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MARIA ELENA AGUILA and JULIO AGUILA

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CIVIL BUSINESS OFFICE
CENTRAL DIVISION

2016 FEB 19 PM 12:28

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

FILED
Clerk of the Superior Court

FEB 19 2016

VIA FAX

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

PEDRO AGUILA, an individual;
JULIO ALBERTO AGUILA, an
individual; and MARIA ELENA
AGUILA, an individual;

Plaintiffs,

vs.

DUNCAN L. HUNTER, SR., and
DOES 1- 100, inclusive,

Defendants.

) CASE NO.: 37-2016-00005512-CU-FR-CTL

) **COMPLAINT FOR DAMAGES**

- 1. *Negligent Misrepresentation*
- 2. *Intentional Misrepresentation*
- 3. *Fraud*
- 4. *Negligent Infliction of Emotional Distress*
- 5. *Intentional Infliction of Emotional Distress*

1 Plaintiffs PEDRO AGUILA, an individual; JULIO AGUILA, an individual;
2 and, MARIA AGUILA, an individual who hereby allege as follows:
3

4 **THE PARTIES**

5 1. Plaintiff, PEDRO AGUILA (hereinafter referred to as "P-AGUILA")
6 is, and at all times herein was, a resident of the County of San Diego.

7 2. Plaintiff, JULIO ALBERTO AGUILA (hereinafter referred to as "J-
8 AGUILA") is, and at all times herein was, a resident of the County of San Diego.

9 3. Plaintiff, MARIA ELENA AGUILA (hereinafter referred to as "M-
10 AGUILA") is, and at all times herein was, a resident of the County of San Diego.

11 4. Defendant DUNCAN L. HUNTER, SR., is, and all times herein was, a
12 resident of the County of San Diego. Further, DUNCAN L. HUNTER, SR., was
13 admitted to practice law in the State of California on December 22, 19976 with the
14 State Bar of California, Bar No. 71300, and has been inactive since January 1,
15 1983.

16 5. The true names or capacities, whether individual, corporate, associate,
17 or otherwise, of Defendants DOES 1 through 100, inclusive, are unknown to
18 Plaintiffs, who therefore sue said Defendants by such fictitious names. Plaintiffs
19 will amend their Complaint to allege their true names and capacities when
20 ascertained. Plaintiff is informed and believe, and thereupon allege, that each of the
21 fictitiously-named Defendants is negligently, intentionally, and/or otherwise
22 responsible in some manner for the occurrences herein alleged, and that Plaintiff's
23 injuries and damages as herein alleged were proximately caused or facilitated by
24 their acts.

25 6. Plaintiffs are informed and believe, and thereon allege, that at all times
26 mentioned, each of the Defendants was the agent or employee of the remaining
27 Defendants, and in doing the things hereinafter alleged, was acting within the
28 course and scope of such agency or employment, and/or ratified the acts of the

1 other Defendants, and/or acted with the permission and consent of his, her or its Co-
2 Defendants.

3 7. Plaintiffs are informed and believe, and thereon allege that should any
4 DOE defendant be a business entity, then whenever in this Complaint an act or
5 omission of a corporation or business entity is alleged, said allegation shall be
6 deemed to mean and include an allegation that the corporation or business entity
7 acted or omitted to act through its authorized officers, directors, agents, servants,
8 and/or employees, acting within the course and scope of their duties, that the act or
9 omission was authorized by corporate managerial officers or directors, and that the
10 act or omission was ratified by the officers and directors of the corporation.

11 8. Plaintiffs are informed and believe, and thereon allege that at all times
12 herein mentioned, each Defendant was acting in concert or participation with each
13 other, and/or aided and abetted the other Defendants, and/or was a joint participant
14 and collaborator in the acts complained of, and/or was the agent or employee of the
15 others in doing the acts complained of herein, each and all of them acting within the
16 course and scope of said agency and/or employment by the others, each and all of
17 them acting in concert one with the other and all together. Each Defendant was the
18 co-conspirator, aider and abettor, agent, servant, employee, assignee and/or joint
19 venturer of each of the other Defendants and was acting within the course and scope
20 of said conspiracy, agency, employment, assignment, and/or joint venture and with
21 the permission and consent of each of the other Defendants.

