

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LAURIE RANGE : **Case No. 1:10-cv-00473**
SCOTT L. RANGE :
DONNA R. GUTRIDGE : **Judge**
LINDA M. SEARS :
SHERRIL L. CHATHAM :
DEBRA L. PICKERING : **CIVIL COMPLAINT AND JURY**
c/o Cohen, Todd, Kite & Stanford, LLC : **DEMAND**
250 East Fifth Street, Suite 1200 :
Cincinnati, OH 45202, :

and :

JAMES APPLING :
MISHAEL APPLING :
JUDY APPLING :
SANDRA WILLIAMS :
c/o Gerhardstein & Branch Co. LPA :
432 Walnut Street, Suite 400 :
Cincinnati, OH 45202, :

and :

MARY E. BRYANT :
CARLOS HICKS :
ASHLEY HICKS :
VENDETTA ANTRONETTE SHIRLEY :
ROSALIND HICKS :
JOSEPH HICKS :
c/o Arthur W. Harmon, Jr. LLC :
1200 Cypress St. :
Cincinnati, OH 45206, :

Plaintiffs :

v. :

KENNETH DOUGLAS :
Inmate Number A588430 :
London Correctional Institution :
P.O. Box 69 :
1580 State Route 56 :
London, OH 43140, :

the family members of each woman. These family members were not permitted to stay with their loved ones at the Morgue and trusted the Defendants to protect and care for the women while they were autopsied. Defendant Kenneth Douglas raped the body of Karen Sue Range in 1982 and raped the bodies of Charlene Appling and Angel Hicks in 1991.

2. During Douglas' employment at the Hamilton County Morgue, morgue employees, supervisors and the County, in general, completely failed to protect the sanctity of the deceased by allowing unprofessional and inappropriate activities to take place in the morgue including drinking alcohol and taking drugs during working hours and having sexual relations on the premises with women who visited with staff at night.
3. Defendant Douglas' conduct was discovered through the use of DNA evidence by the Hamilton County Prosecutor commencing in 2008. Douglas has since been criminally prosecuted and convicted for these heinous crimes. Plaintiffs are shocked and horrified by the desecration of their loved ones and have been forced to relive the anguish and grief of their loved one's murders. They bring this case seeking fair compensation and seeking to hold accountable all of those who permitted, encouraged and failed to stop Douglas' horrific abuse of their loved ones. Only by fully exposing the facts can future families be spared such unbearable pain. This case is based on abuses that occurred during the tenure of former Coroner and Defendant Dr. Frank Cleveland and does not allege any misconduct by the current Coroner.

II. JURISDICTION

4. Jurisdiction over the federal civil rights claims is conferred on this Court by 28 U.S.C. §§ 1331 and 1343(3) and (4). Jurisdiction over the state law claims is conferred by 28 U.S.C. § 1367(a). Venue is proper in this Division.

III. PARTIES

A. Plaintiffs

5. Plaintiff Laurie Range is the mother of Karen Sue Range, deceased.
6. Plaintiffs Scott L. Range, Donna R. Gutridge, Linda M. Sears, Sherrill L. Chatham, and Debra L. Pickering are siblings of Karen Sue Range, deceased.
7. Plaintiffs Laurie Range, Scott L. Range, Donna R. Gutridge, Linda M. Sears, Sherrill L. Chatham, and Debra L. Pickering are hereafter referred to as “Karen Sue’s Family.”
8. Plaintiff James Appling is the father of Charlene Appling (aka Charlene Appling Edwards), deceased.
9. Plaintiff Mishael Appling is the son of Charlene Appling, deceased.
10. Plaintiffs Judy Appling and Sandra Williams are sisters of Charlene Appling, deceased.
11. Plaintiffs James Appling, Mishael Appling, Judy Appling and Sandra Williams are hereafter referred to as “Charlene’s Family.”
12. Plaintiff Mary E. Bryant is the mother of Angel Hicks, deceased.
13. Plaintiffs Carlos Hicks and Ashley Hicks are the children of Angel Hicks, deceased.
14. Plaintiffs Vendetta Antronette Shirley, Rosalind Hicks, and Joseph Hicks are the siblings of Angel Hicks, deceased.
15. Plaintiffs Mary E. Bryant, Carlos Hicks, Ashley Hicks, Vendetta Antronette Shirley, Rosalind Hicks, and Joseph Hicks are hereafter referred to as “Angel’s Family.”

