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DAUN SLAGLE

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Superior Court of California  
County of Los Angeles

SEP 03 2014

Sherri R. Carter, Executive Officer/Clerk  
By Shaunya Bolden, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF LOS ANGELES

BC 555557

DAUN SLAGLE, an individual,

Plaintiff,

vs.

A& E TELEVISION NETWORKS, LLC, a  
Delaware limited liability company; A+E  
NETWORKS, an unknown entity; LIFETIME  
ENTERTAINMENT SERVICES LLC, a  
Delaware limited liability company;  
LIFETIME MOVIE NETWORK, an  
unknown entity; FRONT STREET  
PICTURES, INC., a California corporation;  
RICHARD CHRISTIAN MATHESON an  
individual; AND DOES 1 THROUGH 100  
inclusive;

Defendants.

**COMPLAINT FOR:**

1. DEFAMATION PER SE-PRIVATE FIGURE
2. DEFAMATION PER SE-LIMITED PUBLIC FIGURE
3. FALSE LIGHT INVASION OF PRIVACY
4. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
5. MISAPPROPRIATION
6. INJUNCTIVE RELIEF

**REQUEST FOR PUNITIVE DAMAGES**

**JURY TRIAL DEMANDED**

Plaintiff DAUN SLAGLE ("plaintiff Slagle") hereby submits the following Complaint  
for Damages against Defendants A& E TELEVISION NETWORKS, LLC, A+E NETWORKS,  
LIFETIME ENTERTAINMENT SERVICES LLC, LIFETIME MOVIE NETWORK, FRONT

1 STREET PICTURES, INC., RICHARD CHRISTIAN MATHESON, and DOES 1 through 100  
2 inclusive, and hereby alleges as follows:

3 **INTRODUCTION AND BACKGROUND FACTS**

4 1. On March 1, 2014, Lifetime Entertainment Services, LLC, through its network  
5 Lifetime Movie Network (collectively “Lifetime”), premiered the movie “Happy Face Killer.”  
6 Lifetime represented to the public that “Happy Face Killer” was “based on the true story so  
7 shocking and twisted that it was the subject of an hour-long Oprah and covered in the national  
8 media.”

9  
10 2. “Happy Face Killer” purports to be the “true story” of Keith Hunter Jespersen  
11 (“Jespersen”). Jespersen was a serial killer from the Pacific Northwest who killed at least 8  
12 women between 1990 and 1995 in the States of California, Oregon, Washington, Florida and  
13 Wyoming or Nebraska. The media named Jespersen the “Happy Face Killer” because he sent  
14 journalists and law enforcement letters detailing his crimes and signed the letters with a happy  
15 face. Jespersen is a convicted murderer currently serving consecutive life prison sentences in  
16 Oregon. Jespersen has also been convicted of murder in California. Serial killer Jespersen was a  
17 long-haul big rig truck driver who operated throughout the United States, but primarily up and  
18 down the I-5 corridor through Washington, Oregon and California.

19  
20 3. *Plaintiff Slagle is a central and recognizable figure in the Keith Jespersen story.*  
21 She was the sole survivor of Jespersen’s killing spree, and had alerted authorities early on to his  
22 criminal and violent behavior. She has been identified, discussed and/or portrayed in various  
23 articles, stories and television shows pertaining to the serial murderer. Plaintiff Slagle survived a  
24 brutal sexual assault, sexual battery and attempted murder effort at the hands of Jespersen in  
25 Mount Shasta, California (“Mt. Shasta”) on the night of April 13, 1990 and early morning of  
26 April 14, 1990. After surviving the brutal life-threatening attack and escaping with her infant  
27  
28

1 child, she immediately went to the Mt. Shasta Police Department and filed a criminal complaint  
2 against Jespersen in the early morning hours of April 14, 1990. Jespersen was subsequently  
3 detained in Corning, California and ordered to drive back to Mt. Shasta. Jespersen was  
4 interviewed by police on April 14, 1990 and admitted to trying to force plaintiff to orally  
5 copulate him. Jespersen was subsequently charged by the Siskiyou County District Attorney  
6 Office with sexual battery and sexual assault under California Penal Code §243.4.

7  
8 4. Despite having been portrayed as the courageous victim and survivor of an  
9 attempted murder, plaintiff was humiliated and embarrassed by defendants when she was  
10 depicted in the “Happy Face Killer” movie as a prostitute, a person who voluntarily orally  
11 copulated a serial killer, a mother who committed sex acts for pay in front of her infant child, an  
12 unfit mother and person who sought to extort money by threatening to file a false criminal rape  
13 complaint against Jespersen. Disturbingly, the film leaves the viewer with the sense that plaintiff  
14 somewhat provoked and/or deserved the attack due to her low character, criminal behavior and  
15 taunting of Jespersen, creating a certain sympathy for the killer. This portrayal is false,  
16 egregious and disgusting.

17  
18 5. At no time has plaintiff Slagle ever been a prostitute. When attacked, plaintiff  
19 Slagle was 21 years old, married and the mother of three (3) children. All police and legal  
20 documents pertaining to Jespersen’s sexual assault and attempted murder of plaintiff are void of  
21 any reference that plaintiff Slagle was a prostitute or that there was anything consensual about  
22 the attack that evening.

23  
24 6. *Even Jespersen himself has never stated that plaintiff Slagle was a prostitute in*  
25 *any of the self-serving and twisted sociopathic explanations he has given for his brutal sexual*  
26 *assault and battery of plaintiff on April 13, 1990. In his April 14, 1990 interview with the Mt.*  
27 *Shasta Police Department, Jespersen admitted that he asked plaintiff Slagle “to give him head”*  
28

1 and that she refused. When she refused his request, Jesperson admitted that he took out his erect  
2 penis out of his pants and put his arm around plaintiff Slagle's neck to try and force her to orally  
3 copulate him. When plaintiff Slagle resisted, and attempted to exit the vehicle, Jesperson  
4 tightened his arm around plaintiff Slagle's neck in the effort to prevent her from exiting the  
5 vehicle. Plaintiff maintains Jesperson attempted to sexually assault her, and that when she  
6 refused to orally copulate him that he became extremely violent and attempted to choke her and  
7 break her neck.

8  
9 7. Defendants were aware that their portrayal of Plaintiff in the "Happy Face Killer"  
10 movie was false. In the year 2009, plaintiff Slagle was asked to appear on Oprah Winfrey's  
11 television show alongside Jesperson's daughter, Melissa Moore. Oprah Winfrey's producers and  
12 Moore solicited plaintiff Slagle to appear on Oprah's show, whereupon Plaintiff reluctantly  
13 agreed and chose to do so to ensure the specifics of her ordeal were accurately portrayed. At the  
14 time, Moore was promoting her book titled Shattered Silence The Untold Story of a Serial  
15 Killer's Daughter.

16  
17 8. Before appearing on the show, however, Oprah Winfrey's producers demanded to  
18 see the police report and law enforcement documents related to Jesperson's attack against  
19 plaintiff to confirm that her factual recollection of events was accurate. Oprah Winfrey's  
20 producers received the police report and charging documents from the Siskiyou County District  
21 Attorney Office, confirmed plaintiff's version of the attack was accurate, and then taped the  
22 show with Plaintiff in Chicago on August 28, 2009, and broadcast on television on September  
23 17, 2009. A true and correct copy of the Mt. Shasta Police report relating to the incident along  
24 with a narrative of law enforcement's interview of Jesperson the day after the attack and the  
25 Siskiyou County Superior Court case information sheet for the criminal case against Jesperson is  
26 attached to this complaint as Exhibit A.  
27  
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1           9.       Plaintiff appeared on the set of the Oprah show with Moore, Dr. Phil and Oprah  
2 and a studio audience. During the show, a previously taped video segment with plaintiff visiting  
3 the site of where she encountered Jespersen and where he attacked her was played. That  
4 segment was taped in Mt. Shasta, California. Within that video segment, plaintiff Slagle  
5 discussed how Jespersen attempted to force plaintiff to orally copulate him against her will and  
6 that when she refused he attempted to choke and kill her.

7  
8           10.     In promoting and advertising the “Happy Face Killer” movie, the A&E  
9 defendants and Lifetime defendants prominently used the fact that Jespersen’s crimes were “the  
10 subject of an hour-long Oprah” episode to increase viewership of the movie and provide  
11 credibility to the movie being a “true story.” By specifically referencing the Oprah segment,  
12 defendants were aware of the truth behind the assault and plaintiff’s actions as depicted on that  
13 show, yet deliberately and/or recklessly produced, distributed and aired the “Happy Face Killer”  
14 that falsely portrayed plaintiff Slagle and defamed her as a prostitute, unfit mother and person  
15 who was trying to extort money by threatening to file a false rape charge against Jespersen with  
16 police.

17  
18           11.     What’s even more egregious is that in October 2013, plaintiff wrote to the  
19 Lifetime defendants when she learned the movie was being made about Jespersen from his  
20 daughter Moore, and offered to be a source with respect to the actual events that occurred behind  
21 her attack and the Jespersen ordeal. The Lifetime Defendants did not respond to plaintiff Slagle.

22  
23           12.     Notwithstanding, through basic due diligence and general searches over the  
24 internet, it was very simple to ascertain the truth about plaintiff’s attack and the events of that  
25 morning. Within seconds of a google search of plaintiff, Keith Jespersen or Happy Face Killer,  
26 numerous articles, interviews, shows and stories come up about Jespersen’s story and the truth of  
27 his attack against plaintiff. As it is the custom and practice in the film and television industry to  
28

1 perform field research on topics that portray and/or are based non-fictional accounts, Defendants  
2 were either aware or recklessly chose to disregard researching this information and following-up  
3 on known facts to ascertain the true story behind plaintiff's attack.

4 13. The end result of defendants' actions: plaintiff Slagle has been libeled per se,  
5 defamed and portrayed in a false light by defendants. Plaintiff has suffered reputational and  
6 emotional damages as a result of defendants' deliberate and/or grossly reckless actions in  
7 defaming her and portraying her falsely as a prostitute, a person who would seek to extort money  
8 by threatening to file a false police report, and as an unfit mother who admits she is not worthy  
9 of being a mother to her child. Plaintiff has been treated differently and shunned by certain  
10 family members, relatives, friends, former work colleagues and others since "Happy Face Killer"  
11 was broadcast, and has additionally been prevented employment opportunities and suffered  
12 damages to her good name and reputation. Whereupon, by virtue of this complaint, plaintiff  
13 seeks justice.  
14

#### 15 **THE PARTIES**

16 14. Plaintiff DAUN SLAGLE (hereinafter "plaintiff" or "plaintiff Slagle") is an adult  
17 female residing in the State of California, Butte County. Plaintiff Slagle is a single mother of  
18 three (3) children, a grandmother and a registered nurse. Plaintiff has suffered and continues to  
19 suffer severe emotional and psychological distress as well as extreme professional and  
20 reputational damage as a result of defendants' actions as herein alleged. At the time plaintiff was  
21 attacked by Jespersion, her married name was Daun Cochran. However, since 2002, plaintiff has  
22 gone by the names Daun Richert-Slagle or Daun Slagle.  
23

24 15. Defendant A&E Television Networks, LLC ("A&E") is a Delaware limited  
25 liability company and media entity licensed to and doing business in the State of California.  
26 A&E is owned by Hearst Corporation and Disney – ABC Television Group. A&E operates a  
27  
28

number of television channels and airs and broadcasts its content in the State of California.

