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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES**

10
11 HOWARD WAYNE VIPPERMAN,
12 Plaintiff,
13 v.
14 GEORGE LLAMAS EDWARDS, an
individual; JULIE RAGOZZINO, an
15 individual; EAST HEIGHTS
VOLUNTEER FIRE DEPARTMENT, an
16 unincorporated association; and DOES 1
through 100, inclusive,
17 Defendants.

CASE NO. **BC424876**

- COMPLAINT FOR:
- (1) SLANDER PER SE;
 - (2) FRAUD;
 - (3) CONVERSION;
 - (4) POSSESSION; AND
 - (5) DECLARATORY RELIEF

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19
20 Plaintiff Howard Wayne Vipperman, as and for his complaint (the "Complaint")
21 against defendants, alleges as follows:

22
23 **PRELIMINARY STATEMENT**

24 1. This Complaint arises out of the wrongful conduct of defendants against
25 Plaintiff, the Mayor of La Habra Heights, California, whereby the defendants have
26 attempted to create a pretextual dispute over the right to ownership and possession of
27 certain fire watch radios Plaintiff purchased and, as part of his community support, loaned
28 out to a local volunteer fire watch organization. Plaintiff is informed and believes, and

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Superior Court of California
County of Los Angeles
OCT 28 2009
John A. Clarke, Executive Officer/Clerk
By RUGENA LOPEZ Deputy

1 based thereon alleges, that the dispute was created by defendants for the purpose of
2 creating an opportunity to damage Plaintiff's reputation personally and politically, and was
3 carried out through the publication of defamatory, slanderous and false statements intended
4 to create the rumor that Plaintiff had misused campaign funds to buy the fire watch radios.
5 As a result of the publication of those defamatory, slanderous and false statements by
6 defendants, Plaintiff has no alternative but to bring this action to clear his name and protect
7 his reputation.

8
9 **PARTIES**

10 2. Plaintiff Howard Wayne Vipperman (hereafter referred to as "Vipperman" or
11 "Plaintiff") is, and at all times mentioned herein was, an individual residing in the City of
12 La Habra Heights, County of Los Angeles, California, and the duly-elected Mayor of La
13 Habra Heights, California. Plaintiff has a long history of community involvement and
14 philanthropy in and around the area of La Habra Heights.

15 3. Defendant George Llamas Edwards ("Edwards") is, and at all times
16 mentioned herein was, an individual residing in the City of La Habra Heights, County of
17 Los Angeles, California.

18 4. Defendant Julie Ragozzino ("Ragozzino") is, and at all times mentioned
19 herein was, an individual residing in the City of La Habra Heights, County of Los Angeles,
20 California. Edwards and Ragozzino are husband and wife.

21 5. Plaintiff is informed and believes, and based thereon alleges, that defendant
22 East Heights Volunteer Fire Department (hereafter referred to as "EHVFD") is an
23 unincorporated association with a principal office in the City of La Habra Heights, County
24 of Los Angeles, California. Plaintiff is further informed and believes, and based thereon
25 alleges, that defendants Edwards and Ragozzino are the owners and principals of EHVFD.

26 6. Plaintiff is ignorant of the names and capacities of defendants sued herein as
27 Does 1 through 100, inclusive, and therefore sues these defendants by such fictitious
28 names. Plaintiff will amend this complaint to allege their true names and capacities when

1 ascertained. Plaintiff is informed and believes, and based thereon alleges, that each of the
2 fictitiously named defendants was responsible in some manner for the occurrences herein
3 alleged, is indebted to Plaintiff as hereinafter alleged, and Plaintiff's damages as herein
4 alleged were proximately caused by such defendants. Edwards, Ragozzino, EHVFD and
5 Does 1 through 100, inclusive, are collectively referred to hereafter as "Defendants."

7 GENERAL ALLEGATIONS

8 7. In or about July 2007, Vipperman transferred \$4,059.36 to Edwards for the
9 express purpose of Edwards purchasing, among other things, six (6) Vertex/Standard VX-
10 927G7 UHF hand held radios (the "Fire Watch Radios") in Vipperman's name. It was
11 intended by Vipperman that he would own the Fire Watch Radios, and that some or all of
12 those radios would be loaned out to La Habra Heights Fire Watch, Inc. ("LHHFW"), a
13 local volunteer fire watch organization, to use as communication devices until such time as
14 Vipperman requested that they be returned to him. Vipperman instructed Edwards to
15 assure that the Fire Watch Radios were purchased in Vipperman's name and then loaned to
16 LHHFW. Edwards represented that he would purchase the Fire Watch Radios in
17 Vipperman's name and then lend them, on behalf of Vipperman, to LHHFW.

