

IN THE STATE COURT OF DEKALB COUNTY  
STATE OF GEORGIA

LUISA CRUZ MEZQUITAL, )  
)  
Plaintiff, )  
)  
v. )  
)  
AMERICAN FAMILY INSURANCE )  
COMPANY; BAKER, DONELSON, ) CIVIL ACTION  
BEARMAN, CALDWELL & BERKOWITZ, ) 21A03213  
PC; ROBERT LAWRENCE SHANNON, JR.; ) FILE NO. \_\_\_\_\_  
LOGAN MOSES OWENS; GERI A. )  
WILKINSON; MARTINELLI )  
INVESTIGATIONS, INC.; ROBIN LYN )  
MARTINELLI; LESLIE MARIE BASS; )  
VICTORIA GRACE WALLIS; STEVEN )  
DOUGLAS CLIFFORD; REBECCA )  
SUE FISCHER; JOHN DOE’S 1-8; AND )  
ABC CORP. 1-4; )  
Defendants. )  
\_\_\_\_\_ )

**COMPLAINT**

COMES NOW Luisa Cruz Mezquital, Plaintiff herein, and files her Complaint against Defendants American Family Insurance Company; Baker, Donelson, Bearman, Caldwell & Berkowitz, PC; Robert Lawrence Shannon, Jr.; Logan Moses Owens; Geri A. Wilkinson; Martinelli Investigations, Inc.; Robin Lyn Martinelli; Leslie Marie Bass; Victoria Grace Wallis; Steven Douglas Clifford; Rebecca Sue Fischer; John Doe’s 1-8; and ABC Corp. 1-4 and shows this Honorable Court as follows:

1.

Defendants, in a concerted action, conspired to and did, in fact, commit crimes, torts, and intentional torts against Plaintiff by secretly and illegally invading and trespassing on her private property on multiple occasions to place electronic surveillance devices, including GPS tracking

devices on her vehicles and a hidden camera on her private property facing the front windows of her home. Defendants used the illegally placed electronic recording devices to secretly and illegally record the activities of Plaintiff as well as Plaintiff's minor children. Defendants, under false pretenses, made direct contact with Plaintiff's minor son while trespassing on Plaintiff's private property. Defendants used the illegally placed GPS tracking devices on Plaintiff's vehicles to secretly follow Plaintiff and secretly record videos of Plaintiff. Defendants used the illegally placed GPS tracking devices on Plaintiff's vehicles to secretly follow Plaintiff's minor children and secretly record videos of Plaintiff's minor children. The concerted criminal and tortious actions of Defendants were committed against Plaintiff by Defendants without any right, authorization, or justification and with the specific intent, purpose, and result of causing severe emotional distress, fear, intimidation, and harm to Plaintiff. This Complaint seeks damages to compensate Plaintiff for all harm caused to Plaintiff by Defendants. This Complaint seeks the imposition of punitive damages against each Defendant to punish each Defendant and to deter like or similar conduct in the future.

2.

Plaintiff is a resident of Forsyth County, Georgia.

3.

Defendant American Family Insurance Company ("Defendant AmFam") is a foreign corporation organized under the laws of the State of Wisconsin, with its principal office of business located at 6000 American Parkway, Madison, Wisconsin 53783. Defendant American Family Insurance Company is authorized to transact and do business within the State of Georgia and is subject to the jurisdiction and venue of this Court pursuant to O.C.G.A. § 9-10-91. Service of

process may be perfected upon Defendant AmFam through its registered agent: CSC of Cobb County, Inc., 192 Anderson Street SE, Suite 125, Marietta, Cobb County, Georgia 30060.

4.

Defendant Baker, Donelson, Bearman, Caldwell & Berkowitz, PC (“Defendant Baker Donelson”) is a foreign corporation organized under the laws of the State of Tennessee, with its principal office of business located at 165 Madison Avenue, 20th Floor, Memphis, Tennessee 38103. Defendant Baker Donelson is authorized to transact and do business within the State of Georgia and is subject to the jurisdiction and venue of this Court pursuant to O.C.G.A. § 9-10-91. Service of process may be perfected upon Defendant Baker Donelson through its registered agent Linda A. Klein, 3414 Peachtree Road, Suite 1600, Atlanta, Fulton County, Georgia 30326.

5.

Defendant Robert Lawrence Shannon, Jr. (“Defendant Shannon”) is a resident of 1434 Fenwick Drive, Marietta, Cobb County, Georgia 30064-2779, and may be personally served at said address, and is subject to the jurisdiction and venue of this Court.

