

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BILL KASPERS, on behalf of himself)
and all other similarly-situated citizens,)
owners or co-owners of residences, and)
residents of the Derby Hills residential)
subdivision in Sandy Springs, Fulton County,))
Georgia,)

Plaintiffs,)

vs.)

VERIZON WIRELESS SERVICES, LLC,)

Defendant.)

) COMPLAINT – CLASS ACTION

) CIVIL ACTION NO.

**CLASS COMPLAINT FOR TEMPORARY, PRELIMINARY AND
PERMANENT INJUNCTIVE AND DECLARATORY RELIEF,
DAMAGES, INTEREST, COSTS AND ATTORNEY’S FEES**

A. Preamble

As a seemingly uncontrollable, invisible to the naked eye coronavirus/
Covid-19 pandemic has had a devastatingly adverse effect on the health, well-
being, livelihood and lives of the citizens of this County, State, and Country while
state and local governments look to the federal government for guidance and
support and the executive branch of the federal government abdicates its authority
and responsibility for providing such guidance and support to these United States,
Plaintiff Bill Kaspers and the other members of the Plaintiff’s Class find
themselves the victims of a corporate invasion into their residential suburban

Atlanta neighborhood which threatens not only to seriously devalue their principal residences and the places they consider “home,” but also, and more importantly, to have a devastatingly adverse and potentially deadly effect on the health, well-being, livelihood and indeed the lives of themselves and their families and loved ones, while state and local governments look to the federal government for guidance and the executive branch of the federal government (more specifically, the Federal Communications Commission -- hereinafter “the FCC”), currently headed by a former executive of the named Defendant herein, abdicates its authority and responsibility to protect the health, welfare and lives of the Plaintiff and the Plaintiff’s Class. This lawsuit is brought as a class action seeking temporary, preliminary and permanent injunctive and declaratory relief, as well as damages, interest, costs and attorney’s fees against the corporate invader, Verizon Wireless Services, LLC (hereinafter “Verizon”), under this Court’s federal question and diversity of citizenship jurisdiction.

B. The Parties

1. Plaintiff William F. Kaspers (also known and hereinafter referred to as “Bill Kaspers”, or “Plaintiff Kaspers”) is and has been a citizen of the United States since his birth almost seventy-two (72) years ago and a resident and co-owner of a residence located at 1165 Churchill Downs Road N.E. in the Derby Hills residential subdivision in what is now the City of Sandy Springs in Fulton County,

Georgia, for the past forty-six (46) years. Plaintiff Kaspers has been a member of the Bars of the State of Georgia and this Court for the past forty-six and a half (46½) years (since November, 1973), maintains and operates a law practice under the name “Kaspers & Associates Law Offices, LLC” in midtown Atlanta, and has maintained the highest (“av”) rating for legal skill and ethics in the *Martindale Hubbell Law Directory* for the past forty (40) years.

2. The other members of Plaintiff’s Class whom Plaintiff Kaspers seeks to represent in this lawsuit are other citizens of the United States who reside in the Derby Hills subdivision in Sandy Springs, Fulton County, Georgia, and who thus have interests and claims for purposes of this litigation which are similar and in common with those of Plaintiff Kaspers and are otherwise similarly situated with Plaintiff Kaspers. The Derby Hills residents who are neighbors of Plaintiff Kaspers and whom Plaintiff Kaspers seeks to represent in this lawsuit include Plaintiff Kaspers’ spouse for the past forty-eight (48) years, Candace B. Kaspers, who is and has also been a citizen of the United States and a resident and co-owner of the residence located at 1165 Churchill Downs Road N.E. in the Derby Hills subdivision in the City of Sandy Springs, Fulton County, Georgia, with Plaintiff Kaspers for the past forty-six (46) years.

3. Defendant Verizon Wireless Services, LLC is a foreign corporation authorized by the Secretary of the State of Georgia to do business in Georgia, with

its principal place of business located at One Verizon Way, Basking Ridge, New Jersey 079220, and its registered corporate agent for purposes of service of process being CT Corporation System, 289 S. Culver Street, Lawrenceville, Georgia 30046-4805.

C. Jurisdiction and Venue

4. This Court has personal jurisdiction over this action under and venue is also proper pursuant to 28 U.S.C. § 1391(b)(2), because Plaintiff Kaspers and the Plaintiff's Class all reside and Defendant Verizon conduct business in and all of the actions and inactions complained of which gave rise to the claims asserted herein occurred (or failed to occur) in Fulton County, Georgia and thus within the jurisdiction and venue of this Court.

