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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 MICHELLE SUZANNE HADLEY, an
14 individual,

15 Plaintiff,

16 vs.

17 CITY OF ANAHEIM, JAMES PEWSEY as
18 an individual and in his official capacity,
19 WILLIAM SEGLETES as an individual and
20 in his official capacity, MICHAEL LEE as
21 an individual and in his official capacity,
22 MICHAEL CUNHA as an individual and in
23 his official capacity, ANGELA MARIE
24 DIAZ, an individual, IAN RICHARD DIAZ,
25 an individual, DOES 1-10, inclusive,

26 Defendants.

Case No.: 8:18-cv-01831-DOC-KES

**FIRST AMENDED COMPLAINT
FOR DAMAGES and DEMAND FOR
JURY TRIAL**

1. 42 U.S.C. § 1983 Civil Rights Violation (Excessive Force)
2. 42 U.S.C. § 1983 Civil Rights Violation (Unreasonable Seizure of Plaintiff)
3. 42 U.S.C. § 1983 Civil Rights Violation (Unreasonable Seizure of Property)
4. 42 U.S.C. § 1983 *Monell* Liability (Unconstitutional Custom, Practice, Policy)
5. 42 U.S.C. § 1983 *Monell* Liability (Failure to Train)
6. 42 U.S.C. § 1985 Conspiracy to Interfere with Civil Rights
7. California Civil Code § 52.1—Civil Rights Violations
8. False Imprisonment & False Arrest
9. Battery

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- 10. Assault
- 11. Intentional Infliction of Emotional Distress
- 12. Negligence
- 13. Malicious Prosecution
- 14. Defamation
- 15. Civil Conspiracy

Plaintiff, MICHELLE SUZANNE HADLEY by way of complaint against the Defendants hereby complains and alleges as follows:

NATURE OF THE ACTION AND PRELIMINARY STATEMENT

1. This is a civil rights action brought under, *inter alia*, 42 U.S.C. § 1983 and 42 U.S.C. § 1985 to vindicate Plaintiff Michelle Hadley’s civil rights. This action arises from false arrests, detentions, seizures and other liberty deprivations Plaintiff Michelle Hadley suffered as a result of Defendants’ acts and omissions.

2. At its heart, this is a case about the “blue wall of silence,” *i.e.* law enforcement officers and officials enabling fellow officers to violate civilians’ rights.

3. Defendant the Anaheim Police Department (“APD”) and its officers abdicated their duties to adhere to investigative norms, instead conspiring to do the bidding of a corrupt federal marshal, Defendant Ian Diaz (“IAN DIAZ”). They appear to have willingly become IAN DIAZ’s weapon in his tortious campaign to ruin the life of his ex-girlfriend, Plaintiff Michelle Hadley.

4. Michelle Suzanne Hadley (“MS. HADLEY”), age 30, experienced everybody’s worst nightmare. She was arrested and charged with ten felonies and a misdemeanor for heinous crimes she did not commit. Facing life in prison, she spent 88 days

1 in jail charged as a sex offender before law enforcement officers were forced to correct their
2 grave mistake. MS. HADLEY had been framed by her abusive ex-boyfriend, IAN DIAZ, a
3 federal marshal so hell-bent on punishing her after their relationship dissolved that he even
4 got his new wife, Defendant ANGELA DIAZ (“ANGELA DIAZ”), involved.

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6 5. From May through July 2016, IAN and ANGELA DIAZ made dozens of
7 false police reports implicating MS. HADLEY in crimes she did not commit. IAN and
8 ANGELA DIAZ filed for restraining orders and repeatedly impersonated MS. HADLEY to
9 send violent and threatening emails to ANGELA DIAZ. Pretending to be MS. HADLEY,
10 they responded to ads on the Internet directing strangers to ANGELA DIAZ to fulfill their
11 rape fantasies. This culminated in ANGELA DIAZ falsely claiming she had been attacked
12 in her garage by a masked man MS. HADLEY had purportedly directed to ANGELA DIAZ’s
13 home.
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15 6. But this was not some sort of sophisticated cybercrime. IAN and ANGELA
16 DIAZ were sloppy. The emails they forwarded to APD detectives were clearly doctored.
17 Sometimes the “From” line of a forwarded email showed two names. Other times they would
18 botch the email address or invert the sender and recipient. For many of the emails purportedly
19 sent by MS. HADLEY, they did not even mask their IP address; this unmasked IP address
20 made plain that these emails were sent from ANGELA and IAN DIAZ’s home.
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22 7. On June 24, 2016, MS. HADLEY was unlawfully arrested without a
23 warrant or probable cause based entirely on unverified, spoofed, and doctored digital
24 evidence forwarded to APD officers by IAN and ANGELA DIAZ.
25

26 8. At the time of MS. HADLEY’s first arrest, APD officers possessed ample
27 evidence that IAN DIAZ had doctored the evidence he forwarded and that he—not MS.
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1 HADLEY—was the person inviting strangers on Craigslist to act out rape fantasies on
2 ANGELA DIAZ. APD officers also had evidence that many of the emails purportedly sent
3 by MS. HADLEY originated from the static IP address of IAN DIAZ’s home. At the time of
4 her second arrest on July 14, 2016—for which MS. HADLEY was held in custody for 88
5 days on a \$1 million bail—APD officers had also seen surveillance footage from IAN and
6 ANGELA DIAZ’s garage which entirely disproved ANGELA DIAZ’s story. The footage
7 showed that, in fact, there was no activity at the time and location where ANGELA DIAZ
8 said she has been attacked.
9

10 9. APD officers did not just ignore the evidence, they ignored MS.
11 HADLEY’s repeated, desperate pleas for help, including entreaties to the Ontario Police, the
12 Claremont Police, the FBI, and the DOJ. Four times she called a detective at the APD to
13 follow up on her reports, expressing urgent concern that she was being impersonated online
14 and that her ex-boyfriend might be plotting against her. Yet that detective—who was on the
15 scene when MS. HADLEY was arrested—admitted that he had not called her back.
16

17 10. APD detectives willfully turned a blind eye to IAN DIAZ’s obviously false
18 reports because he was a fellow law enforcement officer. A career cop, upon information and
19 belief, he often filed the false reports against MS. HADLEY in uniform.¹ Each report stated
20 that he was a federal marshal employed by the US Marshal Service. He was friendly with the
21 detectives investigating MS. HADLEY, texting and emailing with them. He also used local
22 police like his own personal concierge service, dispatching officers to unlawfully intimidate
23 and threaten a process server, as well as serve a restraining order on MS. HADLEY.
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26 11. Months into MS. HADLEY’s detention, IAN DIAZ finally confessed to
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¹ MS. HADLEY recalls IAN DIAZ frequently wearing his uniform when not on duty.

1 APD officers, admitting that MS. HADLEY was innocent all along. Yet, reflecting the
2 APD's willingness to turn a blind eye to a fellow officer's corruption and wrongdoing, IAN
3 DIAZ was never charged with a crime. Only his wife, ANGELA DIAZ, was.

4 12. On January 9, 2017, the CITY OF ANAHEIM exonerated MS. HADLEY.
5 This was six and a half months after her first arrest. By then, MS. HADLEY had lost her job,
6 dropped out of business school, been forced to move in with her parents, accrued
7 extraordinary debt, and developed grave post-traumatic stress disorder (PTSD). Moreover,
8 her reputation was shattered because of the sordid history of the case and all the inaccurate
9 information law enforcement released about its eventual resolution. Press releases from the
10 Orange County DA's office presented the case as a sophisticated computer crime and
11 congratulated APD investigators for cracking the case. The APD's sound bites likewise
12 gushed about the complexity of the case and diligence of its investigators. The reality was
13 far different. Investigators dodged common-sense and ignored voluminous early evidence
14 showing MS. HADLEY'S innocence. They failed to apply rudimentary norms of verifying,
15 collecting and reviewing digital evidence. Instead, they bent over backwards to believe their
16 fellow law enforcement officer despite the overwhelming evidence incriminating him.
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20 13. The APD never had probable cause to arrest MS. HADLEY and therefore
21 violated her constitutional rights by arresting and jailing her.

22 14. APD officers knew all along—or should have known—that IAN and
23 ANGELA DIAZ were framing MS. HADLEY. However, even after the conspiracy was
24 revealed, the CITY OF ANAHEIM continued to pull rank for IAN DIAZ; in doing so, the
25 APD has tried to cover up its own complicity in the wicked scheme to frame MS. HADLEY.
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27 15. Thus, MS. HADLEY alleges and complains that she is not only the victim
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1 of a vindictive ex-boyfriend (a corrupt law enforcement officer) and his new wife, but a
2 victim of police corruption, incompetence, and the blue wall of silence that enabled them to
3 successfully deprive MS. HADLEY of her freedom and cause other serious and long-lasting
4 harm.

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6 **JURISDICTION & VENUE**

7 16. This Court has jurisdiction over this action pursuant to U.S.C. §§ 1331 and
8 1343(a) because it is being brought to obtain compensatory and punitive damages for the
9 deprivation, under color of state law, of the rights secured by the United States Constitution,
10 pursuant to 42 U.S.C. §1983, §1985, and §1988. This action is brought pursuant to the Fourth
11 and Fourteenth Amendments to the United States Constitution, and the laws and Constitution
12 of the State of California.

13
14 17. Plaintiff further invokes this Court’s supplemental jurisdiction, pursuant to
15 28 U.S.C. §1367(a), to hear and decide claims arising under state law related to claims over
16 which this Court has original jurisdiction.

17
18 18. Venue is proper, pursuant to 28 U.S.C. §1391(b)(1)-(2), because the
19 Defendants reside in this judicial district and the events or omissions giving rise to Plaintiff’s
20 claims occurred in this judicial district.

21 **PARTIES**

22 19. Plaintiff, MICHELLE SUZANNE HADLEY (“Plaintiff,” or “MS.
23 HADLEY”) is a citizen of the United States and a competent adult.

24
25 20. Defendant CITY OF ANAHEIM is a municipal corporation, duly organized
26 and existing under the laws of the State of California.

27 21. At all relevant times, the CITY OF ANAHEIM operated and operates the
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1 Anaheim Police Department (APD) under its authority.

2 22. At all relevant times, the CITY OF ANAHEIM was responsible for
3 supervising, enacting, and/or enforcing the APD’s conduct, policies, and practices as well as
4 addressing the absence of needed policies, practices, and/or training.

5 23. At all relevant times, the CITY OF ANAHEIM was also responsible the
6 hiring, retention, supervision, and training of employees and agents of the CITY OF
7 ANAHEIM, the APD, and possibly other relevant agencies. Specifically, at all relevant
8 times, the CITY OF ANAHEIM was the employer of Defendants JAMES PEWSEY,
9 WILLIAM SEGLETES, MICHAEL LEE, and MICHAEL CUNHA, as well as certain APD
10 Officers who also violated MS. HADLEY’s rights but whose names are currently unknown
11 to MS. HADLEY.
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14 24. At all times material herein, Defendants WILLIAM SEGLETES, JAMES
15 PEWSEY, MICHAEL LEE, and MICHAEL CUNHA (the “OFFICER DEFENDANTS”)
16 (as well as the to-be-identified CITY OF ANAHEIM employees, DOES 1-10)² in doing the
17 acts or omissions hereinafter described, acted under color of state law and within the course
18 and scope of their employment with Defendant CITY OF ANAHEIM, by virtue of their
19 employment with the APD. The OFFICER DEFENDANTS are sued in their individual
20 capacities, including, where applicable, in their capacity as supervisors based on supervisory
21 liability.
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23
24 25. At all material times, these individual OFFICER DEFENDANTS held titles
25 and participated generally as follows in this matter as described below.

26 a. Defendant WILLIAM SEGLETES (“SEGLETES”), at all relevant
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28 ² As used herein, “ANAHEIM DEFENDANTS” refers collectively to the OFFICER
DEFENDANTS, DOES 1-10, and the CITY OF ANAHEIM.

1 times mentioned herein, was employed by CITY OF ANAHEIM as a Police Detective for
2 the Anaheim Police Department assigned to the sexual assault detail. At all relevant times he
3 was assigned to assist in the investigation of MS. HADLEY, and was responsible for
4 complying with all APD policies, procedures, supervision, and training, especially in regard
5 to interviewing witnesses, storing, processing, analyzing, reviewing, updating, investigating,
6 and verifying evidence.
7

8 b. Defendant JAMES PEWSEY (“PEWSEY”), at all relevant times
9 mentioned herein, was employed by CITY OF ANAHEIM as a Police Detective for the
10 Anaheim Police Department in the Investigations Division. At all relevant times he was
11 assigned to assist in the arrest and investigation of MS. HADLEY and was responsible for
12 complying with all APD policies, procedures, supervision, and training, especially in regard
13 to interviewing witnesses, storing, processing, analyzing, reviewing, updating, investigating,
14 and verifying evidence.
15

16 c. Defendant MICHAEL LEE (“LEE”), at all relevant times
17 mentioned herein, was employed by CITY OF ANAHEIM as a Police Detective for the
18 Anaheim Police Department. At all relevant times he was assigned to assist in the arrest and
19 investigation of MS. HADLEY and was responsible for complying with all APD policies,
20 procedures, supervision, and training, especially in regard to interviewing witnesses, storing,
21 processing, analyzing, reviewing, updating, investigating, and verifying evidence.
22

23 d. Defendant MICHAEL CUNHA (“CUNHA”), at all relevant times
24 mentioned herein was employed by CITY OF ANAHEIM as a Police Detective for the
25 Anaheim Police Department assigned to the sexual assault detail. Beginning on June 14,
26 2016 he was the lead detective into the investigation of MS. HADLEY and was also involved
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1 in the investigation of Defendant ANGELA DIAZ. He was responsible for complying with
2 all APD policies, procedures, supervision, and training, especially in regard to interviewing
3 witnesses, storing, processing, analyzing, reviewing, updating, investigating, and verifying
4 evidence.

5 e. Defendants DOES 1-10 were responsible or were delegated with the
6 responsibility of properly inputting, processing, reviewing, comparing, updating,
7 investigating, analyzing, verifying and communicating about evidence of crimes, including
8 those in a supervisory capacity. Defendants named herein as DOES 1-10 could include, but
9 are not necessarily limited to:
10

11 i. Various CITY OF ANAHEIM employees, employed between
12 August 2015 to present;

13 ii. CITY OF ANAHEIM employees involved in processing and
14 analyzing search warrants and arrest warrants;

15 iii. CITY OF ANAHEIM employees involved in creating policies
16 and procedures, particularly the practices and customs relating to the collection,
17 investigation, and analysis of electronic evidence;

18 iv. Any and all employees, agents, or contractors (independent or
19 otherwise) of THE CITY OF ANAHEIM, private individuals or employees of any other to-
20 be-identified agencies that directly or indirectly caused MS. HADLEY to be wrongfully
21 seized, wrongfully detained, falsely detained, wrongfully searched, or otherwise subjected to
22 any liberty deprivation, as more fully described herein.
23

24 26. Defendant IAN DIAZ is a competent adult over the age 18 and resides in
25 Anaheim, California in Orange County.
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1 27. Defendant ANGELA DIAZ is a competent adult over the age 18 and,
2 according to the website of the California Department of Corrections, as of December 17,
3 2018, is incarcerated at McFarland Female Community Reentry Facility in McFarland,
4 California.

5 28. The Defendants named above, including DOES 1-10, are sued in their
6 individual capacities, including, where applicable, in their supervisory capacities as
7 supervisors.
8

9 29. The true names or capacities, whether individual, corporate, associate, or
10 otherwise, of Defendants named herein as DOES 1-10 are unknown to Plaintiff, who
11 therefore sues those Defendants by said fictitious names. Plaintiff will amend this Complaint
12 to reflect said Defendants' true names and capacities when the same have been ascertained.
13 Plaintiff is informed, believes, and thereon alleges that all defendants sued herein as DOES
14 are in some manner responsible for the acts, omissions, and injuries alleged herein.
15

16 30. Plaintiff alleges, on information and belief, that each of the Defendants sued
17 herein was intentionally, recklessly, negligently, and/or otherwise responsible in some
18 manner for the events and happenings hereinafter described, and proximately caused injuries
19 and damages to Plaintiff. Further, certain DOE Defendants were at all material times
20 responsible for the hiring, training, supervision, and discipline of the other Defendants,
21 including both the individually named and DOE Defendants.
22

23 31. Plaintiff is informed, believes, and alleges that, except as otherwise
24 specifically alleged, each of the Defendants was at all material times an agent, servant,
25 employee, partner, joint venture, co-conspirator, and/or alter ego for the remaining
26 Defendants, and in doing the things alleged here, was acting within the course and scope of
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1 that relationship. Plaintiff is further informed, believes, and alleges that, except as otherwise
2 specifically alleged, each of the Defendants here gave consent, aid, and assistance to each of
3 the remaining Defendants, and ratified and/or authorized the acts or omissions of each
4 Defendant as alleged here. At all material times, each Defendant was an integral participant,
5 jointly and fundamentally engaged in constitutionally violative, unlawful and tortious
6 activity, resulting in the deprivation of Plaintiff's constitutional rights and other injuries to
7 Plaintiff.
8 Plaintiff.

