK 2YHUKHDULQJ WKH FRQ
MRNLQJO\ DVNLQJ KLP LI KH ZDV VXLFLGDO DQG VWDWLQJ
ZRUG 3VXLFLGH ´ . - UHVSRRGHG 3QR´ PDQ\ WLPHV FOHDU

WDONLQJ WR \RX"´ DQG ' 0 UHVSRRQGHG ³1R ´ 7KH JXDUG S
WKH JXDUG ZK\ KH ZDV VKRYLQJ KLP

7KH JXDUG VKRYHG ' 0 WR WKH ZDOO DQG VSUD\H
WKHQ EDQJHG ' 0 ¶V KHDG DJDLQVW WKH ZDOO ZKLFK FD
WDNHQ WR WKH QXUVH ZKR DVNHG KLP DERXW WKH NQRW
VKRYHG KLP LQWR WKH ZDOO 7KH JXDUG VDLG ³VWRS O\I
KLV KHDG DJDLQVW WKH ZLQGRZ

' 0 FRQWLQXHV WR IHHO XQVDIH DQG LQ IHDU WK
PLVWUHDWHG LQ WKH IXWXUH

3ODLQWLII - 3 ±)DLOXUH WR 3URWHFW IURP +DUP 3XQLW

,Q -DQXDU\ 3ODLQWLII - 3 DUULYHG DW WKH 3
WKH MDLO KH ZDV VXEMHFWHG WR D ILJKW E\ D IHZ RWKHU
GLG QRW ODVW ORQJ DQG - 3 GLG QRW VXIIHU DQ\ LQMXU

7KH ILJKW HQGHG ZKHQ JXDUGV ZKR KDG EHHQ R
ILJKW RFFXUUHG UDQ LQWR WKH DUHD %\ WKH WLPH WKH

8SRQ DUULYDO PDQ\ RI WKH FKLOGUHQ KDG DOUHD
\RXWK ZHUH VWLOO LQ WKH GRUP DUHD *XDUGV DUULYHG
ZLWK FKHPLFDO DJHQWV

- 3 ZKRP WKH 6KHULII¶V 2IILFH KDV GHVFULEHG D

\$IWHU EHLQJ VSUD\HG LQ WKH IDFH ZLWK WKH FKH
FDJH +H ZDV OHIW WKHUH IRU DW OHDVW PLQXWHV EH
VFUHDPHG IRU KHOS IURP WKH FDJH D JXDUG WDXQWHG KI

- 3 FRQWLQXHV WR IHHO XQVDIH DQG LQ IHDU W
PLVWUHDWHG LQ WKH IXWXUH

3ODLQWLII)UDQN\ -HDQ 3LHUUH ±)DLOXUH WR 3URYLGH 5H

3ODLQWLII)UDQN\ -HDQ 3LHUUH LV D VHQLRU LQ

FROOHJH HGXFDWLRQ 'HVSLWH WKH IDFW WKDW KH ZDV

SUREDWLRQ YLRODWLRQ KH ZDV QRW UHFHLYLQJ DQG GLC

KH ZDV HQWLWOHG XQGHU IHGHUDO ODZ ,QVWHDG KH V

ZKHUH KH ZLWQHVVHG VWDII SHSSHU VSUD\ \RXWK DQG Z

6WDII DOVR XVHG GHJUDGLQJ ODQJXDJH WRZDUGV 0U -HD

RWKHU FKLOGUHQ \$GGLWLRQDOO\ 0U -HDQ 3LHUUH¶V HG

3RON &RXQW\ -DLO ZKHUH KH GLG QRW UHFHLYH DSSURS

3ODLQWLII . * ± &RQVWLWXWLRQDOO\ 'HILFLHQW 5HVSQRV

\$W WKH WLPH RI ILOLQJ 3ODLQWLII . * ZDV \HD

WKH 3RON &RXQW\ MDLO VLQFH 0DUFK FKDUJHG DV

EHHQ GHWDLQHG DW WKH 3RON &RXQW\ -DLO VLQFH 2FWRE

2Q RU DERXW \$SULO . * ZLWQHVVHG WKH S

\$ 6 RQ KHU XQLW DIWHU WKH JLUO ZDV LQ DQ DUJXPHQW

WKH RWKHU JLUOV KHOSHG KHU JHW WR WKH VKRZHU DQG

. * KDV EHHQ GLDJQRVHG ZLWK ERUGHUOLQH SHU

WUDXPDWLF VWUHVV GLVRUGHU DWWHQWLRQ GHILFLW K

GLVRUGHU 6KH KDV EHHQ RQ PHGLFDWLRQ WR WUHDW KH
KLVWRU\ RI VXLFLGDO LGHDWLRQ

'HIHQGDQWV KDYH EHHQ DZDUH RI . * ¶V PHQWDO
ZKHQ . * ZDV ILUVW LQFDUFHUDWHG DW WKH 3RON &RXQW
UHTXLUHG PHQWDO KHDOWK PHGLFDWLRQ 'HIHQGDQWV ZH
LQ -DQXDU\ GXULQJ KHU VHFRQG LQFDUFHUDWLRQ DW
PHGLFDO VWDII WKDW VKH UHTXLUHG IRXU SV\FKLDWULF PH

'HVSLWH 'HIHQGDQWV¶ NQRZOHGJH RI . * ¶V VH
'HIHQGDQWV IDLOHG WR SURYLGH FRQVLVWHQW WUHDWPH
PHGLFDWLRQ LQ D FRQWUDLQGLFDWHG PDQQHU DQG RW
FRQGLWLRQV RI FRQILQHPHQW WKDW RQO\ DJJUDYDWH KHU

