

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**KATHLEEN KRAMEDAS
MCGUINESS**

Plaintiff

vs.

**KATHLEEN JENNINGS,
MARK DENNEY, AND
FRANK ROBINSON, IN THEIR
INDIVIDUAL CAPACITIES**

Defendants.

CIVIL ACTION NO.

**COMPLAINT FOR VIOLATIONS
OF THE 4TH, AND 14TH
AMENDMENTS OF THE
CONSTITUTION OF THE UNITED
STATES AND SECTION 1983 OF
THE CIVIL RIGHTS ACT AND
COMMON LAW SLANDER**

Plaintiff, Kathleen McGuiness, by way of Complaint against Defendants Kathleen Jennings, Mark Denney, and Frank Robinson and says:

INTRODUCTION

1. This case seeks to protect and vindicate the fundamental constitutional rights of Plaintiff Kathleen Kramedas McGuiness (Plaintiff McGuiness) under the Fourth and Fourteenth Amendments to the United States Constitution through the statutory vehicle 42 U.S.C. § 1983 against Defendant Frank Robinson. In addition, Plaintiff McGuiness is seeking damages for claims of slander against Defendants Denney and Jennings.

2. Plaintiff McGuiness seeks a monetary judgment against Defendant Robinson, and a declaration that while acting under color of state law, his unconstitutional conduct—drafting an affidavit of probable cause, that Defendant Robinson knew or had reason to know was riddled with half-truths and false statements.¹

3. The basic purpose of § 1983 damages is to compensate persons for injuries caused by the deprivation of constitutional rights. *Carey v. Phipus*, 435 U.S. 247, 254 (1978); *Pryer v. C.O. 3 Slavic*, 251 F.3d 448, 453 (3d Cir. 2001)

Jurisdiction and Venue

4. Plaintiff McGuiness incorporates by reference complaint paragraphs one through three, as set forth fully here.

5. This Court has subject matter jurisdiction over the instant cause of action under 28 U.S.C. §§ 1331, 1343, 2201, 2202 and 42 U.S.C. §§ 1983, 1988.

6. Plaintiff McGuiness’ claims for declaratory and injunctive relief are further authorized by Federal Rules of Civil Procedure (“Fed. R Civ. P”) 57 and 65,

¹ “...where an officer knows, or has reason to know, that he has materially misled a magistrate on the basis for a finding of probable cause, ... the shield of qualified immunity is lost.” https://www.fletc.gov/sites/default/files/imported_files/training/programs/legal-division/downloads-articles-and-faqs/research-by-subject/civil-actions/liabilityforfalseaffidavits.pdf citing *Golino v. City of New Haven*, 950 F.2d 864, 871 (2d Cir. 1991), cert. denied, 505 U.S. 1221 (1992)

and by the general legal and inherent equitable powers of this Court. Title 42 U.S.C. §§ 1983 and 1988 authorizes Plaintiff's claims for damages.

7. Venue is proper under 28 U.S.C. § 1391(b) because Defendants reside, and the events occurred in the District of Delaware.

PARTIES

8. Plaintiff McGuiness served as Delaware State Auditor from January 2019 until October 2022.

9. Defendant Kathleen Jennings (Defendant Jennings) serves as Delaware's 46th Attorney General. At all times herein mentioned, Defendant Jennings was acting under the color of law in her individual capacity as an Attorney General for the State of Delaware.

10. Defendant Mark Denney has been the Director of the Delaware Department of Justice's Division of Civil Rights and Public Trust since April 2020. At all times mentioned herein, Defendant Denney was acting under the color of law in his individual capacity as a Deputy Attorney General for the State of Delaware. By information and belief, Defendant Denney is no longer employed by the State.

11. Defendant Frank Robinson is the Chief Special Investigator for the Office of Civil Rights and Public Trust. At all times herein mentioned, Defendant

Robinson was acting under the color of law in his individual capacity as Chief Special Investigator for the Office of Civil Rights and Public Trust.

**DEFENDANT ROBINSON USES FALSE INFORMATION TO OBTAIN A
SEARCH WARRANT AGAINST MCGUINNESS**

12. Following a yearlong investigation and the use of an investigative Grand Jury, with great public fanfare, the State of Delaware’s Attorney General brought an Indictment against Plaintiff McGuinness on October 10, 2021.