B. Defendants

16. Defendant Kenneth Douglas was employed by Hamilton County as a morgue attendant from July 26, 1976 until February 6, 1992. Defendant Douglas is a “person” under 42

U.S.C. §1983 and at all times relevant to this case acted under color of law. He is sued individually and in his official capacity as a county employee.

17. Defendant Bernard Kersker was employed by Hamilton County as the Morgue Director/Buildings -Grounds Supervisor from 1977 until 1997. During this time, he directly supervised all of the morgue attendants, including Defendant Kenneth Douglas. Defendant Kersker is a “person” under 42 U.S.C. §1983 and at all times relevant to this case acted under color of law. He is sued individually and in his official capacity as an employee of Hamilton County.
18. Defendant Frank Cleveland served as the elected Hamilton County Ohio Coroner between 1964 and 1994, including the entire period of Douglas’ employment. Defendant Cleveland is a “person” under 42 U.S.C. §1983 and at all times relevant to this case acted under color of law. He is a policy maker with respect to policies and procedures at the Hamilton County Coroner’s Office. He is sued individually and in his official capacity as Hamilton County Coroner.
19. Defendant Hamilton County/ Board of County Commissioners is a unit of local government organized under the laws of the State of Ohio. The County is sued through the Hamilton County Ohio Board of County Commissioners who are named only in their official capacity pursuant to O.R.C. §305.12. Defendant County is a “person” under 42 U.S.C. §1983 and at all times relevant to this case acted under color of law. All three incidents of abuse occurred on property owned by Hamilton County.

IV. FACTS

A. Responsibilities of the Coroner and his Staff

20. The Hamilton County, Ohio Coroner is an elected official pursuant to ORC § 313.01.
21. The coroner acts as the official custodian of the county morgue.
22. The coroner examines bodies of unidentified individuals, bodies of individuals whose deaths result from criminal, violent, suspicious, or unusual means, suicide, casualty, and any case of sudden death of an individual in apparent good health.
23. The coroner is required to keep cause of death records and death certificates.
24. The coroner has the power and duty to designate and authorize those who can touch a body while the body is in the custody of the coroner.
25. At all times relevant to this case, except for a brief opportunity to view the deceased through a glass divider, families of the deceased had no physical access to or ability to protect their loved ones while their loved ones were in the custody of the Coroner and his staff.
26. In order to fulfill his duties, the coroner hires a staff including deputy coroners, pathologists, technicians, stenographers, secretaries, clerks, custodians, morgue attendants and investigators.
27. Defendant Cleveland was elected to the office of Hamilton County Coroner in 1964 and served until he resigned in 1994.
28. During his tenure as Hamilton County Coroner, Defendant Cleveland was responsible for faithfully preserving the integrity of bodies in the County's custody.

29. Defendant Kenneth Douglas was employed by the Hamilton County Morgue as a Morgue Attendant starting July 26, 1976. He began part time, but joined the staff full time on November 29, 1976.
30. As a Morgue Attendant, Defendant Douglas' duties included assisting pathologists in performing postmortem examinations, receiving and releasing bodies, weighing bodies, removing and logging personal effects of the bodies, cleaning autopsy rooms, the x-ray room, morgue carts, and the morgue office, preparing autopsy tissue for storage, and assisting custodial workers with overall maintenance of the morgue and coroner's office.
31. Defendant Bernard Kersker was hired as the Morgue Director/Building-Grounds Supervisor on February 7, 1977 and served in that capacity at all times relevant to this case.
32. As the Morgue Director/Buildings-Grounds Supervisor, he supervised and directed personnel, including indoor/outdoor building maintenance staff, night clerks, and morgue staff. Defendant Kersker directly supervised Defendant Douglas and all of the other morgue attendants while Defendant Kersker was employed at the County.
33. Defendant Kersker also created the work schedules for the morgue attendants. They worked in two shifts: first shift, from 7:30 a.m.-4:30 p.m., and second shift, from 4:00 p.m.-11:00 p.m.
34. Defendant Kersker's work day at the morgue ended at 4:30 p.m., leaving at least one unsupervised morgue attendant on the premises from 4:30 p.m. until 11:00 p.m. every day.
35. While performing his morgue attendant duties, Defendant Douglas had complete access to all areas of the morgue, including the coolers where corpses were stored.

