

1 Stephen Warren Solomon (Start Bar No. 36189)
2 Stephen Allen Jamieson (State Bar No. 115805)
3 Ryan Michael Kroll (State Bar No. 235204)
4 D. Andrew Quigley (State Bar No. 280986)
5 SOLOMON, SALTSMAN & JAMIESON
6 426 Culver Boulevard
7 Playa Del Rey, California 90293
8 Telephone: 310.822.9848
9 Facsimile: 310.822.3512

10 Attorneys for Plaintiff
11 MICHAEL REEVES

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUN 08 2012

ALAN CARLSON, Clerk of the Court

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF ORANGE

14 MICHAEL REEVES,
15 Plaintiff,

16 vs.

17 JEREMY POPOFF; SLIDEBAR INC.,
18 DBA SLIDE BAR ROCK N ROLL
19 KITCHEN, and DOES 1 through 50,
20 inclusive,

21 Defendants.

Case No.:

30-2012

00575023

Unlimited Jurisdiction

COMPLAINT FOR DAMAGES

1. WRONGFUL TERMINATION – *Labor Code §1102.5*; Violation of Public Policy
2. BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING
3. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
4. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

JUDGE TAN NOMOTO SCHUMANN

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22 Plaintiff, MICHAEL REEVES (hereinafter “MR. REEVES”), alleges as follows:

23 1. MR. REEVES was, at all times mentioned in the Complaint, employed in the County
24 of Orange, California, and is a resident of the County of Orange, California.

25 2. MR. REEVES is informed and thereon alleges that Defendant, SLIDEBAR INC. dba
26 SLIDEBAR ROCK N ROLL KITCHEN (hereinafter referred to as “SLIDEBAR”), is, and at all
27 times mentioned in the Complaint was, a corporation authorized to do business and doing business
28

1 in the State of California, was MR. REEVES's employer while he worked at the SLIDEBAR ROCK
2 N ROLL KITCHEN, and had employed more than five employees during the entire time that MR.
3 REEVES worked at SLIDEBAR.

4 3. MR. REEVES is informed and believes, and on the basis of that information and
5 belief alleges, that Defendant Jeremy Alan Popoff (hereinafter referred to as "JEREMY POPOFF"),
6 is, and at all times mentioned in the Complaint was, an officer, director and/or managing agent of
7 SLIDEBAR, was employed by SLIDEBAR as its Chief Executive Officer with the authority to
8 speak for SLIDEBAR and the ability to exercise substantial discretionary authority over the
9 decisions that ultimately determine SLIDEBAR's corporate policy, in general as well as specifically
10 with regard to the matter, and was and continues to be a resident of California.

11 4. MR. REEVES is informed and believes, and on the basis of that information and
12 belief alleges, that SEAN MICHAEL FRANCIS was the sole owner listed on the alcohol license for
13 the premises where SLIDEBAR ROCK N ROLL KITCHEN is now located from December 1, 2005
14 until December 1, 2011, and therefore, as a matter of law, was at all times mentioned in the
15 Complaint was, an officer, director and/or managing agent of SLIDEBAR.

16 5. MR. REEVES is informed and believes, and on the basis of that information and
17 belief alleges, that JEANETTE DeMARCO was an officer and/or director and/or managing agent
18 and employee of SLIDEBAR with the authority to speak for SLIDEBAR and the ability to exercise
19 substantial discretionary authority over the decisions that ultimately determine SLIDEBAR's
20 corporate policy, in general as well as specifically with regard to the matter.

21 6. MR. REEVES is informed and believes, and on the basis of that information and
22 belief alleges, that JOSH SOBOTIK was an officer and/or director and/or managing agent and
23 employee of SLIDEBAR with the authority to speak for SLIDEBAR and the ability to exercise
24 substantial discretionary authority over the decisions that ultimately determine SLIDEBAR's
25 corporate policy, in general as well as specifically with regard to the matter.

26 7. MR. REEVES is informed and believes, and on the basis of that information and
27 belief alleges, that JOSH STOLO was an officer and/or director and/or managing agent and
28 employee of SLIDEBAR with the authority to speak for SLIDEBAR and the ability to exercise

1 substantial discretionary authority over the decisions that ultimately determine SLIDEBAR's
2 corporate policy, in general as well as specifically with regard to the matter.

3 8. Unless otherwise alleged in the Complaint, MR. REEVES is informed and believes,
4 and on the basis of that information and belief alleges, that at all times mentioned in the Complaint,
5 JEREMY POPOFF, SEAN MICHAEL FRANCIS, JEANETTE DeMARCO, JOSH SOBOTIK, and
6 JOSH STOLO were the agents and employees of SLIDEBAR, and in doing the things alleged in the
7 Complaint, were acting within the course and scope of that agency and employment.

8 9. MR. REEVES is unaware of the true names and capacities of those Defendants
9 named and sued herein as Does 1 through 50, inclusive, and therefore sues them by such fictitious
10 names. MR. REEVES will amend the Complaint to allege their true names and capacities when the
11 same have been ascertained. MR. REEVES is informed and believes, and thereon alleges, that each
12 of the fictitiously named Defendants was negligently, intentionally, or in some other manner
13 responsible for the events and happenings herein referred to, and negligently, intentionally, or in
14 some other manner caused the injuries and damages proximately caused thereby as herein alleged.
15 Each reference in the Complaint to "Defendant," "Defendants" or to a specifically named Defendant
16 herein refers to all Defendants sued under such fictitious names, and to all named Defendants.

17 10. MR. REEVES is informed and believes and on that information and belief alleges
18 that at all times herein mentioned all Defendants, persons and/or entities named or identified herein
19 or referenced hereby, and each of them, were the agents, employees and officers of each other and of
20 each Defendant and, in doing the things hereinafter alleged, were acting within the scope, course,
21 and purpose of such agency (whether ostensible, explicit, implicit, or direct), employment, and with
22 the permission and consent of SLIDEBAR and JEREMY POPOFF; and that each of the acts or
23 omissions complained of herein were authorized and/or ratified by SLIDEBAR and JEREMY
24 POPOFF.