13. On September 28, 2021, the State sought, obtained, and executed a Search Warrant at Auditor McGuinness’ office, for, among other things, “All invoices and payment records for My Campaign Group and Innovate Consulting between January 1, 2019, and July 1, 2021.” (A copy of the *Search Warrant and accompanying Probable Cause Affidavit* are attached hereto as Exhibit A.)

14. In support of its application for the Search Warrant, in paragraph 2 of the Probable Cause Affidavit, Defendant Robinson averred, “[Y]our affiant does not believe he has excluded any fact or circumstance that would tend to defeat the establishment of probable cause.”

15. In paragraph 23 of the Probable Cause Affidavit, Defendant Robinson alleged, “On or about August 5, 2020, and again on or about September 10, 2020, My Campaign Group invoices were split by AOA and paid in amounts of less than \$5,000.00. DEFENDANT engaged in at least three other contracts, for

\$45,000.00 each. Each of those contracts included individual payments over the \$5,000.00 reporting threshold. The MYCG contract was the only OAOA² no-bid contract of at least \$45,000.00 in which all payments were made below the \$5,000.00 reporting threshold.”

16. In further support of its application for the Search Warrant, Defendant Robinson alleged in paragraph 24 of the Probable Cause Affidavit that “On or about August 1, 2020, My Campaign Group submitted a single invoice for \$11,250.00. On August 5, 2020, My Campaign Group received two payments, one for \$4,875.00 and one for \$4,500.00. DEFENDANT later instructed an AOA employee to pay \$1,950.00 with a PayPal account, on September 10, 2020, which was done outside of the original \$45,000.00 purchase order with the Division of Accounting. Additional payments were made to My Campaign Group (“MyCG”) on September 10, 2020— one for \$4,350.00, and another for \$2,950.00. The \$2,950.00 payment was also made outside of the purchase order.”

17. Defendant Robinson and other unknown members of the Department of Justice provided false information and recklessly disregarded the truth in setting forth paragraphs 23 and 24 (as stated above).

² The Complaint interchangeably uses the acronyms “AOA” and “OAOA” referring to the Office of Auditor of Accounts.

18. Specifically, the information upon which Defendant Robinson and other unknown members of the Department of Justice relied did not support paragraphs 23 and 24 of the Affidavit of probable cause.

19. The allegations set forth in paragraphs 23 and 24 were demonstrably false when made. In particular:

a. On August 5, 2020, the OAOA made only *one* payment to My Campaign Group in the amount of \$9,375 for the full amount of the August 2020 invoice.

b. Because the August 2020 payment was in excess of \$5,000, *it was approved as required by the Division of Accounting.*

c. On September 22, 2020, the OAOA made only *one* payment to My Campaign Group in the amount of \$9,250.

d. Because the September 22, 2020 payment was in excess of \$5,000, *it was approved as required by the Division of Accounting.*

20. Paragraphs 23 and 24 are substantially similar to paragraphs 31 and 32 of the First Indictment, in which Defendant was charged on October 10, 2021. (A copy of the First Indictment is attached hereto as Exhibit B.)

21. Specifically, Defendant Robinson and other unknown members of the Department of Justice relied on sources such as a spreadsheet called “My Campaign

Group Payments _2019 to 2021.” (The “MCG Spreadsheet”). (A copy of the MCG Spreadsheet is attached hereto as Exhibit C.) The MCG Spreadsheet appears to list all payments made by the OAOA to My Campaign Group. Each payment listed includes, *inter alia*, a “payment reference number,” a method of payment, a date of payment, and an amount of payment.

22. The MCG Spreadsheet clearly shows that contrary to paragraphs 23 and 24 of the Probable Cause Affidavit and paragraphs 31 and 32 of the First Indictment, the August and September invoices from My Campaign Group were each paid by EFT payments in excess of \$5,000.

10	1044056	Electronic Funds Transfer	9,375.00	USD	8/6/2020	8/6/2020	Paid	MY CAMPAIGN GROUP LLC	509907
11	1056721	Electronic Funds Transfer	9,250.00	USD	9/22/2020	9/21/2020	Paid	MY CAMPAIGN GROUP LLC	509907

23. At the time that the search warrant was drafted, records available to Defendants Robinson and other unknown members of the Department of Justice maintained by the State’s automated and electronic accounting system called First State Financials (“FSF”) **showed that both invoice payments were, in fact, approved by the Division of Accounting as required by that agency’s regulations.** FSF records were in the possession of the Defendants and readily accessible to them, as they are accessible online by any State agency.