18 8. Despite Edwards' agreement to use Vipperman's money to purchase the Fire
19 Watch Radios in Vipperman's name, Edwards in fact used Vipperman's money to
20 wrongfully purchase the Fire Watch Radios on or about August 23, 2007 in the name of
21 EHVFD, which he and Ragozzino owned and controlled.

22 9. After wrongfully purchasing the Fire Watch Radios in the name of EHVFD,
23 Edwards and Ragozzino, and each of them, exercised dominion and control over those
24 radios as if they were, in fact, owned by Edwards and Ragozzino.

25 10. The Fire Watch Radios wrongfully purchased by Edwards in the name of
26 EHVFD were subsequently loaned to LHHFW to use as communications devices, as
27 Vipperman had instructed.

28

1 11. In or about August 2009, Vipperman, by and through his wife, Karen
2 Vipperman, requested that two (2) members of LHHFW whom Vipperman believed were
3 in possession of two (2) of the six (6) Fire Watch Radios return the radios. At least one, if
4 not both, of the individuals to whom LHHFW had entrusted the radios acknowledged that
5 Vipperman was the owner of the radios and agreed to return them.

6 12. Edwards and Ragozzino learned of Vipperman's request that two (2) of the
7 six (6) fire watch radios be returned to Vipperman. In response, Edwards wrongfully
8 informed the Board of Directors of LHHFW that EHVFD was the true owner of the Fire
9 Watch Radios, and that EHVFD was entitled to possession of those radios.

10 13. In furtherance of his wrongful claim to title and possession of the Fire Watch
11 Radios, Edwards provided LHHFW with a receipt from B&W Communications, Inc.
12 (hereafter referred to as "B&W"), located in Santa Fe Springs, California, showing that
13 EHVFD had purported to purchase the Fire Watch Radios on August 23, 2007.

14 14. Plaintiff is informed and believes, and based thereon alleges, that the Fire
15 Watch Radios listed on the receipt from B&W were actually purchased with the money
16 Vipperman provided to Edwards for the express purpose of Edwards purchasing the Fire
17 Watch Radios in Vipperman's name.

18 15. Despite Vipperman's demands, Edwards and Ragozzino have failed, and
19 continue to fail, to acknowledge that Vipperman is the owner of the Fire Watch Radios and
20 entitled to possess them.

21 16. In furtherance of his wrongful claim to title and possession of the six (6) Fire
22 Watch Radios, and in an effort to damage Vipperman personally and politically, as well as
23 to cause Vipperman to relinquish his valid and enforceable claim to title and possession of
24 those radios, in or about August 2009, Edwards, on behalf of himself and EHVFD,
25 threatened to publish and, indeed, orally published to at least one other person, false and
26 unprivileged statements that Vipperman "got some campaign money in his mailbox and
27 used it illegally to purchase radios, which makes it dirty money" (the "False Accusation").
28

1 **FIRST CAUSE OF ACTION**

2 **(Slander Per Se – against Edwards, EHVFD, and Does 1 through 50, inclusive)**

3 17. Plaintiff refers to and incorporates the allegations contained in Paragraphs 1
4 through 16, inclusive, *supra*, as though fully set forth herein.

5 18. Vipperman has enjoyed a good reputation in the communities in and around
6 La Habra Heights, California for many years.

7 19. Unbeknownst to Vipperman, at or about the time that Edwards engaged in
8 the conduct alleged herein, Edwards harbored a secret hatred and ill will towards
9 Vipperman and used the dispute over the Fire Watch Radios in an attempt to damage
10 Vipperman's personal and political reputation for Edward's own advantage.

11 20. The False Accusation was and is false and untrue because Vipperman did not
12 use campaign money, let alone "dirty campaign money," to purchase the Fire Watch
13 Radios.

14 21. When Edwards, on behalf of himself and EHVFD, made the False
15 Accusation, he knew it was false or he made it with reckless disregard for the truth.

16 22. Edwards, on behalf of himself and EHVFD, made the False Accusation
17 intentionally, recklessly, maliciously, willfully, wickedly, wrongfully, with evil motive,
18 and with the intent to injure, vex, annoy, disgrace and defame Vipperman.