36. None of the interior morgue doors had locks; giving every morgue attendant complete access to every room in the morgue.
37. Normally, during the second shift, the morgue attendant was the only individual on the first floor. The first floor included autopsy rooms and coolers. The morgue attendants worked primarily on this floor, and had full access to every room.
38. During Defendant Douglas' employment at the morgue, there were no security cameras or any security personnel on the first floor but there was a security officer on the second floor during the second shift.

B. Culture at the morgue during Douglas' employment

39. During the work day at the morgue, Defendant Douglas drank alcohol.
40. Other morgue attendants drank alcohol during the work day as well.
41. Defendant Douglas and other morgue attendants frequently drank alcohol while on their lunch break, returning to work for the afternoon intoxicated.
42. While on duty at the morgue, Defendant Douglas and other morgue attendants used narcotics and other illegal drugs.
43. On occasion, morgue attendants ended their shifts under the influence of illegal drugs because of their drug use while working.
44. Defendant Douglas and other morgue attendants hosted visitors who were not family or employees at the morgue after hours.
45. Defendant Douglas and other morgue attendants brought women into the morgue and had sexual intercourse with the women while on duty at the morgue and while on the premises of the morgue.

46. Defendant Kersker knew the morgue attendants consumed alcohol and became intoxicated during the work day, including during their lunch breaks.
47. Instead of reprimanding these individuals and sending them home for the day, Defendant Kersker allowed the intoxicated morgue attendants to move, suture, and otherwise handle the bodies in the custody of the Coroner, causing the attendants to act toward the bodies while under the influence of alcohol rather than with unimpaired judgment, consistent with professional standards.
48. Defendant Kersker was notified more than once that Defendant Douglas was drinking, using drugs and inviting visitors into the morgue and engaging in sexual intercourse while on duty.
49. Defendant Kersker took no action to stop Douglas from interacting with the bodies at the morgue while he was under the influence of drugs and alcohol or before or after Douglas engaged in sexual relations with women on the premises of the morgue.
50. Defendant Kersker knew or should have known of the likelihood of misconduct by employees allowed to handle bodies while under the influence of drugs and alcohol.
51. Although Defendant Kersker was on notice that basic security, surveillance and improved supervision measures were needed, he failed to address any of these problems and instead knowingly acquiesced in the handling of the bodies in coroner custody and their abuse by morgue attendants who were drunk and under the influence of drugs.
52. Morgue attendants knew they would not get in trouble for misconduct; Defendant Kersker's management style facilitated and encouraged misconduct, including acts that resulted in violations of the safety and integrity of the bodies in Coroner custody.

53. Defendant Cleveland served as the Hamilton County Coroner with an office in the morgue while Defendant Douglas was employed there.
54. Defendant Cleveland knew Defendant Douglas personally, and employed Douglas at his home for maintenance duties.
55. Defendant Cleveland kept alcohol in his office at the morgue and also drank alcohol while present at the morgue.
56. Defendant Cleveland was aware of the misconduct of the morgue attendants and/or should have been aware of the misconduct of the morgue attendants but acquiesced in and encouraged the misconduct by Douglas and the other morgue attendants.
57. Permitting morgue attendants to handle bodies while under the influence of drugs and alcohol; permitting morgue attendance to engage in sexual acts with women on morgue premises; and creating an environment that encouraged this conduct is outrageous and shocks the conscience.

