

1 SKAPIK LAW GROUP
Mark J. Skapik (SBN 164957)
2 Geralyn L. Skapik (SBN 145055)
Blair J. Berkley (SBN 222293)
3 Matthew T. Falkenstein (SBN 333302)
5861 Pine Avenue, Suite A-1
4 Chino Hills, California 91709
Telephone: (909) 398-4404
5 Facsimile: (909) 398-1883

6 Attorneys for Plaintiff Constantino Joshua Acevedo III

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 EASTERN DIVISION
11

12 CONSTANTINO JOSHUA ACEVEDO
13 III, an individual,

14 Plaintiff,

15 vs.

16 CITY OF FONTANA; JOHN PIEHNIK,
an individual; DUSTIN MULLINS, an
17 individual; MARK RUFF, an individual;
DOES 1-10, inclusive,

18 Defendants.
19
20
21

Case No.:

COMPLAINT

- 1. Unreasonable Search and Seizure – Excessive Force (42 U.S.C. § 1983)
- 2. Unreasonable Search and Seizure – Failure to Intervene (42 U.S.C. § 1983)
- 3. *Monell* Liability – Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
- 4. *Monell* Liability – Failure to Train (42 U.S.C. § 1983)
- 5. *Monell* Liability – Ratification (42 U.S.C. § 1983)

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR DAMAGES**

2 1. Plaintiff CONSTANTINO JOSHUA ACEVEDO III for his complaint
3 against Defendants CITY OF FONTANA, OFFICER PIEHNIK, OFFICER MULLINS,
4 OFFICER RUFF, and DOES 1-10, inclusive, alleges as follows:

5 **INTRODUCTION**

6 2. This civil rights action seeks compensatory and punitive damages from
7 Defendants for violating various rights under the United States Constitution in connection
8 with Plaintiff’s arrest by Defendants PIEHNIK, MULLINS, and RUFF, along with other
9 yet-to-be identified members of the Fontana Police Department, which is owned and
10 operated by Defendant CITY OF FONTANA.

11 **PARTIES**

12 3. At all relevant times, PLAINTIFF was an individual residing in the County
13 of San Bernardino, California. At all times relevant, PLAINTIFF is and was a male of
14 Hispanic and Native American heritage. At all times relevant, PLAINTIFF has and is
15 diagnosed with Aspergers, which is a disease that places PLAINTIFF on the autism
16 spectrum.

17 4. Defendant JOHN PIEHNIK, first name unknown, is an individual and an
18 officer with the Fontana Police Department. JOHN PIEHNIK’s Badge # is 1299.

19 5. Defendant DUSTIN MULLINS, first name unknown, is an individual and an
20 officer with the Fontana Police Department. DUSTIN MULLINS’ Badge # is 110.

21 6. Defendant MARK RUFF, first name unknown, is an individual and an
22 officer with the Fontana Police Department. MARK RUFF’s Badge # is 1404.

23 7. At all times relevant, Defendant CITY OF FONTANA (“CITY”) is and was
24 a duly organized public entity, form unknown, existing under the laws of the State of
25 California. At all times relevant, the CITY was the employer of Defendants PIEHNIK,
26 MULLINS, and RUFF (hereinafter, the “OFFICER DEFENDANTS”), along with DOES
27 1-8, who were various CITY officers and/or supervisory officers; and DOES 9-10, who
28 were managerial, supervisory, and policymaking employees of the CITY’s police

1 department. On information and belief, at all times relevant, DOES 1-10 were residents
2 of the County of San Bernardino, California. DOES 1-10 are sued in their individual
3 capacity for damages only.

4 8. At all times relevant, the OFFICER DEFENDANTS and DOES 1-10,
5 inclusive, were duly authorized employees and agents of the CITY, who were acting
6 under color of law within the course and scope of their respective duties as police officers
7 and with the complete authority and ratification of their principal, Defendant CITY.

8 9. At all relevant times, Defendants DOES 1-10 were duly appointed police
9 officers and/or employees or agents of the CITY, subject to oversight and supervision by
10 the CITY's elected and non-elected officials.

11 10. In doing the acts and failing and omitting to act as hereinafter described,
12 Defendants DOES 1-10, inclusive, were acting on the implied and actual permission and
13 consent of the CITY.