25 11. MR. REEVES is informed and believes and on that information and belief alleges
26 that JEREMY POPOFF and SLIDEBAR were alter egos of each other and therefore are liable for
27 each and every act and/or omission of the other that is alleged herein.
28

1
2 16. As a former rock star in the pop band "Lit," JEREMY POPOFF was obsessed with
3 SLIDEBAR's image and how it reflected on his own image as the owner and face of SLIDEBAR.
4 Homeless people had no place in the image JEREMY POPOFF wanted for SLIDEBAR, so he
5 implemented a rule that banned homeless people from entering SLIDEBAR. Kelly Thomas, a 37-
6 year-old homeless man, was often seen in the parking lot near SLIDEBAR either picking up
7 cigarette butts or watching one of the big screen televisions on SLIDEBAR's patio. Kelly Thomas
8 once entered SLIDEBAR when a patron offered to buy him a meal, but MR. REEVES followed
9 JEREMY POPOFF and SLIDEBAR's "no homeless people" policy and asked Kelly Thomas to
10 leave.

11 17. JEREMY POPOFF's "no homeless people" policy kept Kelly Thomas out of
12 SLIDEBAR, but it did not keep Kelly Thomas out of sight, as JEREMY POPOFF wanted. So, in
13 June 2011, JEREMY POPOFF called a meeting at SLIDEBAR with all of his managers and
14 instructed them to call the police whenever they saw Kelly Thomas around SLIDEBAR and to do
15 anything necessary to get Kelly Thomas away from SLIDEBAR.

16 18. The first few times SLIDEBAR's managers followed JEREMY POPOFF's
17 instructions and called the police on Kelly Thomas, the managers reported that Kelly Thomas was
18 loitering. About thirty minutes later, a single police car would pull up to Kelly Thomas's reported
19 location, and, if he was still around, the police would ask him to move along. This response did not
20 satisfy JEREMY POPOFF, because the police took too long to respond, and Kelly Thomas would
21 always return to the area and spoil the image JEREMY POPOFF had for SLIDEBAR and himself.
22 So, JEREMY POPOFF told SLIDEBAR managers to do whatever it takes to *keep* Kelly Thomas
23 away.

24 19. On July 5, 2011, MR. REEVES was working the front door of SLIDEBAR from 8:00
25 p.m. until closing time. When MR. REEVES arrived at SLIDEBAR, he noticed Kelly Thomas in
26 the nearby parking lot picking up cigarette butts. Around 8:15 p.m., the Tuesday-night manager,
27 JEANETTE DeMARCO, visited MR. REEVES at the front door of the bar where she saw Kelly
28 Thomas in the parking lot and told MR. REEVES that she was going to "take care of this." MR.
REEVES asked her not to call the police and explained that Kelly Thomas was only picking up

1 cigarette butts and would move on in a couple minutes like he always does. But JEANETTE
2 DeMARCO followed JEREMY POPOFF's instructions authorizing her to do "anything necessary"
3 to keep Kelly Thomas away from SLIDEBAR and she stepped five feet from where MR. REEVES
4 was standing and placed a call directly to the Fullerton Police Dispatcher. To his disbelief, MR.
5 REEVES then heard JEANETTE DeMARCO make a knowingly false report to the Fullerton Police
6 Dispatcher that "Kelly Thomas is in the parking lot breaking into cars." Though normally happy to
7 keep his head down, MR. REEVES could not tolerate JEANETTE DeMARCO's blatantly false
8 statement, and he told her that what she had just done was wrong: she had just made a false report
9 about Kelly Thomas to the police.

10 20. At or around 8:20 p.m., within minutes of JEANETTE DeMARCO's false report to
11 the Fullerton Police Dispatcher, four cars from the Fullerton Police Department responded to the
12 report of a crime in progress in the parking lot near SLIDEBAR. Believing that Kelly Thomas was
13 breaking into cars, the police officers attempted to arrest Kelly Thomas and began shooting him with
14 a stun gun when he resisted. The officers' confusion, based on JEANETTE DeMARCO's false
15 report, gave way to greater confusion and ended only after it was already too late. The officers beat
16 Kelly Thomas into a coma, and he was rushed to the hospital at the University of California, Irvine.

17 21. Kelly Thomas died in the hospital at UC Irvine on July 10, 2011, five days after
18 Fullerton Police responded to the false police report made by JEANETTE DeMARCO and
19 authorized and/or ratified by JEREMY POPOFF and SLIDEBAR.

20 22. By knowingly reporting to the Fullerton Police Dispatcher the false report that Kelly
21 Thomas was breaking into cars—which is a condition that could and did result in the response by the
22 Fullerton Police in their authorized emergency vehicles—JEANETTE DeMARCO, with JEREMY
23 POPOFF's and SLIDEBAR's authorization and/or ratification, violated *Penal Code §§ 148.3(a), (b)*.

24 23. By knowingly reporting to the Fullerton Police Dispatcher the false report that Kelly
25 Thomas was breaking into cars, JEANETTE DeMARCO, with JEREMY POPOFF's and
26 SLIDEBAR's authorization and/or ratification, made a false report that a felony or misdemeanor had
27 been committed, in violation of *Penal Code § 148.5(a)*.

1 24. By knowingly allowing the use and using the 911 telephone system for reasons other
2 than because of an emergency, JEANETTE DeMARCO, JEREMY POPOFF, and SLIDEBAR
3 violated *Penal Code § 653y(a)*.

4 25. Furthermore, by instructing and authorizing SLIDEBAR managers, including
5 JEANETTE DeMARCO, to call the police on Kelly Thomas and do "anything necessary" to *keep*
6 Kelly Thomas away from SLIDEBAR, JEREMY POPOFF, SLIDEBAR, and the SLIDEBAR
7 managers conspired to commit crimes—namely, *Penal Code § 148.3(a), (b)* and *§ 148.5(a)*—in
8 violation of *Penal Code § 182(a)(1)*, and conspired to falsely and maliciously procure Kelly Thomas
9 to be arrested for a crime, in violation of *Penal Code § 182(a)(2)*.

10 26. In the days following SLIDEBAR manager JEANETTE DeMARCO's false police
11 report about Kelly Thomas, JEREMY POPOFF and SLIDEBAR were scrambling to distance
12 SLIDEBAR from the incident, and JEREMY POPOFF conspired with his SLIDEBAR managers to
13 obstruct justice and the due administration of the laws by preventing and/or dissuading anyone,
14 particularly MR. REEVES, from providing information to law enforcement agencies regarding the
15 false police report given by JEANETTE DeMARCO and authorized by JEREMY POPOFF—a
16 violation of *Penal Code §§ 136.1(b)(2)* and *182(a)(5)*. To that end, JEREMY POPOFF and the
17 SLIDEBAR managers adopted and reiterated the false mantra, "SLIDEBAR had nothing to do with
18 what happened to Kelly Thomas."