19 23. Edwards' publication of the False Accusation constitutes slander per se; it is
20 defamatory on its face because, among other things, it charges Vipperman with dishonesty
21 and criminal conduct, and subjects Vipperman to contempt and ridicule.

22 24. As an actual and proximate result of Edwards' slander, Vipperman has been
23 injured and prejudiced in his reputation. Moreover, among other things, Edwards' threats
24 to publish false statements in an effort to obtain a personal and political advantage over
25 Vipperman, and to attempt to force Vipperman to relinquish his claimed rights to title and
26 possession of the Fire Watch Radios, constitute civil and criminal extortion, and were
27 designed to cause, and actually caused, Vipperman duress, embarrassment, despair, and
28 humiliation. Vipperman has also suffered general and special damages.

1 25. Edwards' conduct in threatening to publish and publishing the False
2 Accusation was despicable. Accordingly, Vipperman is entitled to an award of punitive
3 damages against Edwards and EHVFD, and each of them, sufficient to punish and make an
4 example of them.
5

6 SECOND CAUSE OF ACTION

7 (Fraud – against Edwards, EHVFD, and Does 30 through 60, inclusive)

8 26. Plaintiff refers to and incorporates the allegations contained in Paragraphs 1
9 through 16, inclusive, *supra*, as though fully set forth herein.

10 27. Edwards, on behalf of himself and EHVFD, represented to Vipperman that
11 he would use Vipperman's money to purchase the Fire Watch Radios in Vipperman's
12 name.

13 28. Edwards' representations that he would use Vipperman's money to purchase
14 the Fire Watch Radios in Vipperman's name were false.

15 29. The foregoing representations, and each of them, were made by Edwards,
16 on behalf of himself and EHVFD, with the intention of deceiving Vipperman, and
17 inducing Vipperman to entrust money to Edwards for the purchase of the Fire Watch
18 Radios, to the benefit of Edwards and EHVFD, and each of them, and the detriment of
19 Vipperman.

20 30. Vipperman actually and justifiably relied on Edwards' misrepresentations
21 because, among other things, Vipperman was ignorant of the falsity of said representations
22 and had no reasonable way of discovering Edwards' secret intentions.

23 31. In reliance on said representations, Vipperman, among other things,
24 entrusted his money to Edwards. Had Vipperman known the true facts, *i.e.*, that Edwards
25 actually and secretly intended to misappropriate and steal Vipperman's money by
26 purchasing the Fire Watch Radios in EHVFD's name, Vipperman would not have
27 entrusted Edwards with the money.
28

1 32. As an actual and proximate result of Edwards' fraudulent misrepresentations
2 as alleged herein, Vipperman has been damaged in an amount that has not been fully
3 ascertained, but which Vipperman is informed and believes, and based thereon alleges, is
4 within the jurisdictional limits of this court.

5 33. By the deliberate acts and omissions hereinabove alleged, Edwards, on
6 behalf of himself and EHVFD, acted fraudulently, maliciously, despicably and with an
7 intentional, willful, conscious and/or reckless disregard of Vipperman's rights, and with
8 the intent to injure, vex and annoy Vipperman. Accordingly, Vipperman is entitled to an
9 award of punitive damages against Edwards and EHVFD, and each of them, sufficient to
10 punish and make an example of them.

11
12 **THIRD CAUSE OF ACTION**

13 **(Conversion –**

14 **against Edwards, EHVFD, and Does 40 through 70, inclusive)**

15 34. Plaintiff refers to and incorporates the allegations contained in Paragraphs 1
16 through 16, inclusive, *supra*, as though fully set forth herein.

17 35. At all times since the purchase of the Fire Watch Radios in or about July
18 2007, Vipperman has been the owner of those radios and has had the right to possess them.

19 36. By the wrongful acts and conduct alleged herein, Edwards, EHVFD, and
20 Does 40 through 70, inclusive, and each of them, have exercised dominion and control
21 over the Fire Watch Radios, disposed of Vipperman's property rights therein, and/or
22 converted those radios, all without Vipperman's consent.

23 37. As an actual and proximate result of the conversion of the Fire Watch Radios
24 by Edwards, EHVFD, and Does 40 through 70, inclusive, Vipperman has been damaged in
25 an amount that has not been fully ascertained, but which Vipperman is informed and
26 believes, and based thereon alleges, is within the jurisdictional limits of this court.