14 11. At all times mentioned herein, each and every CITY defendant was the agent
15 of each and every other CITY defendant and had the legal duty to oversee and supervise
16 the hiring, training, conduct, and employment of each and every other CITY defendant.

17 12. The true names of defendants DOES 1-10, inclusive, are unknown to
18 Plaintiff, who therefore sues these defendants by such fictitious names. Plaintiff will seek
19 leave to amend this complaint to show the true names and capacities of these defendants
20 when they have been ascertained. Each of the fictitiously named defendants is
21 responsible in some manner for the conduct and liabilities alleged herein.

22 **JURISDICTION AND VENUE**

23 13. This civil action is brought for the redress of alleged deprivations of
24 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the Fourth
25 Amendment of the United States Constitution. Jurisdiction is founded on 28 U.S.C. §§
26 1331, 1343, and 1367.

1 14. Venue is proper in this Court under 28 U.S.C. § 1391(b), because
2 Defendants reside in, and all incidents, events, and occurrence giving rise to this action
3 occurred in the County of San Bernardino, California.

4 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

5 15. Plaintiff repeats and realleges each and every allegation in paragraphs 1
6 through 14 of this complaint with the same force and effect as though fully set forth
7 herein.

8 16. On the morning of September 24, 2021, Plaintiff was suffering from severe
9 kidney failure. Severe kidney failure can manifest in a variety of ways, including
10 delirium and hallucinations. Plaintiff, who is schizophrenic, bipolar, and also suffers from
11 Aspergers, has similar symptoms manifest periodically when he is having a mental health
12 episode.

13 17. On the morning of September 24, 2021, as a further effect of the severe
14 kidney failure that Plaintiff was suffering from, he had lost considerable weight and
15 appeared emaciated.

16 18. Early in the morning of September 24, 2021, Plaintiff was experiencing
17 severe hallucinations and delirium due to the undiagnosed kidney failure. Plaintiff walked
18 outside of the house in Fontana, California, where he lives with his parents early in the
19 morning and began acting erratically. Plaintiff was “praying” and “worshipping” in his
20 front yard and was jumping up and down while “watering” the front lawn and driveway.

21 19. Due to this erratic behavior and the fact that Plaintiff was seemingly having
22 a mental health crisis, Plaintiff’s parents called Fontana Police Department to ask for
23 assistance for Plaintiff. Fontana Police Department is familiar with Plaintiff and his
24 history of mental health issues, as they have had to assist him in the past when he has
25 suffered mental health crises.

26 20. Defendants PIEHNIK, MULLINS, and RUFF (the OFFICER
27 DEFENDANTS), along with DOES 1-8, inclusive, arrived at Plaintiff’s home and
28 witnessed him acting erratically. However, despite being familiar with Plaintiff and his

1 family and helping them in the past, the officers refused to offer any assistance and
2 refused to remove Plaintiff from the property.

3 21. One or more of the OFFICER DEFENDANTS and/or DOES 1-8, inclusive,
4 informed Plaintiff's family that in order for them to assist, Plaintiff's family would have
5 to enter a restraining order against Plaintiff. No officer from Defendant CITY had
6 previously required this to assist with any of Plaintiff's previous mental health crises.

7 22. Plaintiff's family requested that emergency medical services be sent to assist
8 Plaintiff while he was in this delirious state. The OFFICER DEFENDANTS refused to
9 contact emergency medical services.

10 23. Eventually, Plaintiff's mother left to enter a restraining order against
11 Plaintiff so that the officers would assist with the obvious and debilitating mental health
12 crisis that he was suffering from. Plaintiff's father remained behind to attempt to help
13 calm Plaintiff and to continue as a liaison between Plaintiff and the officers. At this time
14 Plaintiff still was simply spraying the hose in the front lawn of the house, jumping up and
15 down, and "praying."

16 24. After some time, due to his emaciated appearance and weight loss,
17 Plaintiff's pants fell below his waist, causing his genitals to be exposed while in his front
18 yard. The OFFICER DEFENDANTS observed this, and at this point decided to arrest
19 Plaintiff for indecent exposure.