19 27. On July 7, 2011, SLIDEBAR manager JOSH SOBOTIK called MR. REEVES to a
20 pre-shift meeting and again reiterated to him and the other security personnel the false mantra that
21 "SLIDEBAR had nothing to do with Kelly Thomas's beating," and admonished them that they were
22 not to talk about the incident to anyone, particularly the media or costumers. After the meeting,
23 JOSH SOBOTIK pulled MR. REEVES aside and told him not to discuss anything he had seen, in
24 furtherance of the conspiracy to attempt to dissuade and/or prevent anyone, particularly MR.
25 REEVES, from providing information to law enforcement agencies, a violation of *Penal Code §*
26 *136.1(b)(2)*.

27 28. On July 10, 2011, the day Kelly Thomas died, JEREMY POPOFF became even more
28 concerned about distancing SLIDEBAR from Kelly Thomas and maintaining his and SLIDEBAR's

1 image. JEREMY POPOFF called MR. REEVES into his office and repeated SLIDEBAR's false
2 mantra: he told MR. REEVES that "SLIDEBAR had nothing to do with what had happened to Kelly
3 Thomas," and, in furtherance of the conspiracy to attempt to dissuade and/or prevent anyone,
4 particularly MR. REEVES, from providing law enforcement agencies with information regarding
5 the crime MR. REEVES had seen JEAN DeMARCO commit with JEREMY POPOFF's
6 authorization and/or ratification, JEREMY POPOFF warned MR. REEVES not to talk to anyone
7 about what had happened, in violation of *Penal Code § 136.1(b)(2)* and *182(a)(5)*. MR. REEVES
8 felt threatened by JEREMY POPOFF'S warnings not to talk to anybody about what he saw.
9 JEREMY POPOFF also informed MR. REEVES that if he had any questions, he could contact
10 JEREMY POPOFF's attorney.

11 29. Around July 23, 2011, media outlets began to disseminate a photograph of Kelly
12 Thomas in his UC Irvine hospital bed after being beaten by Fullerton Police Officers. At
13 SLIDEBAR, employees and managers, including JOSH SOBOTIK, gathered around a computer and
14 looked at the photograph. JOSH SOBOTIK shrugged off the photograph and said, "Who cares? It's
15 just one less junkie to worry about." JOSH SOBOTIK also made jokes, such as "don't mess with
16 SLIDEBAR," in reference to the logo on merchandise that SLIDEBAR was selling at the time.

17 30. On July 27, 2011, several major news outlets reported that the July 5, 2011 beating of
18 Kelly Thomas by Fullerton Police was initiated by reports that Kelly Thomas was breaking into cars.
19 With this news, protestors began standing in front of SLIDEBAR to protest SLIDEBAR's rumored
20 involvement in Kelly Thomas's death. Fearful of what the truth would do to his and SLIDEBAR's
21 image, JEREMY POPOFF acted in furtherance of the conspiracy to dissuade and/or prevent anyone,
22 particularly MR. REEVES, from providing law enforcement with information regarding
23 SLIDEBAR's role in Kelly Thomas's death by removing MR. REEVES from his long-standing
24 position at the front door and placing him in a less-visible position on the outside patio.

25 31. On August 2, 2011, six officers from the Fullerton Police Department were placed on
26 paid administrative leave while the Orange County District Attorney's Office continued its
27 investigation into the beating death of Kelly Thomas. That same day, JEANETTE DeMARCO
28 called MR. REEVES into her office and told him that the Orange County District Attorney's Office

1 had contacted SLIDEBAR to speak with anyone who witnessed the Kelly Thomas police beating,
2 and a District Attorney Investigator would be contacting MR. REEVES sometime that week.

3 32. On the morning of August 3, 2011, MR. REEVES spoke with a District Attorney
4 Investigator regarding the Kelly Thomas police beating.

5 33. When MR. REEVES showed up for work on the evening of August 3, SLIDEBAR
6 management, including JOSH SOBOTIK, confronted MR. REEVES and asked him if he had talked
7 to the District Attorney Investigator and yet again repeated SLIDEBAR's false mantra: "SLIDEBAR
8 had nothing to do with it," in furtherance of the conspiracy between JEREMY POPOFF and his
9 SLIDEBAR managers to prevent and/or dissuade anyone, particularly MR. REEVES, from
10 providing information to law enforcement agencies. Afraid of losing his job, but not wanting to lie
11 to his supervisors, MR. REEVES told his managers that he preferred not to talk about it and just
12 wanted to do his job.

13 34. One week later, on August 9, 2011, JEANETTE DeMARCO called MR. REEVES
14 into her office and asked him if he had spoke to the District Attorney Investigator. Boxed into a
15 corner, MR. REEVES told her, "I told the DA investigator the truth about what I saw and heard."
16 JEANETTE DeMARCO turned cold and yelled at MR. REEVES to get out of her office. Later that
17 day, in furtherance of the conspiracy to dissuade and/or prevent anyone from providing information
18 to law enforcement agencies, managers JEANETTE DeMARCO, JOSH STOLO, and JOSH
19 SOBOTIK made an example of MR. REEVES by reprimanding him for talking to the District
20 Attorney Investigator, saying, "the DA records everything you say to them!" and once again
21 repeating SLIDEBAR's false mantra: "SLIDEBAR has nothing to do with this!"

22 35. From August 9, 2011, forward, JOSH STOLO and JEANETTE DeMARCO
23 continued to punish and make an example of MR. REEVES in furtherance of the conspiracy
24 between JEREMY POPOFF and his managers to dissuade and/or prevent MR. REEVES from
25 providing additional information to law enforcement agencies and to dissuade and/or prevent other
26 witnesses from speaking to law enforcement. They constantly ridiculed his performance: they told
27 him he was too friendly with bar patrons; then, minutes later, they told him he was "too standoffish."
28

1 They also criticized his appearance, which had not changed throughout the 17 months he worked at
2 SLIDEBAR, telling him that he was "too intimidating."