6.

Defendant Logan Moses Owens (“Defendant Owens”) is a resident of 1100 Howell Mill Road NW, Unit 302, Atlanta, Fulton County, Georgia 30318-8643, and may be personally served at said address, and is subject to the jurisdiction and venue of this Court.

7.

Defendant Geri A. Wilkinson (“Defendant Wilkinson”) is a resident of 207 W. Brentwood Lane, Milwaukee, Milwaukee County, Wisconsin 53217-4211, and may be personally served at said address, and is subject to the jurisdiction and venue of this Court pursuant to O.C.G.A. § 9-10-91.

8.

Defendant Martinelli Investigations, Inc. (“Defendant Martinelli Investigations”), is a domestic corporation organized under the laws of the State of Georgia, with its principal office of business located at 242 Culver Street South, Suite 101, Lawrenceville, Gwinnett County, Georgia 30046, and is subject to the jurisdiction and venue of this Court. Service of process may be perfected upon Defendant Martinelli Investigations, Inc., through its registered agent Robin Martinelli, 242 Culver Street South, Suite 101, Lawrenceville, Georgia 30046.

9.

Defendant Robin Lyn Martinelli (“Defendant Martinelli”) is a resident of 404 Gladiola Drive, Auburn, Barrow County, Georgia 30011-3464, and may be personally served at said address, and is subject to the jurisdiction and venue of this Court.

10.

Defendant Leslie Marie Bass (“Defendant Bass”) is a resident of 4202 Willow Walk SW, Lilburn, Gwinnett County, Georgia 30047-2571, and may be personally served at said address, and is subject to the jurisdiction and venue of this Court.

11.

Defendant Victoria Grace Wallis (“Defendant Wallis”) is a resident of 566 Northridge Crossing Drive, Atlanta, Fulton County, Georgia 30350-3284, and may be personally served at said address, and is subject to the jurisdiction and venue of this Court.

12.

Defendant Steven Douglas Clifford (“Defendant Clifford”) is a resident of 703 Robin Court, Woodstock, Cherokee County, Georgia 30188-2609, and may be personally served at said address, and is subject to the jurisdiction and venue of this Court.

13.

Defendant Rebecca Sue Fischer (“Defendant Fischer”) is a resident of 2132 Sara Ashley Way, Lithonia, DeKalb County, Georgia 30058-8953, and may be personally served at said address, and is subject to the jurisdiction and venue of this Court.

14.

Defendants John Doe’s 1-8 (collectively “Defendants Doe 1-8”) are additional individuals who engaged in the crimes, torts, intentional torts, and the conspiracies to commit crimes, torts, and intentional torts against Plaintiff. Plaintiff incorporates by reference all allegations and claims made in this Complaint against any other Defendant against Defendants Doe 1-8. Defendants Doe 1-8 are subject to the jurisdiction and venue of this Court and will be named and served with the Summons and Complaint once their identities are revealed.

15.

Defendants ABC Corp. 1-4 (collectively “Defendants ABC 1-4”) are additional entities that engaged in the crimes, torts, intentional torts, and the conspiracies to commit crimes, torts, and intentional torts against Plaintiff. Defendants ABC 1-4 are subject to the jurisdiction and venue of this Court. Plaintiff incorporates by reference all allegations and claims made in this Complaint against any other Defendant against Defendants ABC 1-4. Defendants ABC 1-4 will be named and served with the Summons and Complaint once their identities are revealed.

### **ALLEGATIONS**

16.

On October 21, 2012, Plaintiff was involved in a motor vehicle collision caused by the negligence of AmFam’s insured, Abdulmohsen Almassud, which caused serious and permanent injuries to Plaintiff.

17.

On August 28, 2014, Plaintiff filed a Personal Injury Action against Mr. Almassud for the injuries she sustained in the collision. The case was filed in the State Court of Fulton County, Civil Action File Number 14EV001930, and was styled *Luisa Cruz Mezquital v. Almassud Y. Abdulmohsen, Oh's Auto Center and Guangyun Jin d/b/a Oh's Auto Center* (the "Personal Injury Action").

18.

On or about January 11, 2019, Defendant Shannon, who was a partner with Defendant Baker Donelson at that time, filed an entry of appearance in the Personal Injury Action as counsel for Mr. Almassud.

19.

On or about September 5, 2019, Defendant Owens, who was an associate with Defendant Baker Donelson at that time, filed an entry of appearance in the Personal Injury Action as additional counsel for Mr. Almassud.