5. This Court has subject matter jurisdiction over the claims asserted herein under this Court's diversity of citizenship jurisdiction under 28 U.S.C. §1332(a)(1) because Plaintiff and the Plaintiff's Class are residents of Georgia and are thus residents of a different state than Defendant Verizon, which is a foreign limited liability company incorporated under the laws of Delaware, and the amount in controversy herein exceeds \$75,000. This Court also has federal question jurisdiction over the claims asserted by Plaintiff Kaspers and the Plaintiff's Class against Defendant Verizon because Defendant Verizon has violated Plaintiff's and the Plaintiff Class's rights both under both 42 U.S.C. § 1983 as well as under the

Fifth and Fourteenth Amendments to the U.S. Constitution. Plaintiff Kaspers and the Plaintiff's Class are, therefore, entitled to relief from this Court under the various state law claims asserted herein over which this Court has diversity of citizenship jurisdiction as well as the relief provided under 42 U.S.C. §§ 1983 and 1988.

D. Facts Giving Rise to and Supporting the Claims of Plaintiff and Plaintiff's Class

6. On Friday, March 27, 2020, at approximately 4:30 p.m., Plaintiff Bill Kaspers and his spouse, Candace B. Kaspers, were self-quarantining and teleworking from the Metro Atlanta residence which they purchased forty-six (46) years ago and which they still maintain and use as their principal residence, which is located at 1165 Churchill Downs Road in the Derby Hills subdivision of Sandy Springs, Fulton County, Georgia, pursuant to a stay-at-home order issued by Atlanta Mayor Keisha Lance Bottoms on March 23, 2020 (Plaintiff Kaspers maintains his law practice and law offices on top of the Four Seasons Hotel in midtown Atlanta), as well as a similar shelter-in-place order issued by Rusty Paul, the Mayor of Sandy Springs, Georgia, on March 24, 2020 (following the Sandy Spring City Council's authorization for the issuance of such an order at a specially-called meeting of the Sandy Springs City Council on March 20, 2020, after the City of Sandy Springs approved a declaration of a state of emergency on March 17, 2020). When Plaintiff Kaspers opened the front door of his Atlanta residence in

response to the front doorbell ringing, he was greeted by a man who was standing just past the front doorway entrance and less than six feet from where Plaintiff Kaspers was standing. The man who was standing just past the front doorway entrance to Plaintiff Kaspers' residence was not wearing a protective face mask. Plaintiff Kaspers explained to the man that Plaintiff Kaspers was looking forward to celebrating his 72nd birthday in several months, that to that end Plaintiff Kaspers was self-quarantining, teleworking from his Atlanta residence, and socially distancing himself from everyone but his spouse. Plaintiff Kaspers, therefore, asked the man to step back in order to create at least six feet of distance between the man and Plaintiff Kaspers. The man initially stepped back, as requested. However, after stating that that his name was Wesley Ryan and that he worked for a Verizon installation subcontractor, "N.I.S." [an abbreviation of Network Installation Specialists, LLC, a for-profit corporation with corporate offices located at 335 Wilbanks Drive, Ball Ground, Georgia 30107 and a telephone number of 678-394-0190], the man then breached the six foot distance and handed Plaintiff Kaspers a card with the name of Verizon and an email address, vznetwork.georgia@veencerizonwireless.com, on it. Plaintiff Kaspers, once again, requested that the man step back, create and maintain at least six feet of distance between the man and Plaintiff Kaspers. Plaintiff Kaspers then looked out his front door and past the man and saw that something had just been painted on the street in

