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Allen & Blum
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A-09-603406-C
518901


DISTRICT COURT

CLARK COUNTY, NEVADA

STEPHEN P. QUINN, an individual,)
)
Plaintiff,)
)
vs.)
)
KAI DEGNER, an individual; PAUL)
OSUCH, an individual; DOES I through)
X, Inclusive; ROE BUSINESS ENTITIES)
XI through XX,)
)
Defendants.)

Case No.: *A-09-603406-C*
Dept. No.: *XXV*

COMPLAINT

Plaintiff Stephen P. Quinn ("Quinn"), individually, by and through his attorneys of record,
PRINCE & KEATING, for his Complaint against the Defendants, states, asserts and alleges as follows:

GENERAL ALLEGATIONS

1. At all times relevant herein, Quinn is and was a resident of Clark County, State of Nevada.
2. At all times relevant herein, Kai Degner ("Degner") is and was a resident of Clark County, State of Nevada

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1 3. At all times relevant herein, Paul Osuch ("Osuch") is and was a resident of Clark
2 County, State of Nevada.

3 4. The true names and capacities of Defendants named herein as, DOES I through X,
4 and ROE BUSINESS ENTITIES XI through XX whether individual, corporate, associate, or
5 otherwise, are presently unknown to Plaintiff, who, therefore, sues said defendants so designated
6 herein as responsible in some manner for the events and occurrences referred to herein, and
7 Plaintiff will request leave of Court to amend this Complaint to insert the true names and capacities
8 of DOES I through X and ROE BUSINESS ENTITIES XI through XX when the same have been
9 ascertained and to join such defendants in this action.
10

11 5. At all times relevant herein, Degner and Osuch were employees and/or agents of the
12 Las Vegas Metropolitan Police Department ("LVMPD").
13

14 6. On March 29, 2006, Quinn filed a lawsuit in Clark County District Court, Case
15 Number A519586, alleging, *inter alia*, defamation against former Governor Kenny C. Guinn's son,
16 Jeffrey Guinn ("Guinn"), based upon false and defamatory statements made by Guinn to the
17 Nevada State Contractors Board and members of the community.
18

19 7. Guinn and Degner maintained a personal friendship and business relationship, and
20 Degner had invested thousands of dollars in real estate ventures managed by Guinn.
21

22 8. Therefore, Degner had a personal and financial interest in assisting Guinn in his
23 efforts to obtain and publish damaging information regarding Quinn, including alleging that Quinn
24 was involved in illegal activity.

25 9. After suit was filed, Guinn retained James Thomas ("Thomas"), a retired officer of
26 the LVMPD and private investigator licensed with the State of Nevada, to investigate Quinn and
27 obtain any damaging information about Quinn that might assist Guinn in defending against the
28 lawsuit.

1 10. Thomas promotes himself to potential clients by informing them that he can gain
2 access to confidential, proprietary or otherwise private information from law enforcement agencies,
3 such as the LVMPD.
4

5 11. Thomas maintained contacts within LVMPD, including Osuch and Degner, who
6 continuously and systematically gave him access to confidential and proprietary information of
7 citizens of the State of Nevada, including Quinn, without their knowledge or consent.
8

9 12. On or about July 24, 2006, Guinn requested that Thomas obtain all of Quinn's
10 personal information, including a complete asset investigation, criminal history, financial condition
11 and credit history. Guinn did not provide Thomas with any authorizations or releases signed by
12 Quinn which would permit Thomas to obtain personal or confidential records.
13

14 13. Thomas contacted Degner and/or Osuch to obtain a confidential "SCOPE" criminal
15 history report of Quinn. Despite the lack of any criminal records or charges against Quinn, Degner
16 and/or Osuch released all of the contents of the "SCOPE" report to Thomas, including Quinn's
17 birth date, address, and social security number, for the personal gain and benefit of Thomas and his
18 client, Guinn.
19

20 14. Quinn's private and personal information, which Degener and Osuch knowingly
21 released without proper authorization, was included in Thomas' investigative reports submitted to
22 Guinn and disseminated to third parties.
23

24 15. As part of his engagement, Guinn requested that Thomas perform background
25 searches on all individuals who drove into the parking lot of Quinn's place of business, Precision
26 Construction, Inc., located at 1821 Western Avenue, Las Vegas, Nevada, 89102.
27

28 16. Through Thomas' contacts at LVMPD, including Osuch and Degner, Thomas
obtained and distributed confidential information about *hundreds* of individuals, including
"SCOPE" criminal history reports, dates of birth, and social security numbers.