3 36. In mid-August 2011, local bloggers began to post articles online that accused
4 SLIDEBAR of instigating the Kelly Thomas beating by falsely reporting to the Fullerton Police that
5 Kelly Thomas was breaking into cars. On August 21, 2011, the website Friends of Fullerton's
6 Future.org posted an article entitled "*The Phone Call. Was it made? If so, by whom? And Why?*"
7 The article begins,

8 From the very beginning of the Kelly Thomas beating death at the
9 hands, Tasers, fist and feet of the Fullerton Police Department, that
10 department's spokes[person], Sergeant Andrew Goodrich told the
11 public that the fateful incident was initiated with a phone call: a
12 phone call to the dispatcher stating that somebody was breaking into
13 cars in the vicinity of the Transportation Center.

14 The article generated more than 300 reader comments within 24 hours. Among the first
15 comments was the following:

16 Jeremy [POPOFF] didn't make the call. A Slidebar manager did.
17 That person feels awful for following Jeremy [POPOFF]'s policy to
18 call FPD in a particular manner (reporting that a crime is in progress)
19 that allows them to be aggressive from the get-go. I believe this
20 method was developed between Jeremy [POPOFF] and his FPD
21 cronies because Jeremy [POPOFF] thinks the homeless scum is bad
22 for his business.

23 On August 23, 2011, the online magazine OC Weekly.com posted an article entitled
24 "*Sources: Slidebar Placed Call Resulting in Kelly Thomas' Death,*" which reported that a Slidebar
25 manager told the Fullerton Police Dispatcher that Kelly Thomas was breaking into cars:

26 Many names have been bandied around on message boards and
27 during the weekly Saturday protests that have occurred outside the
28 Fullerton Police Station since his death, but sources tell the *Weekly*

1 the phone call came from downtown Fullerton's popular Slidebar
2 Rock-n-Roll Kitchen, co-owned by Jeremy Popoff of Lit fame.

3 37. The negative press directed at SLIDEBAR fueled JEREMY POPOFF's fears that his
4 and SLIDEBAR's reputation would be tarnished if the public and law enforcement discovered
5 SLIDEBAR's role in the death of Kelly Thomas, so, to dissuade and/or prevent MR. REEVES from
6 providing additional information to law enforcement agencies, and to dissuade and/or prevent others
7 from speaking to law enforcement agencies, JEREMY POPOFF punished and made an example of
8 MR. REEVES by taking away his privilege of driving the company van to promotional events and
9 giving the privilege to another security guard who had not spoken to law enforcement. Although
10 MR. REEVES was upset by the unfair treatment he was receiving as a result of his refusal to
11 participate in SLIDEBAR's scheme of denying its involvement in Kelly Thomas's death, he
12 continued to work hard and do his job.

13 38. By mid-September 2011, the Orange County District Attorney's Office was near the
14 conclusion of its investigation into Kelly Thomas's death and was expected to make a public
15 statement of its findings during the week of September 19, 2011. Anxious about the announcement,
16 JEREMY POPOFF called MR. REEVES into his office and, in yet another effort to dissuade and/or
17 prevent MR. REEVES from providing information to law enforcement agencies about SLIDEBAR's
18 involvement in Kelly Thomas's death, JEREMY POPOFF repeated yet again his false mantra:
19 "SLIDEBAR had nothing to do with Kelly Thomas's death." When MR. REEVES still did not give
20 in to SLIDEBAR's false mantra, JEREMY POPOFF tried to get MR. REEVES to leave town while
21 Kelly Thomas's case was on the verge of breaking by offering MR. REEVES a two-week
22 "vacation." MR. REEVES felt threatened by JEREMY POPOFF'S statements since JEREMY
23 POPOFF repeatedly urged MR. REEVES to "get out of town." MR. REEVES declined the
24 "vacation" offer.

25 39. On September 21, 2011, the Orange County District Attorney announced that he had
26 filed criminal charges against two of the Fullerton Police officers involved in the beating death of
27 Kelly Thomas. Officer Manuel Ramos was charged with one felony count of second-degree murder
28

1 and one felony count of involuntary manslaughter. Corporal Jay Cicinelli was charged with one
2 felony count of involuntary manslaughter and one felony count of the use of excessive force.

3 40. JEREMY POPOFF and SLIDEBAR had ratified JEANETTE DeMARCO's actions
4 by refusing to discipline or terminate her and by conspiring with SLIDEBAR managers to obstruct
5 justice and the due administration of the laws by dissuading and/or preventing witnesses, particularly
6 MR. REEVES, from providing information to law enforcement agencies, in violation of *Penal Code*
7 §§ 136.1(b)(2) and 182(a)(5). Afraid of what criminal liability would do to his and SLIDEBAR's
8 image, JEREMY POPOFF decided it was not enough to intimidate MR. REEVES into silence; MR.
9 REEVES had to be terminated from his employment.

10 41. MR. REEVES was terminated on September 23, 2011, two days after the District
11 Attorney announced that he was pursuing criminal charges against the Fullerton Police Officers. On
12 the evening of September 23, 2011, MR. REEVES was working the side gate on the outside patio of
13 SLIDEBAR. SLIDEBAR featured live music that evening, so SLIDEBAR patrons were given
14 distinct wristbands to prove that they had shown their identification, and so they could exit the bar
15 and return without showing identification again. While positioned at the side gate, three female
16 patrons with wristbands approached MR. REEVES from outside the patio and informed MR.
17 REEVES that they had just gone to their cars to drop off their purses—as female patrons often did—
18 and “JOSH with the hat [JOSH STOLO] told us we could come back in this way without waiting in
19 line.” Patrons with wristbands were commonly let back in through the side gate, so, after checking
20 their wristbands, MR. REEVES allowed the patrons to reenter SLIDEBAR. When JOSH STOLO
21 learned that MR. REEVES had allowed the patrons to enter through the side gate, he sent MR.
22 REEVES home early.

23 42. The next day, September 24, 2011, JOSH SOBOTIK called MR. REEVES and told
24 him that he was fired and needed to come into the office to get his final paycheck. When MR.
25 REEVES arrived at SLIDEBAR, JOSH SOBOTIK was waiting for him with his termination papers,
26 which were signed by JEANETTE DeMARCO. SLIDEBAR's claim that MR. REEVES was
27 terminated for “insubordination” and “violating company policy” is the very definition of pretext
28 because SLIDEBAR commonly allowed patrons with wristbands to reenter through the side gate.

1 The truth is that MR. REEVES refused to adopt JEREMY POPOFF's and SLIDEBAR's false
2 mantra that "SLIDEBAR had nothing to do with Kelly Thomas's death," and when JEREMY
3 POPOFF, SLIDEBAR, and SLIDEBAR's managers realized that Fullerton Police Officers were
4 facing criminal charges and possibly jail time for Kelly Thomas's death, and that they, too, could
5 face legal consequences for their involvement, not to mention the harm it would cause to
6 SLIDEBAR's and JEREMY POPOFF's images, they decided to terminate MR. REEVES to keep
7 him and law enforcement investigators as far away from SLIDEBAR as possible.