front of Plaintiff Kaspers' residence. Plaintiff Kaspers told the man that he wanted to see what had just been painted on the street in front of Plaintiff Kaspers' residence, and requested that the man maintain at least six feet of distance between himself and Plaintiff as the two of them walked down the 100-foot front walkway from the front door of Plaintiff Kaspers' residence to the street which had just been painted. Plaintiff Kaspers asked the man who said (at least half a dozen times) that he worked for a Verizon installation subcontractor what was going on, and the man responded that the company that he worked for, N.I.S., had been contracted by Verizon to dig a hole in the front yard of Plaintiff Kaspers' residence (a front yard which Plaintiff Kaspers had been maintaining, cultivating, and improving over the past 46 years), and to put in that hole a pole on which Verizon would put a 5G cell radio transmission unit. Plaintiff Kaspers asked the man why it was necessary to dig a hole in and thereby despoil the front yard of Plaintiff Kaspers' residence, when a pole already existed on the other side of the street to which were attached several phone lines as well as a Georgia Power unit. Plaintiff Kaspers asked the representative from Verizon's installation subcontractor whether an extension could be put on the existing pole to attach the 5G cell which Verizon wanted to put in Plaintiff Kaspers' front yard. The representative from Verizon's installation subcontractor said that an extension could be added to the existing pole to accommodate a 5G unit, and that he had seen such an extension put on other poles

for the purpose of attaching a 5G unit to the extension, but that such an extension was not part of the job order which Verizon Wireless had given to Verizon's installation subcontractor. Plaintiff Kaspers asked the Verizon subcontractor representative where he was from, and the man said that he had moved from California to Georgia. Plaintiff Kaspers responded that California was reported to be one of the epicenters of the coronavirus/Covid-19 pandemic. Plaintiff Kaspers reminded Verizon's installation subcontractor's representative that Plaintiff Kaspers was over the age of 70 and thus in a high-risk group for contracting Covid-19. Plaintiff Kaspers informed Verizon's subcontractor's representative that some of Plaintiff Kaspers' neighbors in the Derby Hills subdivision were similarly over 65 years of age and thus also in the high-risk group for contracting Covid-19. Plaintiff Kaspers told Verizon's subcontractor that he did not appreciate Verizon or Verizon's subcontractor coming into the Derby Hills residential subdivision and up to the front door of Plaintiff Kaspers' residence, invading Plaintiff Kaspers' six feet of social distancing space and thereby potentially exposing Plaintiff Kaspers, his spouse and others in the Derby Hills subdivision to the threat of contracting Covid-19 at a time when the coronavirus/Covid-19 pandemic was hitting the Derby Hills neighborhood, the City of Sandy Springs, Fulton County, the State of Georgia and the nation like a devastating tornado which you heard coming but couldn't see. Plaintiff Kaspers then asked, on behalf of himself, his spouse, and his Derby

Hills neighbors, that Verizon's subcontractor leave the neighborhood. Verizon's subcontractor responded by telling Plaintiff Kaspers that Plaintiff Kaspers did not have the right to ask Verizon's subcontractor leave the Derby Hills neighborhood. When Plaintiff Kaspers told Verizon's subcontractor that, if necessary, Plaintiff Kaspers call the police and ask the police to ask Verizon's subcontractor to leave the neighborhood, Verizon's subcontractor finally left, stating as he was leaving that a Verizon representative would be back in the Derby Hills neighborhood on Monday, March 30, 2020, followed by a crew from the Verizon's installation subcontractor presumably to dig the hole in Plaintiff Kaspers' front yard and then install the pole and 5G cell unit.

7. As promised, at the beginning of the week of March 30, 2020, a crew from Verizon's installation subcontractor appeared on the street in front of Plaintiff Kaspers' Atlanta residence. The crew was accompanied by a uniformed officer from the Fulton County Sheriff's Department, presumably to provide the appearance that the Verizon installation subcontractor was in the Derby Hills residential subdivision pursuant to and under the color of the law. Plaintiff Kaspers immediately telephoned Daniel Lee, the City Attorney for the City of Sandy Springs. When informed by Plaintiff Kaspers that Verizon's installation subcontractor appeared to be bringing the threat of contracting Covid-19 to Plaintiff, Plaintiff's spouse, and the rest of the Derby Hills residential neighborhood, City

Attorney Lee responded that, after just returning from a two-week personal battle with Covid-19, City Attorney Lee was sensitive to the health threat posed by Verizon and its installation subcontractor. City Attorney Lee said that someone from the City of Sandy Springs' Health Department would be immediately dispatched to the Derby Hills neighborhood and Plaintiff Kaspers' residence to order Verizon's installation subcontractor to immediately "cease and desist" and to leave the neighborhood. When a representative from Sandy Springs' Health Department arrived on the scene (about 15 minutes later) and told Verizon's installation subcontracting crew to "cease and desist" and to immediately leave the neighborhood, Verizon's installation subcontracting crew told the City of Sandy Springs' Health Department's representative that Verizon's subcontractor had no intention of discontinuing their activities and leaving the neighborhood. However, as the Health Department representative persisted in demanding that the Verizon subcontractor's crew cease and desist and leave the neighborhood, and after one of the Verizon subcontractor's crewmembers then telephoned and purportedly talked with his "boss," the Verizon subcontractor's crew left the neighborhood, but not before stating that the "cease and desist" period would only be temporary, and that they intended to be back to perform the pole digging and 5G unit installation as soon as possible.