C. Sexual Abuse of Karen Sue Range

58. In 1982, Karen Sue Range was nineteen years old.
59. She lived at home with her parents and was engaged to be married.
60. She was a virgin; she had been saving herself for her fiancé.
61. On August 19, 1982 Karen Sue Range was brutally murdered. She bled to death following multiple slashes to her throat with a knife. She was nearly beheaded.
62. Karen Sue Range was admitted to the Hamilton County Morgue shortly after her murder.
63. On that very night, Defendant Douglas processed her body into the morgue and sexually abused her body before an autopsy had been performed.

64. Douglas rolled the gurney carrying Karen Sue Range out of the cooler, brought her into one of the unlocked autopsy rooms, and had intercourse with her dead body.
65. The abuse of the body of Karen Sue Range was foreseeable to Defendants Kersker and Cleveland given their acquiescence and encouragement of Douglas' handling of bodies while under the influence of alcohol and drugs and Douglas' sexual activity with various women on morgue premises.
66. The physical and sexual abuse of the body of Karen Sue Range was outrageous conduct that shocks the conscience.
67. On March 1, 2007, DNA testing, unavailable at the time of Karen Sue's death in 1982, revealed unmatched DNA on vaginal swabs taken during Karen Sue's autopsy.
68. On July 24, 2008, the Hamilton County Prosecutor was notified of a DNA match between Defendant Douglas and the DNA collected from Karen Sue's body.
69. On July 25, 2008, Defendant Douglas admitted to representatives of the Hamilton County Prosecutor that he had sexually abused Karen Sue's body as well as the bodies of other women in Coroner custody.
70. On September 8, 2008, Douglas pled No Contest to and was convicted of Gross Abuse of a Corpse for the sexual abuse of the body of Karen Sue Range.
71. Over twenty-five years after her death, Karen Sue's family learned her body had been physically and sexually violated and desecrated on Hamilton County property by a Hamilton County employee.
72. The physical and sexual abuse of Karen Sue's body occurred while she was in the custody of Defendants Cleveland, Kersker and Douglas, on Hamilton County property,

while Karen Sue's family had no right of access to her or ability to protect her body from the abuse.

D. Sexual Abuse of Charlene Appling

73. Charlene Appling Edwards was born in 1968. Charlene's mother had died in a car accident when she was young. This early tragedy served to strengthen her bond with her father and her two sisters.
74. In October, 1991, Charlene was a college graduate working temporarily for the Internal Revenue Service. She was raising her young son, Mishael Appling, as a single mom.
75. On October 1, 1991, Charlene was brutally strangled. She was twenty-three years old.
76. On the day of her murder, Charlene was six months pregnant.
77. Defendant Douglas processed Charlene into the morgue shortly after her murder.
78. After processing her body into the morgue, Defendant Douglas sexually abused the body of Charlene Appling by having intercourse with her body on the morgue premises.
79. The abuse of the body of Charlene Appling was foreseeable to Defendants Kersker and Cleveland given their acquiescence and encouragement of Douglas' handling of bodies while under the influence of alcohol and drugs and Douglas' sexual activity with various women on morgue premises.
80. The physical and sexual abuse of the body of Charlene Appling was outrageous conduct that shocks the conscience.
81. On December 10, 2008, Hamilton County Crime Laboratory found foreign DNA matter from a vaginal swab taken during Charlene's autopsy. The DNA from Defendant Douglas was eventually matched with DNA discovered on Charlene's vaginal swab.

82. On February 26, 2009, Defendant Douglas was indicted by a grand jury for two counts of Gross Abuse of a Corpse. One Count was based on the abuse of Charlene Appling.
83. On October 19, 2009, Defendant Douglas pled guilty to and was convicted of Gross Abuse of a Corpse for the sexual abuse of the body of Charlene Appling.
84. Over 17 years after Charlene's death, her family learned that Charlene's body had been physically and sexually violated and desecrated on Hamilton County property by a Hamilton County employee.
85. The physical and sexual abuse of Charlene's body occurred while she was in the custody of Defendants Cleveland, Kersker and Douglas, on Hamilton County property, while Charlene's family had no right of access to her or ability to protect her body from the abuse.