27 38. By the deliberate acts and omissions hereinabove alleged, Edwards, EHVFD,
28 and Does 40 through 70, inclusive, and each of them, acted fraudulently, maliciously,

1 despicably and with an intentional, willful, conscious and/or reckless disregard of
2 Vipperman's rights, and with the intent to injure, vex and annoy Vipperman. Accordingly,
3 Vipperman is entitled to an award of punitive damages against Edwards, EHVFD, and
4 Does 40 through 70, inclusive, and each of them, sufficient to punish and make an example
5 of them.

6
7 **FOURTH CAUSE OF ACTION**

8 **(Possession –**

9 **against Edwards, Ragozzino, EHVFD, and Does 30 through 80, inclusive)**

10 39. Plaintiff refers to and incorporates the allegations contained in Paragraphs 1
11 through 38, inclusive, *supra*, as though fully set forth herein.

12 40. Plaintiff is informed and believes, and based thereon alleges, that Edwards,
13 Ragozzino, EHVFD, and/or Does 30 through 80, inclusive, or some of them, are at the
14 present time wrongfully in possession of one or more of the Fire Watch Radios, subject to
15 Plaintiff's rights of ownership and possession.

16 41. Plaintiff is entitled to take immediate possession of the Fire Watch Radios.

17 42. Plaintiff has demanded possession from Edwards, Ragozzino, EHVFD, and
18 Does 30 through 80, inclusive, and each of them, but said defendants have refused to give
19 Plaintiff the possession to which Plaintiff is entitled.

20 43. Thus, Plaintiff is entitled to a Judgment of Possession of the Fire Watch
21 Radios, and each of them.

22
23 **FIFTH CAUSE OF ACTION**

24 **(Declaratory Relief – against All Defendants)**

25 44. Plaintiff refers to and incorporates the allegations contained in Paragraphs 1
26 through 43, inclusive, *supra*, as though fully set forth herein.

27 45. An actual controversy has arisen and now exists between Plaintiff, on the
28 one hand, and Defendants, on the other hand, concerning their respective rights, duties and

1 obligations with respect to the Fire Watch Radios. Plaintiff contends, among other things,
2 that he is the owner of the Fire Watch Radios, and each of them, and is entitled to
3 possession of those radios, and each of them. Plaintiff further contends, among other
4 things, that neither Defendants, nor any of them, have ownership rights or rights to
5 possession of the Fire Watch Radios, or any of them.

6 46. Plaintiff is informed and believes, and based thereon alleges, that
7 Defendants, and each of them, dispute those contentions and contend, without merit, that
8 Defendants, or some of them, are the owners of the Fire Watch Radios, and each of them,
9 and have the right to possession of the Fire Watch Radios, or some of them. Plaintiff is
10 further informed and believes, and based thereon alleges, that Defendants, and each of
11 them, contend, without merit, that Plaintiff does not have any ownership rights or rights to
12 possession of the Fire Watch Radios, or any of them.

13 47. Plaintiff desires a judicial determination of his rights, duties and obligations,
14 and the rights, duties and obligations of Defendants, and each of them, and declarations as
15 to whether Plaintiff or Defendants, or any of them, have ownership rights and rights to
16 possession of the Fire Watch Radios, or any of them.

17 48. Judicial declarations are necessary and appropriate at this time under the
18 circumstances in order that Plaintiff may ascertain his rights, duties and obligations with
19 respect to the Fire Watch Radios.

20
21 WHEREFORE, Plaintiff prays for judgment as follows:
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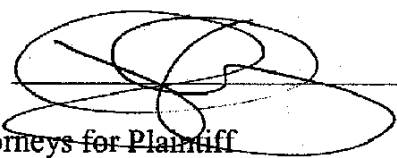
- 23 1. For general damages according to proof;
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- 25 2. For special damages according to proof;
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- 27 3. For consequential damages according to proof;
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- 4. For punitive damages according to proof;
- 5. For possession of the Fire Watch Radios;
- 6. For a declaration that Plaintiff is the owner of the Fire Watch Radios, and each of them, and is entitled to possession of those radios, and each of them;
- 7. For a declaration that neither defendants, nor any of them, have ownership rights or rights to possession of the Fire Watch Radios, or any of them;
- 8. For Plaintiff's costs of suit herein; and
- 9. For such other, further and/or additional relief as the Court may deem just and proper.

Dated: October 29, 2009

COHEN & LORD, a P.C.

BY: 
Attorneys for Plaintiff
HOWARD WAYNE VIPPERMAN