20 25. Plaintiff's father was still present. Plaintiff's father was told by the
21 OFFICER DEFENDANTS to prevent Plaintiff from re-entering the home, presumably
22 because the officers lacked probable cause to enter the home and also lacked permission
23 to enter the home should Plaintiff have fled from the OFFICER DEFENDANTS.

24 26. Plaintiff, who was still in a state of delirium, was startled when the
25 OFFICER DEFENDANTS approached him and fled into the house. Upon information
26 and belief, at least one of the OFFICER DEFENDANTS attempted to use a taser dart on
27 Plaintiff to prevent him from fleeing into the house, despite Plaintiff making no threats
28 towards any person and despite the fact that no violent crime had been committed. At

1 least one taser dart connected with Plaintiff while he was outside the house, causing
2 extreme pain and suffering to Plaintiff.

3 27. Plaintiff fled into the house. The OFFICER DEFENDANTS pursued him
4 despite not having permission to enter the house. Plaintiff's father followed as well.

5 28. Upon cornering Plaintiff in the house, the OFFICER DEFENDANTS
6 proceeded to use excessive and potentially deadly force against him. The OFFICER
7 DEFENDANTS deployed taser darts against Plaintiff while he was in his living room at
8 least three (3) times. Further, the OFFICER DEFENDANTS struck Plaintiff with fists,
9 feet, and knees multiple times in the body and head, pulled Plaintiff's hair, and applied
10 other forms of excessive force against him.

11 29. At no time was Plaintiff resisting the OFFICER DEFENDANTS nor did he
12 ever pose a risk to the OFFICER DEFENDANTS. Plaintiff was in extreme distress to
13 having been tased and his already compromised mental state. Plaintiff had a difficult time
14 understanding the severe escalation from the OFFICER DEFENDANTS. The OFFICER
15 DEFENDANTS took Plaintiff's confusion as willful disobedience and decided to
16 increase the use of force against him in order to force compliance.

17 30. The OFFICER DEFENDANTS then placed Plaintiff in handcuffs and sat
18 him on the sidewalk outside of his home. Plaintiff was bleeding profusely, suffering
19 shock from multiple taser wounds, and was still in a state of delirium due to kidney
20 failure. Plaintiff requested medical attention multiple times. Despite this, Plaintiff is
21 informed and believes and thereon alleges that none of the OFFICER DEFENDANTS
22 requested any medical assistance for Plaintiff and left him in his suffering while they
23 watched on.

24 31. Plaintiff was arrested and taken to Kaiser Permanente in Fontana, California
25 on a 5150 hold. He was held for three days, and after which was transferred to Del Amo
26 Behavioral Health in Torrance, California, where he was held from September 29, 2021
27 through October 13, 2021.

28

1 32. While Plaintiff was at Kaiser Permanent in Fontana, California, it was
2 discovered that he was in severe kidney failure with creatine levels almost 7 times the
3 recommended level. Plaintiff's erratic behavior was attributed to his severe kidney
4 failure.

5 33. Plaintiff was treated for his severe kidney failure and mental health issues
6 and returned home. The charges against Plaintiff were dismissed.

7 34. Plaintiff is informed and believes and hereon alleges that Defendant CITY
8 has in place specific mental health protocols and units that are to be used to de-escalate
9 situations involving people suffering from mental health crises. Plaintiff is further
10 informed and believes and thereon alleges that the OFFICER DEFENDANTS did not at
11 any point call for this mental health unit or any other mental health services, despite
12 being aware that Plaintiff was suffering from a mental health crisis.

13 35. The OFFICER DEFENDANTS were aware of Plaintiff's mental health
14 crisis and fragile physical and mental state because when they arrived on September 24,
15 2021, Plaintiff's father informed them that Plaintiff had been acting erratically all week
16 and that he had been subjected to a traumatic contact with the Riverside County Sheriff's
17 Department two days prior. Plaintiff's father pleaded with the OFFICER DEFENDANTS
18 to help Plaintiff, whose mental and physical state had clearly deteriorated. However,
19 despite this knowledge, the OFFICER DEFENDANTS elected to use brute and excessive
20 force against Plaintiff.

