

ADDENDUM MATERIAL

DATE 3-24-26 ITEM NO. ADD415

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9 **IN THE UNITED STATES DISTRICT COURT**

10 **FOR THE DISTRICT OF ARIZONA**

11 Heather Lappin,

12 Plaintiff,

13 - vs -

14 Sheriff Chris Nanos, in his official ca-
15 pacity as Pima County Sheriff,

16 Defendant.

Case No.:

COMPLAINT

17 **JURISDICTION AND VENUE**

18 1. This action is brought pursuant to 42 U.S.C. § 1983 and Arizona common
19 law.

20 2. This Court has subject matter jurisdiction over this action pursuant to 28
21 U.S.C. §§ 1331, 1343, and 1367.

22 3. The acts and omissions giving rise to this action occurred in Pima County,
23 Arizona. Venue is proper in this Court's Tucson Division pursuant to 28 U.S.C. §
24 1391 and LRCiv 77.1(a).
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1 4. Plaintiff presented her Arizona common law claim to Pima County Sher-
2 iff's Department ("PCSD") as required by Ariz. Rev. Stat. § 12-821.01 on April 28,
3 2025, within the time required by law.

4 5. PCSD has not made any disposition of the claim, and the claim is deemed
5 denied because more than sixty days have passed since they were filed. Ariz. Rev.
6 Stat. § 12-821.01(E).

7 6. This Complaint is being filed within the time required by law.
8

9 **PARTIES**

10 7. Plaintiff Heather Lappin is a resident of the District of Arizona.

11 8. Defendant Chris Nanos, in his official capacity as the Pima County Sheriff
12 ("Sheriff Nanos"), is a political subdivision of the State of Arizona and is capable of
13 being sued pursuant to Ariz. Rev. Stat. §§ 12-820(7), 821.01.

14 9. Sheriff Nanos is liable for the actions, operation, and supervision of the
15 Pima County Sheriff's Department and its employees, agents, and apparent agents in
16 the course and scope of their employment or agency.
17

18 **FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

19 10. Lieutenant Heather Lappin is a career law enforcement officer who served
20 with PCSD for nineteen years.

21 11. Before the events at issue, Lieutenant Lappin was the Training Section
22 Commander within PCSD. In that role, she oversaw the training of PCSD deputies
23 from all the various bureaus within PCSD.

24 12. While leading the Training Section, she became aware of widespread dis-
25 content among deputies with Sheriff Nanos's leadership.
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1 13. At some time in 2023, Sheriff Nanos personally selected Lieutenant Lap-
2 pin to serve as the Wellness Section Commander. The Wellness Section was a new
3 undertaking intended to support the wellbeing of PCSD's employees.

4 14. On September 21, 2023, Lieutenant Lappin filed a Statement of Interest
5 form with the Pima County Elections Department. This was the first public indication
6 of her intention to challenge Sheriff Nanos in the 2024 election.

7 15. That same day, Lieutenant Lappin separately notified Community Services
8 Division Captain Sharlene Reis and Sheriff Nanos of her decision to run for the office.

9 16. In the year that followed, Sheriff Nanos and PCSD leadership waged a
10 retaliatory campaign against Lieutenant Lappin's career in order to undermine her can-
11 didacy.

12
13 **A. Sheriff Nanos and PCSD leadership's false assignment of blame and a**
14 **punitive transfer of duties arising from a minor training instructor ad-**
15 **justment.**

16 17. First, PCSD leadership escalated a minor instructor-coverage issue into
17 formal discipline intended to intimidate Lieutenant Lappin and damage her reputation
18 within PCSD.

19 18. On or about early September 2023, Lieutenant Bob Krygier asked Lieu-
20 tenant Lappin to cover portions of his "General Instructor" school due to a scheduling
21 conflict.

22 19. By that time, Lieutenant Lappin had taught the General Instructor school
23 approximately seven times and had previously covered for Lieutenant Krygier several
24 other times. Consistent with common practice among instructors in the Training Sec-
25 tion, Lieutenant Lappin agreed to cover the classes for him.

1 20. However, the two lieutenants had different levels of credentials: Krygier
2 was the “subject-matter expert,” or Master Instructor, for the General Instructor school,
3 but Lappin was not.

