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6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF NEVADA**

9 GUADALUPE OLVERA, an individual; and
10 THE GUADALUPE OLVERA FAMILY
11 TRUST, by and through its Trustee, Rebecca
12 Schultz,

11 Plaintiffs,

12 vs.

13 JARED E. SHAFER, an individual;
14 PROFESSIONAL FIDUCIARY SERVICES
15 OF NEVADA, INC., a Nevada corporation;
16 AMY VIGGIANO DEITTRICK, individually
17 and doing business as AVID BUSINESS
18 SERVICES; PATIENCE BRISTOL, an
19 individual; WELLS FARGO BANK, N.A., a
20 National Association; EVE S. MILLS, an
21 individual; SUSAN BULL, an individual;
22 CENTER FOR GUARDIANSHIP
23 CERTIFICATION, INC., a Pennsylvania non-
24 profit corporation; SUN CITY ANTHEM
25 COMMUNITY ASSOCIATION, INC., a
26 Nevada non-profit corporation; CATHY
27 ELLIOT, an individual; DOES I through XX
28 and DOE ENTITIES I through XX, inclusive,

Defendants.

CASE NO.

COMPLAINT

JURY TRIAL DEMANDED

24 COME NOW the Plaintiffs, GUADALUPE OLVERA (hereinafter "Plaintiff" or
25 "Olvera") and the GUADALUPE OLVERA FAMILY TRUST, Rebecca Olvera Schultz, Trustee,
26 by and through their attorney, D. Brian Boggess, Esq. and Boggess & Harker, and for causes of
27 action against JARED E. SHAFER (hereinafter "Shafer"), PROFESSIONAL FIDUCIARY
28 SERVICES OF NEVADA, INC. (hereinafter "PFSN"), AMY VIGGIANO DEITTRICK,

1 (hereinafter "Deittrick") AVID BUSINESS SERVICES (hereinafter "Avid"), PATIENCE
2 BRISTOL (hereinafter "Bristol"), WELLS FARGO BANK, N.A. (hereinafter "Wells Fargo"),
3 EVE S. MILLS (hereinafter "Mills"), SUSAN BULL (hereinafter "Bull"), CENTER FOR
4 GUARDIANSHIP CERTIFICATION, INC. (hereinafter "CGC"), SUN CITY ANTHEM
5 COMMUNITY ASSOCIATION, INC. (hereinafter "Sun City") and CATHY ELLIOT
6 (hereinafter "Elliot"), complain, aver and allege as follows and hereby file their complaint and
7 allege the following causes of action against the above- named Defendants:

8 **GENERAL ALLEGATIONS**

- 9 1. Plaintiff GUADALUPE OLVERA is a resident of Santa Cruz County, California.
- 10 2. Plaintiff GUADALUPE OLVERA FAMILY TRUST is a Trust, organized on or about
11 February, 2007. The Trust appears by and through its current Trustee, Rebecca Olvera Schultz.
- 12 3. Any reference to "Plaintiff" or "Plaintiffs" herein shall be deemed to apply to both Mr.
13 Olvera individually and the Trust.
- 14 4. Upon information and belief, Defendant JARED E. SHAFER ("Shafer") is and has been a
15 resident of Clark County, Nevada at all times material hereto.
- 16 5. Upon information and belief, Defendant PROFESSIONAL FIDUCIARY SERVICES OF
17 NEVADA, INC. ("PFSN") is and was a corporation licensed under the laws of the State of
18 Nevada and doing business in Clark County, Nevada at all times material hereto.
- 19 6. Upon information and belief, Defendant AMY VIGGIANO DEITTRICK ("Deittrick") is
20 and has been a resident of Clark County, Nevada at all times material hereto and is and was
21 doing business as AVID BUSINESS SERVICES in Clark County, Nevada ("Avid").
- 22 7. During the times relevant hereto, Avid was not licensed to do business, but was transacting
23 business illegally.
- 24 8. Upon information and belief, Defendant PATIENCE BRISTOL ("Bristol") is and has been
25 a resident of Clark County, Nevada at all times material hereto.
- 26 9. Upon information and belief, Defendant WELLS FARGO BANK, N.A. ("Wells Fargo") is
27 and has been a national association authorized to do business in Clark County, Nevada at all
28 times material hereto.