22 **JURISDICTION & VENUE**

23 9. The Superior Court of the State of California in and for the County of
24 San Diego has jurisdiction over this action. Venue is proper in said Court as the
25 Defendant(s) and the subject matter of this lawsuit, are located within the
26 jurisdiction of this Court.
27

28 10. The amount in controversy is in excess of \$25,000.

1 **GENERAL ALLEGATIONS**

2 11. MARIA AGUILA, was born on September 8, 1973 in Mexicali, Baja
3 in Mexico.

4 12. JULIO AGUILA, was born on September 10, 1973 in Mexicali, Baja
5 in Mexico.

6 13. During the 1970's, Plaintiff P-AGUILA, a Legal Permanent Resident
7 of the United States, and his wife, Geneva Olive Schulz Aguila (now deceased but
8 who was also a citizen of the United States), sought to obtain legal status in the
9 United States for two of Plaintiff P-AUILA's relatives, a niece and a nephew,
10 MARIA ELENA AGUILA and JULIO ALBERTO AGUILA, respectfully.

11 14. At the time, Plaintiff P-AGUILA, and his wife were acquaintances and
12 neighbors of Defendant DUNCAN L. HUNTER, SR., and his wife, who suggested
13 that, as an attorney DUNCAN L. HUNTER, SR., could aide them in establishing
14 legal status for the children.

15 15. After meeting with, and apprising Defendant DUNCAN L. HUNTER,
16 SR. of the situation, Defendant DUNCAN L. HUNTER, SR. advised Plaintiff P-
17 AGUILA and his wife that if they were to bring the children to the United States,
18 he, DUNCAN L. HUNTER, SR., could establish U.S. Citizenship for them through
19 adoption.

20
21 **THE CONTRACT & THE ADOPTION**

22 16. Based upon the representations of Defendant DUNCAN L. HUNTER,
23 SR., and assurances by Defendant DUNCAN L. HUNTER, SR. that he was
24 qualified for the task, and capable of obtaining the children's citizenship through
25 adoption, Mr. and Mrs. AGUILA entered into an oral/written agreement with
26 Defendant DUNCAN L. HUNTER, SR. to obtain United States Citizenship for
27 MARIA ELENA AGUILA and JULIO ALBERTO AGUILA through adoption.

28 17. Under the terms of said agreement, Defendant DUNCAN L.

1 HUNTER, SR. was to secure the adoption of the children, as well as, the children's'
2 citizenship status. In exchange for his services, Mr. and Mrs. AGUILA promised,
3 and did pay to Defendant DUNCAN HUNTER, SR.

4 18. On or about, January 17, 1980, Defendant DUNCAN HUNTER, SR.
5 as an attorney possessing specialized skills in the area of United States adoptions of
6 foreign children, finalized adoptions regarding M-AGUILA and J-AGUILA
7 whereby both children were adopted by United States Citizens, P-AGUILA and
8 Geneva Olive Schulz Aguila.

9 19. Based upon information and belief, M-AGUILA and J-AGUILA
10 thereon allege that Defendants, and each of them, thereon represented to Geneva
11 Olive Schulz Aguila that after the adoption was finalized, M-AGUILA and J-
12 AGUILA would receive social security cards and birth certificates.

13 20. Also, at this time, Defendant DUNCAN HUNTER, SR. reiterated his
14 assurances that in making P-AGUILAs and Geneva Olive Schulz Aguila the
15 children's' legal parents through adoption, he (Defendant DUNCAN HUNTER,
16 SR.) had also, through the process, had U.S. Citizenship conferred upon the adopted
17 children.

18 21. Shortly after the adoption was finalized, P-AGUILA and Geneva Olive
19 Schulz Aguila did receive social security cards and birth certificates for M-
20 AGUILA and J-AGUILA.

21 22. Based upon information and belief, P-AGUILA, M-AGUILA and J-
22 AGUILA thereon allege that Defendant DUNCAN HUNTER, SR., represented to
23 P-AGUILA and Geneva Olive Schulz Aguila that the adoptions were complete, and
24 nothing further need be done.