4 21. Eleven days before she was to cover for Lieutenant Krygier, Lieutenant
5 Lappin informed her chain of command, including Captain Reis, that she would cover
6 portions of the course and that she was not a Master Instructor.

7 22. Her superiors, who knew that the Arizona Peace Officer Standards and
8 Training Board (“AZPOST”) requires a Master Instructor to be present for the entire
9 course, did not intervene or direct her to make different arrangements.

10 23. Instead, they allowed the class to proceed and then treated the coverage as
11 misconduct to manufacture a basis to discipline Lieutenant Lappin.

12 24. On September 28, 2023, Captain Christy Anderson, a close confidante of
13 Sheriff Nanos, circulated an email to approximately twenty-three recipients stating the
14 course would not be certified by AZPOST because the Master Instructor was not present
15 for the entire school. Captain Anderson placed blame on Lieutenant Lappin for Lieu-
16 tenant Krygier’s failure to “make the necessary accommodations to ensure compliance
17 with AZPOST for his absence.”

18 25. By publicly blaming Lieutenant Lappin, Captain Anderson intended to ma-
19 lign her reputation among PCSD deputies.

20 26. On October 30, 2023, Investigations Bureau Chief Jesus Lopez authored a
21 Letter of Counseling (“LOC”) accusing Lieutenant Lappin of poor judgment and policy
22 violations related to the coverage issue and blaming her for a purported \$76,000 “loss”
23 to the County. Sheriff Nanos signed the LOC; his personal involvement was atypical
24 and inconsistent with PCSD practice.

25 27. On November 6, 2023, Captain Reis presented the LOC to Lieutenant Lap-
26 pin and demanded her signature. Lieutenant Lappin refused to sign it without first draft-
27 ing a written response to the LOC’s false and inaccurate account of events.

1 28. On November 7, 2023, after Lieutenant Lappin submitted the written re-
2 sponse disputing the LOC's narrative, Chief Buddy Janes and Captain Reis demanded
3 that she retract her response and threatened consequences, including the revocation of
4 her certification to serve as a law enforcement officer, if she refused. She declined to
5 retract.

6 29. The next day, Lieutenant Lappin was transferred to the Pima County Adult
7 Detention Center ("the Jail").

8 30. An immediate transfer like this was unprecedented and departed from PCSD
9 practice, which was to make transfers effective at the end of a pay period to minimize
10 disruption.

11 31. Lieutenant Lappin received no formal explanation of the reasons for her
12 transfer.

13 32. The Training Center coverage issue was the start of a broader effort by
14 Sheriff Nanos and PCSD leadership to damage Lieutenant Lappin's reputation and un-
15 dermine her campaign. Within weeks of filing her Statement of Interest, Captain An-
16 derson had revoked Lieutenant Lappin's teaching authority and command transferred
17 her from the Training Center to the Jail. Although labeled a lateral move, this punitive
18 transfer functioned as a demotion in responsibility, stature, and opportunity.

19
20 **B. Routine contact with reporter John Washington in July 2024.**

21 33. After the abrupt transfer to the Jail, Lieutenant Lappin adapted to her new
22 assignment.

23 34. Many colleagues at the Jail expressed disillusionment with Sheriff Nanos
24 and supported her candidacy.
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1 35. In July 2024, PCSD Public Information Officer Deputy Adam Schoonover
2 advised Lieutenant Lappin that reporter John Washington of the Arizona *Luminaria*
3 sought to speak with two inmates for an investigative article about conditions at the Jail.

4 36. Lieutenant Lappin took Mr. Washington's information and agreed to han-
5 dle the inquiry.
6

7 37. New to the Jail post and not having been briefed on any applicable SOPs
8 or media-contact forms, Lieutenant Lappin sought guidance from several peers, includ-
9 ing Corrections Lieutenant Mark Hamilton. No one identified a controlling policy, ap-
10 proval form, or notice requirement.