21 I.

22 **FIRST CLAIM FOR RELIEF**

23 **Unreasonable Search and Seizure – Excessive Force (42 U.S.C. § 1983)**

24 (By PLAINTIFF against the OFFICER DEFENDANTS and DOES 1-8, inclusive)

25 36. Plaintiff repeats and realleges each and every allegation in paragraphs 1
26 through 35 of this Complaint with the same force and effect as if fully set forth herein.

27 37. The OFFICER DEFENDANTS' and DOES 1-8's unjustified beating and
28 tasing of PLAINTIFF deprived PLAINTIFF of his right to be secure in his persons

1 against unreasonable searches and seizures as guaranteed to PLAINTIFF under the
2 Fourth Amendment to the United States Constitution and applied to state actors by the
3 Fourteenth Amendment.

4 38. The unreasonable use of force by the OFFICER DEFENDANTS and DOES
5 1-8, inclusive, deprived PLAINTIFF of his right to be secure in his person against
6 unreasonable searches and seizures as guaranteed to PLAINTIFF under the Fourth
7 Amendment to the United States Constitution and applied to state actors by the
8 Fourteenth Amendment.

9 39. As a result, PLAINTIFF suffered extreme mental and physical pain and
10 suffering, emotional distress, and loss of enjoyment of life.

11 40. As a result of the conduct of the OFFICER DEFENDANTS and DOES 1-8,
12 inclusive, they are liable for PLAINTIFF's injuries, either because they were integral
13 participants in the excessive force, or because they failed to intervene to prevent these
14 violations.

15 41. This use of excessive and potentially deadly force was unreasonable under
16 the circumstances, especially since it should have been obvious that PLAINTIFF was
17 having a mental and medical health crisis, the OFFICER DEFENDANTS and DOES 1-8,
18 inclusive, were informed of the same, and no one was in any danger from PLAINTIFF
19 when he was tased and beaten. Defendants were aware that PLAINTIFF's family had
20 requested medical aid from them multiple times within the previous seven days leading to
21 the incident alleged in this complaint, and yet the OFFICER DEFENDANTS and DOES
22 1-8, inclusive, still used excessive and potentially deadly force against PLAINTIFF.
23 Defendants' actions thus deprived PLAINTIFF of his right to be free from unreasonable
24 searches and seizures under the Fourth Amendment and applied to state actors by the
25 Fourteenth Amendment.

26 42. The conduct of the OFFICER DEFENDANTS and DOES 1-8, inclusive,
27 was willful, wanton, malicious, and done with reckless disregard for the rights and safety
28

1 of PLAINTIFF and therefore warrants the imposition of exemplary and punitive damages
2 as to the OFFICER DEFENDANTS and DOES 1-8, inclusive.

3 43. PLAINTIFF also seeks attorney fees under this claim.

4 **II.**

5 **SECOND CLAIM FOR RELIEF**

6 **Unreasonable Search and Seizure – Failure to Intervene**

7 (By Plaintiff against the OFFICER DEFENDANTS and DOES 1-8, inclusive)

8 44. Plaintiff repeats and realleges each and every allegation in paragraphs 1
9 through 43 of this Complaint with the same force and effect as if fully set forth herein.

10 45. The OFFICER DEFENDANTS and DOES 1-8's unjustified beating and
11 tasing of PLAINTIFF deprived PLAINTIFF of his right to be secure in his persons
12 against unreasonable searches and seizures as guaranteed to PLAINTIFF under the
13 Fourth Amendment to the United States Constitution and applied to state actors by the
14 Fourteenth Amendment.

15 46. The unreasonable use of force by the OFFICER DEFENDANTS and DOES
16 1-8, inclusive, deprived PLAINTIFF of his right to be secure in his person against
17 unreasonable searches and seizures as guaranteed to PLAINTIFF under the Fourth
18 Amendment to the United States Constitution and applied to state actors by the
19 Fourteenth Amendment.

20 47. Furthermore, each of the OFFICER DEFENDANTS and DOES 1-8,
21 inclusive, had a duty to intervene in unconstitutional uses of excessive force by each of
22 the other defendants against PLAINTIFF, and each of them failed to do so.

23 48. As a result, PLAINTIFF suffered extreme mental and physical pain and
24 suffering, emotional distress, and loss of enjoyment of life.