25 23. Based upon information and belief, P-AGUILA M-AGUILA and J-
26 AGUILA thereon allege that at no time prior to, during, or after his representation,
27 during the adoption process did Defendant DUNCAN HUNTER, SR. ever suggest,
28 hint, nor intimate that anything further needed to be done, or was necessary to

1 secure U.S. Citizenship for the children, or for that matter, legal status.

2 24. Based upon information and belief, M-AGUILA and J-AGUILA
3 thereon allege that Defendants represented to Geneva Olive Schulz Aguila and the
4 rest of the Aguila family that M-AGUILA and J-AGUILA were adopted and were
5 citizens of the Unites States of America.

6 25. Based upon information and belief, P-AGUILA M-AGUILA and J-
7 AGUILA thereon allege that given that Defendant DUNCAN HUNTER, SR.,
8 DOES 1 through 100, and each of them, possessed specialized skill in the area of
9 adoptions, and more specifically international adoptions between United States
10 citizens, and potentially adoptive children from countries other than the United
11 States of America, and that Geneva Olive Schulz Aguila and the rest of the Aguila
12 family received social security cards and birth certificates for M-AGUILA and J-
13 AGUILA and that DEFENDANTS represented to Geneva Olive Schulz Aguila and
14 the rest of the Aguila family that M-AGUILA and J-AGUILA were adopted and
15 were citizens of the Unites States of America, Geneva Olive Schulz Aguila and the
16 rest of the Aguila family relied upon that expertise and the representation
17 concerning the citizenship of M-AGUILA and J-AGUILA and thereon believed that
18 M-AGUILA and J-AGUILA were citizens of the United States of America.

19 26. ALBERTO Geneva Olive Schulz Aguila, the rest of the immediate
20 Aguila family, P-AGUILA, M-AGUILA and J-AGUILA as well as other extended
21 family and friends, believed from the time the adoptions were completed, they all
22 lived there lives as though M-AGUILA and J-AGUILA were in fact citizens of the
23 United States of America.

24
25 **MARIA AGUILA AND JULIO AGUILA WERE NOT LEGAL CITIZENS**

26 27. P- AGUILA as well as M-AGUILA and M-AGUILA relied upon
27 Defendant DUNCAN HUNTER, SR.'s representations without incident until
28 recently when Plaintiff M-AGUILA inadvertently discovered on, or about,

1 February 19, 2013, that a problem did exist with her US citizenship and legal status.

2 28. Prior to this time (February 2013), M-AGUILA thought she was a
3 U.S. Citizen and lived and maintained her life, as a Citizen of the United States.
4 This is solidified by the fact that M-AGUILA married her husband from Morocco,
5 in May 2012, believing that she was a Citizen of the United States. As such, M-
6 AGUILA attempted to obtain a United States Passport, to enable herself to travel
7 with her husband to Morocco.

8 29. M-AGUILA was unable to obtain a United States Passport, because
9 she was **not**, a legal citizen of the Unites States of America.

10 30. A further consequential effect of M-AGUILA not being a legal citizen
11 of the United States, her husband will not be able to remain in the United States.

12 31. A further consequential effect of M-AGUILA not being a legal citizen
13 of the United States, her inability to obtain a Certificate of Citizenship.

14 32. After her consultation with numerous attorneys and looking deep into
15 the facts Plaintiff M-AGUILA learned about the errors in her adoption, her citizen
16 status in the United States, and the catastrophic misrepresentations made by the
17 Defendant DUNCAN HUNTER, SR.

18 33. After consulting with a number of immigration attorneys, M-AGUILA
19 learned that Defendant DUNCAN HUNTER, SR.'s statements that nothing more
20 than the adoption was needed to make the children U.S. citizens was a
21 misrepresentation.

22 34. The agreement for legal services between Defendant DUNCAN
23 HUNTER, SR. and Plaintiff P-AGUILA and his wife Geneva Olive Schulz Aguila
24 was specifically intended to not only perfect the adoption of the children but to also
25 Defendant HUNTER had also undertaken the responsibility of securing U.S.
26 citizenship for the children.