8. Plaintiff Kaspers has since “googled” the email address which was printed on the card which Verizon’s subcontractor’s representative gave to Plaintiff Kaspers on the afternoon of March 27 (vznetwork.georgia@verizonwireless.com), which took Plaintiff Kaspers to a Verizon website which states absolutely nothing about the serious, toxic and potentially deadly health risks which necessarily follow the installation and subsequent use of a 5G cell unit in a populated area as a result of the high-frequency (28 and 39 GHz) millimeter waves which are transmitted from the 5G cell unit. According to a number of published reports following studies of the health effects of a 5G cell unit, the radiation from a 5G cell unit can cause cancer and other serious and potentially permanently debilitating health conditions in people of all ages. Indeed, there have been over one hundred studies, followed by over one hundred reports, relating to the serious and potentially deadly health risks to people who live near, or even just drive by, a 5G cell unit which is transmitting high-frequency radio waves. Brussels, the capital of Belgium and the official seat of the European Commission, the Council of the European Union, and the European Council has gone so far as to ban the installation and use of 5G units anywhere in that international city. And Switzerland, one of the world’s leaders in the development of 5G mobile technology, has placed an indefinite moratorium on the use of the new 5G technology in that country because of health concerns. Conversely, there is not

one reported study and report stating that such serious health risks do not accompany the installation and use of a 5G cell unit in a populated area—not one! However, the website to which Plaintiff Kaspers and the rest of Plaintiff’s Class were directed states absolutely nothing about any potential health risks associated with the installation and use of 5G cell units in a populated area.

9. There have been additional studies and follow-up reports stating that, because of the serious health consequences which follow the installation and use of 5G cell units in populated areas, the value of homes in such a populated area decrease by twenty percent (20%), on average, following the installation, start-up and use of 5G cell units in a residential neighborhood. According to these published reports, neighborhoods in which 5G cell units are installed and used tend to be viewed, both value-wise and living-wise, similar to residences which are next to a toxic waste site. The reason for such an analogy and comparison is obvious—the toxic effects of the radiation waves emanating from a 5G cell unit on the nearby residents. Moreover, the decrease in value of residences near a 5G cell unit is even greater than 20% for residences which are closer/closest to the emanating 5G cell unit. Verizon’s installation subcontractor intends to install a 5G cell unit roughly 100 feet from the bedrooms in Plaintiff Kaspers’ Derby Hills residence. Plaintiff Kaspers, his spouse Candace, and their Derby Hills neighbors and children will be less than 50 feet from the 5G cell unit, once installed, every time

that they drive by Plaintiff Kaspers' residence en route to or from the Derby Hills neighborhood.

10. If Verizon and its installation subcontractor are allowed to continue with their plan to install and then use 5G cell units as planned in Plaintiff's front yard and at four other locations around the Derby Hills residential subdivision, Plaintiff Kaspers and the rest of the Plaintiff's Class will be seriously and irreparably damaged, both by the material decrease in the value of their residences, but also in their day-to-day living and enjoyment of their residences, as they will be required, following the installation and initiation of the use of the 5G cell units, to live in constant fear and dread regarding when and how seriously they will contract the serious and potentially fatal health conditions and problems which every report that has studied the issue has concluded will necessarily and invariably follow the installation and use of 5G cell units in a populated residential neighborhood such as Derby Hills. The comparison and analogy to the Covid-19 pandemic could not be more vivid, nor more real. However, while you can shelter in place to escape and evade Covid-19, once 5G cell units are installed in the front yard of Plaintiff Kaspers' residence and elsewhere around the Derby Hills residential subdivision and become operational, there is no shelter or escape other than to sell one's residence at whatever devalued price might be offered by a buyer, since the high-

frequency 28 and 39 GHz millimeter radio waves will be transmitted throughout the Derby Hills residential neighborhood.