16. Defendant A+E NETWORKS, from publically available information, is related to defendant A&E. Plaintiff is informed and believes and therefore alleges that A&E conducts certain business operations under the name “A+E Networks.” Defendant A+E Networks is a media entity conducting business in the State of California. Defendants A&E Television Networks, LLC and A+E NETWORKS will be collectively referred to in this complaint as “A&E.” The A&E defendants were involved in the production and broadcast of “Happy Face Killer.”

17. Defendant Lifetime Entertainment Services, LLC (“Lifetime”) is a Delaware limited liability company and media entity licensed to and doing business in the State of California. Lifetime operates television channels including Lifetime Movie Network. Lifetime Entertainment Services, LLC is a subsidiary of A&E.

18. Defendant Lifetime Movie Network is a television channel and entity within the Lifetime Entertainment Services, LLC. Lifetime Movie Network broadcasts content in, and collects advertising revenue from, the State of California. Lifetime Entertainment Services, LLC and Lifetime Movie Network will be collectively referred to as “Lifetime” in this complaint. Lifetime Movie Network maintains a website that can be accessed at [www.mylifetime.com](http://www.mylifetime.com). The Lifetime defendants were involved in the production and broadcast of “Happy Face Killer.”

19. Defendant Front Street Pictures, Inc. (“Front Street”) is a California corporation and production company involved in making films and television programs. Front Street has offices in and does business in Los Angeles, California. Front Street was the production company involved in producing “Happy Face Killer.”

20. Defendant Richard Christian Matheson (“Matheson”) is an individual who resides and works in Los Angeles, California. Matheson wrote the script for “Happy Face

1 Killer.” Plaintiff is informed and believes and therefore alleges that at all times herein  
2 mentioned Matheson acted within the scope of his employment or agency with A&E and  
3 Lifetime and that his conduct and script were approved and ratified by A&E and Lifetime.

4 21. The true names and capacities of defendants named as DOES 1 through 100,  
5 inclusive, are presently unknown to plaintiff, who therefore sues said defendants by such  
6 fictitious names pursuant to California Code of Civil Procedure § 474. Plaintiff will amend this  
7 complaint to set forth the true names and capacities of these fictitious defendants when they are  
8 ascertained. Plaintiff is informed and believes and on that basis alleges that each of the fictitious  
9 defendants has participated in the acts alleged in this complaint to have been done by the named  
10 defendants.  
11

12 22. Plaintiff is informed and believes and on that basis alleges that, at all relevant  
13 times, each defendant, whether named or fictitious, was the agent, partner, joint venture partner,  
14 conspirator or employee of each of the other defendants, and in doing the things alleged to have  
15 been done in the complaint, acted within the scope of such relationship or ratified the acts of the  
16 others, and is jointly and severally liable as such. Plaintiff further believes and alleges that  
17 defendants, and each of them, are the alter egos of the other, and that there is such a unity of  
18 interest and ownership between and among defendants, that such interests have become  
19 intertwined and non-separable.  
20

### 21 **JURISDICTION AND VENUE**

22 23. Jurisdiction is proper in this court as plaintiff resides in, and has suffered injury  
23 in, California as a result of defendants’ tortious actions involving the writing, producing, and  
24 broadcasting of defamatory statements about her in this State. Additionally, all defendants have  
25 purposefully availed themselves of the benefits of the State of California as all work and/or  
26 reside and/or conduct business operations in California.  
27  
28

24. Venue is proper in this Court because Defendant Matheson is a resident of Los Angeles, California, and Front Street Pictures is a California corporation with its offices located in Los Angeles County, California. In addition, Defendants A&E and Lifetime have offices, agents and/or conduct business in Los Angeles County.

**ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION**

25. A&E and Lifetime have been making and broadcasting made-for-television “docudrama” movies such as “Happy Face Killer” for many years. Docudramas are dramatic reenactments of actual events. One of the docudrama genres specialized in by A&E and Lifetime is true crime. The true crime genre focuses on making films that document real life serious crimes. A&E and Lifetime predominately broadcast true crime docudramas on the Lifetime Movie Network cable television channel.

26. A&E and Lifetime promote their docudrama movies as recreations of “true events” to draw in viewers who then expect to learn the “truth” about what actually happened in notorious crimes featured in the media. Viewers watching these true crime docudramas are led to believe that A&E/Lifetime’s portrayals of victims and events in these docudramas are true and accurate.

27. On March 1, 2014, Lifetime premiered “Happy Face Killer.” The movie was advertised on the [www.mylifetime.com](http://www.mylifetime.com) website prior to and after the premiere as the “shocking true story” of serial killer Keith Jespersion and his victims. The advertising also prominently stated that issues relating to the Jespersion/Happy Face Killer case had been featured on an hour-long episode of Oprah Winfrey’s show.

28. The movie purports to portray the true story of Jespersion, his background, his victims and the story of his killing spree, thus making the viewer believe it’s a true rendition of what happened. However, with respect to plaintiff Slagle, the movie incorporates as the

1 backdrop actual circumstances and events surrounding the attack to lead the viewer to believe the  
2 depiction is accurate, but then maliciously and gratuitously adds false, defamatory and vicious  
3 facts that completely alter and inaccurately describe the nature and character of plaintiff. She is  
4 transformed from being the courageous victim of a murderous attack who managed to save the  
5 life of herself and her infant, into being portrayed as an unfit young mother who was prostituting  
6 herself and providing voluntary sexual acts to a serial killer in the immediate presence of her  
7 child, and who then sought to extort money by threatening to file a false rape charge against  
8 Jesperson with police.  
9

10 **A. PLAINTIFF DAUN SLAGLE AND THE APRIL 13, 1990 ATTACK**

11 29. Daun Slagle is a single mother, grandmother and a registered nurse. She has dealt  
12 with fear, sadness and adversity that few people can understand, and thankfully almost none will  
13 ever have to experience during their lives.

14 30. On April 13, 1990, plaintiff Slagle was 21 years old and needed to leave her home  
15 that evening as her husband at the time had been drinking heavily. Plaintiff knew from past  
16 experience that her husband could become very hostile and threatening when drinking. To avoid  
17 a potential physical confrontation at home, plaintiff Slagle decided to leave her home with her  
18 youngest infant and come back later in the evening when her husband went to sleep.  
19

20 31. Plaintiff Slagle resided in Mt. Shasta, California at the time, a small and sleepy  
21 town of slightly more than 3000 people in Northern California. Mt. Shasta had, and still has, a  
22 very low crime rate.  
23

24 32. Plaintiff Slagle walked to the downtown central area of Mt. Shasta because it had  
25 stores and restaurants open and was well lit.

26 33. While with her child in a parking lot adjacent to businesses in downtown Mt.  
27 Shasta, plaintiff was approached by a man later learned to be Jesperson.  
28

1           34.     Jespersion attempted to make small talk and elicited plaintiff's situation from her.  
2     After learning of plaintiff's home situation, Jespersen said he was divorced and had children to  
3     ease any concerns she may have had about him. Jespersen said he had just been at one of his  
4     children's birthday parties the day before and discussed his recent divorce from his wife.  
5     Jespersion said they should go to his car as it would provide warmth to plaintiff Slagle's child. It  
6     was cold that evening and plaintiff eventually agreed to go to his vehicle as he seemed safe given  
7     that he was a father of young children and had demonstrated a caring attitude to that point.

8  
9           35.     The nightmare began from there. Jespersen drove them out to a remote area of  
10    Mt. Shasta and then demanded that plaintiff Slagle "suck his dick." When plaintiff refused,  
11    Jespersion became violent and attempted to force plaintiff's head to his penis. As she resisted,  
12    Jespersion choked plaintiff and tried to break her neck.

13           36.     Plaintiff resisted the violent attack and attempted murder on her life and  
14    negotiated with Jespersen to save her life. She told Jespersen that she would do whatever he  
15    wanted if he would just let her pick up her infant child who had fell to the floorboard of the  
16    vehicle during the attack. The infant was crying and plaintiff kept trying to calm Jespersen down  
17    and assure him she would do what he wanted. Plaintiff Slagle told Jespersen she would not tell  
18    anyone about the attack and would not go to the police if he just let her and her child go.

19  
20           37.     Plaintiff's negotiations with Jespersen and the infant's crying eventually worked,  
21    and Jespersen started the vehicle and drove towards town. Then Jespersen pulled over to the  
22    side of the road just outside of Mt. Shasta and was silent. Plaintiff gathered all the courage she  
23    could as Jespersen was likely internally debating what he was going to do next, and before he  
24    could change his mind to try and kill her again or her child, plaintiff opened the car door and ran  
25    for her life back to town. Thankfully she and her infant son escaped with their lives that night,  
26    but they have coped with the aftermath of that incident ever since.

1           38. Plaintiff immediately went to the Mt. Shasta Police Department and filed a  
2 criminal report.

3           39. Jesperson admitted to the Mt. Shasta Police Department Police when he was  
4 interviewed by them only hours after the sexual assault and battery that he told plaintiff to orally  
5 copulate him, and when plaintiff refused to do so, he forced her head towards his penis. He also  
6 admitted to grabbing plaintiff's neck. As such, Jesperson confessed to sexual assault and sexual  
7 battery.  
8

9           40. The Siskiyou County District Attorney Office subsequently charged Jesperson  
10 with violating Penal Code §243 - sexual assault and sexual battery - for his attack against  
11 plaintiff.

12           **B. PLAINTIFF SLAGLE LIVES A PRIVATE LIFE FOR 19 YEARS**

13           41. For 19 years after the Jesperson attack plaintiff remained silent. Before Jesperson  
14 was arrested in 1995, plaintiff lived a nightmare never knowing if Jesperson would try and track  
15 her down and attempt to rape or kill her again. Plaintiff heard that Jesperson had stopped in Mt.  
16 Shasta when trucking down I-5 after he had attacked her.  
17

18           42. Plaintiff was also advised by a police detective investigating one of Jesperson's  
19 murders in Blythe, California, that Jesperson had threatened plaintiff's life even while  
20 incarcerated. The detective told plaintiff that Jesperson told him that his one mistake was letting  
21 plaintiff live and that if he ever got out of prison he would track plaintiff down and kill her. The  
22 detective told plaintiff that he believed Jesperson was deadly serious about his threat against her  
23 life.  
24

25           43. As such, even when Jesperson was arrested in 1995 and convicted, plaintiff was  
26 always fearful. Plaintiff to this date continues to demanded notifications from law enforcement  
27 agencies if Jesperson ever breaks out of prison.  
28

1           44. Plaintiff has also lived in fear that Jesperson may ask one of his prison pen-pal  
2 friends to track plaintiff down and harm her or her family.