27 35. Plaintiff, JULIO ALBERTO AGUILA was not aware that he was not a
28 Citizen of the United States of America, until the latter part of December 2013,

1 when he was informed by his sister Plaintiff MARIA ELENA AGUILA.

2
3 **FIRST CAUSE OF ACTION**
4 **NEGLIGENT MISREPRESENTATION**
5 *(As against Defendant, DUNCAN HUNTER, SR.*
6 *and DOE DEFENDANTS 1 – 100, Inclusive.)*

7 36. Plaintiffs, P- AGUILA, JULIO ALBERTO AGUILA and MARIA
8 ELENA AGUILA refers to and incorporates by reference paragraphs 1 through 35
9 above, inclusive, as though set forth in full herein, and allege this First Cause of
10 Action for Negligent Misrepresentation as against Defendants DUNCAN
11 HUNTER, SR. and DOES 1 through 100 inclusive, as follows:

12 37. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
13 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
14 through 100, and each of them, negligently represented to them that:

- 15 • the best way to obtain citizenship for J-AGUILA and M-
16 AGUILA was through adoption;
- 17 • he was qualified for the task, and capable of obtaining the
18 children's citizenship through adoption;
- 19 • and, after P-AGUILA, a Legal Permanent Resident of the
20 United States, and his wife, Geneva Olive Schulz Aguila
21 (now deceased but was also a citizen of the United
22 States) received their birth certificate and social security
23 cards that the adoption was complete, and that M-
24 AGUILA and J-AGUILA would be United States
25 Citizens and nothing further need be done.

26 38. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
27 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
28 through 100, and each of them, should have known those statements were false.

///

1 39. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
2 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
3 through 100, should have known that an entirely separate application was needed
4 with the then (1980) Immigration and Naturalization Service in order for J-
5 AGUILA and M-AGUILA to become Citizens of the Unites States, in addition to
6 the adoption process.

7 40. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
8 AGUILA thereon allege that at the time, Plaintiff P-Aguila and Geneva Olive
9 Schulz Aguila (now deceased) had no knowledge that the statements made by the
10 Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and each of them,
11 were incomplete, false or untrue, and relied upon those statements when retaining
12 Defendants DUNCAN HUNTER, SR. for legal services.

13 41. As a proximate result of the conduct of Defendants DUNCAN
14 HUNTER, SR., and DOES 1 through 100, and each of them, as alleged herein,
15 Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA have suffered damages that are
16 the natural, reasonable, foreseeable, and proximate consequences of said negligent
17 and careless conduct, in an amount to be proven at the time of trial.

18
19 **SECOND CAUSE OF ACTION**
20 **INTENTIONAL MISREPRESENTATION**
21 *(As against Defendant, DUNCAN HUNTER, SR.*
22 *and DOE DEFENDANTS 1 – 100, Inclusive.)*

23 42. Plaintiffs, P- AGUILA, JULIO ALBERTO AGUILA and MARIA
24 ELENA AGUILA refers to and incorporates by reference paragraphs 1 through 41
25 above, inclusive, as though set forth in full herein, and allege this Second Cause of
26 Action for Intentional Misrepresentation as against Defendants DUNCAN
27 HUNTER, SR. and DOES 1 through 100 inclusive, as follows:

28 43. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1

1 through 100, and each of them, represented to the Plaintiffs that:

- 2 • the best way to obtain citizenship for J-AGUILA and M-
3 AGUILA was through adoption;
- 4 • he was qualified for the task, and capable of obtaining the
5 children's citizenship through adoption;
- 6 • and, after P- AGUILA, a Legal Permanent Resident of
7 the United States, and his wife, Geneva Olive Schulz
8 Aguila (now deceased but was also a citizen of the
9 United States) received their birth certificate and social
10 security cards that the adoption was complete, and that
11 M-AGUILA and J-AGUILA would be United States
Citizens and nothing further need be done.

12 44. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
13 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
14 through 100, and each of them, knew that those statements were false.