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1 10. Upon information and belief, Defendant EVE S. MILLS (“Mills”) is a trust and fiduciary
2 specialist at Wells Fargo and is and has been a resident of Clark County, Nevada at all times
3 material hereto.

4 11. Upon information and belief, Defendant SUSAN BULL (“Bull”) is a trust administrator at
5 Wells Fargo and is and has been a resident of Clark County, Nevada at all times material hereto.

6 12. Upon information and belief, Defendant CENTER FOR GUARDIANSHIP
7 CERTIFICATION, INC. (“CGC”) is and was a non-profit corporation licensed under the laws of
8 the State of Pennsylvania and doing business in the State of Pennsylvania at all times material
9 hereto.

10 13. Upon information and belief, Defendant SUN CITY ANTHEM COMMUNITY
11 ASSOCIATION, INC. (“Sun City”) is and was a corporation licensed under the laws of the State
12 of Nevada and doing business in the State of Nevada at all times material hereto.

13 14. Upon information and belief, Defendant CATHY ELLIOT Elliot (“Elliot”) is and was an
14 employee of Sun City and is and has been a resident of Clark County, Nevada at all times
15 material hereto.

16 15. The true names and capacities, whether partnership, individual, corporate, associate or
17 otherwise of Defendants Does I through XX and Doe Entities I through XX, inclusive, are
18 unknown to Plaintiff at this date; that said Defendants are named herein by fictitious names, but
19 may be responsible or liable to the Plaintiff by virtue of the actions hereinafter described and
20 Plaintiff reserves the right to amend their Complaint to insert any additional charging allegations,
21 together with their true identities and capacities, when the same have been ascertained.

22 16. Plaintiff is informed, believes and therefore alleges that at all times herein mentioned,
23 Defendants and each of them, were the agent, partner, employee and/or alter-ego of each other,
24 and in doing the things herein alleged, were acting within the course and scope of said agency,
25 partnership, or relation, with the permission and consent of their co-defendants, and that each of
26 them were working as a single entity and enterprise.

27 17. The jurisdiction of this court is invoked pursuant to diversity of citizenship 28 U.S.C. §
28 1332.

1 18. The amounts in controversy exceed \$75,000.00.

2 19. Jurisdiction is further vested in this Court pursuant to 18 U.S.C. § 1964(a), as a Civil
3 RICO action forms part of the basis of this Complaint.

4 **GENERAL FACTUAL ALLEGATIONS**

5 20. In 2008 and 2009, Plaintiff Olvera was a resident in Sun City Anthem, and regularly
6 interacted with Defendants Sun City and Elliot.

7 21. In late 2009, Defendant Elliot, with the knowledge of Defendant Sun City, kidnaped
8 Olvera, removed him from his home and proceeded to convert much of his assets to her own use
9 and benefit.

10 22. Defendant Elliot kept Mr. Olvera hidden from his family, and did not give up control of
11 Olvera until early November, 2009.

12 23. Defendant Sun City knew or should have known that Defendant Elliot had kidnaped
13 Olvera, and taken some action to protect Olvera from its predatory employees.

14 24. Defendant CGC is a non-profit entity which claims to offer accreditation to public and
15 private guardians, including some of the Defendants in this case.

16 25. Defendant CGC failed in its duties to protect the Plaintiffs, by willfully ignoring evidence
17 of wrongdoing by Defendants after such evidence had been presented to them.

18 26. From the formation of the Trust through the events and occurrences which form the basis
19 of this Complaint, the Trust's assets were administered by Defendants Wells Fargo, Mills and
20 Bull, and perhaps others employed by Defendant Wells Fargo.

21 27. On or about December 2, 2009, the Family Court Division of the Clark County, Nevada
22 District Court appointed Shafer as guardian over Plaintiff in the Matter of the Guardianship of
23 the Person and Estate of Guadalupe Olvera, an adult ward, in Case No. G028163.

24 28. Upon information and belief, on or about December 2, 2009 Shafer was an employee
25 and/or agent of PFSN.

26 29. Shafer acted as Guardian of Plaintiff as an agent and/or employee of PFSN from
27 November 17, 2009 to at least April 26, 2013, when the Nevada Guardianship was terminated.