8 43. Due to his unlawful termination, MR. REEVES lost his only source of income in the
9 midst of the worst economic downturn in more than seventy years. This injustice has forced MR.
10 REEVES to rely on his sister for housing and financial support, while MR. REEVES continues to
11 look for work. The reality that MR. REEVES was targeted and terminated—and is now
12 unemployed—for upholding his duty to provide important information to the District Attorney's
13 Office as an eyewitness to the false police report has caused MR. REEVES to suffer significant
14 emotional distress.

15 44. SLIDEBAR retaliated against MR. REEVES by wrongfully terminating his
16 employment in violation of Public Policy, *Labor Code §1102.5, Penal Code § 148.3, Penal Code §*
17 *148.5, Penal Code § 182(a)(2), Penal Code § 182(a)(5), Penal Code § 653y*, and other applicable
18 laws and regulations for unlawful reasons including, but not limited to:

- 19 A. MR. REEVES's opposition to and refusal to participate in SLIDEBAR's negligent
20 and/or intentional scheme to violate California law, including but not limited to *Penal*
21 *Code §§ 148.3(c), 148.5, 653y*; by making reports to police officers while knowing
22 that the report is false;
- 23 B. MR. REEVES's opposition to and refusal to participate in SLIDEBAR's negligent
24 and/or intentional scheme to violate California law, including but not limited to *Penal*
25 *Code §§ 148.3(a), (b)*, by making reports to police officers of the existence of an
26 "emergency," knowing that the report is false;
- 27 C. MR. REEVES's opposition to and refusal to participate in SLIDEBAR's negligent
28 and/or intentional scheme to violate California law, including but not limited to *Penal*

1 *Code § 148.5*, by reporting to a peace officer engaged in the performance of his or her
2 duties as a peace officer, that a felony or misdemeanor had been committed, knowing
3 the report to be false, and knowing that the person receiving the information was a
4 peace officer;

5 D. MR. REEVES's opposition to and refusal to participate in SLIDEBAR's negligent
6 and/or intentional scheme to violate California law, including but not limited to *Penal*
7 *Code § 653y* by using and/or allowing the use of the 911 telephone system for
8 reasons other than because of an emergency;

9 E. MR. REEVES's opposition to and refusal to participate in SLIDEBAR's negligent
10 and/or intentional scheme to violate California law, including but not limited to *Penal*
11 *Code § 182(a)(2)*, by conspiring to violate *Penal Code §§ 148.3 and 148.5* by
12 committing the crime of making false police reports;

13 F. MR. REEVES's opposition to and refusal to participate in SLIDEBAR's negligent
14 and/or intentional scheme to violate California law, including but not limited to *Penal*
15 *Code § 182(a)(2)*, by conspiring to falsely and maliciously cause Kelly Thomas to be
16 arrested for the crime of breaking into cars;

17 G. MR. REEVES's opposition to and refusal to participate in SLIDEBAR's negligent
18 and/or intentional scheme to violate California law, including but not limited to *Penal*
19 *Code § 182(a)(5)*, by conspiring to provide false material information to, and/or
20 withholding true material information from, the District Attorney and/or Deputy
21 District Attorneys, and/or other peace officers pertaining to SLIDEBAR's knowingly
22 false police reports to peace officers regarding Kelly Thomas, where such reports
23 caused police to come to the scene under false pretenses at which point the police
24 interacted with Kelly Thomas and Mr. Thomas died;

25 H. MR. REEVES's refusal to participate in SLIDEBAR's negligent and/or intentional
26 scheme to violate California law, including but not limited to *Penal Code § 136.1(b)*,
27 by attempting to prevent or dissuade witnesses from providing information to the
28

1 District Attorney, Deputy District Attorneys, and/or other peace officers investigating
2 the brutal police beating and subsequent death of Kelly Thomas.
3

4 **FIRST CAUSE OF ACTION**

5 **MR. REEVES's Claim for Wrongful Termination in violation of *Labor Code §1102.5* and**
6 **Public Policy against SLIDEBAR and DOES 1-50**

7 45. MR. REEVES incorporates herein by reference Paragraphs 1 through 44, inclusive,
8 of the Complaint as though fully set forth herein.

9 46. MR. REEVES was employed by SLIDEBAR as a Security Guard on the date of his
10 wrongful termination.

11 47. On September 23, 2011, SLIDEBAR wrongfully terminated MR. REEVES in
12 violation of *Labor Code §1102.5* and Public Policy because MR. REEVES opposed and refused to
13 participate in SLIDEBAR's violations of public policy as codified in applicable state and federal
14 laws and regulations including, but not limited to, *Penal Code § 136.1(b)*, *148.3*, *Penal Code §*
15 *148.5*, *Penal Code § 182(a)(2)*, *Penal Code § 182(a)(5)*, and *Penal Code § 653y*. The intent of
16 many of these laws and regulations is to ensure the safety of the public at large and to promote the
17 efficient functioning of law enforcement and prosecution in the justice system. The public policy
18 behind these state and federal laws and regulations was firmly established at the time of MR.
19 REEVES's termination and these public policies are substantial and fundamental.

20 48. MR. REEVES was severely harmed by SLIDEBAR's wrongful termination of his
21 employment, and SLIDEBAR'S termination was a substantial factor in causing MR. REEVES's
22 harm.

23 49. As a direct foreseeable and proximate result of SLIDEBAR's unlawful actions, MR.
24 REEVES suffered, and continues to suffer, substantial losses of earnings, bonuses, and job benefits,
25 and expenses incurred in the search for comparable employments and MR. REEVES has suffered,
26 and continues to suffer extreme and severe anguish, humiliation, emotional distress, nervousness,
27 tension, anxiety and depression, the extent of which is not fully known at this time, and the amount
28 of damage caused by Defendant's conduct is not fully ascertained, the amount of which will be

1 proven at Trial, but at least \$4,000,000.