2Q RU DERXW 0DUFK . * DJDLQ UHSRUWHG
PHGLFDO VWDII DQG LQ WKH SUHVHQFH RI D MDLO JXDUG
RQ VXLFLGH ZDWFK RU FORVH REVHUYDWLRQ KRZHYHU VK
QRW UHFHLYH FRXQVHOLQJ RU WUHDWPHQW ZKLOH RQ VXL
KHU IURP VXLFLGH ZDWFK RQ RU DERXW 0DUFK .
UHFHLYHG KHU PHGLFDWLRQ \$OWKRJK . * EHJDQ UHFH

WKH PHGLFDWLRQ ZDV FUXVKHG GHVSLWH PHGLFDO P
WKH PHGLFDWLRQ

\$V D UHVXOW RI 'HIHQGDQWV¶ DFWLRQV DQG RPL
XQQHFHVVDU\ SDLQ DQG VXIIHULQJ LQFOXGLQJ DJLWDWLF
DQG IDFHV DQ XQUHDVRQDEOH ULVN RI VXEVDQWLDO KD
DFWLQJ RXW DJDLQVW RWKHUV

/DFN RI 7UDLQLQJ

\$OWKRXJK 'HIHQGDQW -XGG ERDVWV RI WKH KXQGU
KDYH 3RON &RXQW\ JXDUGV ODFN DQ\ PHDQLQJIXO WUDLQ
'HIHQGDQW -XGG GRHV QRW UHTXLUH JXDUGV WR KDYH D
FKLOGUHQ LQ RUGHU WR EH KLUHG DV JXDUGV LQ WKH \RX
DQG RPLVLRQV WKH QDPHG 3ODLQWLIIV DQG DOO WKRV
XQFRQVWLWXWLRQDO DQG XQVDIH FRQGLWLRQV RI FRQILQ

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3ODLQWLIIV KDYH H[KDXVWHG DOO DYDLODEOH DGP

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&RXQW

(LJKWK DQG)RXUWHHQWK \$PHQGPHQW 9LRODW
)DLOXUH WR 3URYLGH 5HKDELOLWDWLYH 6HU

'HIHQGDQW -XGG¶V SROLFLHV DQG SUDFWLFHV RI I
'DYLV 0U -HDQ 3LHUUH DQG . * DQG DOO WKRVH VLPLO
YLRODWH WKH (LJKWK DQG)RXUWHHQWK \$PHQGPHQWV

&RXQW

(LJKWK DQG)RXUWHHQWK \$PHQGPHQW 9LRODW
'DQJHURXVO\ 9LROHQW &RQGLWLRQV RI &RQILQ

'HIHQGDQW -XGG¶V SROLFLHV DQG SUDFWLFHV RI I
WKRVH VLPLODUO\ VLWXDWHG IURP KDUP DQG WUHDWLQ
WKHP WR XQUHDVQRQDEOH UHVWUDLQWV FUHDWH GDQJH

&RXQW

(LJKWK DQG)RXUWHHQWK \$PHQGPHQW 9LRODW
3XQLWLYH ,VRODWLRQ DQG 'HOLEHUDWH ,QGLI

'HIHQGDQW -XGG¶V SROLFLHV DQG SUDFWLFHV RI
ZDWFK DQG DOO WKRVH VLPLODUO\ VLWXDWHG WR SXQLW
'HIHQGDQW -XGG¶V GHOLEHUDWH LQGLIIHUHQFH WR WKH P
RQ VXLFLGH ZDWFK YLRODWH WKH (LJKWK DQG)RXUWH
&RQVWLWXWLRQ

&RXQW

)RXUWHHQWK \$PHQGPHQW 9LRODWLRQ
'HOLEHUDWH ,QGLIIHUHQFH WR &KLOGUHQ¶V OHC

~~QHSQGDQW SROLFLHV DQG SUDFWLFHV RI DOO ORRWKHO~~
VLPLODUO\ VLWXDWHG ZLWK QHFHVVDU\ PHQWDO KHDOWK
KDUPIXO FRQGLWLRQV RI FRQILQHPHQW GHPRQVUDWH D
&RQVWLWXWLRQ

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:(5()25(WKH 3ODLQWLIIV SUD\ WKDW WKLW +RQRUDEOH &
 D \$VVXPH MXULVGLFWLRQ RYHU WKLW PDWWHU
 E &HUWLI\ WKLW PDWWHU DV D FODVV DFWLRQ SXU
 FRQVLR\WLDQFJODVV RI DOO LQGLYLGXDOV ZKR DUH XQGH
 ZKR DUH XQGHU WKH MXULVGLFWLRQ RI WKH MXYHQLOH
 LQ WKH IXWXUH EH LQFDUFHUDWHG DW WKH 3RON &RX
 WKH VROH MXULVGLFWLRQ RI WKH MXYHQLOH FRXUW ZK
 DW WKH 3RON &RXQW\ -DLO DQG D VXEFODVV RI DOO L
 DOO LQGLYLGXDOV ZKR DUH XQGHU WKH MXULVGLFWLR
 VXIIHU IURP PHQWDO LOOQHVV DQG ZKR DUH RU ZKR Z
 3RON &RXQW\ -DLO
 F 'HFODUH WKDW WKH DFWV DQG RPLVVLRQV RI 'HIH
 G (QWHU D SUHOLPLQDU\ DQG SHUPDQHGW LQMXQ
 DJHQWR\HPSDQDQG DOO SHUVRQV DFWLQJ LQ FRQFHUV
 XQFRQVWLWXWLRQDO DQG XQODZIXO SUDFWLFHV
 H \$ZDUG 3ODLQWLIIV UHDVRQDEOH FRVWV DQG DWWF
 I *UDQWLIIV VXFK RWKHU UHOLHI DV WKLW &RXU

'DWHG 1RYHPEHU

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 9, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Tania Galloni
Tania Galloni