28 30. Between approximately December 2, 2009 and approximately April 26, 2013, PFSN

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1 billed and collected hundreds of thousands of dollars for services and reimbursements from the
2 Estate of Guadalupe Olvera without court approval, accounting or oversight, in violation of NRS
3 159.183.

4 31. Upon information and belief, many of the reimbursements paid by the Guardianship,
5 Estate and/or Trust benefitting Guadalupe Olvera to PFSN were for charges made to the personal
6 credit card(s) of Jared E. Shafer.

7 32. Upon information and belief, the Guardianship was charged for expenses completely
8 unrelated to Plaintiff's well being and care.

9 33. Of the reimbursements paid from the Guardianship Estate to PFSN, the vast majority of
10 expenses are unsupported by any verifying documentation, such as receipts or invoices.

11 34. Between approximately November 17, 2009 and April 26, 2013, several law firms billed
12 and collected tens of thousands of dollars for services and reimbursements from the Estate of
13 Guadalupe Olvera without court approval, accounting or oversight, in violation of NRS 159.183.

14 35. Between approximately November 17, 2009 and April 26, 2013, Avid billed and collected
15 tens of thousands of dollars from the Guardianship and Estate of Guadalupe Olvera for simple
16 book keeping services without court approval, accounting or oversight, in violation of NRS
17 159.183.

18 36. Avid charged the Guardianship Estate benefitting Guadalupe Olvera outrageous amounts
19 of as much as approximately \$40.00 per individual bill/invoice it paid on behalf of the
20 Guardianship, for services for Plaintiff's residence.

21 37. Avid charged \$40-\$125, arbitrarily, per hour to pay recurring bills.

22 38. During the period of Plaintiff's Guardianship, including during the period in which Shafer
23 acted as an agent and/or employee of PFSN, Defendants failed to file regular, annual accountings
24 with the Court as required by NRS 159.176.

25 39. Upon information and belief, throughout 2010, 2011 and 2012, while Shafer was
26 simultaneously acting as a Guardian and the agent/employee of PFSN, Shafer embezzled funds
27 from the bank accounts of the Guardianship Estate of Guadalupe Olvera, by submitting false or
28 inflated invoices for payment and by taking possession of social security and pension funds

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1 without rendering an accounting of how those funds were kept and utilized.

2 40. Shafer was ineligible to be appointed Guardian for Mr. Olvera at the time he was
3 appointed.

4 41. Olvera is a Veteran who served in the United States Army from August 15, 1941 through
5 October 4, 1945. He also served in the United States Air Force between August 29, 1946 and
6 August 28, 1949.

7 42. Shafer and his various entities and employees knew of Olvera's veteran status early on in
8 the Guardianship proceedings. As early as November 25, 2009, Shafer billed for time conversing
9 with Mr. Olvera regarding "How he is doing, how does he like his caregiver, *WWII*, his
10 daughter, etc. . . ."

11 43. Shafer never served a citation upon the United States Department of Veterans' Affairs, as
12 required by NRS 159.0475(4).

13 44. Shafer's failure to properly notify the Department of Veterans' Affairs resulted in Mr.
14 Olvera receiving extra payments to which he was no longer entitled, and which he was or will be
15 required to repay, with interest and fees attached thereto.

16 45. Nevada has adopted the Uniform Veterans' Guardianship Act, which places private
17 professional guardians such as Shafer under additional requirements and scrutiny when they are
18 appointed or seek to be appointed guardians over veterans.

19 46. Shafer was legally ineligible to serve as Mr. Olvera's guardian. NRS 160.040 places a
20 jurisdictional limitation on the number of wards to which a private, professional guardian of a
21 Veteran may oversee.

22 47. That section provides, in pertinent part, as follows:

23 Except as otherwise provided in this section, *it is **unlawful** for any person to*
24 *accept appointment as guardian of any ward if the proposed guardian is at that*
25 *time acting as guardian for **five** wards. In any case, upon presentation of a*
26 *petition by an attorney of the Department of Veterans Affairs pursuant to this*
27 *section alleging that a guardian is acting in a fiduciary capacity for more than five*
28 *wards and requesting his or her discharge for that reason, the court, upon proof*

1 *substantiating the petition, shall require a final accounting from the guardian*
2 *and shall discharge the guardian in the case.*

3 *N.R.S. § 160.040 (emphasis added).*

4 48. During the course of his guardianship of Olvera, Shafer acted in a fiduciary capacity for
5 more than five wards.