20.

Mr. Almassud's legal representation in the Personal Injury Action was, at all relevant times, paid for by Defendant AmFam.

21.

Defendant Baker Donelson and its employees were retained and paid for by Defendant AmFam and were substituted in place of Mr. Almassud's original counsel, James F. Taylor, III, who filed a withdrawal from the case on or about March 31, 2017.

22.

At all relevant times, Defendant Wilkinson was employed by Defendant AmFam and was acting in the scope and course of her employment with Defendant AmFam (hereinafter, Defendants Wilkinson and AmFam are referred to collectively as “the AmFam Defendants”).

23.

At all relevant times, Defendants Shannon and Owens were employed by Defendant Baker Donelson and were acting in the scope and course of their employment with Defendant Baker Donelson (hereinafter, Defendants Shannon, Owens, and Baker Donelson are referred to collectively as “the Baker Donelson Defendants”).

24.

From or about September 30, 2019, through at least October 26, 2019, the Baker Donelson Defendants and the AmFam Defendants hired, retained, paid, directed, instructed, and supervised Defendant Martinelli Investigations in an unlawful investigation and unlawful surveillance of Plaintiff. The investigation and surveillance were performed by the following agents and/or employees of Defendant Martinelli Investigations: Defendants Martinelli, Bass, Wallis, Clifford, and Fischer.

25.

At all relevant times, Defendants Martinelli, Bass, Wallis, Clifford, and Fischer were acting in the scope and course of their employment with Defendant Martinelli Investigations (hereinafter, Defendants Martinelli, Bass, Wallis, Clifford, Fischer, and Martinelli Investigations are collectively referred to as “the Martinelli Investigations Defendants”).

26.

The Baker Donelson Defendants and the AmFam Defendants hired, retained, paid, directed,

instructed, and supervised the Martinelli Investigations Defendants concerning the unlawful investigation and unlawful surveillance of Plaintiff.

27.

The AmFam Defendants' directions to the Martinelli Investigations Defendants included the mandate to have the investigators do whatever they needed to do to get surveillance of Plaintiff. This direction was passed on to the Martinelli Investigations Defendants by the Baker Donelson Defendants.

28.

Although the Baker Donelson Defendants signed a contract with the Martinelli Investigations Defendants, the Baker Donelson Defendants, the AmFam Defendants, and the Martinelli Investigations Defendants worked in concert beyond the scope of the contract, and the Baker Donelson Defendants and the AmFam Defendants hired, retained, paid, directed, instructed, and supervised the Martinelli Investigations Defendants in an unlawful investigation and unlawful surveillance of Plaintiff and subsequently ratified the criminal and tortious conduct by seeking to use the fruits of the illegal conduct against Plaintiff in her Personal Injury Action.

29.

As part of the unlawful surveillance, the Martinelli Investigations Defendants unlawfully entered onto property owned and possessed by Plaintiff that was the private and personal residence of Plaintiff and Plaintiff's minor children located in Georgia ("Plaintiff's Property") without permission or invitation and for the purpose of electronically recording the activities of Plaintiff and her minor children. While unlawfully trespassing on Plaintiff's Property, the Martinelli Investigations Defendants placed various electronic devices on Plaintiff's Property and Plaintiff's vehicles to unlawfully record the activities of Plaintiff and her minor children. The electronic



devices included at least one hidden video camera and multiple GPS tracking devices. Said unlawful recordings were made without the consent of all persons observed and included photographs, videos, and electronic recordings of the activities of Plaintiff and her minor children in a private place that was out of public view.

30.

Although Plaintiff's Property's address identifies it as being on a public road, Plaintiff's Property is not visible from that public road because it is located off the boundary of the public road and beyond other private property that is on a private driveway.

31.

Plaintiff's Property is not visible from the public road of its address or any other public roadway or other public property.

32.

While unlawfully trespassing on Plaintiff's Property, the Martinelli Investigations Defendants installed a Spypoint Link-Dark "trail cam" type digital camera on Plaintiff's Property. The Martinelli Investigations Defendants strapped the camera to a tree located on Plaintiff's Property.

33.

The Martinelli Investigations Defendants positioned the Spypoint Link-Dark camera on a tree to capture Plaintiff's house, vehicles, and a portion of Plaintiff's driveway.

34.

The view provided by the Spypoint Link-Dark camera is not possible to obtain from a public road or from any other public property.

35.