15 45. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
16 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
17 through 100, knew that an entirely separate application was needed with the then
18 (1980) Immigration and Naturalization Service in order for J-AGUILA and M-
19 AGUILA to become Citizens of the Unites States, in addition to the adoption
20 process.

21 46. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
22 AGUILA thereon allege that at the time, Plaintiff P-AGUILA and to Geneva Olive
23 Schulz Aguila (now deceased) had no knowledge that the statements made by the
24 Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and each of them,
25 were incomplete, false or untrue, and relied upon those statements when retaining
26 Defendants DUNCAN HUNTER, SR for legal services.

27 47. Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA further allege that
28 the actions of Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and

1 each of them, as alleged herein were willful, oppressive, and malicious and were
2 done with total disregard of the rights of the Plaintiffs P-AGUILA, J-AGUILA and
3 M-AGUILA, in that each of the Defendants was aware that the misstatements,
4 concealments, and wrongful acts and omissions were not justified and were done
5 with the knowledge and actual intent that such misconduct would cause substantial
6 injury to the Plaintiffs and be oppressive to them.

7 48. As a proximate result of the conduct of Defendants DUNCAN
8 HUNTER, SR., and DOES 1 through 100, and each of them, as alleged herein,
9 Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA have suffered damages that are
10 the natural, reasonable, foreseeable, and proximate consequences of said intentional
11 conduct to warrant punitive damages from of Defendants DUNCAN HUNTER,
12 SR., and DOES 1 through 100, and each of them in an amount to be proven at the
13 time of trial.

14 **THIRD CAUSE OF ACTION**

15 **FRAUD**

16 *(As against Defendant, DUNCAN HUNTER, SR.
17 and DOE DEFENDANTS 1 – 100, Inclusive.)*

18 49. Plaintiffs, P- AGUILA, JULIO ALBERTO AGUILA and MARIA
19 ELENA AGUILA refer to and incorporates by reference paragraphs 1 through 48
20 above, inclusive, as though set forth in full herein, and allege this Third Cause of
21 Action for Fraud as against Defendants DUNCAN HUNTER, SR. and DOES 1
22 through 100 inclusive, as follows:

23 50. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
24 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
25 through 100, and each of them, represented to the Plaintiffs that:

- 26 • the best way to obtain citizenship for J-AGUILA and M-
27 AGUILA was through adoption;
- 28 • he was qualified for the task, and capable of obtaining the

1 children's citizenship through adoption;

- 2 • and, after P- AGUILA, a Legal Permanent Resident of
3 the United States, and his wife, to Geneva Olive Schulz
4 Aguila (now deceased but was also a citizen of the
5 United States) received their birth certificate and social
6 security cards that the adoption was complete, and that
7 M-AGUILA and J-AGUILA would be United States
Citizens and nothing further need be done.

8 51. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
9 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
10 through 100, knew that an entirely separate application was needed with the then
11 (1980) Immigration and Naturalization Service in order for J-AGUILA and M-
12 AGUILA to become Citizens of the Unites States, in addition to the adoption
process.

13 52. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
14 AGUILA thereon allege that at the time, Plaintiff P-Aguila and Geneva Olive
15 Schulz Aguila (now deceased) had no knowledge that the statements made by the
16 Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and each of them,
17 were incomplete, false or untrue, and relied upon those statements when retaining
18 Defendants DUNCAN HUNTER, SR for legal services.

19 53. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
20 AGUILA thereon allege that these acts and practices by Defendants DUNCAN
21 HUNTER, SR., and DOES 1 through 100, and each of them, were intended to
22 induce and lure Plaintiffs into seeking their services as an attorney in this
23 specialized area of law, for the financial gain of Defendants DUNCAN HUNTER,
24 SR., and DOES 1 through 100, and each of them.

25 54. The misstatements and concealments alleged above were fraudulent
26 and deceitful in that Defendants DUNCAN HUNTER, SR., and DOES 1 through
27 100, and each of them knew that they were failing to disclose material information
28 which they had a duty to disclose.