6 49. Before the Guardianship Commissioner had entered an Order appointing Mr. Shafer as
7 Successor General Guardian, Shafer knew that he was not legally qualified to assume that post,
8 pursuant to the jurisdictional limitations of NRS 160.040. Yet no mention of Mr. Olvera's
9 veteran status was raised in Shafer's pleadings nor in oral argument at the hearings appointing
10 him General Guardian. He did not revise his Affidavits or pleadings to make the Court aware of
11 this critical fact.

12 50. On November 16, 2009, Shafer verified and signed his Petition for Appointment of
13 Successor Temporary and Successor General Guardian. In paragraph 10 of that Petition, Shafer
14 stated that he "is competent and capable of acting as the Temporary and General Guardian of the
15 person and estate of Guadalupe Mena Olvera"

16 51. Even if Shafer believed that statement to be true as of November 16, 2009, he knew that
17 the statement was patently false as of November 25, 2009, when he learned that Mr. Olvera was a
18 Veteran and that Shafer was no longer "competent and capable" of serving as Mr. Olvera's
19 guardian pursuant to NRS 160.040 due to the number of Wards under his guardianship.

20 52. He patently failed to demonstrate candor before the Court, assuming that he could "pull a
21 fast one" on the Guardianship Commissioner and Mr. Olvera's family. Shafer's silence in the
22 face of such damning facts—knowing that the Guardianship Commissioner was relying upon his
23 verified Petition at the December 2, 2009 hearing to consider him as Successor General
24 Guardian—constitutes perjury.

25 53. This callous disregard for Mr. Olvera, his estate, his family and the express mandates of
26 NRS Chapter 160 should have automatically and immediately disqualified Shafer from
27 continuing as the Guardian for Mr. Olvera. It also should subject Shafer to sanctions, including
28 disgorgement of any fees earned or funds wrongfully diverted from Mr. Olvera's estate.

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1 54. Shafer's compensation was dramatically higher than that authorized by statute. NRS
2 160.120 provides in pertinent part that

3 Compensation payable to a guardian *must not exceed 5 percent of the income of*
4 *the ward* during any year. In the event of extraordinary services rendered by any
5 guardian, the court may, upon petition and after hearing thereon, authorize
6 additional compensation therefor payable from the estate of the ward. Notice of
7 such petition and hearing must be given to the proper office of the Department of
8 Veterans Affairs in the manner provided in NRS 160.100. *No compensation may*
9 *be allowed on the corpus of an estate* received from a preceding guardian. The
10 guardian may be allowed from the estate of the ward of the guardian reasonable
11 premiums paid by him or her to any corporate surety upon his or her bond.

12 *N.R.S. 160.120 (emphasis added).*

13 55. Plaintiff contends that Shafer's compensation vastly exceeds five (5) percent of Olvera's
14 income. Accordingly, this Court should Order that Shafer disgorge any funds received above and
15 beyond this statutory compensation limit.

16 56. Upon information and belief, Shafer and the other Defendants herein are responsible for
17 embezzling, taking under wrongful pretenses and otherwise fraudulently or wrongfully
18 diminishing the value of Olvera's and the Trust's assets in an amount to be proved at trial, but in
19 excess of \$420,000.00.

20 57. Defendants Wells Fargo, Mills and Bull were specifically and knowingly complicit in the
21 wrongful actions taken by the other Defendants, particularly those wrongful actions of Shafer,
22 PFSN, Bristol, Deitrick and Avid.

23 58. Defendants Wells Fargo, Mills and Bull failed or refused to inform the beneficiaries of the
24 Trust that they were beneficiaries, or to provide them with statements and other information
25 pertaining to the Trust which would have allowed the beneficiaries to bring the wrongful actions
26 of the Defendants herein to the attention of proper Court's and authorities.

27 59. Defendants Wells Fargo, Mills and Bull failed or refused to provide account statements to
28 the lawful beneficiaries of the Trust, ignoring repeated requests that they do so.

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1 60. Defendants Wells Fargo, Mills and Bull provided false information to the Guardianship
2 Commissioner and to the other Defendants, which affected the ability of Olvera's family to
3 assume the guardianship and take care of Olvera.