25 49. As a result of the conduct of the OFFICER DEFENDANTS and DOES 1-8,
26 inclusive, they are liable for PLAINTIFF's injuries because they failed to intervene in
27 each of the other defendants unconstitutional acts.
28

1 50. This use of excessive and potentially deadly force was unreasonable under
 2 the circumstances, especially since it should have been obvious that PLAINTIFF was
 3 having a mental and medical health crisis, the OFFICER DEFENDANTS and DOES 1-8,
 4 inclusive, were informed of the same, and no one was in any danger from PLAINTIFF
 5 when he was tased and beaten. Defendants were aware that PLAINTIFF’s family had
 6 requested medical aid from them multiple times within the previous seven days leading to
 7 the incident alleged in this complaint, and yet the OFFICER DEFENDANTS and DOES
 8 1-8, inclusive, still used excessive and potentially deadly force against PLAINTIFF.
 9 Defendants’ actions thus deprived PLAINTIFF of his right to be free from unreasonable
 10 searches and seizures under the Fourth Amendment and applied to state actors by the
 11 Fourteenth Amendment.

12 51. The conduct of the OFFICER DEFENDANTS and DOES 1-8, inclusive,
 13 was willful, wanton, malicious, and done with reckless disregard for the rights and safety
 14 of PLAINTIFF and therefore warrants the imposition of exemplary and punitive damages
 15 as to Defendants DOES 1-5.

16 52. Plaintiff also seeks attorney fees under this claim.

17 **III.**

18 **THIRD CLAIM FOR RELIEF**

19 ***Monell Liability – Unconstitutional Custom, Practice, or Policy***

20 (By PLAINTIFF against Defendants CITY and DOES 9-10, inclusive)

21 53. Plaintiff repeats and realleges each and every allegation in paragraphs 1
 22 through 52 of this complaint with the same force and affect as though fully set forth
 23 herein.

24 54. At all relevant times, the OFFICER DEFENDANTS and DOES 1-8,
 25 inclusive, acted under color of law and within the course and scope of their employment
 26 with the CITY.
 27
 28

1 55. The acts of the OFFICER DEFENDANTS and DOES 1-8, inclusive, as
2 described above, deprived PLAINTIFF of his particular rights under the United States
3 Constitution.

4 56. On information and belief, Defendant CITY's Police Department department
5 has a longstanding practice of escalation during police contacts with citizens, especially
6 when the citizen may be suffering a mental health crisis and/or a medical crisis.

7 57. Pursuant to this practice, on information and belief, CITY's Police
8 Department deliberately uses excessive force in order to "break" mentally ill citizens and
9 subject them to unconstitutional practices rather than engaging with them in a way that
10 takes into account the mental illness they are suffering.

11 58. On information and belief, PLAINTIFF alleges that this practice is rampant
12 and pervasive throughout the CITY's Police Department, and that it is generally accepted
13 to be the custom of the Police Department to use excessive and unconstitutional force to
14 arrest persons suffering from mental health crises and/or medical crises like PLAINTIFF.

15 59. PLAINTIFF is informed and believes and thereon alleges that the CITY is
16 aware that its deputies have a custom and practice to use excessive force when arresting
17 mentally ill persons and has defendant multiple lawsuits related to this pervasive policy,
18 custom, or practice.

19 60. PLAINTIFF is informed and believes that the CITY has not disciplined
20 those deputies who engage in this unconstitutional policy, custom, or practice to use
21 excessive force in arresting mentally ill individuals.

22 61. The CITY's police officers' policy, custom, or practice of using excessive
23 force in arresting mentally ill persons was the cause in fact of the deprivation of
24 Plaintiff's civil rights when he was tased and beaten while being arrested on September
25 24, 2021.

26 62. The OFFICER DEFENDANTS and DOES 1-8, inclusive, employees and
27 agents of Defendant CITY, operated under color of law when they intentionally,
28 willfully, and wantonly deprived PLAINTIFF of his constitutional rights.

1 63. On information and belief, Defendants DOES 9-10, inclusive, are aware of
2 these unconstitutional polices, practices, and customs and either implicitly or explicitly
3 endorse the same.

4 64. As a direct and proximate result of the aforementioned conduct, PLAINTIFF
5 endured severe pain and suffering.