24. In fact, under oath, Defendant Robinson admitted to writing the warrant based on information he knew to be false at the time.

Q: You told the court under oath there were multiple payments under \$5,000 in September; correct?

A: Correct

Q: That's false.

A: Correct.

Q: And you knew it when you wrote the search warrant, right?

A: Correct.

(Transcript of Suppression Hearing, Pgs. 66-67, Lines 2-23, Lines 1-5 attached as Exhibit D)

25. In the Superseding Indictment by which Plaintiff was charged on March 28, 2022, Defendants made significant changes to paragraphs 31 and 32. Gone were the false allegations of multiple payments of less than \$5,000 on the August and September 2020 My Campaign Group invoices. Instead, the Superseding Indictment alleges—for the first time in this prosecution—that the subject invoices were “paid in multiple payments from multiple funding sources.”

(A copy of the *Superseding Indictment* is attached hereto as Exhibit E.)

26. The Search Warrant and accompanying Probable Cause Affidavit included the same false allegations that led the State to correct itself in paragraphs 31 and 32 of the Superseding Indictment (paragraphs 23 and 24 of the Probable Cause Affidavit).

27. The result was a finding of probable cause that would have been unjustified in their absence.

28. In turn, the Search Warrant should not have been issued absent the false information provided by the Defendants.

29. Paragraph 37 of the Probable Cause Affidavit purports to demonstrate probable cause for the State to seize records maintained by the OAOA video system from June 15, 2021, to July 1, 2021. It reads as follows:

“On or about June 25, 2021, an employee who is friends with former employees and whistleblowers to the misconduct at the Office of the Auditor of Accounts called the police to report an item stolen from within the office.”

30. The obvious implication of paragraphs 37 and 38 is that the Auditor Office’s video system might have recorded the theft of the employee’s item. However, Defendant Robinson and other unknown members of the Department of Justice knew no later than July 1, 2021, that the police officer who had investigated the theft had viewed the records of the video system and concluded that they did not depict the theft and that it was his opinion that the employee who reported the theft was “10-81” (a police communication code meaning “crazy”).

31. These observations were reported by the Auditor’s Officer to Deputy Attorney General Patricia Davis in an email dated July 1, 2021. (A copy of the *email*

chain is attached hereto as Exhibit F.) Despite the obviously exculpatory nature of the email, it was not produced by the State until April 8, 2022, as part of a document production of 511,266 files.

32. By omitting these facts from paragraph 37 of the Probable Cause Affidavit, Defendant Robinson and other unknown members of the Department of Justice knew there was, in fact, no probable cause to believe that the OAOA's video system might contain evidence of a crime.

33. The Search Warrant issued nevertheless, and the State thereunder unconstitutionally seized evidence identified in bullets 6 and 7 of the Search Warrant as "All invoices and payment records for My Campaign Group and Innovate Consulting between January 1, 2019, and July 1, 2021" and recordings made by "The office video system to cover June 15, 2021, to July 1, 2021," respectively.

34. Plaintiff McGuiness, meanwhile, was unaware of the reckless falsity of paragraphs 23, 24, and 37 until the State took corrective steps in the Superseding Indictment and belatedly produced the documents two months after the Court's January 31, 2022 deadline for the filing of motions to suppress in her criminal case.

35. During McGuiness' criminal trial, Robinson admitted under oath that certain assertions in paragraphs 23 and 24 were false.

36. The Purchasing and Contracting Advisory Council establishes thresholds that trigger formal bidding procedures in the areas of material and Non-Professional Services, Public Works, and Professional Services. 29 *Del. Code* 6913(d)(4).

37. The Council does not require formal bidding for professional service contracts under \$50,000.00.

38. By information and belief, the Attorney General's office and other state agencies routinely use the same no-bid contracts as the one between the Auditor's Office and My Campaign Group.