4 61. Defendants Wells Fargo, Mills and Bull knew or should have known, as early as 2007,
5 that Olvera was not in need of a guardian and could govern his own affairs, yet they continued to
6 support the claims and attempts of Defendants Shafer and the other Defendants to maintain the
7 guardianship strangle-hold they had on Olvera and the Trust.

8 62. Defendants Wells Fargo, Mills and Bull knew or should have known that bills and
9 invoices being paid by them for Olvera's care were inflated, inappropriate, duplicated and
10 fraudulent, and yet they continued to pay such bills.

11 63. Defendants Wells Fargo, Mills and Bull caused checks to be issued to Defendants Shafer
12 and Bristol in their individual names, rather than to Defendants PFSN for which they were both
13 employed.

14 64. Defendants Wells Fargo, Mills and Bull falsified documentation submitted to the
15 Veteran's Administration, changing beneficiary status without authority to do so.

16 65. Defendants Wells Fargo, Mills and Bull engaged in a pattern of hiding information from
17 the beneficiaries of the Trust and covering for the wrongful actions of the other Defendants.

18 66. Defendants Wells Fargo, Mills and Bull have failed or refused to provide a complete
19 accounting to Mr. Olvera or the Trust, and it is believed that additional causes of action may arise
20 upon their receipt of the complete accounting sought through discovery herein.

21 67. Specifically, Wells Fargo has refused to provide copies of the invoices for which payment
22 was processed and made from the Trust's funds and accounts.

23 **FIRST CLAIM FOR RELIEF**

24 **Conversion**

25 **Against Defendants Shafer Bristol, PFSN, Deittrick, Avid**

26 68. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 67 above
27 as if set forth in full herein.

28 69. Defendants committed a distinct act of dominion wrongfully exerted over Guadalupe
Olvera's property by embezzling monies from the Guardianship bank accounts.

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1 70. These acts were in denial of, or inconsistent with, Plaintiff's title or rights therein.

2 71. These acts were in derogation, exclusion, or defiance of Plaintiff's title or rights in the
3 personal property.

4 72. At the time of the acts of conversion by Defendants, Bristol was an employee, agent
5 and/or servant of PFSN and Shafer. Bristol was acting within the course and scope of her
6 employment with PFSN at the time of the acts of conversion which are the basis of this claim. As
7 such, PFSN and Shafer are responsible for the conduct of Bristol under the doctrine of
8 *respondent superior* due to the master-servant relationship which existed at the time of the acts
9 of conversion made the basis of this claim.

10 73. At the time of the acts of conversion by Defendants, Deittrick and Avid employees, agents
11 and/or servants of PFSN and Shafer. They were acting within the course and scope of their
12 employment and/or agency with Shafer and/or PFSN at the time of the acts of conversion which
13 are the basis of this claim. As such, PFSN and Shafer are responsible for the conduct of Deittrick
14 and Avid under the doctrine of *respondent superior* due to the master-servant relationship which
15 existed at the time of the acts of conversion made the basis of this claim.

16 74. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to
17 compensatory damages in an amount in excess of \$75,000.00 to be proven at trial.

18 75. Plaintiff has been compelled to secure the services of Boggess & Harker to prosecute this
19 action and is entitled to recover costs and legal expenses including reasonable attorney's fees.

20 **SECOND CLAIM FOR RELIEF**
21 **(Breach of Fiduciary Duty)**
22 **Against All Defendants**

23 76. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 75 above
24 as if set forth in full herein.

25 77. Defendants owed a fiduciary duty to Plaintiff.

26 78. Defendants Shafer, Bristol and PFSN breached that duty by taking money from the
27 Guardianship assets for their own personal use and without authority to do so.

28 79. Defendants Shafer, Bristol, Avid and Diettrick breached that duty by charging fraudulent
and/or excessive fees to the Guardianship, in violation of NRS 159.193.

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1 80. Defendants PFSN, Shafer, Bristol, Avid and Diettrick breached that duty by charging
2 fraudulent and/or excessive fees to the Guardianship, in violation of NRS 159.193.

3 81. Defendants Wells Fargo, Mills and Bull breached that duty by knowingly allowing funds
4 belonging to the Plaintiff to be withdrawn, utilized and taken by other Defendants in violation of
5 Nevada and Federal law and without due regard to the property rights of Plaintiff.