9 32. The acts and omissions the ANAHEIM DEFENDANTS were at all material
10 times pursuant to the actual customs, policies, practices, and/or procedures (or lack thereof)
11 of the CITY OF ANAHEIM and/or the APD.
12

13 33. At all material times DEFENDANTS SEGLETES, PEWSEY, LEE,
14 CUNHA, and DOES 1-10 acted under color of the laws, statutes, ordinances, and regulations
15 of the State of California.
16

17 34. A proper and timely tort claim was presented to the CITY OF ANAHEIM
18 by Plaintiff, pursuant to Government Code §910 et seq., and this action, as it relates to the
19 state law claims asserted against the CITY OF ANAHEIM, was thereafter timely filed within
20 the applicable statutes of limitation.
21

22 35. This complaint may be pleaded in the alternative, pursuant to Rule 8(d)(2)
23 of the Federal Rules of Civil Procedure.
24

GENERAL ALLEGATIONS AND BACKGROUND

Michelle Hadley's Loss of Liberty

26 36. Prior to October 2013, the month MS. HADLEY met Defendant IAN DIAZ,
27 MS. HADLEY was living a straight and narrow life. She was 26 and working as a marketing
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1 executive for an insurance management company in Orange County, California. MS.
2 HADLEY was the quintessential upstanding citizen. Her only run-in with law enforcement
3 was one traffic ticket she was issued for going five miles above the speed limit. She graduated
4 Phi Beta Kappa and summa cum laude from Dickinson College. She loved her job and her
5 excellent work ethic was rewarded with raises and bonuses. She was considering going to
6 business school.

8 37. In October 2013, Defendant IAN DIAZ, then age 36, was a United States
9 Marshal at a federal courthouse in Los Angeles. MS. HADLEY and IAN DIAZ met each
10 other through a dating app and were immediately smitten with each other. On their second
11 date, IAN DIAZ declared his love for MS. HADLEY and gifted her with a down-payment
12 for an annual pass to his favorite place on earth: Disneyland.

14 38. MS. HADLEY was flattered by IAN DIAZ's attention and protectiveness.
15 It was a stark contrast from prior relationships: MS. HADLEY believed IAN DIAZ had her
16 best interests at heart, and he paraded his young, smart, thin girlfriend around his federal law
17 enforcement friends. Gradually, the relationship worsened as IAN DIAZ became more and
18 more controlling. IAN DIAZ dictated MS. HADLEY's style (crop tops, a navel piercing, and
19 long acrylic nails), how much she drank (a lot), and the hours she slept.

21 39. When he wasn't with her, IAN DIAZ monitored MS. HADLEY. He had her
22 buy Apple products and then programmed the settings, so he could access them too. He
23 accessed MS. HADLEY's computer without authorization and downloaded its contents onto
24 a thumb drive. He also had cameras installed inside their home which he could view
25 remotely.

27 40. IAN DIAZ kept at least four firearms in their home and was often armed,
28

1 which intimidated MS. HADLEY.

2 41. Most disorienting, IAN DIAZ even controlled MS. HADLEY's sleep,
3 waking her up in the middle of the night on a nightly basis to attend to his needs or to watch
4 something on TV with him.

5 42. MS. HADLEY's job performance began to suffer as a result of the abuse
6 from IAN DIAZ. She was tired, constantly sick, and could not keep up. IAN DIAZ frequently
7 dropped in unannounced at her office dressed in his U.S. Marshal uniform. When he wasn't
8 with her, IAN DIAZ was constantly texting MS. HADLEY. He urged MS. HADLEY to quit
9 her job and work at Disneyland instead. She finally acquiesced to these demands, taking a
10 substantial pay cut.
11

12 43. IAN DIAZ's control and domination of MS. HADLEY extended into their
13 sex life. From the beginning of the relationship, IAN DIAZ badgered MS. HADLEY to
14 indulge his cuckold fantasy. Several times a day he would send her pornography, pictures of
15 his genitalia, and texts begging her to have sex with another man. When she travelled for
16 work, he texted her incessantly, pleading with her to have sex with a stranger at the hotel and
17 record it. MS. HADLEY had zero interest in indulging IAN DIAZ's fantasy and grew
18 increasingly upset by his constant badgering. Finally, she made an unequivocal demand that
19 he stop pressuring her to have sex with a stranger or else she would break up with him.
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22 44. On February 14, 2014—Valentine's Day—MS. HADLEY was suffering
23 from a debilitating cold and fever which, along with over-the-counter cold medicine
24 (Nyquil), rendered her too weak to resist IAN DIAZ's demands that she indulge his cuckold
25 fantasy. IAN DIAZ arranged for a stranger from Craigslist to come over. IAN DIAZ dressed
26 MS. HADLEY, gave her three shots of cinnamon-flavored whiskey, and set up three cameras
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1 in the bedroom. He watched remotely from the bathroom as the stranger entered the
2 apartment, had sex with MS. HADLEY, and left.

3 45. MS. HADLEY was traumatized by the Valentine's Day 2014 incident. She
4 screamed at IAN DIAZ that she never wanted to do it again and made him promise to destroy
5 the videos. IAN DIAZ said he had destroyed the footage, but then later admitted had not
6 done so. He would frequently taunt MS. HADLEY about the video and use it as a source of
7 control. Police would later find intimate images of MS. HADLEY on IAN DIAZ's phone
8 over a year after their break-up. He resumed his efforts to pressure MS. HADLEY into having
9 sex with strangers, but she was steadfast in her refusal.
10

11 46. In August 2014, MS. HADLEY enrolled in the MBA program at Chapman
12 University. She attended class two nights a week. In response to MS. HADLEY's efforts to
13 seek independence, IAN DIAZ became even more controlling. He insisted on attending
14 events with her. When she made plans to get breakfast with three new friends from school,
15 he demanded that he come too and then sulked silently the whole time. IAN DIAZ would
16 manufacture arguments on the nights she had school; the only way MS. HADLEY could
17 appease him was to cut class and join him at Disneyland. Any time she drove outside the
18 narrow triangle of home, school, and work, IAN DIAZ would immediately call her, as if he
19 was tracking her vehicle.
20

21 47. Over the next months, MS. HADLEY confided to IAN DIAZ that she was
22 very upset over the Valentine's Day incident. She said it felt like a rape to her. IAN DIAZ
23 grew very angry at this characterization.
24

25 48. On or about June 5, 2015, IAN DIAZ and MS. HADLEY took title to a 2-
26 bedroom condominium in a new development located at 514 South Anaheim Blvd., #2 in
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1 Anaheim, California (the “Property”) as joint tenants. They had contracted to purchase it
2 months prior.

3 49. IAN DIAZ was excited about the Property because it was near Disneyland.

4 50. MS. HADLEY paid the down payment of \$14,401.20 and the two obtained
5 a mortgage in the amount of \$459,745.00.
6

7 51. After IAN DIAZ and MICHELLE HADLEY moved into their new home,
8 IAN DIAZ became even more abusive and controlling. Often, IAN DIAZ would corner MS.
9 HADLEY, subjecting her to angry tirades and rants for hours on end. During an argument in
10 the car one night, IAN DIAZ brought the car to a complete stop in the middle of a busy
11 California freeway and told her to get out. She almost did.
12

13 52. IAN DIAZ’s ongoing demands for MS. HADLEY to have sex with
14 strangers triggered severe emotional distress—later diagnosed as PTSD—from the
15 Valentine’s Day incident. It was traumatizing for MS. HADLEY. The one time they went to
16 a therapist together, IAN DIAZ was furious at her for talking about it and drove hazardously
17 after the session, screaming at her for hours on end.
18

19 53. She knew she needed to leave but was scared. Finally, in August 2015, MS.
20 HADLEY packed up her car and left IAN DIAZ. Almost immediately, IAN DIAZ began
21 engaging in a new type of abuse. IAN DIAZ destroyed much of the personal property that
22 didn’t fit in MS. HADLEY’S car. He canceled MS. HADLEY’s car insurance and did not
23 inform her until making a veiled threat to have her pulled over. IAN DIAZ interfered with
24 MS. HADLEY’s work by sending her books and texting her that he had people at Disney
25 “checking up” on her job performance. When she reported to security at Disneyland that she
26 was worried, the Disneyland security officers—some of whom were former colleagues of
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1 IAN DIAZ's when he used to work there—seemed to already know about IAN DIAZ's
2 behavior.

3 54. MS. HADLEY moved into a tiny apartment near Chapman University, quit
4 her job at Disneyland, and found a new job doing marketing for a lending company. She
5 bought all new furniture and became deeply engrossed in work and school. It was time to
6 rebuild her life and return to her old self, the feminist overachiever she was before she met
7 IAN DIAZ. She was nervous about IAN DIAZ retaliating, though—she reported to a campus
8 therapist that she was scared of IAN DIAZ and did not want him allowed on campus.
9

10 55. IAN DIAZ continued to live in the Property, which became a point of
11 contention with MS. HADLEY. They exchanged heated emails in September, spent one final
12 night together in October, and then did not see one another again.
13

14 56. On November 24, 2015, IAN DIAZ and MS. HADLEY entered into an
15 arm's length Settlement and Mutual Release Agreement (the "Property Agreement") in
16 which IAN DIAZ was required to pay MS. HADLEY \$3,000.00 in exchange for a quitclaim
17 deed for the Property and his assumption of the mortgage loan for the Property on or before
18 June 5, 2016.
19

20 57. On May 22, 2016, with the mortgage assumption deadline quickly
21 approaching and IAN DIAZ having taken no steps to assume the mortgage, MS. HADLEY
22 sent IAN DIAZ an email stating her intention to enforce the Property Agreement.
23

24 58. Even after the break-up, engaging with IAN DIAZ in any capacity was
25 terrifying for MS. HADLEY and caused her great distress. Following the break-up, she was
26 diagnosed by a psychiatrist in Orange, California with PTSD.
27

28 59. After sending the May 22 email, MS. HADLEY had a breakdown, got in

1 her car and wound up in Arizona. She was taken by ambulance to Dwight Regional Medical
2 Center on the night of May 23. Medical staff asked MS. HADLEY questions to determine
3 the source of what they diagnosed as a trauma-induced episode. A member of the medical
4 staff said they were concerned about MS. HADLEY's safety and, on information and belief,
5 made a report about IAN DIAZ to the APD.
6

7 60. MS. HADLEY then began receiving suspicious and strange electronic
8 communication, On May 24, 2016, MS. HADLEY began receiving LinkedIn messages and
9 emails from an account, jayray711@gmail.com, with an unknown owner, urging her to warn
10 ANGELA DIAZ about Ian. (e.g. on May 24, 2016 "I KNOW WHO IAN DIAZ IS, HIS
11 WIFE, ANGELA – YOU NEED TO TELL HER WHO HE REALLY IS AND SAVE HER
12 FROM A LIFE THAT YOU WENT THROUGH" and on May 25, 2016, "*You need to
13 contact Angela- Ian is getting away with more abuse and if proven in court, could end him.*").
14 The first email was signed by a person purporting to be Jason Rayburn. MS. HADLEY had
15 only recently learned that IAN DIAZ had gotten married and his wife was named Angela.
16 MS. HADLEY immediately recognized these emails as a hoax and did not respond. MS.
17 HADLEY would later learn that IAN DIAZ's wife, ANGELA DIAZ née Connell, had an ex-
18 boyfriend named Jason Rayburn.
19
20

21 61. On May 25, 2016, MS. HADLEY received a notification from Google that
22 her email was the assigned forwarding address for the account jayray7111@gmail.com. The
23 next day, MS. HADLEY responded to this email account by asking, "Who are you?" She
24 received an auto-reply stating the account had been shut down. She also received an email
25 from Google alerting her that the email account purportedly belonging to her,
26 firstandonly1113@gmail.com, had been shut down. MS. HADLEY did not recognize that
27
28

1 email address as one she had ever created or used.

2 62. MS. HADLEY was bewildered and confused. She feared IAN DIAZ was
3 plotting something. Knowing IAN DIAZ's personality and believing he was panicking about
4 the Property Agreement, she and her parents felt it was dangerous for MS. HADLEY to
5 continue living alone in Irvine. So, she took the extreme measure of moving home with her
6 parents in Ontario, California. In traffic, the commute was an hour and a half to school and
7 her job. MS. HADLEY resigned from her prestigious job, gave up her lease, dropped out of
8 school, and sold all her furniture which she'd worked so hard to acquire after she started over
9 from breaking up with IAN DIAZ. All because she felt IAN DIAZ posed a threat to her
10 safety. And she was right.

11
12
13 63. On June 1, 2016, MS. HADLEY received an email at her regular Gmail
14 account (michelleshadley@gmail.com) from Angiconnell@icloud.com with subject
15 "WARNING OF TRO" stating "Michelle Suzanne Hadley: This is your electronic
16 notification of a restraining order hearing against you and it is being filed by Angela Maria
17 Diaz." It was copied (cc'ed) to a number of email addresses, including some she had received
18 email from and others appearing to impersonate her: jayray7111@gmail.com,
19 firstandonly1113@gmail.com, michellehadleydiaz13@gmail.com,
20 mrsdiazforever@outlook.com, mshadley214@hotmail.com, msuzanne214@hotmail.com,
21 preternatural13@icloud.com (an actual account of MS. HADLEY's), and
22 murbach@urbachlawoffices.com (IAN DIAZ's real estate attorney)).
23
24

25 64. On June 3, 2016, MS. HADLEY learned that IAN DIAZ's application to
26 assume the mortgage on the Property was denied.

27 65. On June 6, 2016, MS. HADLEY was at her parents' home when she heard
28

1 knocking at her door. When she came out, she saw police surrounding the house while a
2 friend of IAN DIAZ's, Lesley Carlson, handed her a Temporary Restraining Order ("TRO").
3 The TRO ordered her to stay away from ANGELA DIAZ. No evidence or allegations were
4 attached to the TRO. MS. HADLEY was confused and worried.

5
6 66. Later that day, MS. HADLEY received an email from another new email
7 address, this one purporting to be from IAN DIAZ – ianrdiaz@outlook.com. It urged MS.
8 HADLEY to come to the Property. MS. HADLEY recognized it for the trap it was and did
9 not respond.

10
11 67. That evening, MS. HADLEY received a voicemail from Defendant
12 Detective WILLIAM SEGLETES. She called him back immediately. He asked her about
13 several email addresses which MS. HADLEY said were not hers. MS. HADLEY took the
14 opportunity to inform SEGLETES that she feared she was being framed because *she* had
15 received suspicious emails, as well as a baseless restraining order, from IAN DIAZ and
16 ANGELA DIAZ. She asked SEGLETES to please get the IP addresses for any of the
17 suspicious accounts involved. SEGLETES said a different detective would be assigned to
18 investigate.
19

20
21 68. MS. HADLEY was becoming increasingly worried about what IAN DIAZ
22 had in store for her. She had no idea what actions she was being accused of. Her father
23 reached out to MS. HADLEY's real estate attorney to see if she could get insight from IAN
24 DIAZ's real estate lawyer, Matthew Urbach, Esq. Mr. Urbach responded with a PDF, but the
25 file was corrupted.

26
27 69. Starting on June 7, 2016, MS. HADLEY repeatedly called the APD to find
28 out which detective was assigned to her case. One administrator said Defendant Detective

1 MICHAEL LEE was assigned to her case. Over the next week, MS. HADLEY left three
2 detailed voicemails for LEE. She said she was worried the situation would escalate and that
3 IAN DIAZ and/or ANGELA DIAZ might try to make it look like she was violating the TRO.

4 70. On June 15, 2016, MS. HADLEY sent two emails to Microsoft
5 (abuse@outlook.com) to report six email addresses she believed were fraudulently linked to
6 her Gmail account by IAN DIAZ.

7
8 71. Unrelatedly, that same day MS. HADLEY received two Microsoft Security
9 Code emails attempting to tie her legitimate Gmail account to the fraudulent ones created by
10 IAN DIAZ.

11
12 72. On or about June 15, 2016, MS. HADLEY recalls she attempted to report
13 her concerns about being framed to the Ontario Police Department, but the officer she spoke
14 to on the phone instructed her to instead file an IC3 form with the Federal Bureau of
15 Investigation (FBI).

16
17 73. Later that afternoon, MS. HADLEY filed a Complaint Referral Form (IC3)
18 with the FBI. She wrote “While I don’t know exactly who is doing it, I have a reason to
19 believe that my ex-fiancé, IAN DIAZ, also a deputy US Marshal is using gmail.com,
20 outlook.com, and Hotmail.com to impersonate me online and send threatening emails to his
21 current wife to scare me into letting him keep the property we co-own. I would like IP
22 Address research conducted to identify where the emails are coming from and, if possible,
23 who is creating them: mshadley214@hotmail.com, mshadley214@hotmail.com,
24 mrsdiazforever@outlook.com, lilithistruth@outlook.com, ianrdiaz@outlook.com,
25 michellehadleydiaz13@gmail.com, firstandonly1113@gmail.com.” She did not receive a
26 response from the FBI other than the automatic receipt emailed to her.
27
28

1 74. Also, on June 15, 2016, MS. HADLEY sent an email to Christy Parker at
2 the Department of Justice (DOJ). On information and belief, Ms. Parker had a human
3 resources function at the DOJ, of which the U.S. Marshal's office is a part. MS. HADLEY
4 informed Ms. Parker her of the problem and filed a formal complaint against IAN DIAZ.
5 The email ended with "IAN DIAZ does not respect the boundaries of the law so I am
6 extremely scared for my safety and obviously also afraid of being framed for a crime I did
7 not commit simply because I was the victim of someone in law enforcement who understands
8 the system better than I do."