3           45. On a television segment titled “The Secret Lives of Serial Killers” that ran on an  
4 Australian television show in May 2013 just last year, Jesperson’s ex-wife Rose discussed her  
5 fears of Jesperson even after he was arrested and charged with murder. Rose states in the video  
6 footage when asked what feelings she had about Jesperson’s crimes and arrest: “Um, I was  
7 scared, because if he could kill other women, will he come back and kill us?”

8           46. Plaintiff Slagle’s fears to this day of Jesperson are well founded and shared by  
9 Jesperson’s ex-wife.  
10

11           47. Because of these legitimate fears, concerns and real-life issues, plaintiff never  
12 sought any media attention or publicity for the attack. Plaintiff’s sole focus was on living a life  
13 under the radar and hoping she and her children would never face Jesperson again.

14           48. Plaintiff Slagle was silent for nearly 2 decades, and would have liked to continue  
15 being so, but was forced to go public in the year 2009 when she learned that David Lohr, a  
16 contributing writer to the internet blog called “In Cold Blog,” had published portions of some  
17 letters he had received from Jesperson from the 1999 to 2002 period when Lohr was  
18 corresponding with Jesperson. The portion of the Jesperson letters that Lohr published  
19 mentioned plaintiff by name and discussed his attack on plaintiff in Mt. Shasta. Jesperson’s  
20 letters contained numerous falsities about his attack against plaintiff, and plaintiff felt compelled  
21 to respond on the blog website to defend herself and her reputation.  
22

23           49. Notably, Jesperson’s letters – while nearly entirely false as to the salient details  
24 surrounding his attack on plaintiff – do not ever state that plaintiff Slagle was a prostitute or  
25 engaged in prostitution on the night Jesperson attacked her, nor that she sought to extort him by  
26 threatening to file a false police report. Moreover, Jesperson admits in the letters that he tried to  
27  
28

1 break plaintiff's neck and kill her that night. Jesperson says he stopped trying to kill plaintiff  
2 because her infant child was crying and he did not want to kill an infant and realized he would  
3 have to if he killed plaintiff.

4 50. Plaintiff Slagle contacted David Lohr after seeing the blog entry in 2009, and  
5 ultimately met Jesperson's daughter, Melissa Moore.

6 51. In the year 2009, Moore wrote a book titled Shattered Silence: The Untold Story  
7 Of A Serial Killer's Daughter. Moore was trying to promote her book, and once she was  
8 introduced to plaintiff, asked plaintiff to appear on an episode of Dr. Phil or Oprah about  
9 Jesperson/ Happy Face Killer.  
10

11 **C. PLAINTIFF SLAGLE IS ASKED TO APPEAR ON OPRAH**

12 52. Melissa Moore appeared on the *Dr. Phil Show* in November 2008 to talk about  
13 her father. Subsequently she began writing a book about her father.

14 53. On February 9, 2009, Melissa Moore reached out to plaintiff and asked if she  
15 would like to appear on the *Dr. Phil Show* with her to defend herself and rebut the inaccurate  
16 accounts of her attack by Jesperson.  
17

18 54. Plaintiff Slagle remained reluctant to make any public appearance as she wanted  
19 to continue staying out of the public light, both for fear of Jesperson's retaliation, as well as due  
20 to the extreme emotional nature of reliving the incident. However, Jesperson's killing spree  
21 started getting renewed public attention, and inaccurate accountings and reports of Plaintiff's  
22 ordeal started to surface (i.e. Lohr's article), and Plaintiff felt compelled to correct the record. In  
23 addition, Melissa Moore was persistent and continued to write plaintiff to appear in the show,  
24 confirming Plaintiff's need to confront the falsehoods Jesperson has stated publically about his  
25 attack on her.  
26

27 55. In June of 2009, Melissa Moore contacted plaintiff by email and advised her that  
28

1 Oprah Winfrey's producers were interested in having her and plaintiff on the Oprah Winfrey  
2 Show.

3 56. As the year 2009 went on, Melissa Moore asked plaintiff to write a prologue to  
4 her book. Plaintiff considered it but ultimately refused. Instead, in July of 2009, plaintiff Slagle  
5 wrote to the publisher of Moore's book – Cedar Fort Publishing Co. - and requested that all  
6 references to her name be removed from Moore's book.

7 57. Cedar Fort Publishing Co. agreed and removed all content about plaintiff from  
8 Moore's Shattered Silence: The Untold Story Of A Serial Killer's Daughter book prior to  
9 publishing.  
10

11 58. In August of 2009, plaintiff advised Oprah's producers that she did not want to  
12 appear on the show. But Moore and Oprah's producers kept after plaintiff to appear on the  
13 show, and she eventually agreed believing it would be necessary to preserve a true accounting of  
14 what happened during the attack, as well as an opportunity to refute the false statements  
15 Jesperson had made about the factual details of his attack on her. The show was taped in  
16 Chicago on August 28, 2009 aired on September 17, 2009 as the Oprah season 24 premiere  
17 episode.  
18

19 59. After agreeing to appear, the producers of the Oprah Winfrey show required  
20 plaintiff Slagle to provide them with a copy of the police report tied to her incident with  
21 Jesperson. This was part of the factual due diligence conducted by the Oprah Winfrey show and  
22 not negotiable.  
23

24 60. Thereafter plaintiff and Oprah's producers contacted the Mr. Shasta Police  
25 Department and the Siskiyou County District Attorney Office to obtain the police reports and  
26 criminal charging documents. The Siskiyou County District Attorney office sent a copy of the  
27 police report and Siskiyou County Court charging documents attached as Exhibit A to this  
28

1 complaint to Oprah's producers. Once the producers confirmed plaintiff's factual version of  
2 events, she then taped and appeared on the show.

3 61. Plaintiff Slagle was not paid an appearance fee for appearing on Oprah.

4 62. Plaintiff appeared on the show as Daun Slagle. In addition to being on the set in  
5 Chicago to shoot the episode with a live studio audience, a previously taped video segment  
6 concerning plaintiff's incident where plaintiff was interviewed at the sites of where Jesperson  
7 approached her and where Jesperson attacked her in Mt. Shasta was aired during the show.  
8

9 63. In the video segment, plaintiff Slagle describes how Jesperson approached her on  
10 the night of the attack and was friendly. Plaintiff states that once Jesperson drove them to an  
11 area outside of town that she saw that Jesperson had pulled his penis out of his pants and was  
12 masturbating. Plaintiff knew she was in trouble and started grabbing the door handle. Jesperson  
13 then began choking her. Plaintiff Slagle told Jesperson she would do whatever he wanted so  
14 long as Jesperson did not harm her child. Jesperson then tried to force plaintiff to orally copulate  
15 him. As she resisted, her infant child fell to the floor of the car and Jesperson was stomping on  
16 the child as he was assaulting and battering plaintiff. Eventually with begging and pleading  
17 Jesperson drove back to Mt. Shasta, and when pulled over, plaintiff got out of the car with her  
18 infant and ran for her life.  
19

20 64. The video segment of the Oprah show can be viewed on the web at  
21 [www.oprah.com/oprahshow/How-One-Woman-Escaped-a-Serial-Killer-Video](http://www.oprah.com/oprahshow/How-One-Woman-Escaped-a-Serial-Killer-Video).  
22

23 65. Related to the Oprah appearance, two local newspapers in the Chico, California  
24 area ran a story of her survival and incident the day the Oprah show aired. The local news article  
25 can be found online at *Serial killer's sole survivor tells story after 19 years*, Oroville Mercury-  
26 Register, Sept. 17, 2009 [http://www.orovillemr.com/ci\\_13356070](http://www.orovillemr.com/ci_13356070). The Chico Enterprise Record  
27 ran the exact same article the same day. This story and an image of plaintiff Slagle is the 2<sup>nd</sup>  
28

1 search result when one searches Google for “Happy Face Killer survivor.”

2 **D. PLAINTIFF SLAGLE LEARNS THAT LIFETIME IS MAKING “HAPPY**  
3 **FACE KILLER” IN 2013 AND CONTACTS THE NETWORK TO OFFER**  
4 **HER VERSION OF JESPERSON’S ATTACK AGAINST HER BEFORE**  
5 **THE MOVIE IS MADE OR BROADCAST TO THE PUBLIC**

6 66. After the appearance on Oprah in 2009 to refute the false information about her  
7 attack that Jesperson had made public, plaintiff went back to living life as a private person.

8 67. Plaintiff Slagle made a brief appearance on “The Devil You Know,” an  
9 Investigation Discovery Channel show, and in 2013 an Australian television show ran a story  
10 “The Secret Life of Serial Killers” which featured a brief segment about Jesperson’s attack  
11 against her. The Australian show was called “Sunday Night at 7.”

12 68. But plaintiff Slagle has otherwise avoided publicity and the media and has turned  
13 down appearances on major nationally broadcast shows like 20/20 and Dr. Phil that wanted to air  
14 features on her incident and survival. She has never sought to bring notoriety or attention to  
15 herself pertaining to the Jesperson murders other than to refute previously published false  
16 accounts of herself and/or to ensure an accurate account of the event by appearing herself and  
17 telling her story firsthand, so no one else could take license and depict her in a false or  
18 defamatory manner.

19 69. In late 2013, plaintiff learned from Melissa Moore that Lifetime was making a  
20 movie about Jesperson called “Happy Face Killer.” Upon learning this, plaintiff immediately  
21 reached out to Lifetime to ensure that if her incident was used in the movie that it was properly  
22 portrayed. Plaintiff emailed Lifetime on October 29, 2013. Plaintiff sent her email to  
23 [lmn@lifetime.com](mailto:lmn@lifetime.com) and [webmail@lifetimetv.com](mailto:webmail@lifetimetv.com).

24 70. In her email, plaintiff explained she was the only survivor of Jesperson and the  
25 significance of her incident in the broader story of Jesperson. Plaintiff referenced a book on  
26  
27  
28

1 Jespersion called, "*I*" *The Creation of a Serial Killer*, by Jack Olsen, and explained how it does  
2 not give a fair or accurate description of the brutal attack and sexual assault Jesperson  
3 perpetrated against her. Plaintiff advised Lifetime that she had been on the Oprah Winfrey show  
4 and that she would be glad to serve as a resource to Lifetime so they would have an accurate  
5 factual version of events as to the attack she was subjected to on April 13, 1990. Plaintiff was  
6 not seeking money or publicity by reaching out to Lifetime; she only wanted to ensure the truth  
7 of her attack would be told if the movie used her incident in the docudrama. Lifetime did not  
8 respond to plaintiff's correspondence.

9  
10 71. At no point before, during or after the making of "Happy Face Killer" have any of  
11 the defendants contacted plaintiff to obtain her version of the attack or to obtain a release from  
12 her.