6 82. Defendant CGC breached that duty by failing to take timely, effective action to investigate
7 or withdraw the accreditation of the other named Defendants, when evidence was presented to
8 CGC that such individuals were unworthy of CGC accreditation.

9 83. At the time of the above referenced breaches of fiduciary duty by Defendants Bristol,
10 Shafer and Diettrick, Bristol and Diettrick were employees, agents and/or servants of Defendant
11 PFSN. Defendants Bristol, Shafer and Diettrick were acting within the course and scope of their
12 employment with PFSN at the time of the acts of conversion which are the basis of this claim. As
13 such, PFSN is responsible for the conduct of Defendants Bristol, Shafer and Diettrick under the
14 doctrine of *respondiat superior* due to the master-servant relationship which existed at the time
15 of the breaches of fiduciary duty, described herein.

16 84. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to
17 compensatory damages in an amount in excess of \$75,000.00 to be proven at trial.

18 85. Plaintiff has been compelled to secure the services of Bogess & Harker to prosecute this
19 action and is entitled to recover costs and legal expenses including reasonable attorney's fees.

20 **THIRD CLAIM FOR RELIEF**
21 **(Civil RICO, Fraud)**

22 **Against Defendants Bristol, Shafer, PFSN, Deittrick and Avid**

23 86. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 85 above
24 as if set forth in full herein.

25 87. Defendants, in concert and with intent, absconded with an amount to be proved at trial but
26 in excess of \$75,000.00 from the Plaintiffs by means of multiple crimes of the same or similar
27 pattern that are interrelated and not isolated incidents.

28 88. By Defendants' multiple fraudulent acts of embezzlement of funds and receiving
possession of money in excess of \$250.00, Defendants committed predicated racketeering acts.

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1 89. Plaintiffs suffered injury by reason of Defendants' commission of predicated racketeering
2 acts.

3 90. Defendants violations proximately caused the Plaintiffs' injuries.

4 91. Plaintiffs did not participate in the racketeering activities.

5 92. The proceeds of these racketeering activities (multiple crimes) have, on information and
6 belief, been used in operation of at least one enterprise.

7 93. Under NRS 207.470, the Plaintiffs are entitled to damages from the Defendants in the
8 amount of three times the actual damages.

9 94. Plaintiffs are entitled to damages from the Defendants and remedies set forth in 18 U.S.C.
10 §§ 1961-1968, et seq., including an award of damages in the amount of three times the actual
11 damages.

12 95. Plaintiffs are entitled to an award of punitive damages.

13 96. In violation of NRS 207.400 and various federal statutes, Defendants conspired together to
14 commit this racketeering activity.

15 97. As a result of this racketeering activity, Plaintiffs have been damaged in an amount in
16 excess of \$75,000.00 to be proven at trial.

17 98. Plaintiff has been compelled to secure the services of Boggess & Harker to prosecute this
18 action and is entitled to recover costs and legal expenses including reasonable attorney's fees.

19 **FOURTH CLAIM FOR RELIEF**

20 **(Negligence)**

21 **Against Defendants PFSN, Shafer, Wells Fargo, Sun City Anthem and CGC**

22 99. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 97 above
23 as if set forth in full herein.

24 100. Defendants owed a duty of care to Plaintiff.

25 101. Defendants breached their duty by hiring Bristol even though the Defendants knew or
26 should have known, of Bristol's dangerous propensities, specifically that Bristol had declared
27 Chapter 13 Bankruptcy in 2006, and, at the time she was appointed Guardian, was in the middle
28 of a repayment plan.

102. Defendants were also aware or should have been aware of Bristol's gambling addiction.

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1 103. Defendants Wells Fargo and Sun City Anthem owed a duty of care to Plaintiff.

2 104. Defendant Wells Fargo breached its duty by hiring and/or failing to properly supervise
3 the activities of Defendants Mills and Bull, each of whom assisted Shafer and the other
4 Defendants in carrying out their unlawful and fraudulent schemes.

5 105. Defendant Sun City Anthem breached its duty by hiring and/or failing to properly
6 supervise Elliot.

7 106. Defendant CGC breached its duty by knowingly ignoring evidence that Shafer and other
8 Defendants were engaging in wrongful, fraudulent guardianship activities, and in failing to
9 further investigate or withdraw its accreditation of Shafer and other Defendants.

