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IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

ZACHARY KRULL,)
)
 Plaintiff,)
)
 v.)
)
 CUFFED PAPER, L.L.C,)
 DUSTIN HITCHLER, REGISTERED)
 AGENT, AND DUSTIN HITCHLER)
 INDIVIDUALLY AND PERSONALLY)
)
 Defendant

CASE NUMBER C1 10 - 746

COMPLAINT, REQUEST FOR JURY TRIAL AND PRAECIPE

LANCASTER COUNTY
 2010 FEB 25 PM 1:48
 CLERK OF THE DISTRICT COURT

COMES NOW PLAINTIFF, by and through counsel, and for his cause of action states as follows:

1. That plaintiff is a resident of the State of Nebraska, the County of Lancaster, the City of Lincoln, and has enjoyed a good name a reputation in the community;
2. Plaintiff is 19 years old with a date of birth January 15, 1991, and a United States Citizen;
3. Upon information and belief, that at all times hereinafter mentioned, defendant "CUFFED PAPER, LLC" is a corporation authorized to do business in the State of Nebraska, and was Organized under the laws of the State of Nebraska in November 2009;
4. Upon information and belief, that at all times hereinafter mentioned, the defendant DUSTIN HITCHLER was a resident of Lancaster County as well as the director, producer, editor, owner, distributor of the "CUFFED PAPER";
5. That Plaintiff was arrested on January 11, 2010 for failing to appear in court on December 24, 2009 to answer to the charges of driving on a suspended license but eligible, a speed limit violation, and a seat belt violation;
6. That on or about January 11, 2010 Plaintiff paid fines for these minor offenses;
7. That due to the arrest on that date, Plaintiff's mugshot was taken when he was placed in custody;
8. That DUSTIN HITCHLER had started a publication in which he obtained



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- mugshots from the Lancaster County Jail through public records laws;
9. That DUSTIN HITCHLER then would publish these pictures in his publication and make fun of these people;
 10. That DUSTIN HITCHLER did this to make money and would charge \$1 per "CUFFED PAPER";
 11. The Lincoln Journal Star ran a story in its Sunday, February 23, 2010 edition, in which it is believed DUSTIN HITCHLER told the reporter via email that the paper was "a business endeavor and for entertainment purposes only."
 12. That "CUFFED PAPER" ran Plaintiff's picture in its February edition;
 13. That upon information and belief HITCHLER stated on his facebook "Cuffed Paper" site that he went through 900 pictures and published 300 of mugshots;
 14. That upon information and belief he chose many of his subjects on their funny appearance in the photograph;
 15. That "CUFFED PAPER" has special sections for pictures where the subjects hair is amusing or askew entitled "Lost My Comb Mugshots";
 16. That Plaintiff's picture was featured in the section described in paragraph 15;
 17. "CUFFED PAPER" has further specialized sections, such as one for subjects who are smiling in their mugshot entitled "SAY CHEESE!" and a section where the individual in the mugshot has bruises or marks on their face entitled "BUMPS AND BRUISES" and a section entitled "'DOIN' AND DEALIN" which includes pictures of individuals with arrests for possession of marijuana less than an ounce;
 18. That upon information and belief based upon the papers own statements to reporters and based upon the layout of the paper "CUFFED" it is for entertainment by making fun of individuals in their mugshots and that this is a commercial endeavor;
 19. That plaintiff is currently 19 years old, was 18 in the picture featured in "CUFFED";
 20. That due to "CUFFED" publishing his photograph he has suffered humiliation and embarrassment;

21. That Plaintiff is currently seeking employment, however, due to his picture being featured his *opportunities have been limited* by “CUFFED PAPER” *running his picture to profit*;
22. That the family of Plaintiff has suffered humiliation and embarrassment due to “CUFFED PAPER” invading his privacy;
23. That Plaintiff did not give his consent to “CUFFED PAPER” to use for its commercial purposes;
24. That Nebraska Law forbids this type of publication of Plaintiff’s name and picture and that the legislature has created a right of privacy to give any natural person a legal remedy in the event of violation of the right;
25. That being in CUFFED has cause general damages as well as damages for intrusion, emotional distress, suffering and mental anguish affecting Plaintiff’s personal and professional life, as well as damages that will become more apparent during the pendency of this litigation, further even in the event Plaintiff did not attempt to demonstrate those damages, it is clear that treble damages would be appropriate, as well as the cost of this action and attorney fees. Further Plaintiff may be caused to incur further loss;