E. The claims of Plaintiff and the Plaintiff's Class

COUNT ONE: UNLAWFUL TRESPASS AND RESULTING PROPERTY DEVALUATION

11. The value of Plaintiff Kaspers' Sandy Springs residence will decrease by more than \$75,000 if Defendant Verizon and its installation subcontractor are not immediately enjoined from installing and using a 5G cell unit in the front yard of Plaintiff Kaspers' Atlanta residence. The residences of Plaintiff's neighbors in the Derby Hills subdivision will be similarly materially and substantially devalued unless Defendant Verizon and its subcontractor are temporarily, preliminary and permanently enjoined from proceeding. Once again, the website to which Plaintiff and Plaintiff's class members were referred by Verizon's subcontractor says nothing about the material diminution in the value of residences in neighborhoods in which 5G cell units are installed and then used—devaluations similar to suddenly living next to a toxic waste site.

COUNT TWO: UNLAWFUL TAKING OF PROPERTY AND OF THE JOY AND BENEFITS OF HOME OWNERSHIP UNDER COLOR OF LAW

12. As indicated by Defendant Verizon's employment of a Fulton County Sheriff Deputy to accompany Verizon's installation subcontractor into Plaintiff Kaspers' Derby Hills residential subdivision at the end of March of this year,

Defendant Verizon has proceeded, and intends to proceed, under color of law. When Defendant Verizon presented its installation and use plan to the City of Sandy Springs, Defendant Verizon told the City of Sandy Springs and its residents that they should defer to the Federal Communications Commission (otherwise referred to as “the FCC”) regarding the safety and utility of 5G cell unit installation and use. What Defendant Verizon intentionally failed to inform the City of Sandy Springs, its residents, Plaintiff Kaspers, and the rest of the Plaintiff’s Class that (a) both the city of Brussels and the country of Switzerland have already banned the installation and use of 5G cell units, (b) there have been over one hundred studies and reports regarding the serious and potentially fatal health risks to people close to an operating 5G cell unit, and there has been no study or report stating or concluding that such serious health risks do not exist, and (c) the federal appellate court for the District of Columbia was required to issue an Order last year enjoining any further abdication by the FCC of its authority and responsibility to consider the environmental and human exposure to health risks associated with the installation and use of 5G cell units to transmit high frequency radiation in populated areas. *See United Keetoowah Band of Cherokee Indians in Oklahoma v. Federal Communications Commission*, 933 F.3d 728, 2019 WL 3756373 (C.A.D.C. Aug. 9, 2019). In its August 9, 2019 decision and order, the federal Court of Appeals for the District of Columbia described the FCC’s March 10, 2018

Order eliminating any environmental health review of the installation and use of 5G cell units to transmit high frequency radiation into populated areas (2018 WL 1559856) as both “arbitrary and capricious”—particularly in areas such as the front yard of Plaintiff Kaspers’ residence, which the federal appellate court referred to as a “new ground disturbance” (as distinguished from the addition of a 5G cell unit to an already “planted” and existing pole or building).¹

COUNT THREE: FRAUD

13. Defendant Verizon’s failure to inform and provide notice to Plaintiff Kaspers, the other members of the Plaintiff’s Class, the City of Sandy Springs, Fulton County, the State of Georgia, and the federal government’s administrative agencies which are charged with the responsibility for protecting and safeguarding the health, livelihood and lives of America’s citizens is nothing more than fraud at all levels for which Defendant Verizon should be held accountable.

**COUNT FOUR: DEFENDANT VERIZON’S VIOLATION OF PLAINTIFF’S
AND THE PLAINTIFF CLASS’S RIGHTS UNDER 42
U.S.C. § 1983**

14. 42 U.S. C. § 1983 expressly states, in pertinent part:

¹ The fact that the current head of the FCC is a former executive/assistant general counsel for Verizon before he entered federal government service may well explain why the FCC has to date failed, and had to be ordered by a federal appellate court, to consider the environmental health risks which necessarily accompany and result from the installation and use of 5G cell units to transmit high-frequency radiation in a populated area.

Every person who under color of any statute, ordinance, regulation, custom or usage of any State or Territory...subjects, or causes to be subjected, any citizen of the United States...to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper pleading for redress.