10 75. On June 16, 2016, MS. HADLEY sent a follow up email to Ms. Parker. It
11 included the line "I cannot repeat enough how urgent and serious this matter is." MS.
12 HADLEY copied both her parents in the emails to Ms. Parker. Ms. Parker confirmed receipt
13 that afternoon by email stating "thank you."

15 76. MS. HADLEY also emailed her friend, Jason Holfness, telling him she had
16 filed a complaint with the DOJ and forwarded the Christy Parker email to him. He responded
17 the next day asking if she had heard back from the DOJ.

19 77. On June 16, 2016 MS. HADLEY called Detective LEE again and left him
20 a five-minute voicemail describing the Microsoft Security Account codes.

21 78. On June 17, 2016, the return date for the TRO proceeding ANGELA DIAZ
22 brought against MS. HADLEY, MS. HADLEY met ANGELA DIAZ face-to-face for the
23 first time. ANGELA and IAN DIAZ brought a crowd of friends and family members who
24 heckled MS. HADLEY while she waited. At one point, ANGELA DIAZ marched up to MS.
25 HADLEY and thrust a stack of papers at her and said "here." This was the first and only time
26 MS. HADLEY spoke with ANGELA DIAZ in person. The stack of papers contained print-
27
28

1 outs of the harassing emails, marking the first time MS. HADLEY had seen the evidence
2 against her to support ANGELA DIAZ’S claims of harassment and threats. The emails, all
3 falsely attributed to MS. HADLEY, were alarming, threatening, and violent; MS. HADLEY
4 did not write or send them.

5 79. On June 17, 2016, MS. HADLEY sent a follow up email to Microsoft
6 stating, “This is a somewhat urgent situation. Can you provide me an update on how you can
7 assist. Thank you! Michelle.”

8 80. On June 21, 2016, MS. HADLEY received another account security email
9 from Microsoft. She emailed Microsoft, copying Ms. Parker.

10 81. Later that day, MS. HADLEY received an email at her regular Gmail
11 account from Craigslist to verify an ad titled “gang rape fantasy.” Now it seemed somebody
12 was trying to falsely attribute Craigslist ads to her. She emailed abuse@craigslist.org to
13 inform them that somebody was using her personal email to post alarming ads.

14 82. On June 24, 2016, at 11:45pm, MS. HADLEY was returning home to her
15 parents’ house after a date when she saw a suspicious unmarked car drive past. At first, she
16 was scared and thought it was IAN DIAZ. Her fear grew when three men in plain clothes
17 exited the vehicle, but then to her relief, they identified themselves as APD officers. Upon
18 information and belief, they were Defendants LEE, CUNHA, and PEWSEY. Though the
19 time of night was odd for them to be following up on her reports about IAN DIAZ, MS.
20 HADLEY was initially thankful they were there. Detective CUNHA asked to see her
21 electronic devices. MS. HADLEY retrieved her laptop computer and iPad from the car,
22 entered the passcodes to open her devices and eagerly began to show Detective CUNHA the
23 spoofed emails. Detective CUNHA said that somebody had shown up at 514 S. Anaheim
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25
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1 Blvd. to have sex with ANGELA DIAZ. “She was badly hurt,” Detective CUNHA told MS.
2 HADLEY. MS. HADLEY, genuinely worried, replied “Oh my god. Is she okay? Was she
3 hurt?” Detective CUNHA focused in on the emails from the ianrdiaz@gmail.com and the
4 Craigslist verification email. When it occurred to MS. HADLEY that she was being treated
5 as a suspect rather than a victim, she explained that she had no idea what the Craigslist ad
6 related to and that she had received—not sent—the emails from ianrdiaz@gmail.com. She
7 told the officers that she was the crime victim, not the perpetrator. She explained that she
8 could prove it by showing them the IC3 report, the emails she had sent to Microsoft, and
9 other prophylactic measures she had taken to protect herself. MS. HADLEY advised the
10 group that she had left three voicemails for Detective LEE over the last week. “Oh yeah,”
11 Detective CUNHA asked, “what was his number?” MS. HADLEY correctly stated Detective
12 LEE’s extension. In response, Detective LEE assumed a sheepish expression and said, “well,
13 looks like I’m in trouble again tonight.”

14
15
16 83. Though the officers had only a search warrant, Detective CUNHA stated
17 they had probable cause for an arrest because the ianrdiaz@gmail.com emails were stored
18 on MS. HADLEY’s phone. The officers confiscated her phone, laptop, and iPad. The officers
19 handcuffed MS. HADLEY and placed her under arrest. She begged the officers to wake up
20 her parents because she knew they would be scared if they woke up the next morning and
21 saw her car but could not find her. Reluctantly, one of the officers woke up MS. HADLEY’s
22 parents while MS. HADLEY was led into the police car. In the car with Detectives CUNHA
23 and LEE, MS. HADLEY again tried to explain the difference between being the sender of
24 an email and being a recipient of it, and tried to explain that she had received—not sent—
25 the emails from ianrdiaz@outlook.com. In the police car, she explained that she believed that
26
27
28

1 Ian was trying to frame her for the very crime he had committed against her (*i.e.* tricking and
2 coercing her into fulfilling an Internet stranger’s rape fantasy). “Oh yeah,” Detective
3 CUNHA said, “how come you didn’t report it then?” MS. HADLEY muttered, “because he
4 is a cop and I was scared.”

5
6 84. It wasn’t until hours later, when police brought her into an interview room,
7 that MS. HADLEY was read her Miranda Rights. MS. HADLEY was charged with five
8 felonies and a misdemeanor: 1) Penal Code 166(C)(1), Contempt of Court for violating an
9 Order of Protection; 2) Penal Code 220(B), Assault with Intent to Rape in Commission of a
10 Burglary; 3) Penal Code 261(A)(2), Rape by Force/Fear; 4) Penal Code 422, Criminal threats
11 with intent to terrorize; 5) Penal Code 646.9(A), Stalking; and, 6) Penal Code 646.9(B),
12 Stalking with a TRO.
13

14 85. Bail was set at \$100,000.00.

15 86. MS. HADLEY’s parents, the owners of a small business manufacturing
16 hubs for bikes, scrambled to bond their daughter out of jail. MS. HADLEY was released the
17 next morning at 10:30am, on June 25, 2016. She waited outside the precinct for about 45
18 minutes for her parents to pick her up. She was terrified because the precinct was only a few
19 minutes from the home of IAN DIAZ and ANGELA DIAZ. Her parents picked her up, but
20 her three devices stayed in police custody, where on information and belief they remain to
21 this day. MS. HADLEY had no back-up devices.
22

23 87. For the next few weeks, MS. HADLEY rarely left her parents’ house except
24 to go with her parents to the family business. She was never alone. Without her devices, she
25 was completely offline. She could not log into her Gmail account because its two-factor
26 authentication required access to her now-confiscated phone.
27
28

1 88. On July 6, 2016, MS. HADLEY noticed a vehicle resembling IAN DIAZ'S
2 black Volkswagen Touareg following her and her parents. She reported the suspicious
3 activity to the Claremont Police Department. Lieutenant Jason Walters followed up by email.
4 MS. HADLEY provided personally identifying details about IAN DIAZ and expressed
5 concern she was in danger. Lt. Walters alerted the other patrollers.
6

7 89. By July 14, 2016, MS. HADLEY had still not been arraigned. In the middle
8 of that day, MS. HADLEY was working at her parents' shop when she saw APD vehicles
9 drive by. Her father joked that they were there to arrest her. Unfortunately, his joke contained
10 more than a kernel of truth.
11

12 90. The APD vehicles turned around and pulled up to the shop. Detectives
13 CUNHA, SEGLETES, PEWSEY, and Lomeli came inside the shop. In front of both her
14 parents, Detective CUNHA stated that he had electronic evidence that emails were being sent
15 from MS. HADLEY's Gmail account and that she was under arrest for attempted rape. Mr.
16 Hadley said that was impossible because his daughter couldn't even access her Gmail
17 account without her phone, which was still in police custody. The Hadleys were told that
18 officers had a warrant for MS. HADLEY's arrest. MS. HADLEY was read her Miranda
19 Rights, handcuffed, and led to a police car. She was taken to the Anaheim Police Department
20 overnight before being transferred to Orange County Central Women's Jail. Bail was set at
21 \$1 million, which MS. HADLEY and her parents could not afford.
22

23 91. The felony complaint charged MS. HADLEY with the following crimes: 1)
24 Penal Code 646.9(b) stalking with restraining order; 2) Penal Code 646.9(a) stalking; 3)
25 Penal Code 422(a) Criminal Threats; 4) Penal Code 664(a)-261(a)(2) Attempt-forcible rape;
26 5) Penal Code 664(a)-261(a)(2) Attempt-forcible rape; 6) Penal code 220(b) Penal Code
27
28

1 220(b) Assault with intent to commit sexual offense during commission of first degree
2 burglary; 7) Penal Code 664(a)-261(a)(2) Attempt-forcible rape; 8) Penal Code 664(a)-
3 261(a)(2) Attempt-forcible rape; 9) Penal Code 664(a)-261(a)(2) Attempt-forcible rape; 10)
4 Penal Code 166(c)(1) Violation of a protective order; and, 11) Penal Code 664(a)-261(a)(2)
5 Attempt-forcible rape. MS. HADLEY also faced enhancements because several of the counts
6 “occurred” while she was already released on bail.
7

8 92. MS. HADLEY faced a possible sentence of life in prison.

9 93. Over the next 2 ½ months, MS. HADLEY experienced the indignities of
10 incarceration. She underwent body cavity searches and was deprived of medical necessities
11 such as contact lens solution, leaving her nearly blind. When she first arrived at jail and
12 started menstruating, her requests for feminine hygiene products—or even toilet paper—
13 were ignored. She was mocked by a deputy in front of other inmates a few nights later when
14 she exchanged her bloody underwear for clean ones. The deputy told her she was
15 “disgusting.”
16

17 94. Because she was accused of sex crimes, MS. HADLEY was assigned to the
18 jail’s high security unit and labeled an R3 aka “Romeo.” Many R3 inmates were accused of
19 child molestation, child sex abuse, and other sex crimes. Other R3 inmates were women in
20 protective custody, who were often known to be the most dangerous inmates. Several inmates
21 had seen articles about MS. HADLEY in the Orange County Register and harassed her for
22 supposedly masterminding such a wicked scheme. MS. HADLEY also inexplicably
23 developed a reputation for being an informant. She was not one, yet other inmates would
24 slam her cell wall and call her a snitch. When she was escorted through the dayroom, they
25 would say “oh, there’s the snitch.”
26
27
28

1 95. MS. HADLEY was unable to eat or sleep while in jail. She spent hours on
2 end pacing her tiny cell. As a “Romeo,” she was allowed out of her cell for only one hour a
3 day, plus one hour for weekend visitors. As a new inmate who had already been labeled a
4 sex criminal and a snitch by other inmates, MS. HADLEY was subjected to constant
5 mistreatment and abuse during this one hour of “free time.” She was the last to take a shower,
6 the last to use the phones, and was stuck with the least desirable chores, like cleaning the
7 toilets.
8

9 96. MS. HADLEY also became a minor celebrity among men serving time in
10 the neighboring men’s jail. Her jail cell number was disseminated—likely from a guard
11 leaking it—causing MS. HADLEY to receive vast amounts of harassing, threatening, and
12 sexually graphic messages in her inmate mail.
13

14 97. Menstruation was a problem for MS. HADLEY in jail. Inmates were given
15 three pairs of underwear per week and two maxi-pads per day of menstruation. MS.
16 HADLEY suffers from dysmenorrhea, painful and heavy periods, treated best by birth
17 control. When a doctor finally prescribed birth control to her, a deputy taunted her, “why do
18 you need the birth control here? Are you worried somebody’s going to *do* something to you
19 here?”
20

21 98. One guard seemed to have particular disdain for MS. HADLEY; this guard
22 would pick on her and then announce that it was time to “toss the cells.” The guards would
23 require everybody to leave their cells, go into a center area called “the bubble” where the
24 male guards could watch them remotely. MS. HADLEY was then required to stand with her
25 pants down and her shirt over her head covering her face while guards ransacked the cells
26 looking for contraband.
27
28

1 99. Even in jail, IAN DIAZ continued to use the legal system against MS.
2 HADLEY. On July 19, 2016, MS. HADLEY was served in jail with a TRO protecting IAN
3 DIAZ from MS. HADLEY.

4 100. MS. HADLEY felt hopeless. She had no idea how long she would be in jail
5 and feared the truth would never come out.

6 101. On October 6, 2016, the deputy prosecutor assigned to her case, Rick
7 Zimmer, came to MS. HADLEY's cell. He opened the door, shook her hand, and said, "I'm
8 very sorry."
9

10 102. MS. HADLEY was free to go. Almost. Mr. Zimmer said she could go on
11 one condition—that she participate in a "sting." For the next three days, MS. HADLEY was
12 sequestered in a hotel room under police supervision. She had no idea why.
13

14 103. On October 10, MS. HADLEY was released home on her own recognizance
15 and forced to wear an ankle bracelet. She still faced life in prison for the crimes she had been
16 charged with.
17

18 104. On January 6, 2017 ANGELA DIAZ was charged with a number of crimes.
19 Three days later, on January 9, 2017, MS. HADLEY was exonerated of all the crimes she
20 had been charged with.

21 105. In total, MS. HADLEY spent 88 days in custody. Afterward, her life did not
22 return to normal. She could not sleep; on the rare instances she slept, nightmares tormented
23 her. Paranoia and anxiety overwhelmed her. A knock on the door would cause her to
24 hyperventilate in fear that the police were there to re-arrest her. Even more distressing was
25 the constant fear that IAN DIAZ, who MS. HADLEY knew was the real mastermind of the
26 plot to ruin her, would hurt her. Sometimes she even thought she was being followed by
27
28

1 ANGELA DIAZ.

2 106. On information and belief, after she was exonerated, Deputy District
3 Attorney Zimmer instructed MS. HADLEY’s criminal lawyer, Michael Guisti, Esq., not to
4 let MS. HADLEY publicly discuss IAN DIAZ abusing or orchestrating her rape. Zimmer
5 expressed fear to Mr. Guisti that it would undermine his case against ANGELA DIAZ.
6

7 107. To cope, MS. HADLEY began drinking heavily. She returned to school, but
8 could not focus. Reading for an extended period of time—much less absorbing the
9 information—became an arduous challenge. She went from being a straight-A student to
10 barely scraping by her final semester. Worse yet, she felt like an outsider and outcast. The
11 news coverage—which mischaracterized the situation as a “love triangle gone bad”—caused
12 MS. HADLEY’s fellow students to treat her like a sideshow act.
13

14 108. MS. HADLEY also faced financial ruin. MS. HADLEY’s credit was
15 destroyed from defaulting on bills and student loans while in jail. She could only rent from
16 landlords who did not require paperwork or background checks. Her job prospects were
17 dismal because prospective employers could Google her and none of them wanted “the
18 drama.”
19

20 109. MS. HADLEY’s Google results made her nightmare inescapable. She could
21 not date, apply for a job or even get a roommate without being judged or gaining unwanted
22 attention regarding her case. She may have been exonerated in court, but because of search
23 engine results, she had yet to be exonerated in the eyes of the public. She could not hide.
24

25 **Defendants Conspire Against Michelle**

26 110. On September 4, 2015—shortly after the fight that drove MS. HADLEY
27 out of the Property in August 2015—IAN DIAZ went to the APD and made the first of many
28

1 baseless police reports against MS. HADLEY. He claimed she had cheated on him, was
2 sending annoying emails, and that he was banned from Chapman University.

3 111. On September 10, 2015, IAN DIAZ returned to the APD with additional
4 “evidence”: an email thread of him and MS. HADLEY measuredly negotiating the status of
5 the Property. It remains unclear what law he felt she had broken. Upon information and
6 belief, IAN DIAZ was in his federal marshal uniform when he interacted with the APD.
7

8 112. On or about September 10, 2015, IAN DIAZ petitioned for a temporary
9 restraining order against MS. HADLEY but was denied the TRO. Upon information and
10 belief, his goal was for the court to exclude MS. HADLEY from the Property.
11

12 113. IAN DIAZ tried to get back together with MS. HADLEY in October 2015.
13 They saw each other one last time, but the relationship did not resume.

14 114. On or about January 2016, IAN DIAZ met ANGELA DIAZ neé Connell.
15 They were married the following month because ANGELA DIAZ had become pregnant.
16 ANGELA DIAZ promptly moved into the Property. Later, ANGELA DIAZ revealed that
17 she was unsure whether IAN DIAZ was the unborn baby’s father. IAN DIAZ insisted she
18 get an abortion, which ANGELA DIAZ did on or about April, 2016.
19

20 115. Upon information and belief, IAN DIAZ was furious at ANGELA DIAZ
21 and ANGELA DIAZ was desperate to redeem herself.
22

23 116. Upon information and belief, the dynamic of the relationship between IAN
24 DIAZ and ANGELA DIAZ was one of distrust and deception. Like with MS. HADLEY,
25 IAN DIAZ would access ANGELA DIAZ’s devices and track her through an app installed
26 on her phone.
27

28 117. IAN DIAZ brought his cuckold-rape fetish into his relationship with

1 ANGELA DIAZ. ANGELA DIAZ agreed to have sex with other men if it would please IAN
2 DIAZ and IAN DIAZ solicited men off Craigslist.com for this purpose.³ It seemed IAN
3 DIAZ fetishized not just watching the cuckolding, but also accusing his significant other of
4 cheating on him.