1 17. Throughout Thomas' surveillance of Quinn, Thomas and his employees never
2 observed Quinn engage in any illegal activity, nor did they observe any activity that would cause a
3 reasonable person to suspect criminal activity on the part of Quinn.
4

5 18. Despite the lack of any reasonable basis to accuse Quinn of illegal activity, Degner
6 and/or Osuch utilized their positions within LVMPD to commence a formal investigation into
7 Quinn and had LVMPD officers complete surveillance on Quinn at his place of business.
8

9 19. LVMPD's investigation concluded with no arrests or criminal charges due to the
10 baseless nature of the criminal accusations against Quinn.

11 20. On August 28, 2008, the deposition of James Thomas was completed in the course
12 of discovery in Case Number A519586.

13 21. Through Thomas' August 28, 2008 deposition, Quinn learned of Degner and
14 Osuch's unauthorized dissemination Quinn's personal information, including his Social Security
15 Number, as well as the personal information of over two-hundred and forty (240) other individuals.
16 However, Quinn did not learn of Degner and Osuch's identities at that time because Thomas refused
17 to disclose his sources within LVMPD.
18

19 22. Through Thomas' August 28, 2008 deposition, Quinn also learned of the baseless
20 allegations of criminal activity contained in Thomas' reports and the resulting criminal
21 investigation commenced by the LVMPD at Degner and/or Osuch's request.
22

23 23. In Thomas' deposition, Thomas acknowledged the impropriety of his access to
24 government records in refusing to disclose the identity of any of his sources of information from
25 the LVMPD.
26

27 24. Through additional discovery completed in Case Number A519586, Quinn learned
28 that the investigative reports containing false, misleading, and private information were knowingly
distributed and shared with others.

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54. As a result of the conduct of Defendants Quinn has been damaged in an amount in excess of \$10,000.00.

THIRD CLAIM FOR RELIEF

(Violation of 42 U.S.C. § 1983)

55. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 though 54 as if fully set forth herein.

56. Defendants actions subjected Quinn to a deprivation of rights and privileges secured to plaintiff by the Constitution and laws of the United States, including the due process clause of the Fourteenth Amendment to the Constitution of the United States within the meaning of 42 U.S.C. §1983, namely the right to privacy.

57. As a direct and proximate result of the Defendants' unconstitutional acts, Quinn sustained great anguish of mind, incurred substantial expenses, and was prevented from transacting his usual business.

58. Pursuant to 42 U.S.C. § 1988, Quinn is entitled to recover reasonable attorney fees incurred as a result of Defendants unconstitutional acts.

FOURTH CLAIM FOR RELIEF

(Punitive Damages)

64. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through 63 as if fully set forth herein.

65. Defendants have engaged in conduct which is fraudulent, malicious and oppressive thereby justifying an award of punitive damages pursuant to NRS 42.005.

66. Quinn is entitled to punitive damages in an amount in excess of \$10,000.00, based upon the fraudulent, malicious and oppressive conduct of Defendants as described herein.

WHEREFORE, Plaintiff Stephen P. Quinn prays for a judgment against Defendants as

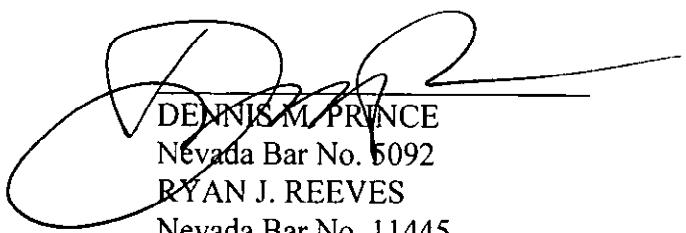
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follows:

1. General and special damages in an amount in excess of \$10,000.00;
2. Punitive Damages;
3. Costs of suit incurred including reasonable attorneys' fees;
4. For such other relief as the Court deems just and proper.

DATED this 20 day of November, 2009.

PRINCE & KEATING



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