2 50. Through its officers, directors, and/or managing agents, directly as well as by their
3 authorization and/or ratification, SLIDEBAR conducted itself with a conscious disregard of MR.
4 REEVES's rights and with the intent to vex, injure or annoy MR. REEVES, such as to constitute
5 oppression, fraud or malice, entitling MR. REEVES to exemplary or punitive damages in an amount
6 appropriate to punish SLIDEBAR. These oppressive, fraudulent and malicious actions include, but are
7 not limited to the following:

8 A. The actions taken by JEREMY POPOFF and SLIDEBAR's managers in furtherance of
9 their conspiracy to obstruct justice and the due administration of the laws by repeatedly
10 attempting to dissuade and/or prevent anyone, particularly MR. REEVES, from
11 providing law enforcement agencies with information regarding the false police report
12 given by SLIDEBAR manager JEANETTE DeMARCO with JEREMY POPOFF's
13 authorization, which MR. REEVES witnessed, by persistently warning MR. REEVES
14 that "SLIDEBAR had nothing to do with Kelly Thomas's death";

15 B. The actions taken by JEREMY POPOFF and SLIDEBAR managers in furtherance of
16 their conspiracy to obstruct justice and the due administration of the laws by repeatedly
17 attempting to dissuade and/or prevent anyone, particularly MR. REEVES, from
18 providing law enforcement agencies with information regarding the false police report
19 given by SLIDEBAR manager JEANETTE DeMARCO with JEREMY POPOFF's
20 authorization, which MR. REEVES witnessed, by punishing and making an example of
21 MR. REEVES for providing information to the District Attorney Investigator by
22 removing MR. REEVES from his long-standing position at the front of SLIDEBAR to a
23 less-visible position on the outdoor patio, by unduly criticizing and critiquing MR.
24 REEVES's performance and appearance, and by taking away MR. REEVES's privilege
25 of driving the company vehicle to promotional events and giving the privilege to another
26 security guard who did not speak to the District Attorney Investigator.

27 C. The wrongful termination of MR. REEVES due to his opposition to and refusal to
28 participate in SLIDEBAR's numerous violations of state and federal law, including

1 JEREMY POPOFF and SLIDEBARs' conspiracy to make false police reports (*Penal*
2 *Code § 182(a)(1)*), JEREMY POPOFF and SLIDEBARs' conspiracy to falsely and
3 maliciously cause Kelly Thomas to be arrested for a crime (*Penal Code § 182(a)(2)*);
4 JEREMY POPOFF and SLIDEBARs' conspiracy to obstruct justice and the due
5 administration of the laws by dissuading witnesses from providing information to law
6 enforcement agencies (*Penal Code § 182(a)(5)*); JEREMY POPOFF and SLIDEBARs'
7 attempts to dissuade and/or prevent witnesses from providing information to law
8 enforcement agencies through constant warnings that "SLIDEBAR had nothing to do
9 with Kelly Thomas's death" (*Penal Code § 136.1(b)(2)*); JEANETTE DeMARCO's
10 knowingly false police report, which was authorized and ratified by JEREMY POPOFF
11 and SLIDEBAR (*Penal Code §§ 148.3(a); 148.5(a); and 653y*).

12 51. MR. REEVES claims the amount, together with prejudgment interest pursuant to
13 *Civil Code §3287*, and pursuant to any other provision of law providing for prejudgment interest,
14 post judgment interest, costs and attorney's fees.

15 SECOND CAUSE OF ACTION

16 MR. REEVES's Claim for Breach of the Implied Covenant of Good Faith and Fair Dealing 17 Against SLIDEBAR and DOES 1-50

18 52. MR. REEVES incorporates herein by reference Paragraphs 1 through 51, inclusive,
19 of the Complaint as though fully set forth herein.

20 53. As a result of the employment relationship which existed between MR. REEVES and
21 SLIDEBAR the expressed and implied promises made in connection with that relationship, and the
22 acts, conduct, and communications resulting in these implied promises, SLIDEBAR promised to act
23 in good faith toward and deal fairly with MR. REEVES which requires, among other things, that:

- 24 (a) Each party in the relationship must act with good faith toward the other concerning
25 all matter related to the employment;
26 (b) Each party in the relationship must act with fairness toward the other concerning all
27 matters related to the employment;
28

- 1
- 2 (c) Neither party would take any action to unfairly prevent the other from obtain the
- 3 benefits of the employment relationship.
- 4 (d) SLIDEBAR would similarly treat employees who are similarly situated;
- 5 (e) SLIDEBAR would comply with its own representations, rules, policies, and
- 6 procedures, and follow and not violate laws, regulations and legally required policies,
- 7 in dealing with MR. REEVES;
- 8 (f) SLIDEBAR would not terminate MR. REEVES without a fair and honest cause,
- 9 regulated by good faith on SLIDEBAR's part;
- 10 (g) SLIDEBAR would not terminate MR. REEVES in an unfair manner; and
- 11 (h) SLIDEBAR would give MR. REEVES's interests as much consideration as it gave its
- 12 own interest.

13 54. SLIDEBAR breached the implied covenant of good faith and fair dealing with MR.

14 REEVES by demoting MR. REEVES from his long-standing position at the front of SLIDEBAR, by

15 taking away MR. REEVES's employment privileges, including the privilege of driving the company

16 vehicle; by verbally harassing MR. REEVES and critiquing his job performance; by singling MR.

17 REEVES out for additional admonishment regarding SLIDEBAR's direct or indirect culpability in

18 the death of Kelly Thomas; by violating California and Federal laws in its treatment of MR.

19 REEVES; by making an example of MR. REEVES for participating in the District Attorney's

20 criminal investigation of the death of Kelly Thomas; and by ultimately terminating MR. REEVES's

21 employment, where all such actions were made in bad faith for the purpose of denying MR.

22 REEVES the benefits of his employment and to punish MR. REEVES for refusing to be complicit in

23 SLIDEBAR's unlawful actions, including but not limited to SLIDEBAR's authorization and

24 ratification of the false police report that initiated police response and such response ultimately

25 resulted in Kelly Thomas's death, and SLIDEBAR's subsequent efforts to conceal its involvement in

26 the Kelly Thomas debacle.