11 38. Lieutenant Hamilton instructed her to write down the reporter's name and
12 number, give it to each inmate, explain that a journalist wished to speak with them,
13 make clear that contact was the inmate's choice, and recommend that the inmate de-
14 cline. He did not mention any required forms or procedures. Given the specificity of
15 his advice and his role, Lieutenant Lappin understood these instructions to reflect PCSD
16 practice and policy.
17

18 39. Lieutenant Lappin separately met each inmate, explained the request, pro-
19 vided Mr. Washington's phone number on paper, and told each inmate the decision
20 whether to call was theirs. She also stated her recommendation that they do not call
21 Mr. Washington, consistent with Lieutenant Hamilton's guidance.
22

23 40. At least one inmate had previously called Mr. Washington and gave an
24 interview, incurring calling charges, and then asked Mr. Washington if he could be re-
25 imbursed for those charges.
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1 41. On July 18, 2024, Mr. Washington texted Lieutenant Lappin on her de-
2 partment-issued work phone to thank her, reported that an inmate had already reached
3 out, and asked how he might reimburse calling costs.

4 42. After consulting others at the Jail, Lieutenant Lappin relayed the available
5 options for any member of the public to deposit funds into inmate accounts.

6 43. Lieutenant Lappin did not arrange, promise, solicit, or handle any money;
7 she provided only general, publicly available information to Mr. Washington on how
8 inmate accounts may be funded. The reimbursement question arose after the call oc-
9 curred. She does not know whether any reimbursement was ever made.

10 44. For months thereafter, Lieutenant Lappin continued in her new assignment
11 without incident. Only as her campaign gained traction did Sheriff Nanos and PCSD
12 leadership recast these routine communications to defame Lieutenant Lappin and dam-
13 age her campaign for Pima County Sheriff.

14 **C. Retaliatory and baseless administrative leave in October 2024.**

15 45. Sergeant Aaron Cross, founder of the Pima County Deputy's Organization,
16 has been a vocal critic of Sheriff Nanos. He supported Lieutenant Lappin's candidacy,
17 but he was not a member of her campaign staff, did not work for her campaign, and did
18 not act at her direction.

19 46. On October 12, 2024, Sergeant Cross engaged in a lawful off-duty protest,
20 holding a sign that stated, "Deputies don't want Nanos." He wore his own clothing that
21 did not bear any PCSD insignia, a holstered pistol, and a pair of handcuffs on his belt.

1 47. Upon information and belief, supporters of Sheriff Nanos informed Sheriff
2 Nanos and PCSD that a deputy appeared to be campaigning while on duty and in uni-
3 form.

4 48. Captain Juan Carlos Navarro instructed Sergeant Cross not to “look like a
5 deputy” while engaging in political activity.

6 49. Sergeant Cross agreed to change his attire.

7 50. On October 13, Sergeant Cross resumed his off-duty protest. He was wear-
8 ing a gray shirt and was holding the same sign as the day before. By day’s end, Sheriff
9 Nanos and PCSD leadership had placed Sergeant Cross on paid administrative leave for
10 “appearing equipped like a law enforcement officer” while protesting.
11

12 51. Lieutenant Lappin knew only that Sergeant Cross intended to protest; he
13 did not tell her where he would protest or what he would wear. Her campaign did not
14 direct or coordinate his activities. Its sole involvement was posting a supporter-pro-
15 vided photograph of Sergeant Cross holding his sign to the campaign’s Facebook page.
16

17 52. The next day, Corrections Bureau Chief Scott Lowing and Captain Benja-
18 min “Paul” Hill summoned Lieutenant Lappin for a meeting.
19

20 53. Chief Lowing asked Lieutenant Lappin questions from a prewritten mem-
21 orandum and directed her to type her answers into a computer on the spot.
22

23 54. Neither Chief Lowing nor Captain Hill advised her of any right to repre-
24 sentation and did not tell her that she was under investigation.

25 55. At the conclusion of the meeting, without any evidence that she had coor-
26 dinated Sergeant Cross’s protests, Chief Lowing ordered Lieutenant Lappin to surren-
27 der her department-issued phone for examination and to leave the workplace.

1 56. Later that day, Chief Lowing informed Lieutenant Lappin that she was be-
2 ing placed on administrative leave.

3 57. Chief Lowing did not explain the basis for the disciplinary action.