5
6 118. Meanwhile, the June 5, 2016 deadline for IAN DIAZ to assume the
7 mortgage on the Property loomed. Upon information and belief, IAN DIAZ became
8 increasingly agitated. He knew he would not financially qualify to assume the mortgage on
9 the Property and he blamed MS. HADLEY for this blow to his ego. Upon information and
10 belief, ANGELA DIAZ was jealous of the attention and emotional resources her husband
11 devoted to his dispute with MS. HADLEY over the Property.

12
13 119. On May 24, 2016, the phony emails began. Upon information and belief,
14 IAN DIAZ created the email account jayray7111@gmail.com and sent an email to MS.
15 HADLEY purporting to be Angela's ex-boyfriend and urging her to warn ANGELA DIAZ
16 about IAN DIAZ. The purpose was to trick MS. HADLEY into defaming IAN DIAZ, while
17 also disturbing ANGELA DIAZ.

18
19 120. Thirty minutes after sending the "jayray" email to MS. HADLEY, IAN
20 DIAZ sent MS. HADLEY a second email, this time from his own account, responding to
21 MS. HADLEY's refusal to grant him an extension of time to assume the mortgage on the
22 Property.

23
24
25 ³ Detectives knew IAN DIAZ solicited sex via the Internet for his partners to have sex with:
26 "Q: Now when you questioned Ian about it, did he tell you that he had solicited men for
27 ANGELA DIAZ to have sex with, Correct?"
28 A: [Detective CUNHA]: He didn't tell me. I found email evidence and text messages to
the same. . . "And what was the response on ANGELA DIAZ's phone to these
propositions? She said she would do anything for him. And she said she was okay with it
if he was okay with it." Testimony of Cunha in *People v Angela Diaz*, August 28, 2017 at
14.

1 221. The next day, May 25, 2016, the jayray7111@gmail.com account turned its
2 attention to ANGELA DIAZ and sent her five emails warning her about IAN DIAZ.
3 Examples of these emails' contents are [sic] "HE WILL HURT YOU. JUST WAIT. IT
4 COULD BE A TEXT FROM A GIRL, ANOTHER PICTURE ON HIS PHONE, more
5 women, more deception, MORE LIES, HIDING THINGS OR NOT TELLING YOU"; and,
6 "MICHELLE TOLD ME ABOUT HIM, THE TORTURE HE PUT HER THEOUGH IS
7 REPEATINF ITSELF NOW WITH You. IAN IS A SNAKE, SATAN, AND IS A SINNER.
8 . . HE DOES NOT RESPECT WANT OR ADORE YOU."

10 222. For the next several days, a new email account would be created and send
11 several emails to ANGELA DIAZ about IAN DIAZ being deceptive and not loving her.
12 Then, after one day, each account would be abandoned.

14 223. Upon information and belief, ANGELA DIAZ and/or IAN DIAZ were
15 creating the emails to manufacture drama in the relationship or to frame MS. HADLEY.

17 224. The email addresses ANGELA DIAZ received emails were from:
18 jayray7111@gmail.com,⁴ firstandonly1113@gmail.com, mshadley214@hotmail.com,
19 msuzanne214@hotmail.com.

21 225. On June 1, 2016, ANGELA DIAZ deleted her Hotmail account and took
22 printouts of the emails to the Superior Court of California, County of Orange North Justice
23 Center. There, she petitioned for a Civil Harassment Restraining Order protecting her from
24 MS. HADLEY.

26 226. On June 1, 2016, the email account lilithistruth@outlook.com was created.
27 At this point, the pattern of daily created-and-abandoned email accounts which sent content

28 _____
⁴ Jason Rayburn is ANGELA DIAZ's ex-boyfriend.

1 about domestic issues ceased. Moving forward, spoofed email accounts would appear day-
2 after-day and send extremely violent content to ANGELA DIAZ, such as specific threats of
3 gangrape and mutilation, with graphic photos attached. These emails frequently referenced
4 the Property.

5 127. Almost all emails sent from lilithistruth@outlook.com were signed with
6 some variation of MS. HADLEY's name (e.g. Michelle S. Hadley, MS Hadley, Michelle
7 Suzanne Hadley, MSH, etc.). Upon information and belief, detectives involved in the case
8 took this to literally mean the emails were sent by MS. HADLEY, despite the sender taking
9 some precautions to protect anonymity (such as using a Virtual Private Network ("VPN"))
10 and the trivial ease with which one can sign another person's name to an email.

11 128. Upon information and belief, lilithistruth@outlook.com email was created
12 by IAN DIAZ.

13 129. At or around 9 pm on June 1, 2016, IAN DIAZ and ANGELA DIAZ went
14 to the APD and reported MS. HADLEY for sending all the emails. (the "June 1 Police
15 Report") The police report by M.C. Ortiz stated that ANGELA DIAZ reported, among other
16 things, receiving LinkedIn messages from Michelle
17
18
19

20 "accusing her of being a sinner for marrying a 'rapist' and that from May
21 26 to June 1, Michelle sent emails that "advised and warned V-Angela about
22 marriage with W-Ian. . . The e-mails then, escalated by threatening to kill,
23 kidnap, rape, and torture V-Angela. S-Michelle stated several times, 'watch
24 your back tonight and this week' and 'I hope you are scared of death
25 tomorrow.' V-Angela also received graphic photographs of women being
26 kidnapped and raped. See attached scanned images for the photographs and
27 emails. V-Angela believes S-Michelle made those threats against her in
28 response to her relationship with W-Ian. According to W-Ian, he hasn't
received any criminal threats from S-Michelle, but stated S-Michelle has
previously accused him of being a rapist. . . V-Angelia [sp] desires
prosecution."

130. The "Related Person(s)" section of the June 1 Police Report identifies IAN

1 DIAZ as a US Marshal employed by the US Marshal Service.

2 131. On June 2, 2016, IAN DIAZ and ANGELA DIAZ called the police to report
3 a violation of the TRO because more emails had come in. The police report (a follow up from
4 the June 1 Police Report) states that Officers Zappa, Eden, and Kisslan were dispatched to
5 the Property. It notes the officers made contact with both IAN DIAZ and ANGELA DIAZ:

6
7 “Today V/Angela received multiple emails from an email address they
8 believe to be S/Michelle. See attachments for further details. The most
9 concerning of the e-mails makes reference to jewelry (a pearl necklace) and
10 clothes (high heels) V/Angela was wearing as she left work. V/Angela states
11 she rarely wears that necklace or high heels. The e-mail was sent nine
12 minutes after V/Angela left her place of business. V/Angela works at JMAC
13 Lending⁵. . I gave W/Ian my email address and asked them to forward me
14 any relevant e0mails to add to their original report. . . I later had 6 of the
15 emails sent to V/Angela entered into records as evidence.”

16 132. On June 3, 2016, police were again dispatched to the Property after
17 ANGELA DIAZ received another email. The report by Officer Gulley states “the email states
18 S/Hadley (the signed author) was raped by V/Diaz’s husband and V/Diaz will be raped and
19 barren. The email states S/Hadley must rid of V/Diaz’s husband and V/Diaz. The email
20 continues and calls for V/Diaz to ‘wear those heels again’ as if she were watching her and
21 [what] she wears.” This follow up report indicates that Officer Gulley and Officer Karg
22 conducted a patrol check of the area and asked dispatch to check MS. HADLEY’s address.

23 133. Altogether the June 1, 2016 police report contained 17 forwarded emails
24 with the following references to MS. HADLEY: 1) Nine emails from sender “Lilith Hadley”
25 via email lilithistruth@outlook.com five of which were signed “Michelle Hadley” and
26 “Michelle” and “Michelle (Ian’s Ex-Fiance)” 2) eight emails from Michelle Suzanne at
27 address msuzanne214@hotmail.com, one of which was signed “Michelle S.H.” and another

28

⁵ MS. HADLEY was employed at JMAC Lending.

1 “MSH.”

2 134. On Saturday June 4, 2016, officers were dispatched to the Property because
3 ANGELA DIAZ reported receiving another email. The report by Officer K. McAlpine (“June
4 police report”) stated

5 “V-Diaz received an email via a social network telecommunication (Linked
6 In) from S-HADLEY stating ‘Today, I have finally succeeded in getting my
7 Army aligned to take you down.’ ‘Ian wont know what is coming, neither
8 will you.’ . . . V-DIAZ showed me the email via her computer. A synopsis
9 of the email addressed to V-DIAZ, and the signed author (S-Michelle
10 Hadley) read: ‘What safety can a sinner provide an angel? What comfort
11 can be found in fornicating with a RAPIST? How much does he love you,
12 how far will he go to protect you? How much will he do for you? The test
begins today. I will watch you squirm in anguish and pain. The house, the
life I once had – the rape I endured, all will be solved. Have a great morning,
enjoy starbucks and watch your back. Michelle.”

13 Like earlier police reports, the June 3 police report made note that IAN DIAZ was
14 a US Marshal.

15 135. By June 6, 2016, IAN DIAZ and ANGELA DIAZ were frustrated. They
16 had been having trouble serving the TRO on MS. HADLEY. Until it was properly served,
17 MS. HADLEY could not be arrested for violating the TRO. On that day, in his capacity as a
18 U.S. Marshal, IAN DIAZ dispatched a police detail from the Ontario Police Department to
19 accompany his friend, Lesley Carlson, in serving MS. HADLEY. He did not reveal it was
20 for his own personal matter. MS. HADLEY was served at 12:30 pm at her parents’ home.

21
22 136. Now IAN DIAZ and ANGELA DIAZ assumed their police complaints
23 would hold more weight, and that MS. HADLEY could be arrested for violating the TRO.
24 Right away they called in a violation. Officer Salicos’ June 6, 2016 report (the “June 6 Police
25 Report”) states that he and Officers M. Han and D. Avila responded to a violation of court
26 order report:
27
28

1 “Victim/Diaz reported she had a restraining order against Suspect/Hadley
2 and Hadley just messaged Diaz saying she was on her way to hurt Diaz and
3 her family.” “Diaz and her husband, Mentioned/Diaz, told us Hadley was
4 served with the restraining order. . .Diaz showed me two emails which she
5 believed came from Hadley since being served with the restraining order.
6 The first email came at 1354 hrs on today’s date from the email address
7 lilithistruth@outlook.com. The following is an excerpt from that email: ‘I
8 HOPE YOU DIE. IN GOD’S NAME, YOU WILL BE STRUCK DOWN.
9 BY CAR, BY BUS, RAPED BY IAN, HURT BY HIS CHEATING AND
10 ADULTORUS [sp] WAYS. You will pay for what you have done. I have
11 proof. I have the eyes of God above as witness. Enjoy Ian Raping you
12 tonight after he’s already promised me a Chance. He will Rape, abuse and
13 hit you. He will cheat and leave you with nothing. LILITH IS CALLED BY
14 THE SCREECH OF THE OWL: nightfall will come. YOU WILL NOT BE
15 SAFE FROM HER. SHE WILL MAIM MEN AND TORTURE WOMEN,
16 KILL THEIR CHILDREN AND LAY IN WAIT TO SEDUCE AND
17 TAKE BACK HER CONTROL. Break free from the chains --- I will finally
18 do this when you are gone. Michelle Hadley’ The email also had graphic
19 images of women with captions explaining they were strangled and raped.
20 . . Diaz said she wanted Hadley arrested tonight because she did not feel
21 safe and she was tired of feeling in fear for her safety. . . While at the station
22 Diaz contacted dispatch again to advise she had received another email from
23 Hadley. Diaz forwarded an email to me which she received from Hadley at
24 2204 hrs after we had left. The email mentioned she could see the police
25 leaving and told Diaz to not call the police. The email ends with: ‘You will
26 pay for this. I hope to god you are ready for the pain I will show you.
27 Michelle.’”
28

137. Officer Salicos’ June 6 Police Report continues, stating he returned to the
property and conducted a patrol check. He then left a voicemail for MS. HADLEY who
called him right back and said she’d been at her parents’ home in Ontario all night. Officer
Salicos made note that MS. HADLEY had not been to Anaheim recently or been sending
emails to the DIAZES (“[MS. HADLEY] had not been in the CITY OF ANAHEIM since
September 2015 before she and M/Diaz broke up. She only recalled sending one email to
V/Diaz after receiving an email notification about a restraining order. Hadley said she asked,
‘Who is this?’ in the email and never received a reply. I asked Hadley if she ever used an
email address with the name ‘Lilith’ and she said she had not.”).

1 138. Officer Salicos further noted in the June 6 Police Report that during the call,
2 MS. HADLEY expressed her concern about being falsely accused: “Hadley said she believes
3 M/Diaz or V/Diaz are conspiring against her and attempting to make it look like she is
4 sending V/Diaz the emails.”

5 139. Officer Salicos noted his awareness that MS. HADLEY had received an
6 email from somebody purporting to be IAN DIAZ:
7

8 “Hadley said on today’s date M/Diaz had emailed her about having second
9 thoughts about his marriage and he wanted her to come to his condo in
10 Anaheim to speak with her. Hadley felt it was a ‘trap’ and did not go. Later
11 that day officers responded to her parent’s residence and served her with a
12 copy of the restraining order. . . I provided Hadley with the report number
and she was willing to cooperate with getting to the bottom of who is
sending the annoying/harassing emails.”

13 140. Attached to Salicos’ June 6 Police Report were 12 emails from “Lilith
14 Hadley” at lilithistruth@outlook.com. One was signed “Michelle Hadley,” 3 were signed
15 “Michelle” one was signed “Michelle Ian’s First and Only Love” and 4 were signed “MSH.”
16 Several of the emails had threads attached also signed by a variation of Michelle’s name.
17 And of course, as in all the police reports, IAN DIAZ was mentioned as a witness who
18 worked as a US Marshal.
19

20 141. Over the next week and a half, MS. HADLEY called the APD four times.
21 Each time, she was told Detective LEE was investigating the concerns about IAN DIAZ she
22 had reported to Detective SEGLETES. left three lengthy messages for Detective LEE
23 expressing her belief that IAN DIAZ was creating digital evidence to frame her.
24

25 142. Starting on June 13, 2016, IAN DIAZ began responding to Casual
26 Encounter ads on Craigslist. He also tried to post ads, using the email addresses he had
27 created impersonating Michelle, as well as her regular Gmail address. Pretending to be a
28

1 woman, IAN DIAZ would correspond with the individual who posted the ad, say he was
2 interested in fulfilling a fantasy of being raped, then provide a description and/or pictures of
3 ANGELA DIAZ with the address of the Property. Detectives would later admit that
4 ANGELA DIAZ's phone records showed IAN DIAZ coordinating these plans with
5 ANGELA DIAZ.⁶

6
7 143. On June 13, 2016 date, Detective Laura Lomeli responded to a 911 call from
8 ANGELA DIAZ stating somebody was at her home knocking on her door and there to rape
9 her. Detective Lomeli states that when she arrived, IAN DIAZ was outside with his gun
10 drawn and told Detective Lomeli he had been in contact with somebody from Craigslist that
11 he thought was going to come to rape his wife and he wanted to entrap this person. Although
12 on the 911 call, ANGELA DIAZ said a stranger had come to the Property, IAN DIAZ gave
13 the impression that somebody was on the way. Detective Lomeli went inside, where both
14 ANGELA and IAN DIAZ opened their laptops and, in rapid-fire succession, showed her all
15 the emails ANGELA DIAZ had purportedly been receiving. They also showed Detective
16 Lomeli the Craigslist ad for the person purportedly coming. IAN DIAZ told Detective Lomeli
17 he had been in direct communication via Craigslist's email with the individual who posted
18 the Craigslist ad.
19
20

21 144. IAN DIAZ insisted to Detective Lomeli that MS. HADLEY was
22
23

24 ⁶ Q: . . . [Ian] admitted to you at some point in the summer of 2016 that he was involved in
25 trying to get a man over to the house at some point, correct?

[Detective Cunha] A: Can you be more specific, I'm sorry?

26 Q: Sure. IAN DIAZ admitted to you that he, in his words, was trying to set up the man
27 around June or July of 2016?"

A: He never admitted – I just found that in the text message.” Testimony of CUNHA in
28 *People v Angela Diaz*, August 28, 2017 at 14-15.

1 responsible and needed to be arrested.⁷

2 145. During Detective Lomeli's visit, ANGELA DIAZ mentioned to her that the
3 stress from MS. HADLEY had caused a miscarriage in April, but good news -- she and IAN
4 DIAZ had just found out the day before that ANGELA DIAZ was pregnant with twins.⁸

5 146. That night Detective Lomeli contacted her colleague, Detective MICHAEL
6 CUNHA. Detective Lomeli described the patrol call she made to ANGELA and IAN DIAZ
7 and expressed the belief that Detective CUNHA should take over the investigation because
8 of his expertise investigating computer crimes. From that moment on, Detective CUNHA
9 became the lead investigator.
10

11 147. From his first conversation with IAN and ANGELA DIAZ, Detective
12 CUNHA was intent on establishing probable cause against MS. HADLEY. He ignored all
13 evidence implicating IAN and ANGELA DIAZ in the unfolding crimes.
14

15 148. Starting with the call from Detective Lomeli on the night of June 13, 2016,
16

17 ⁷ "Q: And IAN DIAZ, when he was there, what was his demeanor?