1 55. Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and
2 each of them, also knew that information which they did disclose was false or at
3 least materially misleading. Such misstatements and concealments were made with
4 the intent to cause Plaintiff P-Aguila and to Geneva Olive Schulz Aguila (now
5 deceased) to rely upon Defendants' wrongful statements and concealments, and
6 with the intent to deceive Plaintiff P-Aguila and to Geneva Olive Schulz Aguila
7 (now deceased).

8 56. Plaintiff P-Aguila and to Geneva Olive Schulz Aguila (now deceased),
9 could NOT have been reasonably expected to know of or to have discovered the
10 true facts from independent sources.

11 57. Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA further allege that
12 the actions of Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and
13 each of them, as alleged herein were willful, oppressive, and malicious and was
14 done with total disregard of the rights of the Plaintiffs P-AGUILA, J-AGUILA and
15 M-AGUILA ,in that each of the Defendants was aware that the misstatements,
16 concealments, and wrongful acts and omissions were not justified and were done
17 with the knowledge and actual intent that such misconduct would cause substantial
18 injury to the Plaintiffs and be oppressive to them.

19 58. As a proximate result of the conduct of Defendants DUNCAN
20 HUNTER, SR., and DOES 1 through 100, and each of them, as alleged herein,
21 Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA have suffered damages that are
22 the natural, reasonable, foreseeable, and proximate consequences of said intentional
23 conduct to warrant punitive damages from of Defendants DUNCAN HUNTER,
24 SR., and DOES 1 through 100, and each of them in an amount to be proven at the
25 time of trial.

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FOURTH CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
*(As against Defendant, DUNCAN HUNTER, SR.
and DOE DEFENDANTS 1 – 100, Inclusive.)*

59. Plaintiffs, P- AGUILA, JULIO ALBERTO AGUILA and MARIA ELENA AGUILA refers to and incorporates by reference paragraphs 1 through 58 above, inclusive, as though set forth in full herein, and allege in this Fourth Cause of Action for Negligent Infliction of Emotional Distress as against Defendants DUNCAN HUNTER, SR. and DOES 1 through 100 inclusive, as follows:

60. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and each of them, negligently represented to them that:

- the best way to obtain citizenship for J-AGUILA and M-AGUILA was through adoption;
- he was qualified for the task, and capable of obtaining the children's citizenship through adoption;
- and, after P- AGUILA, a Legal Permanent Resident of the United States, and his wife, Geneva Olive Schulz Aguila (now deceased but was also a citizen of the United States) received their birth certificate and social security cards that the adoption was complete, and that M-AGUILA and J-AGUILA would be United States Citizens and nothing further need be done.

61. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and each of them, should have known those statements were false.

62. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, should have known that an entirely separate application was needed

1 with the then (1980) Immigration and Naturalization Service in order for J-
2 AGUILA and M-AGUILA to become Citizens of the Unites States, in addition to
3 the adoption process.

4 63. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
5 AGUILA thereon allege that at the time, Plaintiff P-Aguila and to Geneva Olive
6 Schulz Aguila (now deceased) had no knowledge that the statements made by the
7 Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and each of them,
8 were incomplete, false or untrue, and relied upon those statements when retaining
9 Defendants DUNCAN HUNTER, SR for legal services.

10 64. As a result of Defendants DUNCAN HUNTER, SR., and DOES 1
11 through 100, and each of them, negligent and unreasonable conduct, Plaintiffs P-
12 AGUILA, J-AGUILA and M-AGUILA have suffered and continue to suffer serious
13 emotional distress. The ways in which Plaintiffs P-AGUILA, J-AGUILA and M-
14 AGUILA have suffered severe emotional distress include, but are not limited to,
15 humiliation, frustration, embarrassment, despondence, depression, anger, anxiety,
16 stress, loss of sleep, loss of appetite, and headaches.

17 65. Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA seek compensatory
18 damages from these defendants for the injuries caused by their tortuous infliction of
19 damages to them in an amount to be proven at the time of trial.