4 58. Lieutenant Lappin later spoke with Chorus Nylander, a news reporter with
5 KVOA, who told her that Sheriff Nanos, through PCSD employees, was accusing her
6 of accepting money to grant journalists access to inmates.
7

8 **D. Sheriff Nanos's Defamatory Election-Eve Press Release**

9
10 59. On October 15, just three weeks before the November 2024 election, Sher-
11 iff Nanos issued an official media release concerning Lieutenant Lappin titled "PCSD
12 IA Investigation."

13 60. The release first stated that one of Lieutenant Lappin's supporters within
14 PCSD, Sergeant Cross, had been placed on administrative leave for "political cam-
15 paigning while representing [himself] as a department member under the color of au-
16 thority."
17

18 61. The release went on to state that "[i]t is known that Sergeant Cross is col-
19 laborating with Lieutenant Heather Lappin on her campaign," and that Lieutenant Lap-
20 pin was "questioned" about Sergeant Cross's activities.
21

22 62. The release also falsely stated that she "colluded with a journalist to facil-
23 itate payment to an inmate in exchange for a news story" and announced that PCSD had
24 referred her actions to the Arizona Attorney General and the Federal Bureau of Inves-
25 tigation.
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1 63. The release’s phrasing that Lieutenant Lappin had been “questioned,” and
2 publicly announcing that PCSD had referred her actions to state and federal authorities
3 implied criminality and election-law violations.

4 64. The release also falsely stated that Lieutenant Lappin was involved in and
5 condoned Sergeant Cross’s off-duty activities, implying that she was violating federal
6 election law.

7
8 65. The Arizona *Luminaria* published an article on October 16 expressly deny-
9 ing the statements in Sheriff Nanos’s press release. The article explained that Mr.
10 Washington only reimbursed the inmates for the costly phone call charges incurred
11 when he interviewed them previously. The publication affirmed that it “does not and
12 would never pay for sources, interviews, or information.”

13
14 66. The press release was unprecedented. It is the only instance in which Sher-
15 iff Nanos has issued a press release to announce a PCSD employee’s placement on ad-
16 ministrative leave to conduct an internal investigation.

17
18 **E. Rules of Administrative leave and gag order.**

19 67. On the same day as the publication of the press release, Lieutenant Lappin
20 met with Captain Christy Anderson and Sergeant Stephen Feree. During that meeting,
21 Lieutenant Lappin was advised of the terms of her administrative leave which Chief
22 Lowing had mentioned the prior evening.

23
24 68. Captain Anderson and Sergeant Feree directed Lieutenant Lappin to sur-
25 render her badge, department-issued firearms, and body-armor vest.

26 69. She was given a new work phone and told that she must remain at her
27 house and be available by phone from 8:00 a.m. to 4:00 p.m., Monday through Friday.

1 70. Captain Anderson instructed Lieutenant Lappin that if she wanted to leave
2 her home for any reason during those hours, she was first to report to Captain Anderson
3 and use sick or vacation time to do so.

4 71. Captain Anderson further ordered Lieutenant Lappin not to speak with an-
5 yone at PCSD about the circumstances of her leave, the reasons for her leave, or even
6 the fact that she was placed on leave.

7 72. PCSD rules, policies, and regulations contain no prohibition on an em-
8 ployee discussing the fact or circumstances of their leave.

9 73. Under PCSD policy, administrative leave relieves a member from duty.
10 Captain Anderson had no legitimate basis to order Lieutenant Lappin to remain at home
11 and not speak with PCSD personnel about the reason for, or fact of, her leave.

12 **F. Aftermath continued retaliatory employment actions, and retirement**
13 **from PCSD.**

14 74. In early December, the Pima County Superior Court announced the recount
15 results of the election. Lieutenant Lappin lost the race to Sheriff Nanos by 481 votes.

16 75. Despite the end of the election, Sheriff Nanos and PCSD leadership's har-
17 assment and retaliation against Lieutenant Lappin had not concluded.

18 76. On December 5, 2024, Captain Paul Hill informed Lieutenant Lappin that
19 she was being taken off of administrative leave. Captain Hill also informed her that,
20 while the investigation related to Sergeant Cross's protest was completed, the investi-
21 gation concerning her interactions with John Washington was still ongoing.

22 77. Upon her return to work, Lieutenant Lappin was placed at a new desk in a
23 remote area of the Jail and ordered to do nothing but read PCSD's procedures and
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1 guidelines for two weeks, followed by about six weeks of “shadowing” other personnel
2 before resuming full duties.