LIABILITY OF DUSTIN HITCHLER

26. On November 4, 2009, Dustin Hitchler filed Articles of Organization of “CUFFED PAPER, LLC”;
27. HITCHLER was the sole listed agent of “CUFFED PAPER” and upon information and belief HITCHLER is responsible for all facets of the editing, researching, and creating the paper as well as delivering it to stores and keeping track of all operations of “CUFFED”;
28. Upon information and belief around the time of creating “CUFFED LLC”, Hitchler had contacted the Lincoln Police Department to obtain every mug shot be e-mailed to him each month;
29. Upon information and belief Lincoln Police Officer Katie Flood after researching this issue declined to provide a mass email of all mugshots;

30. Upon information and belief, Hitchler then approached the Lancaster County Jail and requested he be provided all mug shots be e-mailed to him every month;
31. Upon information and belief the Lancaster County Jail contacted the Lancaster County Attorney's Office and was informed they should make efforts to accommodate Hitchler's request;
32. The Lancaster County Jail then requested their computer programmers research how difficult this task would be, namely to e-mail Hitchler all mugshots every month;
33. Upon information and belief, Hitchler started receiving emails of all the mugshots in Lancaster County in January 2010;
34. Upon information and belief, Hitchler had issued two previous editions to his "Cuffed Paper", December and January editions of Cuffed;
35. At the time of the first two editions Hitchler still did not have access to the mugshots, therefore his paper consisted primarily of persons on warrant and registered sex offenders;
36. However, immediately upon having access to the mugshots of all persons arrested from the Lancaster County Jail, Hitchler published the mugshots as discussed above, based upon entertainment value;
37. Upon information and belief the LLC was organized with the purpose of violating Nebraska's Invasion of Privacy Statues, yet shielding HITCHLER from liability;
38. The law regards a corporation for liability purposes as an association of persons when the corporation is used to defeat convenience, justify wrong, protect fraud, or defend crime; *244 Neb. 681, 686*
39. A corporate identity is disregarded where the corporation has been used to convenience fraud, violate a legal duty, or perpetuate a dishonest or unjust act in contravention of the rights of another;
40. The articles of incorporation demonstrate that HITCHLER violated Nebraska Corporation Laws, by not providing an address where his agent, namely himself, can be served, therefore HITCHLER has set up this LLC hoping to protect himself

from liability, however, not providing an address for his corporation in which individuals may contact him;

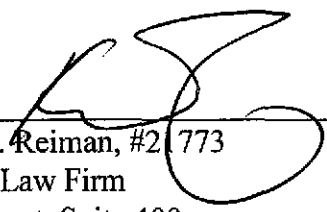
41. The only means of contacting “CUFFED PAPER” or HITCHLER is through an e-mail address listed in his paper which is listed to solicit places in which he can sell his publication, distribution@cuffedpaper.com;
42. “CUFFED PAPER, LLC” was established for humiliating and embarrassing persons with mugshots and to make a profit doing so;
43. All Nebraska Citizens enjoy a right to privacy as stated in Neb.Rev.Stat. 20-202.
44. HITCHLER is liable for the invasion of privacy as well as “CUFFED PAPER, LLC”;
45. Based upon these facts HITCHLER is personally liable under the laws of Nebraska.

WHEREFORE, the Plaintiff prays for the following relief:

- A. That an injunction issue against the Defendants enjoining it from selling any “Cuffed Paper” alternatively and “Cuffed Paper” with Plaintiff’s picture;
- B. That Defendant be Ordered to take reasonable and thorough steps to guarantee the stores that were selling “Cuffed Paper” stop selling the paper immediately;
- C. That Plaintiff be awarded general damages for any and all suffering and any side affects due to the publication of his picture which has affected his personal and professional life, damages for mental suffering, special damages, and if none of those are proven nominal damages, as well as payment for the costs of this action and attorney fees;
- D. Plaintiff seeks judgment against the defendant in an amount which will fairly and justly but not excessively compensate him for his damages under the laws of the State of Nebraska together with the costs of this action and such other and further relief as the Court deems just.
- E. For such other and further relief as to the Court may seem just and equitable.

ZACHARY KRULL, Plaintiff

By:



Korey L. Reiman, #2773
 Reiman Law Firm
 650 J Street, Suite 400
 Lincoln, NE 68508
 (402) 477-2130

REQUEST FOR JURY TRIAL

Plaintiff hereby requests that a jury trial be held in Lancaster County, Nebraska.



Korey L. Reiman

TO THE CLERK OF SAID COURT:

Please issue a TWO summons in the above captioned matter and return the same to plaintiff's counsel for service via certified mail upon the defendants at the following address:

CUFFED PAPER, LLC
 DUSTIN HITCHLER
 4911 South 14th Street
 Lincoln NE 68505

DUSTIN HITCHLER
 CUFFED PAPER, LLC
 P.O. BOX 5253
 LINCOLN, NE 68505

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