Acting under color of federal, state and/or local law, Defendant Verizon's threatened installation and use of 5G cell units in Plaintiff Kaspers' front yard and in other nearby locations throughout the Derby Hills subdivision threatens to deprive Plaintiff and other members of the Plaintiff's Class of their inalienable right to life, liberty and the pursuit of happiness which Plaintiff Kaspers and the Plaintiff's Class currently enjoy as citizens and owners of private residences in the Derby Hills subdivision in Sandy Springs, Fulton County, Georgia. The appearance of a uniformed Fulton County Sheriff Deputy with Verizon's installation subcontractor, at the request of and to be paid by Verizon's installation subcontractor when it invaded the Derby Hills residential subdivision to dig and plant a pole on which to install a 5G unit to transmit high frequency radiation toward the bedrooms of Plaintiff Kaspers' residence and the rest of the Derby Hills neighborhood (as well as additional 5G cell units elsewhere around the Derby Hills subdivision) evidences the extent to which Defendant Verizon and its installation subcontractor were willing to go to give the impression that actions of Verizon and its installation subcontractor were "under the color of the law." Defendant Verizon should be temporarily, preliminarily and permanently enjoined from depriving

Plaintiff and other members of Plaintiff's Class of such rights and privileges, which 42 U.S.C. § 1983 was designed and intended to protect with remedies including, but not limited to, those remedies authorized in 42 U.S.C. § 1988.

COUNT FIVE: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

15. The threat which Defendant Verizon's actions have inflicted on Plaintiff Kaspers and the Plaintiff's Class cannot be understated, both because of the inevitable substantial devaluation of Plaintiff Kaspers' and the Plaintiff's Class's private residences, but also because of the serious and potentially life-shortening health risks which Defendant Verizon's threatened installation and use of 5G cell units in and on Plaintiff Kaspers' front yard and elsewhere in the Derby Hills subdivision will have on both Plaintiff Kaspers and the Plaintiff's Class. The fact that these threats were accompanied by actionable acts of fraud and misrepresentations by Defendant Verizon makes Defendant's actions (and inactions) all the more reprehensible, and duly deserving of an award of punitive damages against Defendant Verizon for intentionally inflicting such emotional distress upon Plaintiff Kaspers and the Plaintiff's Class.

F. Class Action Allegations

11. Pursuant to this Court's Local Rule 23.1(A)(2), Plaintiff Kaspers provides the following information:

(a) Fed.R.Civ.P. 23(b)(2) authorizes maintenance of this suit by class action

(b) The approximate size of the class which Plaintiff seeks to represent is between 110 and 220 individuals, is thus so numerous that joinder of all members is impracticable, and thus satisfied the requirements of Fed.R.Civ.P. 23(a)(1). The class whom Plaintiff seeks to represent is defined as all U.S. citizens who reside in and are either owners or co-owners of a residence in the Derby Hills residential subdivision in Sandy Springs, Fulton County, Georgia, who have been subjected to threats by Defendant Verizon and Defendant's installation subcontractor of the installation and operation of 5G high frequency transmission cell units throughout the Derby Hills residential subdivision, which would necessarily materially devalue the residences in said subdivision while exposing the citizens who are residents and owners or co-owners of said residences to severe, toxic, potentially deadly and certainly life-changing health and environmental risks and accompanying material financial and emotional damages.

(c) Plaintiff Kaspers is and has been a U.S. citizen and a resident and co-owner of a residence located in the Derby Hills residential subdivision in Sandy Springs, Fulton County, Georgia. Because Defendant Verizon and Defendant's installation subcontractor have both threatened to dig a hole in the front yard of Plaintiff's Derby Hills residence into which a pole will be planted on

which a 5G high frequency transmission cell unit will be installed and then transmitted, and because such a 5G high frequency transmission cell unit will thus be operated approximately one hundred feet from the bedrooms of Plaintiff's Derby Hills residence as well as approximately thirty feet from Plaintiff whenever Plaintiff drives to or from his Derby Hills residence or walks around the Derby Hills neighborhood and past the 5G unit cells which Verizon has threatened to install both in the front yard of Plaintiff's residence as well as elsewhere around the Derby Hills residential subdivision, Plaintiff will directly suffer both the material financial loss resulting from the material devaluation of Plaintiff's residence following the installation and operation of the 5G cell units in the front yard of Plaintiff's residence as well as elsewhere around the Derby Hills residential neighborhood, as well accompanying mental and emotional damages associated with the detrimental health effects associated with the operation of 5G high frequency transmission units throughout Plaintiff's neighborhood.. In other words, Plaintiff Kaspers has a very real and a very personal stake in this dispute and the outcome of this dispute. Moreover, Plaintiff Kaspers is not only a highly-regarded litigation attorney, having maintained the highest ("av") rating for legal skill, ethics, and professionalism in the *Martindale-Hubbell Law Directory* for the past forty (40) years, but he obtained and has maintained both that rating and his reputation in the legal community by litigating as counsel of record in a number of