E. Sexual Abuse of Angel Hicks

86. Angel Hicks was a twenty-four year old mother of two children in 1991. She died from blunt impact to her head on December 8, 1991.
87. Defendant Douglas processed her body into the Hamilton County morgue that same day.
88. Plaintiff Mary Bryant, Angel Hicks' mother, visited the morgue and viewed her daughter's body before she was autopsied. She viewed Angel through a glass window.
89. After her mother had viewed Angel, Defendant Douglas had intercourse with Angel's dead body.
90. The abuse of the body of Angel Hicks was foreseeable to Defendants Kersker and Cleveland given their acquiescence and encouragement of Douglas' handling of bodies while under the influence of alcohol and drugs and Douglas' sexual activity with various women on morgue premises.

91. The physical and sexual abuse of the body of Angel Hicks is outrageous conduct that shocks the conscience.
92. In November, 2008, foreign DNA was detected on Angel Hicks' vaginal swabs.
93. On January 23, 2009, DNA found on Angel's vaginal swabs was matched with the DNA of Defendant Douglas.
94. On February 26, 2009, Defendant Douglas was indicted by a grand jury for two counts of Gross Abuse of a Corpse. One count was based on the abuse of Angel Hicks.
95. On October 19, 2009, Defendant Douglas plead guilty to and was convicted of Gross Abuse of a Corpse for the sexual abuse of the body of Angel Hicks.
96. Over 17 years after Angel's death, her family learned that her body had been physically and sexually violated and desecrated on Hamilton County property by a Hamilton County employee.
97. The physical and sexual abuse of Angel's body occurred while she was in the custody of Defendants Cleveland, Kersker and Douglas, on Hamilton County property, while Angel's family had no right of access to her or ability to protect her body from the abuse.

F. Conduct of Defendants

98. The actions of Defendant Douglas shocks the conscience and were negligent, reckless, willful, wanton, knowing, intentional, and deliberately indifferent to the safety and sanctity of the deceased and the emotional health of the families of the deceased persons held in the Hamilton County Morgue. During each incident of abuse, Defendant Douglas acted within the scope of his employment at the Hamilton County morgue.
99. Defendant Kersker created an environment ripe for such abuse, as he knew of, acquiesced in, encouraged, and failed to control and reprimand his staff for alcohol abuse, drug

abuse, and sexual intercourse with visitors while they were paid county employees handling the bodies of deceased persons at the morgue.

100. Because of the environment created by Defendant Kersker, it is foreseeable that his subordinates would sexually abuse bodies in the custody of the morgue. The conduct of Defendant Kersker shocks the conscience and was negligent, reckless, wanton, knowing, intentional, and deliberately indifferent to the safety and sanctity of the deceased and the emotional health of the families of the deceased persons held in the Hamilton County Morgue.
101. Defendant Cleveland created an environment ripe for such abuse, as he knew of, acquiesced in, encouraged and failed to control and reprimand his staff for alcohol abuse, drug abuse, and sexual intercourse with visitors while they were paid county employees handling the bodies of deceased persons at the morgue.
102. Because of the environment created by Defendant Cleveland, it is foreseeable that his subordinates would sexually abuse bodies in the custody of the morgue. The conduct of Defendant Cleveland shocks the conscience and was negligent, reckless, wanton, knowing, intentional, and deliberately indifferent to the safety and sanctity of the deceased and the emotional health of the families of the deceased persons held in the Hamilton County Morgue.
103. Defendants Kersker and Cleveland failed to adequately supervise the actions of their employees while they were acting under the scope of their employment. They neglected their duty to care for the deceased in the custody of the Coroner with respect and reverence. Their failure to supervise shocks the conscience and was negligent, reckless, wanton, knowing, intentional, and deliberately indifferent to the safety and sanctity of the

deceased and the emotional health of the families of the deceased persons held in the Hamilton County Morgue.