[Lomeli] A: He seemed concerned and upset.

18 Q: What did he say regarding the incident regarding the entire, I guess, universe of emails
19 that were sent up to this point?

20 A: He said it was ongoing for a while and this was being set up by his ex-girlfriend,
Michelle. That she [Angela] had called police multiple times and police had been out there
21 multiple times, and he wanted to see when police were going to do something about it.

22 Q: On this date he actually asked you when Michelle Hadley would be in handcuffs; is that
correct?

23 A: Yes." Testimony of Lomeli in *People v Angela Diaz*, August 30, 2017 at 596-7

24 ⁸ "Q: Did the defendant [ANGELA DIAZ] tell you what kind of effect this had been having
on her?

[Lomeli] A: Yes. She said that the stress of the entire incident had [caused] a miscarriage.

25 Q: Did she say when that miscarriage was? . . .

26 A: April 2016.

27 Q: Did she talk to you about another pregnancy:?

28 A: Yes. She told me she had just found out the day prior that she was pregnant with
twins." Testimony of Lomeli in *People v Angela Diaz*, August 24, 2017 at 597-8.

1 Detective CUNHA began creating a fraudulent paper trail to fabricate probable cause to
2 arrest MS. HADLEY. In his note memorializing his call with Detective Lomeli (“Follow Up
3 3 to the June 6 Police Report”), Detective CUNHA conveniently omitted pertinent facts (e.g.
4 that IAN DIAZ had been directly interacting via email with the individual who posted the
5 Craigslist “rape fantasy” ad) and fabricates others (e.g. falsely claiming the individual from
6 Craigslist actually visited the home, that there had been a direct face-to-face encounter, and
7 that the individual gave IAN DIAZ a copy of the Craigslist ad in person).⁹ The report by
8 Detective CUNHA reads:
9

10 “On June 14, 2016 I was contacted by Detective Lomeli in reference to a call for
11 service (16-92816) that occurred on June 13, 2016 at 2030 hours. Detective Lomeli advised
12 me of the following information. She responded to 514 S. Anaheim Boulevard #2 in
13 reference to a male subject at the residence who was there to fulfill a “Rape Fantasy.” The
14 male subject advised the residents he had posted an advertisement on Craigslist.org
15 requesting a female with a similar fantasy. He had received a response from a Craigslist user
16 who gave him the address of 514 S. Anaheim Boulevard #2 in the CITY OF ANAHEIM.
The residents told him they never answered an advertisement on Craigslist. The male subject
gave them the Craigslist advertisement and the thread of emails he had received from the
user. He then left the residence.”

17 149. Detective CUNHA had actual knowledge of the following suspicious things
18 about IAN DIAZ right away¹⁰:
19

20 _____
21 ⁹ “Q: So you never told Detective CUNHA that the male subject gave Ian and Angela the
Craigslist advertisement and the threats he had received from the user? . . .
22 [Lomeli] A: He [Craigslist ad poster] did give it to him [Ian] via email, not in person.
They had an exchange via email. I never said a piece of paper was handed to Ian and the
23 guy that posted the ad never had in-person contact. They had an exchange via email and
Ian asked the subject to send me [Ian] a copy of the ad and that was by email, not in
24 person.” Testimony of Lomeli in *People v Angela Diaz*, August 30, 2017 at 610.

25 ¹⁰ E.g. “Q: And during the conversation, wherever it took place, whether on the phone or
26 in person, did IAN DIAZ tell you – what did he tell you happened?
[CUNHA] A: He informed me about the ad, about his suspicions, about MS. HADLEY
27 being responsible. He also talked about MS. HADLEY and his relationship, the
restraining order that was denied, including the condominium subject.” Testimony of
28 Cunha in *People v Angela Diaz*, August 28, 2017 at 18.

1 a. IAN DIAZ was responding directly to the individuals posting the
2 Craigslist sex ads;

3 b. IAN DIAZ admitted to him the Craigslist visitor may have been
4 coming because ANGELA DIAZ had answered the ad and was cheating on him.¹¹

5 c. IAN DIAZ was behaving erratically, with a gun drawn, and
6 expressed his desire to frame an innocent person believing he had come to the Property for
7 consensual sex;

8 d. IAN DIAZ had a history of using the criminal law to retaliate against
9 the individual he was accusing (e.g. baseless police reports filed on September 4, 2015 and
10 September 10, 2015 against MS. HADLEY);

11 e. IAN DIAZ had a history of using the courts to retaliate against the
12 individual he was now accusing (e.g. on or about September 11 2015, he unsuccessfully
13 petitioned for a restraining order against MS. HADLEY for the purposes of gaining an
14
15
16

17 _____
18 ¹¹ “Q: Ian told you that he had two reasons for wanting these men to come over. One was
19 to set him up and the other was what, effectuate an arrest?”

20 A: That’s correct.

21 Q: He also told you when you confronted him about the northoflightsend email that he
22 actually believed the rick encounter may have been with the consent of Angela. He told
23 you that, correct?

24 A: I don’t recall if he said it was with her consent.

25 Q: He thought that she may have consented. He didn’t know?

26 A: I don’t specifically remember if he told me it was with her consent. He was – I’m trying
27 to use – I think paranoid is a good word.

28 Q: Being paranoid about Angela potentially wanting to be with other people?

A: Yeah. He had his doubts and then came up with the conclusion that she wouldn’t do
that.

Q: Okay. But at the time that he wanted to trap Rick, Ian didn’t know whether or not Angela
consented or wanted him to come or not?

A: He wasn’t 100% sure. He told me he wasn’t 100% sure about it.

Q: So he indicated he was willing to effectuate the arrest of someone who may have been
totally innocent?

A: Yes, ma’am.” Testimony of Cunha in *People v Angela Diaz*, August 28, 2017 at 16-7.

1 advantage in their real estate dispute and excluding her from the property);

2 f. IAN DIAZ was in a dispute with MS. HADLEY over the Property;

3 g. IAN DIAZ had been accused of sexual violence by MS. HADLEY.

4 150. Detective CUNHA never followed up to contact the individual who
5 supposedly placed the ad and may or may not have come to the Property on June 13.
6

7 151. To his credit, right away Detective CUNHA sent exigent warrants to
8 Craigslist and Microsoft to investigate the ads and email addresses lilithistruth@outlook.com
9 and ianrdiaz@outlook.com.

10 152. On June 17, 2016, ANGELA DIAZ appeared in court for the TRO. When
11 she saw MS. HADLEY, she handed MS. HADLEY a stack of emails from the offending
12 accounts. This was the first and only in-person encounter these two women would ever have.
13 It also marked the first time anybody had shown MS. HADLEY the evidence against her.
14

15 153. On June 18, 2016, Detective CUNHA received the returns from his warrant
16 to Craigslist. They showed that the communications with the individual who posted the
17 Craigslist ad were coming from email account, northoflightsend@gmail.com. Detective
18 CUNHA reached out to IAN DIAZ and asked him if he recognized that email account. IAN
19 DIAZ replied that it was his own. Thus, Detective CUNHA at that moment learned that IAN
20 DIAZ was the one arranging for the Craigslist stranger to come to his home. IAN DIAZ made
21 a halfhearted explanation about how he had reached out to the person who posted the ad in
22 order to conduct his own independent research and this must be why the warrant was
23 returning to his email. But nobody could fall for this because the Craigslist address
24 (a3214684af543108aaac9b6f664f64238@reply.craigslist.org), returning to
25 northoflightsend@gmail.com was the same one he had insisted was being controlled by MS.
26
27
28

1 HADLEY. It was the very exchange he had forwarded to Detectives Lomeli and CUNHA
2 and that they had recorded into their police report.¹²

3 154. On June 19 and June 20th, ANGELA DIAZ reported two more Craigslist
4 ads.

5 155. On June 21, 2016, Detective CUNHA received the response to his exigent
6 warrant relating to ianrdiaz@outlook.com and lilithistruth@outlook.com from Microsoft. It
7 covered the period between June 1, 2016 through June 21, 2016. The response from
8 Microsoft showed that although some of the emails were sent using a VPN to mask the
9 senders' IP address, 21 of them were sent from the same static IP address: 23.120.40.170. A
10 result of this sort should have been gold to Detective CUNHA. There were many ways he
11 could have discovered that this IP address corresponded to one location: 514 S Anaheim
12 Boulevard, *i.e.* the Property. He could have timely submitted more warrants to determine this
13 IP corresponded to an AT&T Internet account for that particular address and accountholder,
14 IAN DIAZ. He could have asked all people involved in the matter—Michelle, Angela and
15 Ian—for the IP information for their home. He could easily have solved the crime and
16 determined that Michelle had nothing to do with these accounts. Instead, Detective CUNHA
17 did nothing.¹³

21
22 ¹² “On 6/18/2016 I received via email a response from Craigslist.org concerning the posting
23 id 5631477928 and email a3214684af543108aaae9b6f664f64238. . . I saw the email
24 address was resolved to the email northoflightsend@gmail.com. The listed IP address for
25 the email account was 2.09.85.213.46. I could see the IP did not change with the replies
26 indicating it was a static IP. I called Ian and asked him if he knew the email address and he
27 told me the email address was his. He apologized and told me he had actually written the
poster of the advertisement after he had learned he was coming to his house thinking his
wife was consenting to the contact. I booked the search warrant results into evidence at the
Anaheim Police Department.” See June 6 Police Report, Follow Up 2.

28 ¹³ “Q: Did you ever ask in June of 2016 – Did you ask Ian or Angela for their IP address?
[CUNHA] A: No, I did not ma’am. . .

1 156. On June 24, 2016, ANGELA DIAZ reported that somebody who had come
2 from Craigslist had attacked her in the garage at the Property, 514 S. Anaheim Blvd.¹⁴
3 ANGELA DIAZ was crying and disheveled when police officers responded, with visible
4 injuries on her face and a ripped shirt. Detective CUNHA spoke to IAN DIAZ on the phone,
5 but oddly, IAN DIAZ did not report home after hearing his wife had been attacked. Upon
6 information and belief, the attack never happened. The police report (“June 24 police report”)
7 noted there was security footage. The security cameras were viewed three days later, on June
8 27, 2016, and no activity was visible.¹⁵

10 157. Detective CUNHA obtained a warrant to search MS. HADLEY’s devices
11 and at about 11:30 pm on June 24, 2016, he, along with Detectives PEWSEY, SEGLETES,
12 and LEE confronted MS. HADLEY in the driveway of her parents’ home. Detective

14 _____
15 Q: And Michelle – you didn’t obtain Michelle’s IP address at any point; correct?

16 A: No, ma’am.” Testimony of Cunha in *People v Angela Diaz*, August 29, 2017 at 444-5.

17 ¹⁴ Officer Ungureanu reports in the June 24 police report that “Upon arrival we made
18 contact with V-Doe and asked her what occurred. V-Doe was crying and had her shirt
19 disheveled. She stated her husband left for work at approximately 1500 hours. A few
20 minutes later she took her dog outside her garage. . . V-Doe walked toward the remote to
21 close the garage door. She felt a suspect grab her from behind. The suspect pushed her
22 against the garage wall and held her by the back of her neck. The suspect said, ‘Now you’re
23 going to finally get raped.’ He attempted to put his hand down the front of V-Doe’s pants.
24 He put another hand on the inside of her shirt touching her left breast. She began to resist
25 him as he turned her around and placed his hand on her throat. V-Doe was able to look at
26 him as she faced him. She described the suspect as a dark skinned male either black or
27 Hispanic and approximately 6’02”. He wore a dark hat, dark colored bandana covered his
28 face, black knitted gloves, a long white sleeve shirt, blue jeans and working boots. V-Doe
yelled for the suspect to get off of her. She told the suspect she was going to call the police.
The suspect threw her to the ground and ran away. . . ”

¹⁵ “There was a camera located northeast of V-Doe’s garage. Officer Melchior attempted
to retrieve surveillance footage from a security camera located in the garage port area. He
responded to Anaheim Substation (501 S. Claudina St.) to obtain access to the footage. He
was told the camera #61 captures the footage near V-Doe’s garage. To gain access he would
need to speak with Robert Hernandez (714) 476-2541 or (714)392-1387. Hernandez was
not available to access the footage at the time of this report.” June 24 police report.

1 CUNHA's account, as described in Follow Up 2 to June 6 police report, is consistent with
2 MS. HADLEY's account. He notes MS. HADLEY expressing concern she was being
3 framed. ("Hadley told me she never sent any emails to Angela or created any fake email
4 accounts. She believes Ian is creating the accounts and sending the messages himself. I asked
5 her why she thought this and she told me because he was trying to get her to sign off on
6 selling the condo they had bought together in Anaheim. . .") Detective CUNHA reported that
7 MS. HADLEY's phone showed emails from ianrdiaz@outlook.com "professing his love for
8 her and telling her he wanted to be with her and leave Angela. These messages match the
9 same messages that were sent to Angela's email. I asked her about the messages and she told
10 me she did not write the messages and they were sent to her by Ian, or at least someone using
11 the email address ianrdiaz@outlook.com."

14 158. Detective CUNHA, failing to understand that MS. HADLEY being a
15 recipient of the emails from ianrdiaz@outlook.com made it less likely she was the sender of
16 any harassing emails, nevertheless claimed the emails gave him probable cause to arrest MS.
17 HADLEY. He wrote in the report, "Based on the emails I saw and the messages from
18 ianrdiaz@outlook.com I told Hadley she was under arrest for attempt rape."

20 159. MS. HADLEY's phone, iPad, and laptop were all seized by the APD.

21 160. Well before MS. HADLEY had time to arrive home from jail on June 25,
22 2016, Detective CUNHA received a report from ANGELA DIAZ that at 11:28am, she had
23 gotten another threatening email from lilithistruth@outlook.com. ANGELA DIAZ also said
24 another Craigslist rape-fantasy ad had been responded to.
25

26 161. On June 26, 2016, Detective CUNHA sent control emails to the
27 lilithistruth@outlook.com from Angela's email address. The lilithistruth@outlook.com
28

1 email account responded via email that she/he could not be stopped and Angela would be
2 “ended” tonight. Detective CUNHA noted in his report that MS. HADLEY’s phone did not
3 appear to be receiving any of the messages. He also found other exculpatory evidence on
4 MS. HADLEY’s phone: “I also looked the emails and saw when Microsoft contacted Hadley
5 on 06/15/2016 concerning the lilithistruth using her email as a recovery email she responded
6 to Microsoft saying the email account lilistruth was not hers. There are also numerous
7 messages she had written to her friends telling them about the email account and how strange
8 it was. She does make reference to Ian possibly using the emails to set her up.”

10 162. On June 28, 2016, Detective CUNHA processed MS. HADLEY’s cell
11 phone and iPad through the Universal Forensic Extraction Device and obtained two separate
12 reports which were placed onto a compact disc and booked into evidence. At no point does
13 it appear the results were examined.

15 163. Over the next two weeks, ANGELA and/or IAN DIAZ notified the police
16 no fewer than 12 times to report alleged email harassment and threats from MS. HADLEY
17 toward ANGELA DIAZ. They would routinely forward the emails and/or Craigslist ads to
18 police.

20 164. Upon information and belief, no further resources were put into
21 investigating the case. Nor were updated warrants served on Microsoft or Craigslist for the
22 voluminous new evidence exonerating MS. HADLEY and implicating IAN and ANGELA
23 DIAZ. Even though there were dozens of new emails and several Craigslist ads, no efforts
24 were made to determine who had sent them. APD detectives simply decided MS. HADLEY
25 was responsible even though all the evidence in the APD’s possession was exculpatory.
26 Later, Detective CUNHA would blame the companies for not timely responding to his
27
28

1 warrants. However, he never actually sent another warrant to Craigslist or Microsoft after
2 June 21, 2016, despite these warrants' revelations that many of the emails in question were
3 sent from a static IP address traceable to IAN and ANGELA DIAZ. It would not be until
4 September 2016 that Detective CUNHA would even try to identify whom the known static
5 IP address belonged to.

6
7 165. Detective CUNHA failed to do the bare minimum to investigate the digital
8 evidence in this case. He accepted all evidence by forwarded email, well-aware that anybody
9 can doctor a forwarded email. He never sought headers from emails to show their chain of
10 custody or where they originated from. Despite knowing that he could not trust forwarded
11 digital evidence,¹⁶ Detective CUNHA did so anyway.

12
13 166. Detective CUNHA also ignored mistakes and sloppiness within the four
14 corners of the emails IAN DIAZ and ANGELA DIAZ forwarded to him. For instance, on
15 July 13, 2016, IAN DIAZ contacted Detective CUNHA and forwarded several emails he had
16 received from the lilithistruth@outlook.com account, all of which were signed with MS.
17 HADLEY's name or a variation of her name. One email, sent from lilithistruth@outlook.com
18 to Ian's email account, irishcloud@me.com, contained an attachment purporting to be an
19 email responding to a Craigslist rape fantasy ad. Whoever drafted it was very sloppy; it
20

21
22 ¹⁶ "Q: Let me ask you, did the defendant [ANGELA DIAZ] ever provide you with the
23 electronic copies of these emails on her computer?