27 55. SLIDEBAR's breach of the covenant of good faith and fair dealing was a substantial

28 factor in causing damage and injury to MR. REEVES. As a direct foreseeable and proximate result

of SLIDEBAR's unlawful actions, MR. REEVES suffered, and continues to suffer, substantial

1 losses of earnings, bonuses, and job benefits, and expenses incurred in the search for comparable
2 employments and MR. REEVES has suffered, and continues to suffer extreme and severe anguish,
3 humiliation, emotional distress, nervousness, tension, anxiety and depression, the extent of which is
4 not fully known at the time, and the amount of damage caused by Defendant's conduct is not fully
5 ascertained, the amount of which will be proven at Trial, but at least \$4,000,000. MR. REEVES
6 claims the amount, together with prejudgment interest pursuant to *Civil Code* §3287, and pursuant to
7 any other provision of law providing for prejudgment interest, costs and attorney's fees.
8

9
10 **THIRD CAUSE OF ACTION**

11 **MR. REEVES's Claim for Intentional Infliction of Emotional Distress Against All Defendants**

12 56. Plaintiff incorporates herein by reference Paragraphs 1 through 55, inclusive, of the
13 Complaint as though fully set forth herein.

14 57. Throughout the course of his employment, Defendants wrongfully and intentionally
15 inflicted emotional distress on MR. REEVES when it harassed, discriminated against, and retaliated
16 against MR. REEVES because MR. REEVES opposed and refused to participate in SLIDEBAR's
17 violations of public policy as codified in applicable state and federal laws including, but not limited
18 to, *Penal Code* § 136.1(b), 148.3, *Penal Code* § 148.5, *Penal Code* § 182(a)(2), *Penal Code* §
19 182(a)(5), and *Penal Code* § 653y. The intent of many of these laws and regulations is to ensure the
20 safety of the public at large and to promote the efficient functioning of law enforcement and
21 prosecution in the justice system.

22 58. Defendants attempted to dissuade and/or prevent MR. REEVES from providing
23 information to law enforcement agencies regarding the false police report that he witnessed by
24 warning MR. REEVES not to talk to anyone about Kelly Thomas or the false police report and
25 repeatedly telling MR. REEVES that SLIDEBAR had nothing to do with Kelly Thomas's death.

26 59. When MR. REEVES would not be dissuaded or prevented by the Defendants'
27 constant warnings and admonitions, the Defendants set out to punish and make an example of MR.
28 REEVES by taking away, one by one, MR. REEVES's privileges of employment, including his
position at the front of SLIDEBAR, his responsibility of driving the company vehicle to promotional

1 events, and, eventually, his employment at SLIDEBAR, in order to dissuade and/or prevent others
2 from providing information to law enforcement agencies.

3 60. JEREMY POPOFF instigated and helped carry out a deliberate plan of intimidation
4 against MR. REEVES in order to attempt to frighten MR. REEVES into not reporting the false
5 report to the police by a SLIDEBAR manager. On the date of Kelly Thomas' death, July 10, 2012,
6 JEREMY POPOFF personally threatened MR. REEVES when he warned MR. REEVES not to
7 speak to anybody about the false police report by a SLIDEBAR manager that led to the death of
8 Kelly Thomas. Later in mid-September 2011, JEREMY POPOFF personally threatened MR.
9 REEVES when he repeatedly instructed MR. REEVES to "get out of town" despite MR. REEVES
10 repeatedly stating that he did not want to leave.

11 61. The Defendants' conduct was intentional, outrageous, malicious, oppressive,
12 fraudulent and done with ill will and with the intent of causing MR. REEVES to suffer humiliation,
13 mental anguish, and emotional and physical distress. Defendants acted with reckless disregard of
14 the probability that MR. REEVES would suffer emotional distress by the conduct.

15 62. Defendants' conduct was so severe and outrageous that as a proximate result, MR.
16 REEVES has suffered, and continues to suffer extreme and severe anguish, humiliation, emotional
17 distress, nervousness, tension, anxiety, and depression, the extent of which is not fully known at the
18 time, and the amount of damage caused by Defendant's conduct is not fully ascertained, but in an
19 amount in excess of \$4,000,000, the precise amount of be proven at the time of trial.

20 63. Through its officers, directors, and/or managing agents, directly as well as by their
21 authorization and/or ratification, SLIDEBAR conducted itself with a conscious disregard of MR.
22 REEVES's rights and with the intent to vex, injure or annoy MR. REEVES, such as to constitute
23 oppression, fraud or malice, entitling MR. REEVES to exemplary or punitive damages in an amount
24 appropriate to punish SLIDEBAR. These oppressive, fraudulent and malicious actions include, but are
25 not limited to, the following:

- 26 A. The actions taken by JEREMY POPOFF and SLIDEBAR managers in furtherance of
27 their conspiracy to obstruct justice and the due administration of the laws by repeatedly
28 attempting to dissuade and/or prevent anyone, particularly MR. REEVES, from

1 providing law enforcement agencies with information regarding the false police report
2 given by SLIDEBAR manager JEANETTE DeMARCO with JEREMY POPOFF's
3 authorization, which MR. REEVES witnessed, by persistently warning MR. REEVES
4 that "SLIDEBAR had nothing to do with Kelly Thomas's death";

5 B. The actions taken by JEREMY POPOFF and SLIDEBAR managers in furtherance of
6 their conspiracy to obstruct justice and the due administration of the laws by repeatedly
7 attempting to dissuade and/or prevent anyone, particularly MR. REEVES, from
8 providing law enforcement agencies with information regarding the false police report
9 given by SLIDEBAR manager JEANETTE DeMARCO with JEREMY POPOFF's
10 authorization, which MR. REEVES witnessed; by punishing and making an example of
11 MR. REEVES for providing information to the District Attorney Investigator by
12 removing MR. REEVES from his long-standing position at the front of SLIDEBAR to a
13 less-visible position on the outdoor patio; by unduly criticizing and critiquing MR.
14 REEVES's performance and appearance; and by taking away MR. REEVES's privilege
15 of driving the company vehicle to promotional events and giving the privilege to another
16 security guard who did not speak to the District Attorney Investigator.

17 C. The wrongful termination of MR. REEVES due to his opposition to and refusal to
18 participate in SLIDEBAR's numerous violations of state and federal law, including
19 JEREMY POPOFF and SLIDEBARs' conspiracy to make false police reports (*Penal*
20 *Code § 182(a)(1)*), JEREMY POPOFF and SLIDEBARs' conspiracy to falsely and
21 maliciously cause Kelly Thomas to be arrested for a crime (*Penal Code § 182(a)(2)*);
22 JEREMY POPOFF and SLIDEBARs' conspiracy to obstruct justice and the due
23 administration of the laws by dissuading witnesses from providing information to law
24 enforcement agencies (*Penal Code § 182(a)(5)*); JEREMY POPOFF and SLIDEBARs'
25 attempts to dissuade and/or prevent witnesses from providing information to law
26 enforcement agencies through constant warnings that "SLIDEBAR had nothing to do
27 with Kelly Thomas's death" (*Penal Code § 136.1(b)(2)*); and JEANETTE
28 DeMARCO's knowingly false police report, which was authorized and ratified by

1 JEREMY POPOFF (*Penal Code §§ 148.3(a), (b); 148.5(a); and 653y*).

2
3 **FOURTH CAUSE OF ACTION**

4 **MR. REEVES's Claim for Negligent Infliction of Emotional Distress against All Defendants**

5 64. Plaintiff incorporates herein by reference Paragraphs 1 through 63, inclusive, of the
6 Complaint as though fully set forth herein.