13 **E. A&E AND LIFETIME ADVERTISE AND MARKET "HAPPY FACE**  
14 **KILLER" AS THE "TRUE STORY SO SHOCKING AND TWISTED"**  
15 **THAT IT "WAS THE SUBJECT OF AN HOUR-LONG OPRAH AND**  
16 **COVERED IN THE NATIONAL MEDIA."**

17 72. Defendants deliberately and or recklessly advertised and promoted "Happy Face  
18 Killer" as the "true story" of Keith Jesperson.

19 73. This advertising and promotion strategy led reasonable viewers to falsely believe  
20 that the depiction of plaintiff Slagle in "Happy Face Killer" was true and accurate.

21 74. On the Lifetime website, [www.mylifetime.com](http://www.mylifetime.com), there is a "Happy Face Killer"  
22 section devoted to the promotion and streaming of the movie. On the website page where  
23 people were able to stream the movie, the description reads: "This Lifetime Original Movie is  
24 based on the true story so shocking and twisted that it was the subject of an hour-long Oprah and  
25 covered in the national media." The A&E/Lifetime website site also states: "This Lifetime  
26 Original Movie is based on the shocking true story of serial killer Keith Hunter Jesperson and the  
27  
28

1 police hunt to bring him to justice.” The above representations were made by A&E/Lifetime on  
2 the [www.mylifetime.com](http://www.mylifetime.com) website.

3 75. The A&E/Lifetime website also prominently labels “Happy Face Killer” under  
4 the genres “True Story” and “True Crime.”

5 76. On information and belief, defendants provided advertising and promotional  
6 content to Xfinity. In March 2014 on the Xfinity/Comcast website, “Happy Face Killer” was  
7 promoted and represented to be: “This Lifetime Original Movie follows the grisly true-crime  
8 story of a truck driver who, during his work travels across the country, kills numerous women  
9 and leaves a confession of each murder with a scrawled happy face as cryptic evidence of his  
10 crime.” These representations were made to the public on xfinity’s website at  
11 xfinitytv.comcast.net.  
12

13 77. A reasonable person looking at defendants’ online advertising and promotion  
14 would be led to believe that “Happy Face Killer” is a “true story,” which credibility was further  
15 enhanced by being featured on one of the most trusted, respected and viewed shows in America,  
16 Oprah.  
17

#### 18 **F. “HAPPY FACE KILLER” IS BROADCAST**

19 78. A&E and Lifetime’s first national television broadcast of “Happy Face Killer”  
20 was on March 1, 2014. They broadcast it again on March 15, 2014. Thereafter, A&E and  
21 Lifetime broadcast the movie several more times in March and have broadcast it nationally  
22 multiple other times in June and July of 2014.  
23

24 79. As of August 2013, according to Nielsen U.S. Cable channel coverage estimates,  
25 the Lifetime Movie Network Channel is received in 83,933,000 households (73.5% of the U.S.).  
26 The well know website which monitors television viewership, “The Futon Critic,” indicated that  
27 over 2 million viewers watched the premiere of the Happy Face Killer. The show has aired a  
28

number of times since this premiere, estimating additional viewership well into the multi-millions.

80. In March of 2014, Lifetime allowed its cable subscribers to stream the movie directly from the Lifetime website, where a whole section of the site was devoted to promoting and advertising “Happy Face Killer.”

81. “Happy Face Killer” was also made available to A&E and Lifetime subscribers on other websites with streaming capability such as Xfinity.com.

82. The movie’s director, defendant Rick Bota, personally published and broadcast “Happy Face Killer” on his professional Vimeo.com account, searchable on Google and available for anyone to watch at no cost.

83. Currently, distribution has increased to availability on-demand through such providers as Amazon, VUDU and youtube, and will likely expand into other areas of domestic media, as well as through international outlets.

**G. THE LIKENESS OF DAUN SLAGLE AND “CANDY SMITH” IN “HAPPY FACE KILLER” AND DEFAMATION OF PLAINTIFF SLAGLE**

84. Plaintiff is portrayed in the “Happy Face Killer” movie as “Candy Smith,” the lone survivor of Keith Hunter Jespersen.

85. “Happy Face Killer” tells the story of the serial killer Keith Hunter Jespersen, who murdered at least eight women over the course of five years.

86. Plaintiff Slagle is the only person who has survived one of Jespersen’s murderous attacks.

87. Lifetime’s “Happy Face Killer” depicts nearly all of Jespersen’s murders in detail, with a special focus on the one survivor who lived to tell the truth of Jespersen’s violence. As advertised, the movie purported to be a “shocking true story,” but “Happy Face Killer” was false

in its portrayal of the only Jesperson survivor.

88. Plaintiff believes the following similarities between Plaintiff Slagle and “Candy Smith” establish a likeness sufficient to demonstrate that any reasonable person would conclude that Plaintiff is “Candy Smith” in the movie:

| <b>“Candy” in “Happy Face Killer”</b>                                                  | <b>Real Life Daun Slagle Incident With Jesperson</b>                                                 |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| “Candy Smith” is the sole survivor of Jesperson’s murder spree in “Happy Face Killer.” | Daun Slagle is the only know survivor of Jesperson in real life.                                     |
| “Candy Smith” is with an infant child in the movie.                                    | Daun Slagle was with her 4 month old infant when Jesperson approached her.                           |
| “Candy” is a woman in her early twenties.                                              | Daun Slagle was 21 when Jesperson attacked her.                                                      |
| “Candy” is an attractive young woman.                                                  | Daun Slagle was an attractive young woman.                                                           |
| “Candy” is holding her infant child when she encounters Jesperson.                     | Daun Slagle was holding her infant child when Jesperson approached her.                              |
| “Candy” gets into Jesperson’s vehicle.                                                 | Daun Slagle was convinced by Jesperson to get into his vehicle.                                      |
| Jesperson chokes Candy in his vehicle.                                                 | Jesperson choked Daun Slagle in his vehicle.                                                         |
| Jesperson stops choking “Candy” because the infant child is crying.                    | Jesperson stops trying to choke Daun Slagle and break her neck because her infant child was crying.  |
| “Candy” is attacked in Mr. Ruskin, California <sup>1</sup> .                           | Daun Slagle was attacked in Mt. Shasta, California.                                                  |
| “Candy” promises Jesperson that she “won’t tell anyone” if Jesperson let’s her live.   | Daun Slagle told Jesperson she would not tell anyone of the attack or go to police if he let her go. |
| “Candy” speaks with police about Jesperson.”                                           | Daun Slagle went to police and filed a police report after the incident.                             |

89. Plaintiff has been approached by people who have watched “Happy Faced Killer” since its airing. Just with respect to her family members and friends, Plaintiff has felt a change

<sup>1</sup> Mount Ruskin is mentioned in the third scene with “Candy” when she is being interviewed by the detective. Interestingly, out of 482 cities/municipalities in the State of California, Mt. Shasta, California is the only city/municipality with “Mt.” or “Mount” in the name of the city/municipality.

1 in her relationships with many of them. Those who have approached her having watched the  
2 movie all understand and tell her they know that “Candy Smith” is plaintiff Slagle in the movie,  
3 and that the scenes involving “Candy Smith” relate to plaintiff Slagle’s actual interactions with  
4 Jespersen and Jespersen’s attack against her in real life.

5 90. Plaintiff herself became physically ill as she watched the false portrayal of her in  
6 “Happy Face Killer,” and had to turn the movie off on the night of the premiere after the scene  
7 was shown with her voluntarily orally copulating Jespersen in front of her infant child. Plaintiff  
8 has since been able to stomach getting through the entire movie, but it leaves her physically ill  
9 and mentally distressed and distracted. Plaintiff cannot understand why the defendants did this  
10 to her and her life, especially since the truth of her incident was easily available and she offered  
11 to serve as a resource to defendants when she was informed by Jespersen’s daughter that the  
12 movie was being made.

13  
14 91. The defamatory and false portrayal of Plaintiff in “Happy Face Killer” has caused  
15 people to believe she was a prostitute or unfit mother, and many of her relatives and friends to  
16 question her truthful version of Jespersen’s vicious attack against her. Seeds of doubt if not  
17 outright disbelief as to plaintiff’s truthful version of Jespersen’s attack against her are now felt,  
18 and in some instances have been stated. Plaintiff Slagle has been thoroughly embarrassed and  
19 humiliated by “Happy Face Killer.”

20  
21 **H. DEFAMATORY MATERIAL IN “HAPPY FACE KILLER”**

22 92. Plaintiff Slagle is defamed and falsely portrayed in at least four (4) scenes of the  
23 “Happy Face Killer” movie. The involved defamatory scenes are false and misleading. In all  
24 scenes, plaintiff Slagle is portrayed as a woman named “Candy Smith” who is the mother of an  
25 infant child. The scenes described below and approximate times the material and scenes were  
26 broadcast is based on the Lifetime internet version of the movie.  
27  
28

1           93.     At approximately minute 27:50 of the movie plaintiff is first shown in a truck stop  
2 during day time, dressed provocatively, holding her baby and flirting with truckers. “Candy”  
3 spots Jesperson as he is walking to his truck and approaches him. She compliments Jesperson on  
4 his “nice rig” and says she needs to get to the market to get formula for her baby. Jesperson says  
5 “the least he can do is give a mother a lift.” In response, “Candy” says “that’s sweet” and  
6 introduces herself. The scene closes as “Candy” looks intimately at Jesperson and seductively  
7 bites her bottom lip as he smiles back at her, suggesting that she is willing to perform sexual acts  
8 in exchange for his help. A reasonable viewer would believe “Candy” was a prostitute from this  
9 scene.  
10

11           94.     This is all false and defamatory. In truth, Jesperson approached plaintiff as she  
12 was holding her infant child after leaving her home to avoid a likely confrontation with her  
13 husband who had been drinking heavily that night. Plaintiff Slagle was wary of Jesperson, but  
14 Jesperson kept talking to her about his children and convinced her he was safe. Jesperson then  
15 told plaintiff that she should get into his car because the baby would get cold outside and his  
16 vehicle was warmer. Plaintiff was not dressed provocatively on the night Jesperson attacked her  
17 and not a prostitute.  
18

19           95.     At approximately minute 30:57 of “Happy Face Killer,” the second scene  
20 involving “Candy” begins with an exterior shot of Jesperson’s vehicle parked outside a roadside  
21 restaurant. During that shot, Jesperson is heard breathing heavily and having an orgasm inside  
22 the cab of the truck. “Candy” is at face level with Jesperson’s penis. The next shot focuses on  
23 plaintiff’s baby, lying in the cab next to Jesperson and “Candy” while Jesperson’s heavy  
24 breathing continues. Jesperson is then shown zipping up his pants after ejaculating from the oral  
25 copulation. “Candy’s” shirt is open, exposing her shoulders and part of her breasts, and part of  
26 her red bra is showing as she is wiping her mouth and cleaning off Jesperson’s ejaculated semen.  
27  
28

1           96.     Once “Candy” has voluntarily finished performing oral sex on Jesperson, the  
2 following dialogue occurs:

3           CANDY:     “One hundred fifty sound about right?”

4           JESPERSON: “I just offered to take you to the market. I didn’t ask you to do that [give  
5 him oral sex].”

6           CANDY:     “It made you feel good and now you are making me feel bad.”

7           JESPERSON: “How about this? I give you twenty dollars so you can buy formula for  
8 your baby and you get out of my truck.”