The Spypoint Link-Dark camera is a “stealth” camera that comes with wireless connectivity through an LTE network and can transmit pictures to the user at another location.

36.

The Spypoint Link-Dark camera also had effective “night vision,” being capable of gathering viewable images at night without the need for a flash or visible light.

37.

Between at least September 30, 2019, and October 26, 2019, the Martinelli Investigations Defendants unlawfully trespassed on Plaintiff’s Property on multiple occasions without permission or invitation and took conventional photographs of Plaintiff’s Property in addition to the images and videos obtained from the Spypoint Link-Dark camera.

38.

Between at least September 30, 2019, and October 26, 2019, the Martinelli Investigations Defendants unlawfully trespassed on Plaintiff’s Property multiple times without permission or invitation to place wireless tracking devices on Plaintiff’s vehicles, including a vehicle that was primarily driven by Plaintiff’s minor child. The Martinelli Investigations Defendants unlawfully trespassed on Plaintiff’s Property to exchange the tracking devices for different units with fresh batteries and to eventually remove the tracking devices and the Spypoint Link-Dark camera. On each of these occasions, Plaintiff’s vehicles were located fully on her private property and were not accessible from public property.

39.

The Martinelli Investigations Defendants installed the tracking devices in hidden locations on Plaintiff’s vehicles.

40.

After installing the tracking devices onto Plaintiff's vehicles, the Martinelli Investigations Defendants logged into a commercial fleet tracking service and obtained the real-time locations of Plaintiff's two vehicles via the tracking devices.

41.

Plaintiff never authorized or gave permission for any of Defendants to enter Plaintiff's Property.

42.

Plaintiff never authorized or gave permission to any of Defendants to install a camera on Plaintiff's Property.

43.

Plaintiff never authorized or gave permission to any of Defendants to install tracking devices on any of her vehicles.

44.

Between at least September 30, 2019, and October 26, 2019, the Martinelli Investigations Defendants unlawfully trespassed on Plaintiff's Property multiple times without permission to exchange memory cards, batteries, and eventually remove the Spypoint Link-Dark camera.

45.

After unlawfully installing the tracking devices on Plaintiff's vehicles, the Martinelli Investigations Defendants used the information from the tracking devices to follow Plaintiff and her minor children and to secretly observe and electronically record audio and video of Plaintiff's activities as well as the activities of Plaintiff's minor children without permission or authorization.

46.

During the period of unlawful surveillance, the Martinelli Investigations Defendants had daily and sometimes twice-daily contact with the Baker Donelson Defendants to provide updates to and receive direction, instruction, and supervision from the Baker Donelson Defendants.

47.

During the period of unlawful surveillance, the AmFam Defendants also requested and received regular updates from the Baker Donelson Defendants on the status of the surveillance, and the AmFam Defendants also provided direction, instruction, and supervision to the Martinelli Investigations Defendants.

48.

During the period of unlawful surveillance, the AmFam Defendants gave direction, instruction, and supervision regarding the surveillance to the Baker Donelson Defendants and the Martinelli Investigations Defendants.

49.

Between at least September 30, 2019, and October 26, 2019, the Martinelli Investigations Defendants obtained over 1,500 pictures and videos of Plaintiff's Property from the Spypoint Link-Dark camera, each of which was recorded in violation of Georgia law. The unlawfully obtained pictures and videos included pictures and videos of Plaintiff and two of her minor children.

50.

The Martinelli Investigations Defendants unlawfully provided the pictures and videos obtained from the Spypoint Link-Dark camera to the Baker Donelson Defendants without notice, permission, or authorization from Plaintiff.

51.

The Baker Donelson Defendants unlawfully provided the pictures and videos obtained from the Martinelli Investigations Defendants to the AmFam Defendants without notice, permission, or authorization from Plaintiff.

52.

The trial of the Personal Injury Action was scheduled for November 12, 2019.

53.

On November 1, 2019, the Baker Donelson Defendants produced to Plaintiff, for the first time, some of the photographs from the unlawful surveillance of Plaintiff and her children.

54.

This initial revelation of photographs included pictures that were clearly taken from locations on Plaintiff's Property, alerting Plaintiff to the fact that Defendants had illegally entered upon Plaintiff's Property for the unlawful purpose of electronically recording her activities.

55.

On November 5, 2019, an emergency hearing was held regarding the newly revealed surveillance, and the Baker Donelson Defendants were ordered by the trial judge to produce the photographs and recordings of Plaintiff and to make the Martinelli Investigations Defendants available for depositions.