7 65. Throughout the course of his employment, Defendants wrongfully and negligently
8 inflicted emotional distress on MR. REEVES when it harassed, discriminated against, and retaliated
9 against MR. REEVES because MR. REEVES opposed and refused to participate in SLIDEBAR's
10 violations of public policy as codified in applicable state and federal laws including, but not limited
11 to, *Penal Code § 136.1(b), 148.3, Penal Code § 148.5, Penal Code § 182(a)(2), Penal Code §*
12 *182(a)(5), and Penal Code § 653y*. The intent of many of these laws and regulations is to ensure the
13 safety of the public at large and to promote the efficient functioning of law enforcement.

14 66. Defendants attempted to dissuade and/or prevent MR. REEVES from providing
15 information to law enforcement agencies regarding the false police report that he witnessed and the
16 beating and death of Kelly Thomas that was a direct result of the false police report by repeatedly
17 warning MR. REEVES not to talk to anyone about Kelly Thomas or the false police report and by
18 repeatedly telling MR. REEVES that SLIDEBAR had nothing to do with Kelly Thomas's death.

19 67. When MR. REEVES would not be dissuaded or prevented by the Defendants'
20 constant warnings and admonitions, the Defendants set out to punish and make an example of MR.
21 REEVES by taking away, one by one, MR. REEVES's privileges of employment, including his
22 position at the front of SLIDEBAR, his responsibility of driving the company vehicle to promotional
23 events, and, eventually, his employment at SLIDEBAR, in order to dissuade and/or prevent others
24 from providing information to law enforcement agencies.

25 68. JEREMY POPOFF instigated and helped carry out a plan of intimidation against MR.
26 REEVES in order to attempt to frighten MR. REEVES into not reporting the false report to the
27 police by a SLIDEBAR manager. On the date of Kelly Thomas' death, July 10, 2012, JEREMY
28 POPOFF personally threatened MR. REEVES when he warned MR. REEVES not to speak to

1 anybody about the false police report by a SLIDEBAR manager that led to the death of Kelly
2 Thomas. Later in mid-September 2011, JEREMY POPOFF personally threatened MR. REEVES
3 when he repeatedly instructed MR. REEVES to "get out of town" despite MR. REEVES repeatedly
4 stating that he did not want to leave.

5 69. Defendants' conduct was outrageous, malicious, oppressive, fraudulent and done with
6 ill will and Defendants should have reasonably known that it would cause MR. REEVES to suffer
7 humiliation, mental anguish, and emotional and physical distress. Defendants' actions were
8 negligent in disregarding the probability that MR. REEVES would suffer emotional distress by their
9 conduct.

10 70. Defendants' conduct was so severe and outrageous that as a proximate result, MR.
11 REEVES has suffered, and continues to suffer extreme and severe anguish, humiliation, emotional
12 distress, nervousness, tension, anxiety, and depression, the extent of which is not fully known at the
13 time, and the amount of damage caused by Defendant's conduct is not fully ascertained, but in an
14 amount in excess of \$4,000,000, the precise amount of be proven at the time of trial.

15
16 **PRAYER FOR RELIEF**

17 Wherefore, MR. REEVES prays judgment as follows:

18 As to the FIRST CAUSE OF ACTION against SLIDEBAR and DOES 1-50 for violations of *Labor*
19 *Code §1102.5* and Public Policy:

- 20 1. For all general damages and special damages, direct damages, incidental damages, and
21 consequential damages, in an amount exceeding the jurisdictional minimum of the court,
22 which amount is to be adduced according to proof at trial, but which shall not be less than
23 \$4,000,000; and,
24 2. For punitive and exemplary damages in an amount according to proof and subject to
25 constitutional restrictions.

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27 As to the SECOND CAUSE OF ACTION against SLIDEBAR and DOES 1-50 for Breach of
28 Covenant of Good Faith and Fair Dealing:

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1. For all general damages and special damages, direct damages, incidental damages, and consequential damages, in an amount exceeding the jurisdictional minimum of the court, which amount is to be adduced according to proof at trial, but which shall not be less than \$4,000,000.

As to the THIRD CAUSE OF ACTION against All Defendants for Intentional Infliction of Emotional Distress:

1. For all general damages and special damages, direct damages, incidental damages, and consequential damages, in an amount exceeding the jurisdictional minimum of the court, which amount is to be adduced according to proof at trial, but which shall not be less than \$4,000,000; and,
2. For punitive and exemplary damages in an amount according to proof and subject to constitutional restrictions.

As to the FOURTH CAUSE OF ACTION against All Defendants for Negligent Infliction of Emotional Distress:

1. For all general damages and special damages, direct damages, incidental damages, and consequential damages, in an amount exceeding the jurisdictional minimum of the court, which amount is to be adduced according to proof at trial, but which shall not be less than \$4,000,000.

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As to ALL CAUSES OF ACTION:

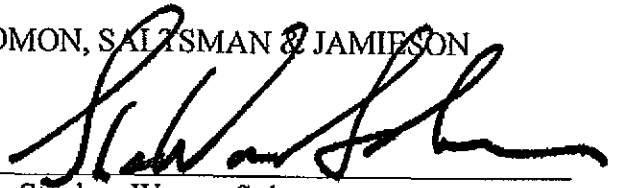
1. For those Causes of Action allowing attorneys fees, reasonable attorneys fees; and
2. For prejudgment and post judgment interest; and
3. For costs of suit; and,
4. For such other further and further relief as the court may deem proper.

Respectfully submitted,

Dated: June 8, 2012

SOLOMON, SALTSMAN & JAMIESON

By:



Stephen Warren Solomon
Stephen Allen Jamieson
Ryan M. Kroll
D. Andrew Quigley
Attorneys for MICHAEL REEVES