10 107. These breaches were the legal cause of Plaintiff's injuries.

11 108. Plaintiff suffered damages.

12 109. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to
13 compensatory damages in an amount in excess of \$75,000.00 to be proven at trial.

14 110. Plaintiff has been compelled to secure the services of Boggess & Harker to prosecute this
15 action and is entitled to recover costs and legal expenses including reasonable attorney's fees.

16 **FIFTH CLAIM FOR RELIEF**
17 **(Negligent Performance of an Undertaking)**
18 **Against All Defendants**

19 111. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 110
20 above as if set forth in full herein.

21 112. Defendants PFSN and Shafer undertook, gratuitously or for consideration, to render
22 services to Plaintiff which the Defendants should have recognized as necessary to the protection
23 of Plaintiff or her things and/or property.

24 113. The Defendants failed to exercise reasonable care increased the risk of harm to the third
25 person.

26 114. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to
27 compensatory damages in an amount in excess of \$75,000.00 to be proven at trial.

28 115. Plaintiff has been compelled to secure the services of Boggess & Harker to prosecute this
action and is entitled to recover costs and legal expenses including reasonable attorney's fees.

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SIXTH CLAIM FOR RELIEF
(Unjust Enrichment)
Against all Defendants

116. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 115 above as if set forth in full herein.

117. As described herein, by charging fraudulent and/or exaggerated expenses to Plaintiff's account, the Defendants unjustly retained the money and/or property of Plaintiff against fundamental principles of justice or equity and good conscience.

118. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to compensatory damages in an amount in excess of \$75,000.00 to be proven at trial.

119. Plaintiff has been compelled to secure the services of Boggress & Harker to prosecute this action and is entitled to recover costs and legal expenses including reasonable attorney's fees.

SEVENTH CLAIM FOR RELIEF
(Intentional Infliction of Emotional Distress)
Against Defendants Bristol and Shafer

120. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 120 above as if set forth in full herein.

121. Defendants' conduct was extreme or outrageous with either the intention of, or reckless disregard for causing emotional distress to Plaintiff.

122. Plaintiff suffered severe or extreme emotional distress as the actual or proximate result of the defendant's conduct.

123. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to compensatory damages in an amount in excess of \$75,000.00 to be proven at trial.

124. Plaintiff has been compelled to secure the services of Boggress & Harker to prosecute this action and is entitled to recover costs and legal expenses including reasonable attorney's fees.

EIGHT CLAIM FOR RELIEF
(Violation of NRS 41.1395)
Against All Defendants

125. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 124 above as if set forth in full herein.

1 126. Plaintiff, at all relevant times herein, was a "vulnerable person" within the meaning of
2 NRS 41.1395(e).

3 127. Plaintiff suffered a loss of money or property caused by exploitation of Shafer, Bristol
4 and Deittrick, as described herein within the meaning of NRS 41.1395.

5 128. In exploiting Plaintiff, Shafer, Bristol and Deittrick acted with recklessness, oppression,
6 fraud and/or malice.

7 129. As a direct and proximate result of the Defendants conduct, Plaintiff is entitled to
8 compensatory damages in an amount in excess of \$75,000.00 to be proven at trial.

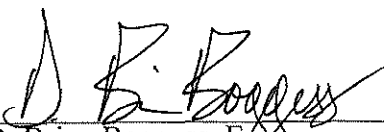
9 130. Plaintiff has been compelled to secure the services of Boggess & Harker to prosecute this
10 action and is entitled to recover costs and legal expenses including reasonable attorney's fees.

11 WHEREFORE, Plaintiff prays for judgment against the Defendants, as follows:

- 12 1. For general damages in an amount in excess of \$75,000.00;
- 13 2. Double damages against all defendants pursuant to NRS 41.1395;
- 14 3. Treble damages against all Defendants pursuant to Nevada and United States
15 Civil RICO statutes;
- 16 4. Cost of suit, prejudgment interest and attorney's fees and costs;
- 17 5. For compensatory damages in an amount in excess of \$75,000;
- 18 6. For punitive damages in an amount in excess of \$75,000.00; and
- 19 7. Such other and further relief as to the Court may appear just and equitable.

20 DATED this 7th day of August, 2014.

21 BOGGESS & HARKER

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23 By: 
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28 Attorneys for Plaintiff

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