24 [CUNHA] A: No. Q: Did you try to get them?

25 A: There was a mention of them, sir. I talked to her and Ian that I was going to take them
26 but we never did." "Since this was an electronic copy, this could have easily been copied
27 and pasted at that point because everything was forward to me. It wasn't electronically
28 done. That can be done with a copy, writing the email out. There are no headers to show
who the actual transaction went through since I didn't have any electronic copy. At that
point all I had was paper copies and this was forwarded, copy and pasted there, and then
just continuing with the other messages." Testimony of Cunha in *People v Angela Diaz*,
August 24, 2017 at 240.

1 should have been obvious at the time to Detective CUNHA it was doctored. For instance, the
2 “From” line states that both michelleshadley@gmail.com and HadleyM@dickinson.edu sent
3 the email simultaneously. Obviously, this is impossible—an email can only be sent from
4 only one person. Additionally, the email was not addressed to a valid email address—there
5 is no “@” in the address. This email says “Hi there, I am dying for this kind of fantasy to
6 come true. Pull me down, choke and bruise me, have your way with me. Nothing you can do
7 will hurt me. I am wet with the thought of you doing this to me. Let me know if today or
8 tonight works for you? I love to host, live alone and am ready. All the other men I have been
9 with have said I am a good little submissive. The Domain Condos 514 S Anaheim Blvd Unit
10 2 92805. 4 or 6PM? My window to the front room is Anaheim Blvd. I will be waiting....
11 Michelle.” Another fraudulent email was allegedly from MichelleSHadley@gmail.com to a
12 Craigslist user (this time with a plausible email address: [f6nmmm-
13 5666404581@per.craigslist.org](mailto:f6nmmm-5666404581@per.craigslist.org)); however, the sender had intended for it to appear from the
14 male Craigslist poster instead of MS. HADLEY. This email stated, “You are gorgeous! I
15 would love to shove a baseball bat in your pussy. I will bind you and hold you down until
16 you scream for more. I will be there at 6 and I will watch you until I am ready.”
17
18
19

20 167. Even Detective CUNHA admitted that he recognized these emails were
21 doctored in the June 6 Police Report, Follow-Up 16, CUNHA writes —“It appears the subject
22 is once against answering Craigslist.org advertisements and suppling [sic] Angela’s address
23 and photos.” Detective CUNHA continued, “I looked at the one reply sent Wednesday, July
24 13, 2016 at 3:47PM and saw it was from email address michelleshadley@gmail.com. The
25 email appears to attempt to seem like it is actually coming from the Craigslist.org poster of
26 the advertisement but is coming from the michelleshadley@gmail.com.” At the time,
27
28

1 Detective CUNHA had MS. HADLEY's devices and login information for her Gmail
2 account; he had been accessing them. He had the ability to confirm that the emails in question
3 were not sent from her account. Further, even if Detective CUNHA thought MS. HADLEY
4 was doctoring emails to scare ANGELA DIAZ or IAN DIAZ, then he would have to concede
5 that the Craigslist communications purportedly sending people to execute rape fantasies with
6 ANGELA DIAZ were fabricated. Ultimately, Detective CUNHA received proof from
7 Google that Michelle's Gmail account was not active after her first arrest, but when asked to
8 testify, he was evasive about exactly when he learned this.¹⁷

10 168. The most striking piece of common-sense evidence that law enforcement
11 officers ignored is contained in almost every piece of correspondence at issue—almost every
12 email was signed as Michelle, MSH, Michelle S Hadley or some other variation of MS.
13 HADLEY's real name. One would be hard pressed to find a case of stalking where the
14 offender takes the trouble to mask her identity by using fake email accounts and VPNs, but
15 signs his or her own real name to threatening emails. Particularly, nobody with Michelle's
16 intelligence, academic prospects and sterling record would mastermind such an
17
18

19 ¹⁷ Q: Were you able to confirm that michelleshadley@gmail.com had not been accessed
20 basically since Michelle Hadley's arrest on June 24 of 2016 until around July 20 of 2016?

21 [CUNHA] A: Yes.

22 Q: How did you do that?

23 A: I contacted Google.com.

24 Q: What did you get a response on?

25 A: I wrote a search warrant to google asking for login activity for
26 michelleshadley@gmail.com during that time frame.

27 Q: Was there any?

28 A: I can give you the exact dates. .

Q: So from June 22 to July 17, 2016, Google has no log-in or account activity on that email
address, correct?

A That's correct.

Q: And did that corroborate what MS. HADLEY told you when we interviewed her in
October of 2016? A: Yes sir.” Testimony of Cunha in *People v Angela Diaz*, August 24,
2017 at 236-7.

1 unequivocally illegal scheme, much less sign her name to it. The emails containing her name
2 should have signaled to detectives they were sent from anybody but Michelle.

3 169. On July 13, 2016, ANGELA DIAZ contacted Detective CUNHA to forward
4 him more emails and Craigslist ad correspondences. One Craigslist correspondence
5 purportedly between Lilith Hadley and another individual appeared to be very recent. They
6 were signed “Michelle” and set up a date to “Netflix and Chill.” Detective CUNHA
7 responded to the scene and discovered that, for the first known time, an actual person had
8 responded to the ad and physically shown up at the Property. This person, a 17-year-old boy,
9 admitted he had posted an ad on Craigslist looking for somebody to “hook up” with. The
10 correspondence submitted to evidence showed no plan to act out a rape fantasy against
11 ANGELA DIAZ.
12

13
14 170. On July 14, 2016, Deputy District Attorney Richard Zimmer signed an
15 arrest warrant for MS. HADLEY’s arrest and set bail at \$1 million. MS. HADLEY was
16 arrested that day. She was charged with ten felonies and a misdemeanor. She faced life in
17 prison.
18

19 171. Despite MS. HADLEY’S arrest, the next day, on July 15, 2016, IAN DIAZ
20 petitioned the Superior Court of California County of Orange for yet another Temporary
21 Restraining Order claiming “my home, wife & future unborn children have been threatened.
22 Hadley has relentlessly emailed me personally for months attempting to execute a rape or
23 death.”
24

25 172. On or about July 26, 2016, IAN DIAZ bought a new phone and did not
26 migrate or backup any of the data from his old device.

27 173. On or about September 10, 2016 IAN DIAZ learned ANGELA DIAZ had
28

1 lied about being pregnant with twins. He realized she had purchased the sonogram on
2 Etsy.com and doctored the home pregnancy test. IAN DIAZ kicked ANGELA DIAZ out of
3 the Property and she moved to Arizona, where her parents lived. On September 16, 2016,
4 IAN DIAZ filed a petition to annul his marriage to ANGELA DIAZ.

5
6 174. On September 30, 2016, IAN DIAZ scheduled an appointment with
7 Detective CUNHA. During the meeting, IAN DIAZ confessed that MS. HADLEY was
8 innocent all along of the “heinous activity” she had been accused of.¹⁸ IAN DIAZ informed
9 Detective CUNHA that he and ANGELA DIAZ broke up and he kicked her out of the
10 Property. He said ANGELA DIAZ was under investigation for check fraud and told
11 Detective CUNHA about the fake ultrasound and doctored pregnancy test. He also confessed
12 that the original pregnancy did not end in a miscarriage from the stress of being stalked by
13 MS. HADLEY, as he and ANGELA DIAZ had told APD officers, but rather that ANGELA
14 DIAZ had an abortion because she was unable to determine the fetus’s father. IAN DIAZ
15 reported that he believed ANGELA DIAZ had framed MS. HADLEY all along. During this
16 meeting, IAN DIAZ also confessed to extreme controlling behavior of both MS. HADLEY
17 and ANGELA DIAZ, including going through MS. HADLEY’S text and computer files,
18 downloading them onto a thumb drive, and tracking the miles that Angela drove her car.¹⁹
19
20
21

22 ¹⁸ “A [Cunha]: He then told me that Ms. Diaz had framed Ms. Hadley concerning these
23 emails.

24 Q: Did he say he believed that?

25 A: He told me, based on all of her actions and the past and the fact he didn’t believe Ms.
26 Hadley was possibly responsible for this kind of heinous activity, that he believed it was
27 possibly Ms. Diaz doing it and then he asked me what kind of evidence I had against Ms.
28 Hadley.” -- Testimony of Cunha in *People v Angela Diaz*, August 24, 2017 at 259

29 ¹⁹ Q: “And during the interview Ian admitted that he has exhibited controlling behavior
30 over women in the past, correct?

31 [CUNHA] A: I don’t know if it’s the world controlling. I don’t know if that was the exact
32 words that he had used, something to that effect. I don’t know if it’s the exact words,
33 ma’am.

1 175. Despite the loads of evidence implicating both ANGELA and IAN DIAZ,
2 only ANGELA DIAZ was seriously investigated. IAN DIAZ was never questioned again.
3 Detectives put almost no effort toward getting warrants for the previously-neglected
4 materials that corresponded to IAN DIAZ'S IP address (e.g. the ianrdiaz@outlook.com and
5 lilithistruth@outlook.com email account logins from the periods June 22 to July 13, 2016).
6
7 Detectives did not search the cell phone IAN DIAZ was using at the time, instead blindly
8 accepting the excuse that he gave it to his mom.²⁰ IAN DIAZ interrupted detectives' search

9
10 Q: Okay. He admitted he used to go through Michelle Hadley's computer, correct?

11 A: Yes.

12 Q: He also told you he used to go through Michelle Hadley's text messages; is that right?

13 A: I don't recall if he told me text messages. I know there was a computer issue.

14 Q: And he said he would go through all of Michelle's computer files when they moved out
15 and transferred some of them to a thumb drive?

16 A: That's correct.

17 Q: And did he indicate to you that Michelle had accused Ian of doing secret background
18 checks on her?

19 A: Yes, ma'am.

20 Q: And also during the interview he acknowledged that he was tracking the number of
21 miles that Angela drove her car?

22 A: That's correct." Testimony of Cunha in *People v Angela Diaz*, August 28, 2017 at 82-
23 3.

24 ²⁰ "Q: After September 2016 did you ever speak to Ian again?

25 [CUNHA] A: yes. I did.

26 Q: Where and when did that take place, the conversations?

27 A: I talked to him on the phone and also via text message.

28 Q: Can you please tell us when and what you talked about?

A: Yes. I asked him for his phone and that was on voice and also through text messaging I
asked to recover his phone.

Q: When was that?

A: Approximately October. It's an approximate date. I could be off.

Q: What did he say?

A: Did he turn over anything?

A: No, he did not.

Q: Did he say anything in response to your request?

A: Yes.

Q: What did he say?

A: He told me his mother now had the phone and that she lived in Idaho.. .

Q: And did you ask him whether or not he could retrieve the phone from his mother?

1 of his new phone.²¹ They did only a manual search of his laptop and did not run it through
2 the UFED machine, thereby failing to detect any erased accounts and VPN use. They ignored
3 the incriminating digital evidence they found on IAN DIAZ's devices relating to the crime
4 (e.g. images of nude women, including MS. HADLEY; impersonations of LinkedIn
5 accounts; and photos of dead children, rape scenes, and a verse from the book of Genesis
6 used in emails purportedly sent by MS. HADLEY) and made up an excuse in court that these
7 files were just attachments.²²

9 176. The APD did not verify IAN DIAZ's work records to match them to the
10 confirmed times emails were sent from the Condo's IP address. Even after learning his boss,
11 who signs off on timecards, only sees IAN DIAZ three or four times a week and does not

13 _____
A: Yes, ma'am.

14 Q: What did he say?

15 A: He said that it was hers now." Testimony of Cunha in *People v Angela Diaz*, August
28, 2017 at 75-8.

16 ²¹ Q: While you were looking at his phone, at some point he came back to retrieve the
17 phone; is that correct?

18 [CUNHA] A: Yes.

19 Q: That was before you were finished with it?

20 A: The physical look I could do. Then I ended up giving it to Investigator Bridges who
21 tried to run a UFED on it but, as previously mentioned that wasn't updated, so he could not
22 do a full report." Testimony of Cunha in *People v Angela Diaz*, August 28, 2017 at 23-24.

23 ²² "Q: on Ian's computer you were able to locate numerous photos of nude women,
24 including Michelle Hadley and [redacted].. . And also you were able to recover several
25 memes of emails about strangers having sex with someone else's wife or nude girlfriend?

26 [CUNHA] A: Yes.

27 Q: You were also able to recover pictures of dead children, rape scenes, and photo of a
28 verse from the book of genesis belonging to IAN DIAZ?

A: Yes

Q: And you also found on his computer Craigslist ads from the rape fantasies who were
answered by whoever it is?

A: Yes. But to note those were all forwarded pictures and emails, they were included as
attachments to emails." Testimony of Cunha in *People v Angela Diaz*, August 28, 2017 at
90-91.

1 verify his time cards, APD detectives let him interrupt the search of his phone before it was
2 over. When IAN DIAZ was subpoenaed for court, the process server was unlawfully
3 intimidated and bullied by both state and federal employees.²³

4 177. Ultimately, ANGELA DIAZ was arrested January 6, 2017.

5 178. MS. HADLEY was exonerated on January 9, 2017.

6
7 179. The CITY OF ANAHEIM and Orange County District Attorney's Office
8 immediately started mischaracterizing MS. HADLEY's ordeal to draw attention away from
9 their own grave mistakes. In the January 9, 2017 press release announcing ANGELA DIAZ's
10 arrest and MS. HADLEY's exoneration, they grossly overstated the complexity of the crime
11 and the strength of the evidence they had implicating MS. HADLEY at the time of her arrests:

12
13 "Due to the seriousness of the threats, the alleged attack on Diaz in her garage, the escalation
14 in both the frequency and nature of the threats, and yet another man arriving at Diaz's
15 residence to engage in a rape fantasy encounter, law enforcement believed a serious threat to
16 public safety existed. Based on the fact that the available evidence pointed only to MS.
17 HADLEY an arrest warrant was issued and charges were filed against her." (See Orange
18 County District Attorney News Release, January 9, 2017,
19 <http://orangecountyda.org/civica/press/display.asp?layout=2&Entry=5055>, last visited
20 December 9, 2018.)

21
22 180. The press release continues the cover-up of investigators' incompetence,
23 falsely claiming that the use of VPNs prevented earlier discovery of MS. HADLEY's
24

25
26 _____
27 ²³ "Then they had the police come out and talk to me. The police officer asked me if I
28 was the person there trying to serve. He told me he couldn't do anything about me being
on the sidewalk but he told me I wasn't allowed back in the building and then had an
agent do the same thing from the Department of Homeland Security." Testimony Michael
Nyerges in *People v Angela Diaz*, August 30, 2017 at 665.

1 innocence when in fact the warrant returned 21 emails originating from the same static IP
2 address that ultimately led to 514 S. Anaheim Blvd., the condo where ANGELA and IAN
3 DIAZ lived. This information was in the hands of law enforcement before Michelle’s first
4 arrest. “APD investigators attempted to serve the emergency search warrants in order to
5 determine the Internet Protocol (IP) addresses for the emails to find the location from which
6 the emails were being sent, but the use of Virtual Private Networks (VPN’s) and third-party
7 proxy servers masked the IP addresses and originating locations of the messages.”

9 181. The most disturbing part of the press release is that it lauds the work of the
10 APD and, in particular, the one APD employee most responsible for MS. HADLEY’s
11 wrongful arrests. “I want to give kudos to APD, in particular Detective Michael CUNHA,
12 who worked tirelessly and devoted hundreds of hours to uncovering the truth. I would also
13 like to thank OCDA’s Investigative Bureau, and our prosecutors for continuing to investigate
14 the case after Ms. Hadley was taken into custody on July 14 and spent approximately three
15 months in jail. It took months of painstaking work to remove the disguise from some of the
16 IP addresses and reveal the real source of these emails.”

17 182. The press release doubled down on IAN DIAZ’s innocence: “The evidence
18 we currently have does not show involvement by John Doe.”

19 183. In an interview to Dateline, the DA said, “This is one of the most well
20 thought out well-executed plans.”

21 184. In a statement provided to Matt Lauer that aired on the February 24, 2017
22 episode of the Today Show, the APD issued a statement continuing to cover up its officers’
23 mistakes and omissions: “We believe our actions were appropriate based on the evidence
24 that was known to us at the time. In addition, it was the persistent efforts of the detective
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26
27
28

1 who ultimately uncovered the truth that led to Michelle’s exoneration.”

2 (<https://www.nbcnews.com/dateline/diabolical-scheme-woman-jailed-craigslist-rape->

3 [fantasy-plot-against-ex-n724881](https://www.nbcnews.com/dateline/diabolical-scheme-woman-jailed-craigslist-rape-fantasy-plot-against-ex-n724881), last visited December 10, 2018)

4 185. In the media, the APD and DA would insist the impersonated emails were
5 somehow stylistically similar to MS. HADLEY’s writing style. At no point in MS.
6 HADLEY’s entire life had she ever sent correspondences that were threatening, harassing,
7 violent, repetitive, cruel. She never created fake email accounts, nor sent anything violent
8 and certainly not images of rapes, decapitated women, or mutilated children.