56.

On November 6, 2019, depositions of the Martinelli Investigations Defendants began, and the Baker Donelson Defendants provided what they claimed to be the remainder of the surveillance recordings and pictures, but those claims were false.

57.

The deposition testimony and the additional pictures and recordings provided to Plaintiff revealed the installation of the Spypoint Link-Dark camera on Plaintiff's Property, the existence of the pictures and recordings taken via the Spypoint Link-Dark camera, the use of the GPS tracking devices on Plaintiff's vehicles, and the installation of the GPS tracking devices onto the Plaintiff's vehicles while the vehicles were on Plaintiff's Property right by her house.

58.

During depositions of the Martinelli Investigations Defendants, the Baker Donelson Defendants repeatedly claimed "work product privilege" when Plaintiff's counsel attempted to question the Martinelli Investigations Defendants about the surveillance and the meetings and coordination that occurred among the Martinelli Investigations Defendants, the Baker Donelson Defendants, and the AmFam Defendants.

59.

During depositions of the Martinelli Investigations Defendants, the AmFam Defendants asked for, and the Baker Donelson Defendants provided, contemporaneous updates about the depositions.

60.

Before the trial of the Personal Injury Action, Plaintiff's counsel presented evidence to the trial court of the illegal surveillance and the crimes committed against Plaintiff and her children by Defendants. In response, Defendant Shannon stated in open court that he was not going to apologize for the conduct. This statement was made in Defendant Shannon's capacity as an officer of the court after the trial court had been made aware of the crimes committed against Plaintiff and her children

by the Martinelli Investigations Defendants at the direction of the Baker Donelson Defendants and the AmFam Defendants.

61.

Defendant Shannon stated in open court that he directed the surveillance and that he intended to use the pictures obtained during the surveillance during the trial of the Personal Injury Action, and by so doing, Defendant Shannon was ratifying the illegal conduct that he also directed.

62.

In addition to paying for, directing, instructing, and supervising the unlawful conduct of the Martinelli Investigations Defendants, the Baker Donelson Defendants and the AmFam Defendants ratified the unlawful conduct of the Martinelli Investigations Defendants during the period of surveillance by knowingly encouraging the continuation of the unlawful conduct and the use of the unlawful surveillance to gain information, photographs, and videos of Plaintiff and her minor children. Moreover, after the surveillance was concluded, the Baker Donelson Defendants, with notice and approval of the AmFam Defendants, altered video footage of Plaintiff in an attempt to mislead the Court, unfairly harm the value of Plaintiff's Personal Injury Action, and to harass and intimidate Plaintiff.

#### **JOINT AND SEVERAL LIABILITY**

63.

Between at least September 30, 2019, and October 26, 2019, the surveillance of Plaintiff and her minor children by the Martinelli Investigations Defendants was conducted with a mutual understanding and at the direction of and for the benefit of the Baker Donelson Defendants and the AmFam Defendants as a concerted action.

64.

As a result, Defendants are jointly and severally liable to Plaintiff because they conspired to unlawfully trespass upon Plaintiff's Property and personalty, to invade Plaintiff's right to privacy, and to intentionally inflict emotional distress upon Plaintiff through continuous harassment and unlawful surveillance in order to harm Plaintiff and to harm Plaintiff's Personal Injury Case.

65.

Additionally, Defendant Baker Donelson is liable under the doctrine of respondeat superior for the harm caused to Plaintiff by the wrongful acts of its employees Defendants Shannon and Owens, who were acting in the scope and course of their employment with Defendant Baker Donelson and during the actual transaction of Defendant Baker Donelson's business when they engaged in the criminal and tortious conduct described in this Complaint.

66.

Additionally, Defendant AmFam is liable under the doctrine of respondeat superior for the harm caused to Plaintiff by the wrongful acts of its employee Defendant Wilkinson, who was acting in the scope and course of her employment with Defendant AmFam and during the actual transaction of Defendant AmFam's business when she engaged in the criminal and tortious conduct described in this Complaint.

67.

Defendant Martinelli Investigations is also liable under the doctrine of respondeat superior for the harm caused to Plaintiff by the wrongful acts of its employees, Defendants Martinelli, Bass, Wallis, Clifford, and Fischer, who were acting in the scope and course of their employment with Defendant Martinelli Investigations and during the actual transaction of Defendant Martinelli



Investigations' business when they engaged in the criminal and tortious conduct described in this Complaint.

68.