104. All incidents of sexual abuse and deliberate indifference to the safety and sanctity of the deceased occurred on Hamilton County property and were perpetrated by Hamilton County employees. Defendant Hamilton County is liable for the negligent actions of its employees and for negligent actions occurring on its grounds.
105. The policies, practices and customs of Defendant Hamilton County were the moving force behind actions causing the Plaintiffs' injuries. These policies, practices and customs include but are not limited to:
- Permitting Defendant Douglas and other morgue attendants under the influence of alcohol to receive and release bodies, weigh bodies, assist pathologists, and perform other duties involving the movement and care of deceased persons in the custody of the Coroner;
 - Permitting Defendant Douglas and other morgue attendants under the influence of drugs to receive and release bodies, weigh bodies, assist pathologists, and perform other duties involving the movement and care of deceased persons in the custody of the Coroner;
 - Permitting Defendant Douglas and other morgue attendants to have sex with various women on morgue premises.
106. The Defendants' actions, collectively and individually, proximately caused the physical and sexual abuse to the bodies of Karen Sue Range, Charlene Appling and Angel Hicks, and the irreparable damage suffered by these women's families.

G. Injuries to Plaintiffs

107. Plaintiff families of Karen Sue Range, Charlene Appling, and Angel Hicks have, as a result of the conduct of Defendants, experienced intense suffering, anguish, anger, severe emotional distress, humiliation and embarrassment.

108. The injury suffered by these families is increased due to the cover up of the facts by Defendants over these past twenty years. After striving to deal with the violent deaths of their loved ones, these three families learned over twenty years later that their loved ones were victimized while in County Custody when they could not be present to protect their loved ones and that has caused additional suffering, anguish, anger, severe emotional distress, humiliation and embarrassment.
109. The loved ones of the Plaintiff families were violated in a place where the deceased are to be protected from all harm, respected, and revered. The pain and anguish associated with the abuse of these women in the morgue is extreme beyond all measure.

V. FIRST CAUSE OF ACTION – CIVIL RIGHTS - 42 U.S.C § 1983

110. Defendants Douglas, Kersker, Cleveland, and Hamilton County, under color of law, deprived Plaintiff families' of clearly established rights, privileges, and immunities secured by the Fourteenth Amendment to the United States Constitution. These are rights of which a reasonable person would have known. These rights include, but are not limited to, the right to due process of law. By engaging in outrageous actions which shock the conscience, the Defendants violated Plaintiff families' rights to due process of law.

VI. SECOND CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

111. Defendants Douglas, Kersker, and Cleveland intentionally inflicted severe emotional distress on the Plaintiff families.

**VII. THIRD CAUSE OF ACTION –NEGLIGENT
INFLICTION OF EMOTIONAL DISTRESS**

112. Defendants Douglas, Kersker, Cleveland, and Hamilton County negligently inflicted severe emotional distress on the Plaintiff families.

**VIII. FOURTH CAUSE OF ACTION – NEGLIGENT RETENTION
AND SUPERVISION**

113. Defendants Kersker, Cleveland, and Hamilton County were aware or should have been aware of the abuse of bodies by Douglas while he was on duty at the Hamilton County Morgue between 1976 and 1992.

114. Defendants Kersker, Cleveland, and Hamilton County negligently supervised and retained Defendant Douglas and permitted him to abuse the bodies of Karen Sue Range, Charlene Appling, and Angel Hicks.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand that the Court:

- A. Award Plaintiffs compensatory damages in an amount to be shown at trial;
- B. Award Plaintiffs punitive damages against Defendants Douglas, Kersker and Cleveland (but not the County) in an amount to be shown at trial;
- C. Award Plaintiffs reasonable attorney's fees and costs;
- D. Award Plaintiffs pre- and post- judgment interest;
- E. Grant to Plaintiffs such additional relief as the Court deems just and proper.

Respectfully submitted,

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JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues triable by a jury.

s/ Alphonse A. Gerhardstein
Alphonse A. Gerhardstein