20
21 **FIFTH CAUSE OF ACTION**
22 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
23 *(As against Defendant, DUNCAN HUNTER, SR.*
24 *and DOE DEFENDANTS 1 – 100, Inclusive.)*

25 66. Plaintiffs, P- AGUILA, JULIO ALBERTO AGUILA and MARIA
26 ELENA AGUILA refers to and incorporates by reference paragraphs 1 through 65
27 above, inclusive, as though set forth in full herein, and allege this Fifth Cause of
28 Action for Intentional Infliction of Emotional Distress as against Defendants
DUNCAN HUNTER, SR. and DOES 1 through 100 inclusive, as follows:

1 67. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
2 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
3 through 100, and each of them, represented to the Plaintiffs that:

- 4 • the best way to obtain citizenship for J-AGUILA and M-
5 AGUILA was through adoption;
- 6 • he was qualified for the task, and capable of obtaining the
7 children's citizenship through adoption;
- 8 • and, after P- AGUILA, a Legal Permanent Resident of
9 the United States, and his wife, Geneva Olive Schulz
10 Aguila (now deceased but was also a citizen of the
11 United States) received their birth certificate and social
12 security cards that the adoption was complete, and that
13 M-AGUILA and J-AGUILA would be United States
Citizens and nothing further need be done.

14 68. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
15 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
16 through 100, and each of them, knew that those statements were false.

17 69. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
18 AGUILA thereon allege that, Defendants DUNCAN HUNTER, SR., and DOES 1
19 through 100, knew that an entirely separate application was needed with the then
20 (1980) Immigration and Naturalization Service in order for J-AGUILA and M-
21 AGUILA to become Citizens of the Unites States, in addition to the adoption
22 process.

23 70. On information and belief, Plaintiffs P-AGUILA, J-AGUILA and M-
24 AGUILA thereon allege that at the time, Plaintiff P-Aguila and to Geneva Olive
25 Schulz Aguila (now deceased) had no knowledge that the statements made by the
26 Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and each of them,
27 were incomplete, false or untrue, and relied upon those statements when retaining
28 Defendants DUNCAN HUNTER, SR for legal services.

1 71. Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA further allege that
2 the actions of Defendants DUNCAN HUNTER, SR., and DOES 1 through 100, and
3 each of them, as alleged herein were willful, oppressive, and malicious and was
4 done with total disregard of the rights of the Plaintiffs P-AGUILA, J-AGUILA and
5 M-AGUILA ,in that each of the Defendants was aware that the misstatements,
6 concealments, and wrongful acts and omissions were not justified and were done
7 with the knowledge and actual intent that such misconduct would cause substantial
8 injury to the Plaintiffs and be oppressive to them.

9 72. As a result of Defendants DUNCAN HUNTER, SR., and DOES 1
10 through 100, and each of them, negligent and unreasonable conduct, Plaintiffs P-
11 AGUILA, J-AGUILA and M-AGUILA have suffered and continue to suffer serious
12 emotional distress. The ways in which Plaintiffs P-AGUILA, J-AGUILA and M-
13 AGUILA have suffered severe emotional distress include, but are not limited to,
14 humiliation, frustration, embarrassment, despondence, depression, anger, anxiety,
15 stress, loss of sleep, loss of appetite, and headaches.

16 73. Plaintiffs P-AGUILA, J-AGUILA and M-AGUILA seek compensatory
17 and punitive damages from these Defendants DUNCAN HUNTER, SR., and DOES
18 1 through 100, and each of them, for the injuries caused by their tortuous infliction
19 of damages upon them in an amount to be proven at the time of trial.

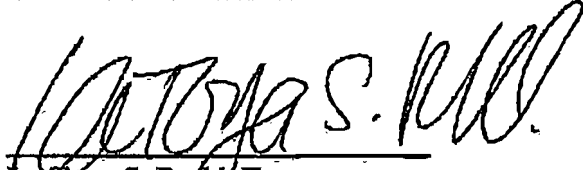
20 **WHEREFORE**, Plaintiffs pray for judgment against Defendant DUNCAN
21 HUNTER, SR., and DOES 1 through 100, and each of them as follows:

- 22 1. For general damages.
- 23 2. For special damages.
- 24 3. For exemplary damages.
- 25 4. For costs of suit herein incurred.
- 26 5. For such other and further relief as the court may deem proper.

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REDD LAW GROUP



LaToya S. Redd, Esq.
Attorney for Plaintiffs