Accordingly, due to the concerted and indivisible actions of Defendants in their common purpose and under the doctrine of respondeat superior, Defendants are jointly and severally liable to Plaintiff for her general, special, and nominal damages.

**COUNT I: TRESPASS TO REALTY AND CONTINUING TRESPASS**

69.

All allegations and paragraphs of this Complaint are incorporated in this Count as if fully stated herein.

70.

Between at least September 30, 2019, and October 26, 2019, the Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, unlawfully entered Plaintiff's Property multiple times secretly and without authority or consent from Plaintiff.

71.

During that time period, while trespassing on Plaintiff's Property, the Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, observed, photographed, and recorded the activities of Plaintiff and her minor children that took place on her private property, which is a private place and out of public view, using still cameras, video cameras, and GPS tracking devices in violation of O.C.G.A. § 16-11-62(2).

72.

Between at least September 30, 2019, and October 26, 2019, without the Plaintiff's consent or otherwise provided by law, the Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, entered Plaintiff's Property for the purpose of invading the privacy of Plaintiff and Plaintiff's minor children by secretly observing and recording her activities and the activities of her minor children in violation of O.C.G.A. § 16-11-62(3).

73.

Between at least September 30, 2019, and October 26, 2019, without legal authority or consent of the persons observed, the Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, distributed to the Baker Donelson Defendants photographs, videos, and records of the activities of Plaintiff and her minor children which occurred in a private place and out of the public view in violation of O.C.G.A. § 16-11-62(6).

74.

Between at least September 30, 2019, and October 26, 2019, without legal authority or consent of the persons observed, the Baker Donelson Defendants distributed to the AmFam Defendants photographs, videos, and records of the activities of Plaintiff and her minor children which occurred in a private place and out of the public view in violation of O.C.G.A. § 16-11-62(6).

75.

Between at least September 30, 2019, and October 26, 2019, without the Plaintiff's consent, the Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, invaded the privacy of Plaintiff and her

minor children by entering onto the premises of Plaintiff's Property and placing electronic tracking devices on Plaintiff's vehicles to record her activities in violation of O.C.G.A. § 16-11-62 (2) (3) (6) and (7).

76.

Between at least September 30, 2019, and October 26, 2019, the Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, entered upon Plaintiff's Property for the unlawful purpose of violating O.C.G.A. § 16-11-62, which is a violation of O.C.G.A. § 16-7-21.

77.

Pursuant to O.C.G.A. § 51-1-6, Plaintiff is entitled to recover damages resulting from Defendants' violations of O.C.G.A. § 16-11-62 (2) (3) (6) and (7), O.C.G.A. § 16-7-21, and any other related and/or applicable Georgia law in an amount to be proven at trial.

78.

Defendants' concerted actions, including the Martinelli Investigations Defendants' trespassing upon Plaintiff's Property while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, violated Plaintiff's absolute right to the enjoyment of Plaintiff's Property by trespassing upon her property without her consent and violating her right to solitude and privacy in violation of O.C.G.A. § 51-9-1 et seq.

79.

Defendants' concerted actions, including the Martinelli Investigations Defendants' acts of unlawful intrusion and trespass upon Plaintiff's Property while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants in order to violate her privacy and solitude caused injury to Plaintiff for which Plaintiff seeks damages from Defendants.

**COUNT II: TRESPASS TO PERSONALTY**

80.

All allegations and paragraphs of this Complaint are incorporated in this Count as if fully stated herein.

81.

At all relevant times, Plaintiff was the owner of two vehicles located on Plaintiff's Property, and the Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, unlawfully trespassed upon Plaintiff's vehicles through the unauthorized, secret, and hidden placement of GPS trackers underneath each of Plaintiff's vehicles on numerous occasions between at least September 30, 2019, through October 26, 2019.

82.

The two vehicles represent Plaintiff's personal property to which she had an absolute right to the enjoyment of and Defendants' concerted actions, including the Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, resulted in the abuse of Plaintiff's personal property and the abuse of Plaintiff's rights to the enjoyment of her vehicles in violation of O.C.G.A. § 51-10-3.

83.

As a result of Defendants' malicious, unlawful, willful, and repeated abuses of Plaintiff's vehicles, Plaintiff is entitled to damages pursuant to O.C.G.A. § 51-10-3.

### COUNT III: INVASION OF PRIVACY

84.

All allegations and paragraphs of this Complaint are incorporated in this Count as if fully stated herein.

85.