9           CANDY:     “I know what I am worth. I am good at what I do [prostitute]. I am  
10 calling the cops and telling them you raped me you loser. Are you going  
11 to pay me or not you freak?”

12           JESPERSON: [Hits Candy in the face and chokes her].

13           CHILD:     [Infant child begins crying loudly].

14           CANDY:     [While choking and grasping for air] “Oh my god. I won’t tell anyone.

15           CHILD:     [Infant continues crying loudly]

16           CANDY:     “Please don’t hurt me.”

17           JESPERSON: [Looks at the child several times, then stops choking Candy]. Jesperson  
18 then says to Candy, “Leave.”

19           CANDY:     [Frantically grabs her child and exits the vehicle.]

20           97.     This scene is entirely false and defamatory.

21           98.     Plaintiff never voluntarily orally copulated Jesperson on the night of the incident.  
22 Rather, Jesperson sexually assaulted, sexually battered and attempted to choke plaintiff Slagle  
23 and break her neck. Notably, Jesperson told the Mt. Shasta Police Department that he told  
24 plaintiff Slagle to give him head and that she refused to do so. This is consistent with plaintiff  
25  
26  
27  
28

1 Slagle who has stated that Jesperson told her to “suck my dick” and that when she refused he  
2 attempted to force her to orally copulate him and when she resisted he began choking her and  
3 trying to break her neck.

4 99. Plaintiff Slagle is not a prostitute and was not a prostitute when attacked by  
5 Jesperson. Rather plaintiff was a married mother with 3 children. Notably Jesperson has never  
6 stated in any public statement about his attack against plaintiff that plaintiff Slagle was a  
7 prostitute. The Mt. Shasta Police Department police reports make no mention that plaintiff  
8 Slagle was a prostitute. The Siskiyou County District Attorney has never charged plaintiff with  
9 prostitution. The Siskiyou County court documents pertaining to the criminal case against  
10 Jesperson do not make any reference that plaintiff was a prostitute.

12 100. Plaintiff Slagle did not immediately agree to get in Jesperson’s vehicle as  
13 portrayed in the movie. Rather, Jesperson spoke to plaintiff for a while as she was outside in the  
14 parking lot with her child about how he was a father and recently divorced so he could  
15 understand her home situation. Jesperson emphasized that they should go to his car because it  
16 would keep plaintiff’s child warm.

18 101. Plaintiff never asked Jesperson for money on the night he attacked her, let alone  
19 \$150.00 after voluntarily providing a blow job to Jesperson. The police reports, court documents  
20 and even Jesperson’s public statements about his attack on plaintiff Slagle do not support this in  
21 any respect.

22 102. Jesperson never said “I didn’t ask you to do that” after receiving voluntary oral  
23 copulation. Rather, the attempted oral copulation was admittedly not consensual and violent  
24 with force by Jesperson’s own admission to the Mt. Shasta Police Department. Moreover, the  
25 Siskiyou County District Attorney charged Jesperson with sexual assault and sexual battery  
26 under California Penal Code §243.4 for his attack on plaintiff Slagle.  
27  
28

1           103. Plaintiff Slagle never told Jesperson: “It made you feel good and now you are  
2 making me feel bad.” As set forth above, there was no consensual sex on April 13, 1990, and  
3 Jesperson never maintains that plaintiff Slagle said anything like this in any of the statements he  
4 has made about his attack on plaintiff.

5           104. Jesperson never told plaintiff that he would give her \$20.00 for formula for her  
6 baby. Rather while attempting to force plaintiff to orally copulate him and while choking and  
7 attempting to strangle her, Jesperson knocked plaintiff’s infant on the floor and was stomping on  
8 the infant as he perpetrated his attack on plaintiff.

9           105. Jesperson never asked plaintiff to leave his vehicle after offering her money to  
10 buy food for her infant child. Rather Jesperson was intent on keeping plaintiff in his vehicle and  
11 trying to force her to orally copulate him. When she resisted, Jesperson tried to choke plaintiff  
12 and break her neck.

13           106. Plaintiff Slagle never told Jesperson that she knew “what she was worth,” and  
14 “good at what I do” as a prostitute. No conversation or comment of this nature was ever made  
15 on the night Jesperson sexually assaulted plaintiff and attempted to kill her. This statement in  
16 the movie is not supported in any law enforcement documents and Jesperson himself has never  
17 maintained that plaintiff was a prostitute.

18           107. Plaintiff Slagle never threatened to call cops or extort Jesperson by threatening to  
19 file a false rape charge against Jesperson if he did not pay her after orally copulating him. This  
20 never happened. In truth, while negotiating to save her life, plaintiff Slagle actually told  
21 Jesperson that she would not go to law enforcement or file a police report if he let her and her  
22 infant child live.

23           108. Plaintiff did not provoke the sexual assault, sexual battery and attempted murder  
24 against her by Jesperson as implied by “Happy Face Killer.” The movie falsely depicts a  
25

1 situation where “Candy” provokes Jesperson by threatening to file a false police charge of rape  
2 against Jesperson and taunting him as a “freak” and “loser.” In reality, plaintiff did absolutely  
3 nothing to provoke the violent attack Jesperson perpetrated against her. Law enforcement  
4 documents and even Jesperson’s police interview reflect this.

5 109. Jesperson never told plaintiff to leave the vehicle. Rather, Jesperson seemed to be  
6 reflecting on what to do with plaintiff and her infant after pulling over to the side of the road  
7 after trying to force plaintiff to orally copulate him and trying to choke and break her neck. As  
8 he was thinking, plaintiff opened the door and ran for her life with her child.  
9

10 110. The third scene of “Happy Face Killer” that defames plaintiff and places her in a  
11 false light is at approximately minute 55:13 of the movie. In that scene, “Candy” is sitting in a  
12 restaurant with a law enforcement officer, describing her encounter with Jesperson. “Candy”  
13 says, *“I met him in a truck stop in Mt. Ruskin, I was with my baby.”* “Candy” then states: *“Me*  
14 *and him were going to party in his rig.”* Meaning that she intended to prostitute herself in the  
15 cab of Jesperson’s truck while her infant child was present. The officer asks “Candy” if her baby  
16 is alright and she responds in an ashamed manner: *“Other than having me for a mother? She is*  
17 *fine.”* The officer then tries to convince “Candy” to press assault charges against Jesperson,  
18 insinuating to the viewer that Plaintiff had been afraid to go to police after the attack because she  
19 is a prostitute.  
20

21 111. Once again, this scene is entirely false.

22 112. Plaintiff Slagle has never been a prostitute, and was not going to have a sex  
23 “party” with Jesperson.  
24

25 113. Plaintiff Slagle never told law enforcement officers that she was a poor or unfit  
26 mother. No statement along the lines of “other than having me for a mother? She is fine” was  
27 ever made by plaintiff Slagle. Such a statement is defamatory as it indicates plaintiff Slagle was  
28

1 admitting she was a poor and unfit mother.

2 114. Plaintiff never had to be convinced to go to law enforcement officials to file a  
3 complaint against Jesperson. In truth, plaintiff ran immediately to the Mt. Shasta Police  
4 Department the night of April 14, 1990 when she escaped Jesperson. As such, there was no  
5 delay or hesitation by plaintiff Slagle in filing a criminal complaint against Jesperson in any  
6 respect.

7 115. The movie again insinuates that plaintiff Slagle is a prostitute by having a scene  
8 where law enforcement officials have to track plaintiff down and convince her to do a public  
9 service and file a criminal charge. This is truly offensive to plaintiff Slagle. The first thing  
10 plaintiff did when she luckily escaped death was go to the police.

12 116. The fourth defamatory scene occurs when law enforcement interviews Jesperson  
13 about certain crimes including his encounter with “Candy” in “Mt. Ruskin.” The following  
14 exchange occurs between the law enforcement officer and Jesperson in the “Happy Face Killer”  
15 at about 1 hour and 27 minutes into the Lifetime television version of the movie:

17 OFFICER: “Do you recall meeting a woman named “Candy?” She had a baby at the  
18 Mt. Ruskin truck stop. Candy claims you tried to sexually assault her and  
19 tried to kill her.”

20 JESPERSON: “So that’s what this is about? Look I’m no angel but Candy is a working  
21 girl and we got together, that’s it. She wants to press charges against me?  
22 Do you think anyone is going to believe some lot lizard whore in court?

23 JESPERSON: [laughs dismissively]

24 JESPERSON: “Good luck.”

25 JESPERSON: [sighs tssssss]

26 117. This scene is false and defamatory and places plaintiff in a false light.  
27  
28

1 118. Plaintiff Slagle is defamed by being called a prostitute (i.e. “a working girl” and  
2 “whore”).

3 119. Plaintiff Slagle is defamed by the assertion that she voluntarily had sex with  
4 Jesperson and “got together” with him. In reality plaintiff was sexually assaulted and sexually  
5 battered by Jesperson.

6 120. The scene is also defamatory in that it implies plaintiff Slagle is a liar and that she  
7 would never be believed in court.

8  
9 **I. DEFENDANTS’ ACTIONS WERE DELIBERATE AND/OR RECKLESS**  
10 **IN THE FACE OF PREVIOUSLY PRODUCED AND KNOWN SOURCE**  
11 **MATERIAL FOR THE TRUTH OF PLAINTIFF’S ORDEAL**

12 121. Defendants intentionally and/or recklessly ignored their own source information  
13 as well as public information to which they were specifically aware when they chose to depict  
14 plaintiff as they did. In addition, defendants failed to follow-up on known sources that were  
15 easily accessible and would have established without a doubt that their portrayal of plaintiff  
16 Slagle/”Candy” was entirely false.

17 122. Defendants referenced the Oprah Winfrey segment which had earlier aired  
18 plaintiff’s true version of events, yet chose to ignore the true facts behind her attack. Defendants  
19 ignored efforts by plaintiff to be a direct source for the movie regarding her involvement.  
20 Defendants ignored publicly available police reports from the Shasta County Police Department  
21 and court documents from the Siskiyou County court docket for the criminal case against  
22 Jesperson pertaining to his crimes against plaintiff Slagle.