3 78. As of March 18, 2025, she had not returned to her prior, regular assign-
4 ment.

5 79. Sheriff Nanos and PCSD leadership continued to target Lieutenant Lappin
6 through baseless and retaliatory disciplinary actions.
7

8 80. On January 7, 2025, Captain Christy Anderson issued an Acknowledgment
9 of Verbal Counseling (“AVC”) to Lieutenant Lappin regarding her use of FMLA be-
10 tween October 18 and November 27, 2024. Lieutenant Lappin had properly used her
11 FMLA benefits while on administrative leave due to stress-related health issues for
12 which she was receiving treatment.
13

14 81. On January 21, 2025, Captain Hill presented a formal Letter of Reprimand
15 (“LOR”) signed by Sheriff Nanos. The LOR cited various rules and procedures and
16 stated that “evidence of your egregious violations” of PCSD rules and PCADC SOPs
17 had been “discovered and confirmed.”
18

19 82. Lieutenant Lappin submitted a grievance in response to the LOR. In re-
20 sponse to her grievance, Captain Hill admitted that his detailed review found that she
21 “did not facilitate payment for the interviews,” and that the discipline concerned author-
22 ization, notice to the County Attorney’s Office, and documentation requirements for
23 media interviews of inmates.
24

25 83. On February 11, 2025, Lieutenant Lappin received notice that her Off-
26 Duty Work Permit, Job Coordinator Permit, and/or Outside Employment Permission
27 was suspended for one year based on the January 22, 2025, discipline. The suspension

1 occurred shortly before the Cologuard Classic golf tournament, which Lieutenant Lap-
2 pin had worked for approximately twelve years, including five years as coordinator.

3 84. On March 7, 2025, Lieutenant Lappin received notice of a new internal
4 investigation related to a letter she wrote to a judge on behalf of a former employee
5 facing sentencing.

6
7 85. In total, Lieutenant Lappin has been referred to internal affairs five times
8 since declaring her candidacy in 2023. Before her candidacy, she had one internal-
9 affairs referral during approximately eighteen years of service with PCSD.

10 86. Sheriff Nanos and PCSD leadership's disproportionate scrutiny of Lieu-
11 tenant Lappin's is well known amongst PCSD deputies and has even become a running
12 joke.

13
14 87. Lieutenant Lappin will retire early as a result of the past and ongoing re-
15 taliatory conduct inflicted on her by Sheriff Nanos and PCSD.

16
17 **COUNT I**

18 **(42 U.S.C. § 1983—First Amendment Retaliation)**

19 **Defendant Sheriff Chris Nanos**

20 88. Plaintiff incorporates all the above factual allegations as though set forth
21 herein.

22 89. A public employee's bid for elective office constitutes a communicative
23 act protected by the First Amendment.

24 90. Lieutenant Lappin undertook her candidacy for the 2024 elections for Pima
25 County Sheriff as a private citizen and not as part of her official duties as a public em-
26 ployee.

27 91. Defendant Sheriff Nanos, directly and through PCSD leadership, took ad-
verse employment action against Lieutenant Lappin, including the transfer of new

1 duties, unwarranted disciplinary investigations, unwarranted assignment of blame, rep-
2 rimands containing false accusations, repeated and ongoing verbal harassment and hu-
3 miliation, threats of disciplinary action, and unwarranted disciplinary actions.

4 92. The actions taken against Lieutenant Lappin would have dissuaded a rea-
5 sonable public employee from engaging in the same protected activity.

6 93. Lieutenant Lappin's bid for Defendant Sheriff Nanos's elected office was
7 a substantial or motivating factor for the adverse employment actions taken by Defend-
8 ant Sheriff Nanos and PCSD leadership.

9 94. Defendant Sheriff Nanos and PCSD leadership would not have taken the
10 adverse actions alleged herein but for Lieutenant Lappin's candidacy.

11 95. As a result of Defendant Sheriff Nanos's deprivation of Lieutenant Lap-
12 pin's constitutional rights, she suffered monetary loss, impairment of reputation, per-
13 sonal humiliation, and mental anguish and suffering.