Georgia law affords each person the right to a reasonable expectation of privacy which protects an individual from an intrusion upon their seclusion or solitude.

86.

The Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, intruded upon Plaintiff's reasonable expectation of privacy by entering and trespassing on Plaintiff's Property and placing a camera on her property and GPS tracking devices on her vehicles to electronically record her and her minor children's activities.

87.

The Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, intruded upon Plaintiff's reasonable expectation of privacy by entering and trespassing on Plaintiff's Property and placing tracking devices on her vehicles, monitoring Plaintiff's movements and the movements of her minor children via the tracking devices, and sharing that information with the Baker Donelson Defendants and the AmFam Defendants.

88.

The Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, intentionally intruded upon

Plaintiff's solitude, seclusion, and her private affairs which was offensive and objectionable and has caused Plaintiff to suffer damages.

**COUNT IV: NEGLIGENCE PER SE**

89.

All allegations and paragraphs of this Complaint are incorporated in this Count as if fully stated herein.

90.

Defendants are negligent per se because (1) they violated laws as described within relating to privacy and trespass; (2) the laws were designed to prevent the type of intrusions and harms described in this Complaint; (3) Plaintiff was a member of the class intended to be protected by said laws; and (4) the violation of said laws proximately caused Plaintiff harm and damages for which she is entitled to compensation.

**COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

91.

All allegations and paragraphs of this Complaint are incorporated in this Count as if fully stated herein.

92.

Defendants' conduct, specifically, their crimes, unlawful surveillance, trespasses, recording, and invasion of Plaintiff's privacy as described herein, was directed at Plaintiff and Plaintiff's minor children and conducted with the specific intent to cause harm to Plaintiff, including, but not limited to severe emotional distress and harm.

93.

Defendants are liable for intentional infliction of emotional distress because Defendants'

conduct was intentional; Defendants' conduct was illegal, extreme, unjustified, and outrageous; the conduct was intended to and did, in fact, intimidate Plaintiff and cause Plaintiff severe emotional distress and harm, and Plaintiff is entitled to special, general, and punitive damages against Defendants for their intentional infliction of emotional distress and harm.

94.

The actions of the Martinelli Investigations Defendants, while being directed, instructed, and supervised by the Baker Donelson Defendants and the AmFam Defendants, as described herein were ratified by the Baker Donelson Defendants and the AmFam Defendants during meetings that occurred among these Defendants about the surveillance of Plaintiff and Plaintiff's minor children. The Martinelli Investigations Defendants' acts were further ratified by the Baker Donelson Defendants and the AmFam Defendants when they continued to attempt to use the illegally gained surveillance information in the Personal Injury Action in an effort to harm and intimidate Plaintiff and to force Plaintiff into a settlement below the value of the Personal Injury Action.

95.

Defendants' actions as described herein were conducted by and among the Defendants as a concerted action with a common design and purpose to harm and intimidate Plaintiff, making the Defendants jointly and severally liable for the damages to Plaintiff.

**COUNT VI: SPECIAL DAMAGES, GENERAL DAMAGES,  
AND PUNITIVE DAMAGES**

96.

All allegations and paragraphs of this Complaint are incorporated in this Count as if fully stated herein.

97.

As a result of Defendants' repeated trespasses upon Plaintiff's Property and personality for unlawful purposes, Plaintiff has suffered general, special, and nominal damages in an amount to be proven at trial.

98.

As a direct and proximate result of Defendants' intentional acts, negligence, and negligence per se, Plaintiff sustained special damages and general damages for the invasion of her privacy and all other harms described herein for which she is entitled to be compensated.

99.

As a direct and proximate result of Defendants' intentional acts, negligence, and negligence per se, Plaintiff was intimidated and harassed into accepting an amount in settlement of the Personal Injury Action that was below the actual value of the case, and Plaintiff is entitled to be compensated for the loss of value caused by Defendants' intentional torts and crimes committed against Plaintiff.

100.

Defendants' conduct, specifically, their crimes, unlawful surveillance, trespasses, and invasion of Plaintiff's privacy, and intentional infliction of emotional distress for the purpose of harming and intimidating Plaintiff and with the specific intent to cause harm as described herein, shows willful misconduct, malice, wantonness, oppression, or that entire want of care as to raise the presumption of a conscious indifference to the consequences, and is so aggravating as to warrant, justify, and demand the imposition of punitive damages pursuant to O.C.G.A. § 51-12-5.1 to penalize and punish Defendants for their misconduct and to deter them from engaging in such aggravating conduct in the future. Plaintiff specifically pleads for the imposition of punitive damages against Defendants.