9
10 186. A hearing in *The People of the State of California v Angela Maria Diaz* in
11 Superior Court of the state of California, County of Orange commenced in August, 2017.
12 Disturbingly, many of the same individuals who falsely arrested MS. HADLEY were
13 involved in ANGELA DIAZ’s case, including Detective CUNHA and ADA Zimmer as
14 prosecutor.

15
16 187. On October 17, 2017, ANGELA DIAZ pled guilty to 32 counts, including
17 ten counts of felony charges—kidnapping, false imprisonment, perjury relating to the
18 temporary restraining order, falsifying a check, cashing a false check, and 22 counts of false
19 filing of police reports. She faced up to twelve years in state prison and an additional 11 years
20 in county jail. She was sentenced to five years in prison.

21
22 188. On information and belief, no charges related to this incident have been
23 brought against IAN DIAZ.

24
25 189. There is a Due Process right to be protected from procedures, information
26 systems, or conduct that foreseeably leads to wrongful incarceration without specific
27 protective procedures in place. The private interest that is affected—personal freedom—is a
28

1 substantial, vital liberty interest. Accordingly, when an agency has evidence with actual
2 notice of a person's innocence but proceeds to arrest that person anyway, it not only
3 demonstrates that its policies fail to adhere to the requirements of the Constitution, its failure
4 exhibits deliberate indifference.

5
6 190. At all material times and, alternatively, the actions and omissions of each
7 Defendant were intentional, and/or wanton, and/or willful, and/or reckless, and/or callous,
8 and/or malicious, and/or deliberately indifferent to MS. HADLEY's rights, and/or grossly
9 negligent, and/or negligent.

10
11 191. MS. HADLEY has incurred economic harms and losses, as well as ongoing
12 stress and anxiety, as a result of Defendants' tortious, wrongful, and constitutionally violative
13 conduct.

14
15 **FIRST CAUSE OF ACTION**
16 **EXCESSIVE AND UNREASONABLE USE OF FORCE**
17 **Under 42 U.S.C. § 1983**
18 **PLAINTIFF MICHELLE HADLEY AGAINST OFFICER DEFENDANTS and**
19 **DOES 1-10**

20
21 192. MS. HADLEY re-alleges and herein incorporates by reference the
22 allegations set forth in paragraphs 1-191 above.

23
24 193. By the actions and omissions described above, the Defendants named above
25 in this cause of action and DOES 1-10, acting under the color state law in their individual
26 capacities, arrested MS. HADLEY without probable cause. This deprived MS. HADLEY of
27 the right to be free from the use of unlawful and/or unreasonable force, since any force used
28 to effect and maintain an unlawful arrest is unlawful, as secured by the Fourth and Fourteenth
Amendments.

194. The listed Defendants' failure to intervene, prevent or stop the

1 constitutional violations on the part of other individually named Defendants and/or DOE
2 Defendants, and/or supervisors, who were in a position to do so when such violations
3 occurred, renders such Defendants liable for these violations.

4 195. Defendants PEWSEY, SEGLETES, LEE, and CUNHA and the to-be-
5 identified DOE 1-10 APD employees' deliberately indifferent and constitutionally violative
6 conduct set into motion the chain of events that proximately caused the subsequent wrongful
7 seizures of MS. HADLEY, and her personal effects, caused the false imprisonment of MS.
8 HADLEY, caused MS. HADLEY to be subjected to liberty deprivations, and caused MS.
9 HADLEY to expend time and resources defending herself, securing bail, paying counsel,
10 relocating, and experiencing the enormous stress of imprisonment with the threat of a life
11 sentence for crimes she did not commit.

12 196. The acts and omissions of Defendants PEWSEY, SEGLETES, LEE,
13 CUNHAS and DOES 1 through 10, their deliberate indifference and other constitutionally
14 violative conduct foreseeably set into motion the chain of events that proximately caused the
15 wrongful seizures of MS. HADLEY on June 24, 2016 and July 14 to October 10, 2016 and
16 caused MS. HADLEY and her family to expend resources on bail, attorneys, as well as
17 considerable other harms and losses.

18 197. To the extent the supervisors of Defendants PEWSEY, SEGLETES, LEE,
19 CUNHA and DOES 1-10, who supervised them at material and relevant times, knew, should
20 have known, or had reason to know of Defendants' constitutionally violative conduct, as
21 alleged above, or their propensity to engage in such conduct, such supervisors failed to
22 prevent the unconstitutional acts of said Defendants and failed to properly supervise, thus
23 rendering them liable both directly and in their capacity as supervisor. Thus, any supervisors
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1 that failed to prevent the unconstitutional acts of said Defendants and failed to properly
2 supervise them are liable directly and in their capacity as a supervisor.

3 198. The Defendants named in this cause of action subjected MS. HADLEY to
4 their wrongful conduct, depriving MS. HADLEY of the rights described herein, knowingly,
5 maliciously, and with conscious and reckless disregard for whether the rights and safety of
6 Plaintiff would be violated by their acts and/or omissions.
7

8 199. In committing the acts alleged above, the individually named Defendants
9 and DOE Defendants acted maliciously and/or were guilty of a wanton and reckless disregard
10 for the rights, safety, and emotional well-being of MS. HADLEY, and by reason thereof,
11 MS. HADLEY is entitled to punitive damages and penalties allowable under 42 U.S.C. §
12 1983 and other state and federal law against these individual Defendants.
13

14 **SECOND CAUSE OF ACTION**
15 **UNREASONABLE SEIZURE OF PERSON**
16 **Under 42 U.S.C. § 1983**
17 **PLAINTIFF MICHELLE HADLEY AGAINST DEFENDANTS PEWSEY,**
18 **SEGLETES, LEE, CUNHA, and DOES 1-10**

19 200. MS. HADLEY re-alleges and herein incorporates by reference the
20 allegations set forth in paragraphs 1-199 above.

21 201. As described above, Defendants PEWSEY, SEGLETES, LEE, CUNHAS
22 and DOES 1 through 10, acting under color of law, proximately caused the wrongful seizure
23 of MS. HADLEY without probable cause, in violation of her right to be free from such
24 unlawful and unreasonable seizures under the Fourth Amendment to the United States
25 Constitution.

26 202. MS. HADLEY was subjected to a warrantless arrest on June 24, 2016
27 without probable cause, which is, *ipso facto*, a constitutionally violative unreasonable
28

1 seizure. MS. HADLEY's subsequent mistaken arrest and detention were caused by the
2 failure of Defendants to take corrective action and willful blindness to her innocence.

3 203. MS. HADLEY was subjected to arrest and detention on July 14, 2016
4 pursuant to a warrant that was issued without probable cause. This is a constitutionally
5 violative, unreasonable seizure which continued for the entirety of MS. HADLEY's unlawful
6 88-day incarceration.

7
8 204. MS. HADLEY was also deprived of her right not to be deprived of liberty
9 without due process of law, as secured by the Fourteenth Amendment.

10 205. These deprivations of MS. HADLEY's clearly-established constitutional
11 rights caused severe damages and injuries as described above.

12
13 206. To the extent the supervisors of Defendants PEWSEY, SEGLETES, LEE,
14 CUNHA and DOES 1-10, who supervised them at material and relevant times, knew, should
15 have known, or had reason to know of Defendants' constitutionally violative conduct, as
16 alleged above, or their propensity to engage in such conduct, such supervisors failed to
17 prevent the unconstitutional acts of said Defendants and failed to properly supervise, thus
18 rendering them liable both directly and in their capacity as supervisor. Thus, any supervisors
19 that failed to prevent the unconstitutional acts of said Defendants and failed to properly
20 supervise them are liable directly and in their capacity as a supervisor.

21
22 207. The Defendants named in this cause of action subjected MS. HADLEY to
23 their wrongful conduct, depriving MS. HADLEY of her rights secured by the Fourth and
24 Fourteenth Amendments, knowingly, maliciously, and with conscious and reckless disregard
25 for whether the rights and safety of Plaintiff would be violated by their acts and/or omissions.

26
27 208. In committing the acts alleged above, the individually named Defendants
28

1 and DOE Defendants acted maliciously and/or were guilty of a wanton and reckless disregard
2 for the rights, safety, and emotional well-being of MS. HADLEY, and by reason thereof,
3 MS. HADLEY is entitled to punitive damages and penalties allowable under 42 U.S.C. §
4 1983 and other state and federal law against these individual Defendants.

5
6 **THIRD CAUSE OF ACTION**
7 **UNREASONABLE SEIZURE OF PROPERTY**
8 **Under 42 U.S.C. § 1983**
9 **PLAINTIFF MICHELLE HADLEY AGAINST DEFENDANTS PEWSEY,**
10 **SEGLETES, LEE, CUNHA, and DOES 1-10**

11 209. MS. HADLEY re-alleges and herein incorporates by reference the
12 allegations set forth in paragraphs 1-208 above.

13 210. As described above, Defendants PEWSEY, SEGLETES, LEE, CUNHAS
14 and DOES 1 through 10, acting under color of law, proximately caused the wrongful seizure
15 of MS. HADLEY's property—her phone, iPad, and laptop computer—without probable
16 cause, in violation of her right to be free from such unlawful and unreasonable seizures under
17 the Fourth Amendment to the United States Constitution.

18 211. As of this date, MS. HADLEY has not been returned her phone, iPad or
19 laptop computer.

20 212. MS. HADLEY suffered damages as a result of Defendants' unreasonable
21 and unremedied seizure of her personal effects.

22 213. To the extent the supervisors of Defendants PEWSEY, SEGLETES, LEE,
23 CUNHA and DOES 1-10, who supervised them at material and relevant times, knew, should
24 have known, or had reason to know of Defendants' constitutionally violative conduct, as
25 alleged above, or their propensity to engage in such conduct, such supervisors failed to
26 prevent the unconstitutional acts of said Defendants and failed to properly supervise, thus
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1 218. This action concerns, *inter alia*, the refusal of the CITY OF ANAHEIM to
2 require the APD to utilize readily available information and existing systems and protocols
3 to accurately and swiftly collect and analyze basic digital evidence, to verify headers of
4 emails, to verify static IP addresses, to confirm the static IP address of known suspects, and
5 overall to implement the most rudimentary of procedures when it comes to collecting and
6 analyzing digital evidence, which process is administered, overseen or participated by APD,
7 and to the failure to institute simple common-sense processes to ensure that the CITY OF
8 ANAHEIM is not susceptible to criminals who try to weaponize law enforcement by
9 substantiating their false accusations with digital evidence that could easily be verified as
10 false. The CITY OF ANAHEIM's deliberate indifference to false accusations and
11 constitutional violations caused by its faulty policies is evident from the newspaper articles
12 and press releases in which the APD congratulates Defendant CUNHA for his work on the
13 case even though Defendant CUNHA's constitutionally-violative conduct harmed MS.
14 HADLEY. CITY OF ANAHEIM's indifference is further manifested by its refusal to do
15 anything to prevent MS. HADLEY from being re-arrested as more false accusations and
16 faked evidence accumulated.
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20 219. On information and belief, the APD failed to implement readily available
21 procedures for decreasing wrongful detention and the APD failed to institute procedural
22 safeguards that would have prevented the deprivation of liberty. The APD's failure to
23 institute reasonable quality control procedures for the timely and thorough collection and
24 analysis of digital evidence demonstrates deliberate indifference to the Fourth and Fourteenth
25 Amendment rights of innocent persons impersonated online and wrongfully accused of a
26 crime not to be unlawfully seized and deprived of liberty.
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1 220. As a result of CITY OF ANAHEIM’s failures to institute policies for APD
2 officers to timely and competently collect and analyze digital evidence and failure to
3 intelligently investigate foreseeable false accusations based on common-sense and
4 exculpatory evidence, persons who are innocent are not only arrested, but face serious crimes
5 and lengthy incarcerations.

6
7 221. MS. HADLEY alleges, upon information and belief that the
8 unconstitutional actions and/or omissions of Defendants PEWSEY, SEGLETES, LEE, and
9 CUNHA, were pursuant to the following customs, policies, practices, and/or procedures of
10 CITY OF ANAHEIM, stated in the alternative, which were directed, encouraged, allowed,
11 and/or ratified by policy making officials for CITY OF ANAHEIM, including DOES 1-10:
12

13 a. Failing to institute execute or enforce readily available procedures
14 for decreasing the risk of erroneous arrest and detention of individuals falsely and
15 maliciously accused of a crime in connection with CITY OF ANAHEIM;

16 b. Failing to institute, execute, or enforce readily available procedures
17 for properly investigating collecting and evaluating electronic evidence and which can rule
18 out and exclude individuals who are not responsible for creating or disseminating electronic
19 evidence used in a crime;
20

21 c. Failing to enact and/or maintain and/or execute policies and
22 procedures to ensure swift, thorough, comprehensive and timely warrants and returns to
23 technology companies that are the custodians of evidence involved in a crime;

24 d. Failing to institute a proper quality control system for collecting and
25 evaluating electronic evidence;
26

27 e. Failing to institute a quality control system that requires reliable
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1 verification of electronic evidence to prevent or minimize the wrongful arrest of innocent
2 persons;

3 f. Failing to institute a quality control system that requires reliable
4 verification of electronic evidence to prevent or minimize the wrongful arrest of innocent
5 persons, *e.g.* for when a purported victim must send electronic evidence to law enforcement
6 officers, when electronic evidence on a suspect's device subject to a search warrant gives a
7 law enforcer probable cause to arrest;

9 g. Failing to institute a quality control system that properly analyzes
10 evidence that incriminates a fellow law enforcement officer;

11 h. Failing to institute a quality control system that collects static IP
12 information of the accused and the victim; particularly in situations of high risk of false
13 accusations (*e.g.*, allegations of former domestic partners, the accused's protestations that it
14 is a false accusation, failing to respond to inconsistent and implausible evidence such as using
15 VPNs and spoof email accounts while also signing the accused's name on criminal
16 communications).

17 i. Failing to have and enforce necessary, appropriate, and lawful
18 policies, procedures, and training programs to prevent or correct the unconstitutional
19 conduct, customs, and procedures described in this Complaint and in the subparagraphs
20 above, when the need for such was obvious, or when policymakers for CITY OF ANAHEIM
21 knew or had reason to know of the need, with deliberate indifference to the rights and safety
22 of MS. HADLEY and the public, and in the face of an obvious need for such policies,
23 procedures and training programs.

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27 222. In the alternative, upon information and belief, Defendant CITY OF
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1 ANAHEIM may have instituted policies or training addressing some or all of the topics listed
2 above, but has through deliberate indifference to citizens' rights, failed to properly oversee,
3 enforce, and/or properly carry out such policies or training.

4 223. Additionally, these supervisors disregarded the consequences of a policy
5 deficiency that they knew or had reason to know would proximately cause the violation of
6 MS. HADLEY's (and other innocent people's) constitutional rights, which in fact did cause
7 the violation of MS. HADLEY's rights.

9 224. The above-described customs, policies, practices, and/or procedures of the
10 CITY OF ANAHEIM were a moving force and/or a proximate cause of the deprivations of
11 MS. HADLEY'S constitutional rights, as well as the damages suffered by MS. HADLEY as
12 a result of these deprivations.

14 225. The unconstitutional actions and/or omissions of the individually named
15 defendants and DOES, were approved, tolerated and/or ratified by policy making officials
16 for THE CITY OF ANAHEIM. MS. HADLEY expects the details of her ordeal have been
17 revealed to the authorized policy makers within the CITY OF ANAHEIM, and that such
18 policymakers have direct knowledge of the fact that MICHELLE HADLEY was wrongfully
19 arrested and subjected to extreme liberty deprivations due to their employees' deliberate
20 indifference and violations of her rights. Notwithstanding this suspected knowledge by the
21 authorized policymakers within the CITY OF ANAHEIM, the authorized policymakers have
22 approved of the named defendants and DOES' conduct and decisions in this matter to the
23 extent such individuals were under their supervision, oversight, and have made a deliberate,
24 conscious, and affirmative choice to endorse and ratify such conduct and decisions, and the
25 basis for them, which resulted in the wrongful arrests and other liberty deprivations suffered
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1 by MS. HADLEY. By so doing, the authorized policymakers within the CITY OF
2 ANAHEIM have shown affirmative agreement with the conduct of individual Defendants
3 and DOES under their supervision, and have ratified the unconstitutional acts of these
4 individual Defendants, employees, and agents.

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6 **FIFTH CAUSE OF ACTION**
7 **FAILURE TO TRAIN**
8 **Under 42 U.S.C. § 1983 and *Monell***
9 **PLAINTIFF MICHELLE HADLEY AGAINST DEFENDANT CITY OF ANAHEIM**

10 226. MS. HADLEY re-alleges and herein incorporates by reference the
11 allegations set forth in paragraphs 1-225 above.

12 227. MS. HADLEY alleges, upon information and belief that the
13 unconstitutional actions and/or omissions of Defendants PEWSEY, SEGLETES, LEE, and
14 CUNHA, were caused by the following acts and omissions of the CITY OF ANAHEIM with
15 regard to failing to train APD officers.