6 65. Accordingly, Defendants CITY and DOES 9-10, inclusive, are liable to
7 PLAINTIFF for compensatory damages under 42 U.S.C. § 1983. Plaintiff also seeks
8 reasonable attorneys' fees and costs under this claim.

9 **IV.**

10 **FOURTH CAUSE OF ACTION**

11 ***Monell Liability – Failure to Train***

12 (By PLAINTIFF against Defendants CITY and DOES 9-10, inclusive)

13 66. Plaintiff repeats and realleges each and every allegation in paragraphs 1
14 through 65 of this complaint with the same force and effect as though fully set forth
15 herein.

16 67. At all relevant times, the OFFICER DEFENDANTS and DOES 1-8,
17 inclusive, acted under color of law and within the course and scope of their employment
18 with the CITY.

19 68. The acts of the OFFICER DEFENDANTS and DOES 1-8, inclusive, as
20 described above, deprived PLAINTIFF of his particular rights under the United States
21 Constitution.

22 69. On information and belief, Defendants CITY and DOES 1-9, inclusive,
23 failed to properly and adequately train the OFFICER DEFENDANTS and DOES 1-8,
24 inclusive, with regard to use of force generally. The training polices of Defendants CITY
25 and DOES 9-10, inclusive, were not adequate to train their deputies to handle the usual
26 and recurring situations with which they must deal.

27 70. On information and belief, Defendants CITY and DOES 9-10, inclusive,
28 failed to properly train their deputies regarding the use of force. As a result of this

1 deficient policy and deficient training, the OFFICER DEFENDANTS and DOES 1-8,
2 inclusive, beat and tased PLAINTIFF, resulting in the injuries claimed in this lawsuit.

3 71. The training polices of Defendant CITY are and were not adequate to train
4 its deputies to handle the usual and recurring situations with which they must deal,
5 including de-escalation techniques, mental health identification and assistance, tactical
6 communication, tactical positioning, and the use of less-than-lethal force.

7 72. Defendants CITY and DOES 9-10, inclusive, were deliberately indifferent to
8 the obvious consequences of failing to adequately train the CITY's officers.

9 73. The failure of Defendants CITY and DOES 9-10 to provide adequate
10 training caused the deprivation of PLAINTIFF's rights by the OFFICER DEFENDANTS
11 and DOES 1-8, inclusive; that is, Defendants' failure to train is so closely related to the
12 deprivation of PLAINTIFF's rights as to be the moving force that caused the ultimate
13 injury.

14 74. As a direct and proximate result of the aforementioned conduct, PLAINTIFF
15 endured severe pain and suffering.

16 75. Accordingly, Defendants CITY and DOES 9-10, inclusive, are liable to
17 PLAINTIFF for compensatory damages pursuant to 42 U.S.C. § 1983. PLAINTIFF also
18 seeks reasonable attorneys' fees and costs under this claim.

19 **V.**

20 **FIFTH CAUSE OF ACTION**

21 ***Monell Liability – Ratification***

22 (By PLAINTIFF against Defendants CITY and DOES 9-10, inclusive)

23 76. Plaintiff repeats and realleges each and every allegation in paragraphs 1
24 through 74 of this complaint with the same force and effect as though fully set forth
25 herein.

26 77. At all relevant times, the OFFICER DEFENDANTS and DOES 1-8,
27 inclusive, acted under color of law and within the course and scope of their employment
28 with the CITY.

- 1 C. For interest;
- 2 D. For reasonable costs of this suit and attorneys' fees; and
- 3 E. For such other further relief as the Court may deem just, proper, and appropriate.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SKAPIK LAW GROUP

Dated: September 20, 2023

By: /s/ Matthew T. Falkenstein
Mark J. Skapik
Geraldyn L. Skapik
Blair J. Berkley
Matthew T. Falkenstein
Attorneys for Plaintiffs
CONSTANTINO JOSHUA
ACEVEDO III

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURY DEMAND

Plaintiff hereby demands a trial by jury.

SKAPIK LAW GROUP

Dated: September 20, 2023

By: /s/ Matthew T. Falkenstein
Mark J. Skapik
Geraldyn L. Skapik
Blair J. Berkley
Matthew T. Falkenstein
Attorneys for Plaintiffs
CONSTANTINO JOSHUA
ACEVEDO III