23  
24 123. Within this, Oprah’s producers encountered no difficulty in obtaining the actual  
25 police reports and Siskiyou County Court documents pertaining to the criminal case against  
26 Jesperson for his attack against plaintiff Slagle. Moreover, they demanded to see that  
27 information before permitting plaintiff to be on the Oprah show.  
28

124. Based on : (1) the September 17, 2009 Oprah episode with plaintiff Slagle to which defendants' reference; (2) plaintiff's direct efforts to contact defendants; (3) the Mt. Shasta Police Department's records, (4) the Siskiyou County District Attorney Office's records, (5) the Siskiyou County Superior Court records, and (6) basic internet searches about plaintiff, Jesperson or Happy Face Killer, defendants either intentionally chose to ignore and/or recklessly disregarded facts that demonstrated the truth behind plaintiff's ordeal, and chose to produce and broadcast Plaintiff in a defamatory, vulgar, offensive and outrageous light.

125. The devastating impact of ridicule by family, friends and society in general when a member of a person's family is accused or convicted of a crime involving moral turpitude may be best explained by Jesperson's daughter. A CNN article about Melissa Moore stated in relevant part: "Soon after her father's arrest, Moore's friends started making excuses not to hang out with her. She later found out that their parents instructed them to avoid her."

126. Plaintiff Slagle is unfortunately presently experiencing the same impact from "Happy Face Killer." People who have viewed and/or heard of the "Happy Face Killer" movie, including but not limited to family members, friends, and former co-workers, shun her or otherwise avoid her now believing she was a prostitute and otherwise deserving and responsible for the brutal sexual assault, sexual battery and attempt on her life by Jesperson on April 13, 1990 and into the early morning of April 14, 1990.

**J. DEFENDANTS REPUBLISH AND CONTINUE TO BROADCAST  
"HAPPY FACE KILLER" DESPITE PLAINTIFF'S RETRACTION  
REQUEST**

127. On March 19, 2014, counsel for plaintiff Slagle sent A&E, Lifetime, Front Street Pictures and Richard Matheson a formal, written request for retraction of the false and defamatory portrayal of plaintiff Slagle in the "Happy Face Killer" movie. The correspondence was sent by facsimile where possible and overnight mail to all.

128. Plaintiff received no response from any of the defendants who received the retraction request.

129. Moreover, even after the retraction request, defendants persisted in continuing to broadcast “Happy Face Killer” on the Lifetime Movie Network and make the movie available online.

130. Defendants were put on direct and formal notice as of March 19, 2014 that they were defaming plaintiff and placing her in a false light, yet took profits over plaintiff's reputation and kept broadcasting "Happy Face Killer" and collecting advertising revenue, licensing fees, royalty fees and/or other revenue associated with each broadcast.

131. The portrayal of plaintiff Daun Slagle in the “Happy Face Killer” movie is undeniable in real life. Followers of the story, including but not limited to plaintiff’s family, friends and former co-workers, all recognize and understand that “Candy Smith” is plaintiff Slagle. Some say they support her, some shun her, and others offer weak support that is indicative of believing the worst – that the “Happy Face Killer” portrayal of plaintiff Slagle as a prostitute is the truth.

132. Plaintiff has been devastated by defendants' false and defamatory portrayal of her, and likely will be for life.

## CAUSES OF ACTION

**FIRST CAUSE OF ACTION**  
**(Defamation Per Se – Private Figure)**

133. Plaintiff Slagle incorporates by reference each of the foregoing paragraphs as though set forth fully herein.

134. Plaintiff never went public with facts pertaining to Jespersen's attack against her for over 19 years. From April 14, 1990 until September 17, 2009, plaintiff was silent and kept the facts about her attack to herself. Plaintiff had no desire to place her life at risk further and

1 deliberately tried to live a life under the radar. This was more than reasonable given that after  
2 his conviction, Jespersen stated to a law enforcement officer that he would kill plaintiff if he ever  
3 got out of jail. In addition, plaintiff wasn't sure about the ability of Jespersen to have someone  
4 on the outside come after her. To the extent plaintiff has made the few limited media  
5 appearances that she did, such were reactionary to dispute false information about her attack  
6 from Jespersen that was published in the media.

7 135. Defendants published numerous false statements about plaintiff Slagle to the  
8 public by broadcasting "Happy Face Killer" on television and making it available through the  
9 internet.

10 136. A reasonable person would understand the defamatory statements detailed in this  
11 complaint were about plaintiff Slagle.

12 137. Viewers watching "Happy Face Killer" would reasonably believe that plaintiff  
13 Slagle/"Candy Smith" was a prostitute, that she solicited money after performing sexual services,  
14 that she sought to extort money from Jespersen, and that she was intent on filing a false police  
15 report and false charge of rape against Jespersen. Each of the above constitutes a crime under  
16 California law.

17 138. Moreover, viewers would reasonably believe after watching "Happy Face Killer"  
18 that plaintiff was reluctant to file a criminal complaint against Jespersen because she was a  
19 prostitute; that she was an unfit mother; that she initiated contact with Jespersen; that she  
20 provoked the violent and vicious sexual assault and battery/choking to which she was subjected;  
21 and that she voluntarily orally copulated a serial killer in front of her infant child.

22 139. All statements and inferences are false.

23 140. None of the above defamatory material detailed in this complaint requires any  
24 explanation to a reasonable viewer and on its face constitutes defamation per se and libel per se.

25 141. Portraying plaintiff Slagle in the manner that defendants did necessarily exposed  
26 and continues to expose her to hatred, contempt and ridicule, and has caused her to be shunned  
27 and avoided and has injured her in her occupation.

1           142. Defendants knew the defamatory statements and inferences they made about  
2 plaintiff Slagle were false and/or recklessly disregarded the truth of the defamatory statements,  
3 yet went forward with their false portrayal of plaintiff Slagle in “Happy Face Killer” in pursuit of  
4 their own agenda in writing, producing and realizing the profits from Lifetime’s “Happy Face  
5 Killer” movie.

6           143. In the alternative, and at the very least, Defendants failed to use reasonable care to  
7 determine the truth or falsity of the actionable defamatory statements and inferences.

8           144. Although defendants were fully aware of the defamation against plaintiff Slagle  
9 prior to filming and broadcasting “Happy Face Killer” on March 1, 2014, they became formally  
10 aware after plaintiff’s counsel sent a retraction demand to all defendants by letter dated March  
11 19, 2014. Yet defendants persist in re-broadcasting “Happy Face Killer” to this day – most  
12 recently on the Lifetime Network on June 22, 2014, June 29, 2014 and July 12, 2014 (and  
13 potential other dates), and currently available on Amazon, VUDU and youtube.

14           145. As a result of the defamation per se committed by defendants, plaintiff Slagle has  
15 suffered harm to her business, trade, profession and occupation, harm to her reputation and  
16 shame, mortification and hurt feelings. Plaintiff has suffered and will continue to suffer extreme  
17 emotional distress from defendants’ defamation per se against her. Plaintiff has been and will  
18 continue to be embarrassed and humiliated by the false statements and implications and be  
19 shunned, avoided and subjected to ridicule. Plaintiff has suffered and will continue to suffer  
20 severe harm to her personal and professional reputation inside and outside her community.

21           146. In addition, defendants, and each of them, acted maliciously, oppressively, and  
22 without regard to the rights, interests or feelings of plaintiff, so as to entitle plaintiff to exemplary  
23 and punitive damages in an amount to be determined according to proof at the time of trial.  
24 Consequently, plaintiff Slagle is entitled to general, special, actual, presumed,  
25 punitive/exemplary and all other damages appropriate under law according to proof at trial for  
26 the defamation per se perpetrated against her.  
27  
28

**SECOND CAUSE OF ACTION  
(Defamation Per Se – Limited Public Figure)**

147. Plaintiff Slagle incorporates by reference each of the foregoing paragraphs as though set forth fully herein.

148. Defendants published numerous statements about plaintiff Slagle to the public by broadcasting “Happy Face Killer” on television and making it available through the internet.

149. A reasonable person would understand the defamatory statements detailed in this complaint were about plaintiff Slagle.

150. Viewers watching “Happy Face Killer” would reasonably believe that plaintiff Slagle/”Candy Smith” was a prostitute, that she solicited money after performing sexual services, that she sought to extort money from Jesperson, and that she was intent on filing a false police report and false charge of rape against Jesperson. Each of the above constitutes a crime under California law.

151. Moreover, viewers would reasonably believe after watching “Happy Face Killer” that plaintiff was reluctant to file a criminal complaint against Jesperson because she was a prostitute; that she was an unfit mother; that she initiated contact with Jesperson; that she provoked the violent and vicious sexual assault and battery/choking to which she was subjected; and that she voluntarily orally copulated a serial killer in front of her infant child.

152. All statements and inferences are false.

153. None of the above defamatory material detailed in this complaint requires any explanation to a reasonable viewer and on its face constitutes defamation per se and libel per se.

154. Portraying plaintiff Slagle in the manner that defendants did necessarily exposed and continues to expose her to hatred, contempt and ridicule, and has caused her to be shunned and avoided and has injured her in her occupation.

155. Defendants knew the defamatory statements and inferences they made about plaintiff Slagle were false and/or recklessly disregarded the truth of the defamatory statements, yet went forward with their false portrayal of plaintiff Slagle in “Happy Face Killer” in pursuit of their own agenda in writing, producing and realizing the profits from Lifetime’s “Happy Face

1 Killer” movie.

2 156. Although defendants were fully aware of the defamation against plaintiff Slagle  
3 prior to filming and broadcasting “Happy Face Killer” on March 1, 2014, they became formally  
4 aware after Plaintiff’s counsel sent a retraction demand to all defendants by letter dated March  
5 19, 2014. Yet defendants persist in re-broadcasting “Happy Face Killer” to this day – most  
6 recently on the Lifetime Network on June 22, 2014, June 29, 2014 and July 12, 2014 (and  
7 potential other dates), and currently available on Amazon, VUDU and youtube.

8 157. As a result of the defamation per se committed by defendants, plaintiff Slagle has  
9 suffered harm to her business, trade, profession and occupation, harm to her reputation and  
10 shame, mortification and hurt feelings. Plaintiff has suffered and will continue to suffer extreme  
11 emotional distress from defendants’ defamation per se against her. Plaintiff has been and will  
12 continue to be embarrassed and humiliated by the false statements and implications and be  
13 shunned, avoided and subjected to ridicule. Plaintiff has suffered and will continue to suffer  
14 severe harm to her personal and professional reputation inside and outside her community.

15 158. In addition, defendants, and each of them, acted maliciously, oppressively, and  
16 without regard to the rights, interests or feelings of plaintiff, so as to entitle plaintiff to exemplary  
17 and punitive damages in an amount to be determined according to proof at the time of trial.

18 159. Consequently, plaintiff Slagle is entitled to general, special, actual, presumed,  
19 punitive/exemplary and all other damages appropriate under law according to proof at trial for  
20 the defamation per se perpetrated against her.

21 **THIRD CAUSE OF ACTION**  
22 **(False Light Invasion of Privacy)**

23 160. Plaintiff Slagle incorporates by reference each of the foregoing paragraphs as  
24 though set forth fully herein.