16 a. Failing to institute, maintain, or effectively administer an
17 appropriate training regimen on subjects such as: conducting reasonable, ade4quate, and
18 thorough investigations—and processing documents and information and electronic
19 evidence accurately and efficiently, as well as accurately and carefully verifying
20 information—before setting into motion events that cause the seizure of a person and the
21 other liberty deprivations that stem from an arrest and incarceration;

22 b. Failing to execute a training regimen and policies that take into
23 account the foreseeable consequences of setting into motion events that will cause the
24 wrongful arrest, seizure, and imprisonment of innocent persons;

25 c. Failing to institute, maintain, or effectively administer an
26 appropriate training regimen on subjects such as conducting reasonable, adequate, and
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1 thorough investigations and verifying necessary facts before taking actions that amount to or
2 have the effect of invoking the awesome power of arrest and seizure.

3 228. Defendant CITY OF ANAHEIM's failure to train APD officers to properly
4 investigate online impersonation and other cybercrimes demonstrated deliberate indifference
5 to the rights of those who are impersonated online and falsely accused of crimes, such as
6 MS. HADLEY.
7

8 229. The aforementioned failure to properly and adequately hire, train, instruct,
9 monitor, supervise, evaluate, investigate, and discipline its officers were a moving force
10 and/or a proximate cause of the deprivations of MS. HADLEY'S clearly established and
11 well-settled constitutional rights, as well as the damages suffered by MS. HADLEY.
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13 **SIXTH CAUSE OF ACTION**
14 **CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS**
15 **Under 42 U.S.C. § 1985**
16 **AGAINST DEFENDANTS ANGELA DIAZ, IAN DIAZ, and CUNHA**

17 230. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-
18 229, inclusive, above, as if set forth in full herein.

19 231. Upon information and belief, Defendants ANGELA DIAZ, IAN DIAZ
20 and/or Detective CUNHA agreed to deprive MS. HADLEY of her Fourth Amendment right
21 to be free of unreasonable seizures and her Fourteenth Amendment right to due process.

22 232. As demonstrated above, the three actors performed numerous acts in
23 furtherance of this conspiracy that a conspiracy can be inferred from: IAN and ANGELA
24 DIAZ repeatedly filed false police reports and presented Detective CUNHA with false
25 evidence tending to show that MS. HADLEY had committed crimes. Detective CUNHA,
26 instead of performing his duties as an investigator and finding probable cause to arrest MS.
27 HADLEY, simply agreed to believe IAN and ANGELA DIAZ and arrest MS. HADLEY
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1 without probable cause. Detective CUNHA did so despite obvious evidence showing MS.
2 HADLEY's innocence.

3 233. As a result of this concerted action, MS. HADLEY was deprived of her
4 Fourth Amendment and Fourteenth Amendment rights and suffered severe damages as a
5 result of her arrest and protracted incarceration.
6

7 234. In committing the acts alleged above, the individually named Defendants
8 acted maliciously and/or were guilty of a wanton and reckless disregard for the rights, safety,
9 and emotional well-being of MS. HADLEY, and by reason thereof, MS. HADLEY is entitled
10 to punitive damages and penalties allowable under 42 U.S.C. § 1985 and other state and
11 federal law against these individual Defendants.
12

13 **SEVENTH CAUSE OF ACTION**
14 **VIOLATION OF CAL. CIVIL CODE § 52.1**
15 **Under California State Law**
16 **AGAINST DEFENDANTS CITY OF ANAHEIM, DEFENDANTS PEWSEY,**
17 **SEGLETES, LEE, CUNHA, and DOES 1-10**

18 235. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-
19 234, inclusive, above, as if set forth in full herein.

20 236. By their actions, omissions, customs, and policies, Defendants CITY OF
21 ANAHEIM, PEWSEY, SEGLETES, LEE, CUNHA, and DOES 1-10, acting in
22 concert/conspiracy, as described above and with threat of intimidation and/or coercion,
23 violated MS. HADLEY's rights under California Civil Code § 52.1 and the following clearly
24 established rights under the United States Constitution and California Constitution and law:

25 a. MS. HADLEY'S rights to be free from an unreasonable seizure and
26 her right not to be deprived of liberty or property without due process of law, as secured by
27 the Fourth and Fourteenth Amendments to the United States Constitution and the California
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1 Constitution, Article 1, Sections 7 and 13;

2 b. The right to enjoy and defend life and liberty; acquire, possess, and
3 protect property; and pursue and obtain safety, happiness, and privacy, as secured by
4 California Constitution, Article 1, Section 1; and

5 c. The right to protection from bodily restraint, harm, or personal
6 insult, as secured by California Civil Code § 43.

7
8 237. Separate from, and above and beyond, Defendants' attempted interference
9 with and violation of MS. HADLEY'S rights by the following conduct, among other conduct,
10 constituting threat, intimidation, or coercion: intentionally and/or with deliberate
11 indifference, causing Plaintiff to be subjected to unreasonable seizures, visual body cavity
12 inspections, incarceration, and other liberty deprivations.

13
14 238. Defendant CITY OF ANAHEIM is not sued directly in this cause of action
15 but is named because the CITY OF ANAHEIM is vicariously liable pursuant to California
16 Government Code §815.2.

17
18 239. As a direct and proximate result of the actions of Defendants, as complained
19 of herein, MS. HADLEY was: 1) substantially physically, mentally and emotionally injured,
20 and suffered great physical, mental and emotional injury, distress, pain and suffering; 2)
21 incurred medical and psychological costs, bills and expenses, 3) attorney's fees and
22 associated litigation and other related costs, 4) incurred lost wages/profits, and 5) incurred
23 other special and general damages and expenses, in an amount to be proven at trial.
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25 **EIGHTH CAUSE OF ACTION**
26 **FALSE ARREST/FALSE IMPRISONMENT**
27 **Under California State Law**
28 **PLAINTIFF MICHELLE HADLEY AGAINST ALL DEFENDANTS**

240. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-

1 239, inclusive, above, as if set forth in full herein.

2 241. The above-described acts and omissions constituted the nonconsensual,
3 intentional confinement of MS. HADLEY.

4 242. The nonconsensual, intentional confinement of MS. HADLEY was
5 performed without lawful privilege, as there was never probable cause to arrest or detain MS.
6 HADLEY.

7
8 243. The nonconsensual, intentional confinement of MS. HADLEY lasted for an
9 appreciable period of time—almost three months in jail.

10 244. By the above-described acts and/or omissions and/or failures to supervise
11 and/or failure to institute and execute adequate training and policies on the part of
12 Defendants, as alleged herein, Plaintiff was falsely arrested and falsely imprisoned, thereby
13 entitling MS. HADLEY to damages pursuant to California law.

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15 245. The aiding and abetting and/or failure to intervene and/or failure to prevent
16 this arrest gives rise to liability on the part of other to-be-identified DOE defendants.

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18 246. Defendant CITY OF ANAHEIM is not sued directly in this cause of action,
19 but is named because CITY OF ANAHEIM is vicariously liable pursuant to California
20 Government Code §815.2.

21 247. As a direct and proximate result of the foregoing wrongful acts, MS.
22 HADLEY was 1) substantially physically, mentally and emotionally injured, and suffered
23 great physical, mental and emotional injury, distress, pain and suffering; 2) incurred medical
24 and psychological costs, bills and expenses, 3) attorney's fees and associated litigation and
25 other related costs, 4) incurred lost wages/profits, and 5) incurred other special and general
26 damages and expenses.
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1 248. MS. HADLEY is therefore entitled to general and compensatory damages
2 in an amount to be proven at trial, as well as punitive damages against Defendants in their
3 individual capacities. No punitive damages are sought against the CITY OF ANAHEIM
4 directly.

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6 **NINTH CAUSE OF ACTION**
7 **BATTERY**
8 **Under California State Law**
9 **PLAINTIFF MICHELLE HADLEY AGAINST DEFENDANTS PEWSEY,**
10 **SEGLETES, LEE, and CUNHA, and DOES 1-10**

11 249. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-
12 248, inclusive, above, as if set forth in full herein.

13 250. The actions committed by Defendants PEWSEY, SEGLETES, LEE,
14 CUNHA, and DOES 1-10, constituted the unjustified, non-consensual use of unlawful force
15 and violence upon MS. HADLEY, and therefore constituted a battery of her by said above-
16 referenced defendants under California state law.

17 251. As a direct and proximate result of the actions of all Defendants named in
18 this cause of action, MS. HADLEY was 1) substantially physically, mentally and
19 emotionally injured, and suffered great physical, mental and emotional injury, distress, pain
20 and suffering; 2) incurred medical and psychological costs, bills and expenses, 3) attorney's
21 fees and associated litigation and other related costs including bails costs and other associated
22 costs and expenses, 4) incurred lost wages/profits, and 5) incurred other special and costs, in
23 an amount to be proven at trial.

24 252. The actions of Defendants, as complained of herein, were committed
25 maliciously oppressively and constituted despicable conduct; sufficient for an award of
26 punitive/exemplary damages against all defendants named in this action, in an amount to be
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1 proven at trial.

2 253. Defendants law enforcement officers are liable to MS. HADLEY for said
3 battery on her pursuant to Cal. Government Code §§815.2(a), 815.6, 820, 820.8 and
4 otherwise pursuant to common law.

5 **TENTH CAUSE OF ACTION**
6 **ASSAULT**
7 **Under California State Law**
8 **PLAINTIFF MICHELLE HADLEY AGAINST DEFENDANTS PEWSEY,**
9 **SEGLETES, LEE, and CUNHA, and DOES 1-10**

10 254. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-
11 253, inclusive, above, as if set forth in full herein.

12 255. The actions committed by Defendants, above-described, constituted an
13 assault of MS. HADLEY under California state law, as MS. HADLEY was unlawfully
14 placed in reasonable fear of receiving an imminent violent injury by all Defendants.

15 256. Said Defendants named in this cause of action are liable to MS. HADLEY,
16 under California state law for said assaults, pursuant to Cal. Government Code §§815.2(a),
17 815.6, 820, 820.8, pursuant to the California Constitution, and otherwise pursuant to the
18 common law.

19 257. As a direct and proximate result of the actions of all Defendants, MS.
20 HADLEY was 1) substantially physically, mentally and emotionally injured, and suffered
21 great physical, mental and emotional injury, distress, pain and suffering; 2) incurred medical
22 and psychological costs, bills and expenses, 3) attorney's fees and associated litigation and
23 other related costs including bails costs and other associated costs and expenses, 4) incurred
24 lost wages/profits, and 5) incurred other special and costs, in an amount to be proven at trial.

25 258. The actions of Defendants, as complained of herein, were committed
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1 maliciously oppressively and constituted despicable conduct; sufficient for an award of
2 punitive/exemplary damages against all defendants named in this cause of action, in an
3 amount to be proven at trial.

4 **ELEVENTH CAUSE OF ACTION**
5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
6 **Under California State Law**
7 **PLAINTIFF MICHELLE HADLEY AGAINST DEFENDANTS ANGELA DIAZ**
8 **AND IAN DIAZ**

9 259. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-
10 258, inclusive, above, as if set forth in full herein.

11 260. ANGELA DIAZ and IAN DIAZ engaged in outrageous conduct by framing
12 MS. HADLEY for several crimes she did not commit.

13 261. ANGELA DIAZ and IAN DIAZ intended to cause MS. HADLEY to suffer
14 emotional distress by making her the subject of a police investigation which resulted in her
15 being detained in jail for crimes she did not commit.

16 262. ANGELA DIAZ and IAN DIAZ knew and/or should have known that MS.
17 HADLEY, as an upstanding citizen who had no experience with the criminal justice system,
18 was particularly susceptible to suffering severe emotional distress from being incarcerated
19 for crimes she did not commit.

20 263. As a direct and proximate result of the actions of ANGELA DIAZ and IAN
21 DIAZ, MS. HADLEY suffered severe emotional distress, including anxiety, paranoia,
22 sleeplessness, humiliation, and depression.

23 264. MS. HADLEY's debilitating emotional distress resulted in special damages
24 including, but not limited to, lost wages and bills for psychiatric treatment.

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TWELFTH CAUSE OF ACTION
NEGLIGENCE
Under California State Law
PLAINTIFF MICHELLE HADLEY AGAINST ALL DEFENDANTS

265. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-264, inclusive, above, as if set forth in full herein.

266. The actions by Defendants as complained of herein and as described above, also constituted a breach of Defendants' duty to use due care toward MS. HADLEY.

267. Moreover, Defendant CITY OF ANAHEIM breached its duty of care owed to Plaintiff and to member of the public similarly situated, by unlawfully arresting and asserting excessing force against community members.

268. As a direct and proximate result of the actions of all Defendants, MS. HADLEY was 1) substantially physically, mentally and emotionally injured, and suffered great physical, mental and emotional injury, distress, pain and suffering; 2) incurred medical and psychological costs, bills and expenses, 3) attorney's fees and associated litigation and other related costs including bails costs and other associated costs and expenses, 4) incurred lost wages/profits, and 5) incurred other special and costs, in an amount to be proven at trial.

269. The actions of Defendants, as complained of herein, were committed maliciously oppressively and constituted despicable conduct; sufficient for an award of punitive/exemplary damages against all defendants.

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THIRTEENTH CAUSE OF ACTION
MALICIOUS PROSECUTION
Under California State Law
PLAINTIFF MICHELLE HADLEY AGAINST DEFENDANTS IAN DIAZ AND
ANGELA DIAZ

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270. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-269, inclusive, above, as if set forth in full herein.

1 271. Defendants ANGELA DIAZ and IAN DIAZ commenced numerous actions
2 against MS. HADLEY, including petitions for Restraining Orders and over twenty false
3 police reports.

4 272. Defendants ANGELA DIAZ and IAN DIAZ pursued their claims against
5 MS. HADLEY with subjective malice and without objective probable cause.

6 273. No reasonable persons in the positions of Defendants ANGELA DIAZ and
7 IAN DIAZ could have believed there were reasonable grounds to bring the claims against
8 MS. HADLEY.

9 274. All actions were resolved in favor of MS. HADLEY as she was fully
10 exonerated of the claims brought by ANGELA DIAZ and IAN DIAZ.

11 275. As a direct and proximate result of the actions of Defendants ANGELA
12 DIAZ and IAN DIAZ, MS. HADLEY was 1) substantially physically, mentally and
13 emotionally injured, and suffered great physical, mental and emotional injury, distress, pain
14 and suffering; 2) incurred medical and psychological costs, bills and expenses, 3) incurred
15 attorney's fees and associated litigation and other related costs including bails costs and other
16 associated costs and expenses, 4) incurred lost wages/profits, and 5) incurred other special
17 and costs, in an amount to be proven at trial.

18 276. The actions of Defendants, as complained of herein, were committed
19 maliciously and oppressively, and constituted despicable conduct; sufficient for an award of
20 punitive/exemplary damages against all defendants, in an amount to be proven at trial.

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FOURTEENTH CAUSE OF ACTION
DEFAMATION
Under California State Law
PLAINTIFF MICHELLE HADLEY AGAINST DEFENDANTS ANGELA DIAZ
AND IAN DIAZ

277. Plaintiff repeats and re-alleges each and every allegation in paragraphs 1-276, inclusive, above, as if set forth in full herein.

278. Defendants ANGELA DIAZ and IAN DIAZ engaged in communications to third parties that were false, defamatory, unprivileged and with a natural tendency to injure or cause special damage.

279. Defendants ANGELA DIAZ and IAN DIAZ made the defamatory communications to third parties, such as police officers, who understood the defamatory meaning of the statements and their application to MS. HADLEY.

280. Defendants ANGELA DIAZ and IAN DIAZ slandered MS. HADLEY by making false and unprivileged publications to police, orally uttered, which accused MS. HADLEY of having committed several crimes.

281. As falsely accusing another of a crime is *per se* defamatory, damages are presumed.

282. In addition to presumed damages, as a direct and proximate result of the actions of Defendants ANGELA DIAZ and IAN DIAZ, MS. HADLEY was 1) substantially physically, mentally and emotionally injured, and suffered great physical, mental and emotional injury, distress, pain and suffering; 2) incurred medical and psychological costs, bills and expenses, 3) attorney's fees and associated litigation and other related costs including bails costs and other associated costs and expenses, 4) incurred lost wages/profits, and 5) incurred other special and costs.

1 a. Compensatory damages in an amount according to proof, which is
2 fair, just, and reasonable;

3 b. Punitive damages under federal law and California law, in an
4 amount according to proof and which is fair, just, and reasonable against all Defendants,
5 except the public entity Defendants;

6 c. Attorney's fees and costs of suit under 42 U.S.C. § 1988;

7 d. Attorney's fees and costs of suit under California Civil Code §§ 52
8 (b)(3) and 52.1(h);

9 e. All other damages, penalties, costs, interest, and attorneys' fees as
10 allowed by 42 U.S.C. §§ 1983 and 1988; California Code of Civil Procedure § 1021.5;
11 California Civil Code §§ 52 et seq. and 52.1; and as otherwise may be allowed by California
12 and/or federal law; and,
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14 f. For such other and further relief as the Court deems just and proper.
15

16 **DEMAND FOR JURY TRIAL**

17 Plaintiff hereby demands a jury trial on all causes of action.
18

19 Respectfully submitted on December 20, 2018.

20 **McLetchie Law**

21 By: /S/ Margaret A. McLetchie
22 Margaret A. McLetchie, CA Bar No. 223240
23 Attorney for Plaintiff, Michelle Hadley

24 **C. A. Goldberg, PLLC**

25 By: /S/ Carrie A. Goldberg
26 Carrie A. Goldberg
27 Attorney for Plaintiff, Michelle Hadley
28 (Pro hac vice pending)