**COUNT VII: ATTORNEY'S FEES AND EXPENSES**  
**PURSUANT TO O.C.G.A. § 13-6-11**

101.

All allegations and paragraphs of this Complaint are incorporated in this Count as if fully stated herein.

102.

Defendants have acted in bad faith, have been stubbornly litigious, and have caused Plaintiff unnecessary trouble and expense by forcing Plaintiff to resort to the use of the court system in order to resolve these claims when there is no bona fide controversy. Accordingly, Plaintiff seeks attorney's fees and expenses of litigation pursuant to O.C.G.A. § 13-6-11.

Wherefore, Plaintiff prays that:

- (a) Summons and Complaint be served upon each Defendant according to the law;
- (b) Plaintiff recover from Defendants jointly and severally a sum of damages to compensate Plaintiff for the harm and severe emotional distress Defendants intentionally inflicted upon her; the loss of value of Plaintiff's Personal Injury Action caused by Defendants' intentional harm, threats, and intimidation of Plaintiff; the harm to Plaintiff's property and property rights, including Plaintiff's loss of privacy, use, enjoyment, and security caused by Defendants' intentional actions; damages resulting from trespass to Plaintiff's property and personalty; and all other losses flowing from the tortious and criminal conduct of Defendants in an amount not less than \$100,000,000.00;
- (c) Judgment be rendered against Defendant American Family Insurance Company for

punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$12,200,000,000.00;

- (d) Judgment be rendered against Defendant Baker, Donelson, Bearman, Caldwell & Berkowitz, PC for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$1,000,000,000.00;
- (e) Judgment be rendered against Defendant Robert Lawrence Shannon, Jr. for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$25,000,000.00;
- (f) Judgment be rendered against Defendant Logan Moses Owens for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$10,000,000.00;
- (g) Judgment be rendered against Defendant Geri A. Wilkinson for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$10,000,000.00;
- (h) Judgment be rendered against Martinelli Investigations, Inc. for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$10,000,000.00;
- (i) Judgment be rendered against Defendant Robin Lyn Martinelli for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$10,000,000.00;
- (j) Judgment be rendered against Defendant Leslie Marie Bass for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$1,000,000.00;

- (k) Judgment be rendered against Defendant Victoria Grace Wallis for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$1,000,000.00;
- (l) Judgment be rendered against Defendant Steven Douglas Clifford for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$1,000,000.00;
- (m) Judgment be rendered against Defendant Rebecca Sue Fischer for punitive damages to punish and to deter like or similar conduct in the future in an amount not less than \$1,000,000.00;
- (n) Judgment be rendered against Defendant John Doe's 1-8 for punitive damages to punish and to deter like or similar conduct in the future in an amount sufficient to punish them and deter like or similar conduct in the future;
- (o) Judgment be rendered against Defendant ABC Corp. 1-4 for punitive damages to punish and to deter like or similar conduct in the future in an amount sufficient to punish them and deter like or similar conduct in the future;
- (p) Plaintiff recover from Defendant a sum of damages to compensate her for attorney's fees and costs of litigation pursuant to O.C.G.A. § 13-6-11;
- (q) Plaintiff specifically pleads for the imposition of punitive damages against each Defendant to punish each Defendant and to deter like or similar conduct in the future;
- (r) Plaintiff be awarded prejudgment interest on her damages as allowed by law;
- (s) Interest on the judgment be awarded at the legal rate from the date of judgment;
- (t) All costs of this action be taxed against Defendants; and

(u) Plaintiff have any and all other relief the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial for each claim for which she has a right to a jury.

This 7<sup>th</sup> day of July, 2021.

Respectfully Submitted,

Brodhead Law, LLC  
3350 Riverwood Parkway, Suite 2230  
Atlanta, Georgia 30339  
(404) 846-0100  
Ben@brodheadlaw.com  
Ashley@brodheadlaw.com  
Michael@brodheadlaw.com

/s/ Ben C. Brodhead  
Ben C. Brodhead, Esq.  
Georgia Bar No. 084127  
Ashley B. Fournet, Esq.  
Georgia Bar No. 271540  
Michael Arndt, Esq.  
Georgia Bar No. 836284  
*Attorneys for Plaintiff,  
Luisa Cruz Mezquital*

STATE COURT OF  
DEKALB COUNTY, GA.  
7/7/2021 1:30 PM  
E-FILED  
BY: Monica Gay