putative class actions. *See, e.g., Norton v. Tallahassee Memorial Hospital*, 1978 WL 13923 (N.D.Fla. 1977), 511 F.Supp. 777 (N.D. Fla., Tallahassee Div., 1981), 689 F.2d 938 (11th Cir. 1982), *Johnson v. City of Tulsa*, 2003 WL 24015151 (N.D. Okl. 2003), and *Russell v. ProMove, LLC*, 2006 WL 8433306 (N.D.Ga., Atl. Div. 2006).

(d) The issues of fact and law set forth in the preceding Sections D and E above are incorporated herein by reference and are common among Plaintiff Kaspers and the members of the class whom Plaintiff Kaspers seeks to represent.

(e) The allegations set forth both in Sections D and E above as well as in this Section F satisfy the criteria of section (b)(1) and (b)(2) of Fed.R.Civ.P. 23.

(f) Based upon previous reports of the effects that the installation and operation of 5G cell units in a residential neighborhood have had on the financial values of the residences in such a neighborhood—such a situation is viewed by the general public as analogous to residing adjacent to a toxic waste site, it is reasonable to anticipate a devaluation of at least 20% in the value of each and every residence in the Derby Hills residential subdivision. A devaluation of 20% of a residence valued at \$375,000 will satisfy the jurisdictional amount of \$75,000 required for this Court to assert diversity of citizenship jurisdiction. According to Zillow.com's online residence evaluation service, each and every one of the 110 residences in the Derby Hills residential subdivision has a current market value in


excess of \$375,000. Indeed, during the past year, no residence has sold in the Derby Hills residential subdivision for less than \$450,000. Each and every residence in the Derby Hills residential subdivision thus satisfies the jurisdictional amount required for this Court to assert diversity of citizenship jurisdiction over this dispute—presuming that each and every residence will experience a devaluation of at least 20% if the threatened installation and operation of 5G cell units throughout the Derby Hills neighborhood are not enjoined.

G. CONCLUSION

WHEREFORE, Plaintiff Kaspers and the Plaintiff's Class seek temporary, preliminary, and permanent injunctive and declaratory relief as well as damages, interest, costs and attorney's fees in an amount to be determined to be appropriate by this Court, as well as an additional award of punitive damages against Defendant Verizon for their reprehensible conduct, actions, and inactions upon which the above-stated claims are based. If the Court determines that it is not possible or appropriate to issue temporary, preliminary and permanent injunctive and declaratory relief preventing the installation and use of 5G cell units in Plaintiff Kaspers and his neighbors Derby Hills residential subdivision, Plaintiff Kaspers and the Plaintiff's Class requests that Defendant Verizon be ordered to pay \$128,200 per residence to the citizens of the United States who either own or co-own the one hundred ten (110) residences in the Derby Hills subdivision to

account for the anticipated 20% devaluation of the residences in the Derby Hills subdivision because of the installation and use of the 5G cell units by Defendant Verizon in the Derby Hills neighborhood, or \$14,102,000 in the aggregate, plus an equal amount of an additional \$14,102,000 to Plaintiff Kaspers and Plaintiff's Class of owners and co-owners of the 110 residences in the Derby Hills subdivision as emotional distress and punitive damages for Defendant Verizon's invasion and infliction of intentional emotional distress relating to the inevitable health risks and harm which Defendant Verizon's installation and use of 5G cell units has inflicted and will inflict upon the U.S. citizens who are residents of the Derby Hills subdivision, plus interest on said damages awards calculated from the date of filing of this Complaint, plus reasonable attorneys' fees incurred in the preparation, filing, and pursuit of such awards, pursuant to the provisions of 42 U.S.C. § 1988.

Respectfully submitted, this 19th day of May, 2020



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