25 161. Defendants produced and broadcast an allegedly “true story” movie depiction of a  
26 deeply personal and painful private moment in plaintiff’s life to a national television audience  
27 without consulting or warning plaintiff. Defendant gave publicity to matters concerning plaintiff  
28

1 that placed her in a false light and violates her right of privacy.

2 162. Reasonable viewers watching “Happy Face Killer” would reasonably believe that  
3 plaintiff Slagle/”Candy Smith” was a prostitute, that she solicited money after performing sexual  
4 services, that she sought to extort money from Jesperson, and that she was intent on filing a false  
5 police report and false charge of rape against Jesperson. Each of the above constitutes a crime  
6 under California law.

7 163. Moreover, viewers would reasonably believe after watching “Happy Face Killer”  
8 that plaintiff was reluctant to file a criminal complaint against Jesperson because she was a  
9 prostitute; that she was an unfit mother; that she initiated contact with Jesperson; that she  
10 provoked the violent and vicious sexual assault and battery/choking to which she was subjected;  
11 and that she voluntarily orally copulated a serial killer in front of her infant child.

12 164. The false light and false portrayals of plaintiff Slagle detailed in this complaint  
13 would be highly offensive – if not outrageous – to a reasonable person in plaintiff Slagle’s  
14 position.

15 165. Defendants knew of the falsity of the publicized matters and the false impression  
16 it would create about plaintiff Slagle and/or otherwise acted with reckless disregard for the truth  
17 of the matters it publicized about plaintiff and/or were negligent in determining the truth of the  
18 information or whether a false impression would be created by publication of the material that  
19 placed plaintiff Slagle in a false light.

20 166. As a result of defendants’ broadcast of false statements, placement of plaintiff in a  
21 false light and invasion of privacy, plaintiff has suffered and will continue to suffer extreme  
22 emotional distress. Plaintiff has been and will continue to be embarrassed and humiliated by the  
23 false statements and implications and will continue to be shunned, avoided and subjected to  
24 ridicule. Plaintiff has suffered and will continue to suffer severe harm to her personal and  
25 professional reputation inside and outside her community.

26 167. In addition, defendants, and each of them, acted maliciously, oppressively, and  
27 without regard to the rights, interests or feelings of plaintiff, so as to entitle plaintiff to exemplary  
28

1 and punitive damages in an amount to be determined according to proof at the time of trial.

2 168. Consequently, plaintiff Slagle is entitled to general, special, actual, presumed,  
3 punitive/exemplary and all other damages appropriate under law according to proof at trial for  
4 the defamation per se perpetrated against her.

5  
6 **FOURTH CAUSE OF ACTION**  
7 **(Intentional Infliction of Emotional Distress)**

8 169. Plaintiff Slagle incorporates by reference each of the foregoing paragraphs as  
9 though set forth fully herein.

10 170. Defendants' conduct as alleged herein has caused plaintiff Slagle to suffer severe  
11 emotional distress.

12 171. Defendants' conduct as alleged in this complaint was outrageous.

13 172. Defendants, and each of them, intended to cause plaintiff emotional distress  
14 and/or acted with reckless disregard to the probability that plaintiff Slagle would suffer severe  
15 emotional distress.  
16

17 173. Defendants' conduct as alleged herein was a substantial factor in causing plaintiff  
18 severe emotional distress, severe humiliation, mental anguish, physical distress, injuries to  
19 plaintiff's reputation, public humiliation, loss of sleep, stress and anxiety.  
20

21 174. In addition, defendants, and each of them, acted maliciously, oppressively, and  
22 without regard to the rights, interests or feelings of plaintiff, so as to entitle plaintiff to exemplary  
23 and punitive damages in an amount to be determined according to proof at the time of trial.

24 175. Consequently, plaintiff Slagle is entitled to general, special, actual,  
25 punitive/exemplary and all other damages appropriate under law according to proof at trial for  
26 the defamation per se perpetrated against her.  
27  
28

**FIFTH CAUSE OF ACTION  
(Misappropriation)**

176. Plaintiff Slagle incorporates by reference each of the foregoing paragraphs as though set forth fully herein.

177. Plaintiff Slagle is a central and recognizable figure in the Keith Jespersion story. She was the sole survivor of Jespersion's killing spree, and had alerted authorities early on to his criminal and violent behavior. She has been identified, discussed and/or portrayed in various articles, stories and television shows pertaining to the serial murderer.

178. Through the character of "Candy," Defendants misappropriated Plaintiff's likeness for their own commercial purposes and benefits. As set forth above, the similarities between the character of "Candy" and plaintiff's likeness leave no doubt that this character was based on and intended to depict plaintiff and represent her role in the Happy Face Killer saga.

179. At no time did Plaintiff ever impliedly or expressly consent to such appropriation.

180. Defendants knew their usage of Plaintiff's likeness and inferences they made about plaintiff Slagle were false and/or recklessly disregarded the truth of the actual facts surrounding plaintiff Slagle's depiction, yet went forward with their false portrayal of plaintiff Slagle in "Happy Face Killer" in pursuit of their own agenda in writing, producing and realizing the profits from Lifetime's "Happy Face Killer" movie.

181. As a result of the the misappropriation of plaintiff's likeness, plaintiff Slagle has suffered harm to her business, trade, profession and occupation, harm to her reputation and shame, mortification and hurt feelings. Plaintiff has suffered and will continue to suffer extreme emotional distress from defendants' usage of her likeness. Plaintiff has been and will continue to be embarrassed and humiliated by the false portrayal and implications and be shunned, avoided and subjected to ridicule. Notwithstanding, defendants have benefitted and reaped commercial gain directly linked to their usage of plaintiff's likeness.

182. In addition, defendants, and each of them, acted maliciously, oppressively, and without regard to the rights, interests or feelings of plaintiff, so as to entitle plaintiff to exemplary

1 and punitive damages in an amount to be determined according to proof at the time of trial.

2 183. Consequently, plaintiff Slagle is entitled to general, special, actual, punitive/  
3 exemplary and all other damages appropriate under law according to proof at trial for the  
4 defamation per se perpetrated against her.

5  
6 **SIXTH CAUSE OF ACTION**  
7 **(Injunctive Relief)**

8 184. Plaintiff Slagle incorporates by reference each of the foregoing paragraphs as  
9 though set forth fully herein.

10 185. “Happy Face Killer” is currently being aired on cable television as well as “on  
11 demand” networks such as Amazon, VUDU and youtube in the United States.

12 186. Based on information and belief, plaintiff believes this “true story” docudrama  
13 will be distributed by defendants through additional domestic media outlets, as well as for world-  
14 wide exhibition in various media, including but not limited to movie theatres, home video, cable,  
15 television and through the internet.

16 187. Even after receipt of plaintiff’s retraction request, defendants persist in airing  
17 “Happy Face Killer.” Plaintiff is defamed each and every time “Happy Face Killer” is broadcast.

18 188. Given that distribution, future broadcasts and exploitation of the movie will  
19 continue indefinitely, plaintiff will continue to be defamed each and every time it is shown,  
20 purchased, rented, viewed or broadcast. As a result, any monetary recovery will be an  
21 inadequate remedy to defendants’ conduct.

22 189. It will be extremely difficult to ascertain the amount of compensation which  
23 would afford adequate relief in light of continuing publication and re-broadcast of “Happy Face  
24 Killer” in perpetuity.

25 190. As a result of this unfortunate reality and continuing harm, plaintiff Slagle is  
26 entitled to injunctive relief in the form of enjoining future distribution, display, viewing, sales or  
27 broadcasting of “Happy Face Killer” in any and all media, distribution channels and markets for  
28 sale.

191. Defendants should be required to recall all (1) hard-version formats (i.e. CD's/DVDs, (2) broadcast formats (i.e. television/internet exploitation), (3) prints from any theaters which currently or in the future shall display the documentary domestically and/or internationally, and (4) any such other format used for cable, television, internet, theater or other exploitation for purposes of re-editing "Happy Face Killer" and removing all references to "Candy"/Slagle. Only after the scenes involving "Candy"/Slagle have been edited and removed from the final version should defendants be able to further broadcast, stream on the internet, sell DVDs, or otherwise exploit "Happy Face Killer" in any respect.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Slagle prays for the following relief:

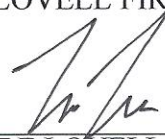
1. General damages according to proof;
2. Special damages according to proof;
3. Presumed damages under principles of defamation per se;
4. Actual and/or compensatory damages according to proof;
5. Damages for intentional infliction of emotional distress;
6. Punitive and/or exemplary damages;
7. An injunction preventing defendants' from further distributing, marketing, broadcasting or selling "Happy Face Killer;"
8. Prejudgment interest at the maxim legal rate;
9. Cost of suit;
10. Cost of the proceedings herein;
11. Reasonable attorneys' fees as permitted by law;

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12. All other further relief as the Court may deem appropriate in the interests of justice.

DATED:

THE VERESCHAGIN LAW FIRM, P.C.  
THE LOVELL FIRM, P.C.

By   
TRE LOVELL  
Attorneys for Plaintiff  
DAUN SLAGLE

**DEMAND FOR JURY TRIAL**

Plaintiff Slagle hereby demands trial by jury of her claims raised herein.

DATED:

THE VERESCHAGIN LAW FIRM, P.C.  
THE LOVELL FIRM, P.C.