14
15 **COUNT II**

16 **((42 U.S.C. § 1983—Due Process— Liberty Interest)**

17 **Defendant Sheriff Chris Nanos**

18 96. Plaintiff incorporates all the above factual allegations as though set forth
19 herein.

20 97. Lieutenant Lappin had a liberty interest in her reputation and standing
21 among the PCSD and community.

22 98. The October 15, 2024, official media release authored and published by
23 Defendant Sheriff Nanos falsely accused Lieutenant Lappin of "collud[ing] with a
24 journalist to facilitate payment to an inmate in exchange for a news story."

25 99. The release falsely implied that Lieutenant Lappin had engaged in criminal
26 conduct by referencing "referrals" that Defendant Sheriff Nanos and PCSD leadership
27 made to the Arizona Attorney General's Office and the FBI.

1 100. The media release, which received extensive coverage in the press, was
2 defamatory, stigmatizing, and accused Lieutenant Lappin of moral turpitude.

3 101. Lieutenant Lappin was provided no means to challenge the assertions in
4 the media release or otherwise clear her name, in violation of her due process rights.

5 102. By coupling the retaliatory conduct and adverse employment action with
6 the media release, Defendant Sheriff Nanos deprived Lieutenant Lappin of her consti-
7 tutional liberty interest in her reputation and standing among the PCSD and community
8 without due process, and tangible interests such as her Off-Duty Work Permit.

9 103. As a result of Defendant Sheriff Nanos' deprivation of Lieutenant Lappin's
10 constitutional rights, she suffered monetary loss, impairment of reputation, personal hu-
11 miliatation, and mental anguish and suffering.

12
13 **COUNT III**

14 **(Common Law Defamation)**
15 **Defendant Sheriff Chris Nanos**

16 104. Plaintiff incorporates all the above factual allegations as though set forth
17 herein.

18 105. On October 15, 2024, Defendant Sheriff Nanos authored and published an
19 official media release that falsely accused Lieutenant Lappin of "collud[ing] with a
20 journalist to facilitate payment to an inmate in exchange for a news story."

21 106. The accusation of collusion is a statement of fact that can be proven false.
22 Furthermore, the release's language and the content, tone, context, and apparent pur-
23 pose of the whole release also present the accusation as a factual statement.

24 107. The release falsely implied that Lieutenant Lappin had engaged in criminal
25 conduct by referencing "referrals" that Defendant Sheriff Nanos and PCSD leadership
26 made to the Arizona Attorney General's Office and the FBI.

27 108. At the time of publication, Defendant Sheriff Nanos and PCSD leadership
knew the statement was false or acted with reckless disregard of its falsity. Defendant

1 Sheriff Nanos did or could have reviewed the recorded calls between Mr. Washington
2 and the inmates and did or could have reviewed deposits made to the inmates' accounts.
3 Defendant Sheriff Nanos and PCSD leadership did or could have confirmed from its
4 own records and Lieutenant Lappin's PCSD-issued cellphone that she did not collude
5 with the reporter, arrange any payment, or exchange anything for a news story.

6 109. The release also falsely implied that Lieutenant Lappin knew of and ap-
7 proved Sergeant Cross's protest attire, that she condoned deputies disregarding orders,
8 and that the conduct implicated the Hatch Act. In fact, Sergeant Cross's clothing was
9 his personal, off-duty attire and Lieutenant Lappin did not direct, approve, or condone
10 any noncompliance.

11 110. Defendant Sheriff Nanos's false and defamatory statements about Lieuten-
12 ant Lappin impaired her reputation and standing in the community and caused her to
13 experience emotional distress, humiliation, inconvenience, and anxiety.

14
15 **REQUESTED RELIEF**

16 WHEREFORE, Plaintiff requests judgment against Defendant in an amount that
17 will reasonably compensate Plaintiff, plus costs incurred in this action, attorneys' fees
18 pursuant to 42 U.S.C. § 1988, and for such further relief as the Court deems proper.

19 **JURY DEMAND**

20 Plaintiff requests a jury trial on all claims so triable.

21 Dated: September 22, 2025.

22
23 MILLER, PITT, FELDMAN & MCANALLY, P.C.

24 By: /s/Timothy P. Stackhouse

25 Timothy P. Stackhouse
26 Attorneys for Plaintiffs
27