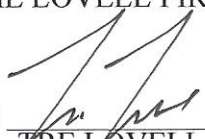
By   
TRE LOVELL  
Attorneys for Plaintiff  
DAUN SLAGLE

EXHIBIT "A"

MT. SHASTA Police DEPT - 4706

5978

PG 1

|                                                                                                                                                                                                                   |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------|--|
| 2. CODE SECTION<br>243.4 PC                                                                                                                                                                                       |  | 3. CRIME<br>SEXUAL BATTERY                                                               |  | 4. CLASSIFICATION<br>By Force/Attempted                                                                                                                                      |  | 5. REPORT AREA<br>CITY          |  |
| 6. DATE AND TIME OCCURRED - DAY<br>04-14-90 0030/0100 SAT                                                                                                                                                         |  | 7. DATE AND TIME REPORTED<br>04-14-90 0102                                               |  | 8. LOCATION OF OCCURRENCE<br>PARKING LOT (NEAR PARKOS)<br>MT SHASTA SHOPPING CENTER                                                                                          |  |                                 |  |
| 9. VICTIM'S NAME LAST, FIRST, MIDDLE (FIRM IF BUSINESS)<br>COCHRAN, DAAN KATHLEEN                                                                                                                                 |  |                                                                                          |  | 10. RESIDENCE ADDRESS<br>707 KENNETH WAY                                                                                                                                     |  | 11. RES. PHONE<br>926-5018      |  |
| 12. OCCUPATION<br>CLERK                                                                                                                                                                                           |  | 13. RACE - SEX<br>W F                                                                    |  | 14. AGE<br>21                                                                                                                                                                |  | 15. DOB<br>07-05-68             |  |
| 16. BUSINESS ADDRESS (SCHOOL IF JUVENILE)<br>1976 SHASTA DR. WOODSIDE VILLAGE<br>WOODSIDE VILLAGE<br>1976 SHASTA DR. WOODSIDE VILLAGE<br>WOODSIDE VILLAGE<br>1976 SHASTA DR. WOODSIDE VILLAGE<br>WOODSIDE VILLAGE |  | 17. BUS. PHONE<br>938-3065                                                               |  | 18. CHECK IF MORE NAMES IN CONTINUATION<br><input type="checkbox"/>                                                                                                          |  |                                 |  |
| 19. NAME - LAST, FIRST, MIDDLE                                                                                                                                                                                    |  |                                                                                          |  | 20. CODE                                                                                                                                                                     |  | 21. RESIDENCE ADDRESS           |  |
| 23. OCCUPATION                                                                                                                                                                                                    |  | 24. RACE - SEX                                                                           |  | 25. AGE                                                                                                                                                                      |  | 26. DOB                         |  |
| 27. BUSINESS ADDRESS (SCHOOL IF JUVENILE)                                                                                                                                                                         |  | 28. BUSINESS PHONE                                                                       |  | 29. NAME - LAST, FIRST, MIDDLE                                                                                                                                               |  |                                 |  |
| 30. CODE                                                                                                                                                                                                          |  | 31. RESIDENCE ADDRESS                                                                    |  | 32. RESIDENCE PHONE                                                                                                                                                          |  |                                 |  |
| 33. OCCUPATION                                                                                                                                                                                                    |  | 34. RACE - SEX                                                                           |  | 35. AGE                                                                                                                                                                      |  | 36. DOB                         |  |
| 37. BUSINESS ADDRESS (SCHOOL IF JUVENILE)                                                                                                                                                                         |  | 38. BUSINESS PHONE                                                                       |  | 39. DESCRIBE CHARACTERISTICS OF PREMISES AND AREA WHERE OFFENSE OCCURRED<br>PARKING LOT NEAR PARKOS IN SHOPPING CENTER                                                       |  |                                 |  |
| 40. DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED<br>SUSPECT TRIED TO FORCE VICTIM TO ORAL COP HIM IN VEHICLE,<br>IN COUNTY AREA                                                                                     |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 41. DESCRIBE WEAPON, INSTRUMENT, EQUIPMENT, TRICK, DEVICE OR FORCE USED<br>HANDS/ARM                                                                                                                              |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 42. MOTIVE - TYPE OF PROPERTY TAKEN OR OTHER REASON FOR OFFENSE<br>SATISFACTION                                                                                                                                   |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 43. ESTIMATED LOSS VALUE AND/OR EXTENT OF INJURIES - MINOR, MAJOR                                                                                                                                                 |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 44. WHAT DID SUSPECT/S SAY - NOTE PECULIARITIES<br>"SUCK MY DICK"                                                                                                                                                 |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 45. VICTIM'S ACTIVITY JUST PRIOR TO AND/OR DURING OFFENSE<br>HAD FIGHT WITH HUSBAND AND WAS OUT DRINKING                                                                                                          |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 46. TRADEMARK - OTHER DISTINCTIVE ACTION OF SUSPECT/S<br>FORCED SEX                                                                                                                                               |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 47. VEHICLE USED - LICENSE NO. - YEAR - MAKE - MODEL - COLORS (OTHER IDENTIFYING CHARACTERISTICS)<br>CHEV NOVA BRONZE COLOR LIC. UNK. YR UNK.                                                                     |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 48. SUSPECT NO. 1 (LAST, FIRST, MIDDLE)<br>JESPERSON, KEITH HUNTER                                                                                                                                                |  | 49. RACE - SEX<br>W M                                                                    |  | 50. AGE<br>30                                                                                                                                                                |  | 51. HT.<br>6'6"                 |  |
| 52. WT.<br>300                                                                                                                                                                                                    |  | 53. HAIR<br>BLK                                                                          |  | 54. EYES<br>BLU                                                                                                                                                              |  | 55. ID NO. OR DOB<br>04-06-55   |  |
| 56. ARRESTED<br>YES <input type="checkbox"/> NO <input type="checkbox"/>                                                                                                                                          |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 57. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS<br>691 32ND ST #25 WASHOUGE WASH. D.C. JESPERSON 458 JF                                                                                      |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 58. SUSPECT NO. 2 (LAST, FIRST, MIDDLE)                                                                                                                                                                           |  | 59. RACE - SEX                                                                           |  | 60. AGE                                                                                                                                                                      |  | 61. HT.                         |  |
| 62. WT.                                                                                                                                                                                                           |  | 63. HAIR                                                                                 |  | 64. EYES                                                                                                                                                                     |  | 65. ID NO. OR DOB               |  |
| 66. ARRESTED<br>YES <input type="checkbox"/> NO <input type="checkbox"/>                                                                                                                                          |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 67. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS                                                                                                                                              |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| 68. CHECK IF MORE NAMES IN CONTINUATION<br><input type="checkbox"/>                                                                                                                                               |  |                                                                                          |  |                                                                                                                                                                              |  |                                 |  |
| REPORTING OFFICERS<br>J. CATLEDAN 107                                                                                                                                                                             |  | RECORDING OFFICER                                                                        |  | TYPED BY                                                                                                                                                                     |  | DATE AND TIME                   |  |
| ROUTED BY                                                                                                                                                                                                         |  | FURTHER ACTION<br><input checked="" type="checkbox"/> YES<br><input type="checkbox"/> NO |  | COPIES TO:<br><input type="checkbox"/> DETECTIVE<br><input type="checkbox"/> JUVENILE<br><input type="checkbox"/> DIST. ATTN<br><input checked="" type="checkbox"/> SO. P.D. |  | CII<br>PATROL<br>OTHER<br>OTHER |  |
| REVIEWED BY<br>WNO 1103                                                                                                                                                                                           |  |                                                                                          |  |                                                                                                                                                                              |  | DATE                            |  |

08:27: 2009 11:02AM MOUNT SHASTA POLICE DEPARTMENT NO: 7500 P: 5

CASE # 5978 ATTEMPT ORAL COPULATION

COMPLAINT: 04-14-90 0102hrs. Daun Cochran came into the P.D. to report an attack on her.

INVESTIGATION: Daun Cochran dob. 07-05-68, was very hysterical, but stated some man had tried to make her give him a blow job. Cochran wanted a ride home for herself and her baby. On the way from the P.D. to her residence, Cochran said she had a fight with her husband and was out walking with her baby. She further stated she was in the shopping center talking to some guy. This man in a bronze colored Nova (one of the older big ones), said get in the car so you can warm up. Cochran got in the car, then the suspect suggested they drive around for awhile. Cochran said the suspect pulled his dick out and said suck my dick, Cochran refused. The suspect then grabbed Cochran around the neck and tried to force her. In the struggle, Cochran dropped her baby on the console (the baby was not injured). Cochran told the suspect "I'll do anything you want, just don't hurt my baby". The suspect let go of Cochran and Cochran started yelling "take me back". The suspect drove Cockran to the area of Morgan Way and W. Lake St. let Cochran out, then got on I-5 N/B. Cochran stated that she did not have sexual contact with the suspect.

Cochran said the suspects name was Keith, 6'6" and heavy, with short brown hair. The suspect told her he was going to Sacramento for a job. He also said he was from the Seattle area.

CASE # 5978 ATTEMPT ORAL COPULATION

0116 hrs. A BOLO was put out for a late 70's Chev. Nova 2 dr. bronze in color, possibly with Wash. plates. The driver, 6'6", heavy build, short brown hair, and name of Keith.

0117 hrs. I had Cochran wake her husband. I told Kevin Cochran what had happened and that with his wife being so upset, that myself or another officer would talk with her later.

0340 hrs. Corning P.D. stopped the vehicle.

0432 hrs. I spoke with Sgt. Cardenas of Corning P.D. Cardenas said he had a taped statement from the suspect. Suspect was identified as Keith Hunter Jesperson dob. 04-06-55, Wash. DL. # JESPEKH458JF. Cardenas said he was sending the suspect back to Mt. Shasta on his own agreement to return and clear this matter up. Cardenas said he would send the taped statement to me at M.S.P.D.

PHYSICAL EVIDENCE: None.

SUSPECT: Keith Hunter Jesperson dob. 04-06-55, WMA., 6'6", 210 lbs. Brn. Blu.

Add. 691 32nd St. #25, Washougal, Wash.

WITNESSES: None.

RECOMMENDATION: Case turned over to Siskiyou Co. S.O.

S.O. case #90-977

J. CARDEN 1107 M.S.P.D.

CASE # 5978 ATTEMPT ORAL COPULATION

ATTACHMENTS: None.

DISPOSITION: Exceptionally cleared.

## SUPPLEMENTAL INVESTIGATION 243.4 PC SEXUAL BATTERY

ON 4-14-90 I CONDUCTED AN INTERVIEW WITH KEITH JESPERSON (SUSPECT IN THE 243.4 PC.) KEITH STATED HE HAD BEEN PARKED IN THE MOUNT SHASTA MALL PARKING LOT SOUTH OF THE SHASTA FAMILY RESTAURANT WHEN HE CONTACTED DAUN (VICTIM) AND HER YOUNG BABY. KEITH STATED THEY TALKED FOR A COUPLE HOURS ABOUT SEX, AND "WHAT GET THEM OFF." (WALKED FROM THE MALL TO SPORTS AND SPIRITS TO BUY A SIX PACK OF BEER, WALKED BACK TO MALL AND DRANK ONE A PIECE.) DAUN SAID SHE HAD TO GO TO THE BATHROOM AND TOLD KEITH TO DRIVE HER SOMEWHERE. DAUN THEN GAVE HIM DIRECTIONS WHERE TO GO. (LATER DETERMINED TO BE 1.15 MILES SOUTH ON W A BAR RD FROM THE INTERSECTION AT REAM.) KEITH STATED THEY PARKED AT THAT LOCATION FOR ABOUT THREE HRS. AND HAD ANOTHER BEER A PIECE AND TALKED ABOUT SEX. KEITH THEN TOOK HIS ERECT PENIS OUT OF HIS PANTS AND PLAYED WITH IT. KEITH THEN PUT HIS RIGHT ARM AROUND DAUN'S NECK AND HIS LEFT HAND BETWEEN HER LEGS. DAUN THEN JUMPED UP KNOCKING THE BABY OUT OF HER LAP. KEITH THEN ASKED DAUN, "TO GIVE HIM HEAD". SHE REPLIED NO AND ATTEMPTING TO EXIT THE VEHICLE. KEITH THEN TIGHTENED HIS ARM UP AROUND DAUN'S NECK PREVENTING HER FROM EXITING THE VEHICLE. KEITH THEN TOOK DAUN BACK TO THE MOUNT SHASTA MALL AND DROPPED HER