DEFENDANT JENNINGS AND DENNEY'S STATEMENTS AGAINST MCGUINNESS AT THE OCTOBER 11th, 2021, PRESS CONFERENCE

39. On October 11, 2021, the Department of Justice, represented by Defendant Jennings, Defendant Denney, and Chief Deputy Attorney General, Alexander Mackler held a press conference announcing an indictment against Plaintiff McGuinness. **See below:**



Video: Delaware state Auditor Kathy McGuinness indicted on two felony charges

<https://www.delawareonline.com/videos/news/2021/10/11/delaware-state-auditor-kathy-mcguinness-indicted-two-felony-charges-attorney-general-kathy-jennings/6094498001/>

40. Defendant Jennings made the following statements concerning the charges against Plaintiff at the Press Conference (03:14, 4:31):

a. Jennings stated that Plaintiff McGuinness was being indicted after a year-long investigation.

b. McGuinness contracted the MyCampaignGroup as a consultant for the Auditor of Accounts office.

c. McGuinness concocted a “sweetheart deal” by finding a “loophole” to avoid a competitive bidding process.

d. McGuinness illegally structured a series of payments to the company in order to avoid public oversight.

e. McGuinness contracted the company a second time and created another deal which was structured to avoid public oversight and a competitive bidding process.

f. Defendant Jennings stated, “The defendant [McGuinness] also illegally structured a series of payments to My Campaign Group to remain under the state approval threshold.”

41. Defendant Denney made the following statements concerning the charges against Plaintiff at the Press Conference (15:16):

a. Vouching for the legitimacy of the facts included in the indictment by stating “...this indictment is as detailed and as thorough as an indictment that we’ve ever done in the State of Delaware, and for the reason of ensuring public trust and transparency in these cases, we wanted to be as specific as possible.”

b. Stating “She [McGuinness] structured a contract to avoid scrutiny, period.”

c. McGuinness manipulated invoices to avoid direct payment overview by the Division of Accounting. Defendant Jennings stated, “The defendant [McGuinness] also illegally structured a series of payments to My Campaign Group to remain under the state approval threshold.”

42. Defendant Jennings emphasized her involvement in the case by stating she was “laser beam focused on the prosecution and on the investigation.”

43. On the same date of the Press Conference, the State indicted Plaintiff McGuinness for five counts: (1) Conflict of Interest, (2) Felony Theft, (3) Non-Compliance with Procurement Law, (4) Official Misconduct, and (5) Act of Intimidation. (“Ex. B”).

44. Paragraphs 31 and 32 of the First Indictment contained the same factually false allegations that were alleged in paragraphs 23 and 24 of the probable cause affidavit supporting the search warrant.

45. Prior to trial, Plaintiff’s defense counsel filed a Motion to Suppress and Request for a *Franks* Hearing based on false allegations in the search warrant affidavit and subsequent indictments.

46. During the *Franks* hearing, Defendant Robinson agreed that he included facts in the affidavit of probable cause supporting the search warrant that he knew or should have known were false.

47. At the *Franks* hearing, Defendant Robinson never intimated that anyone else was responsible for drafting the affidavit.

48. In light of Defendant Robinson’s testimony, the trial court suppressed the seized ESI.

49. Plaintiff McGuiness' criminal jury trial began on June 14, 2022.

50. At trial, Director of the State's Division of Accounting, Jane Cole testified that MyCG did not receive two payments in violation of Section 6903(a).

(Excerpts of Cole's Testimony attached as Exhibit G)

51. Cole testified to the following:

Q. And anybody who wrote that My Campaign Group received two payments on September 10th of 2020 is making a false statement; isn't that correct?

A. Yes, it is.

(Excerpt of Cole's Testimony, C-91, lines 11-23 attached as Exhibit G)

52. In regard to a payment chart, Cole testified:

Q. And anybody who said that chart says My Campaign Group received multiple payments made an untrue statement; correct?

A. Correct.

(Excerpt of Cole's Testimony, C-101, lines 17-20 attached as Exhibit G)

53. In addition, Cole testified at trial that the Division of Accounting was contacted by the Defendants in the summer of 2021 about a particular set of invoices paid to a contractor called My Campaign Group. **(C-107, lines 7-12)**

54. Cole testified that she forwarded information regarding the approval of the vouchers to the Attorney General's Office sometime in July or early August of 2021. (C-111, lines 5-10)

55. In regard to notifying the Attorney General's office, Cole testified:

Q: So as of whenever you forwarded that information, July or early August of 2021, you told the Department of Justice that the Division of Accounting approved two vouchers since they exceeded \$5,000?

A: Correct.

Q: And so if anybody said that there were multiple payments all under \$5,000, that would be a false statement relating to August and September; right?

A: Correct.

Q: And anybody who had the benefit of reading this email would know it was a false statement; correct?

A: Correct.

(Excerpt of Cole's Testimony, C-111, lines 1-19 attached as Exhibit G)

56. For the first time at trial, Defendant Robinson testified that he was not the sole author of the affidavit submitted to the Superior Court to support the September 2021 search warrant (referenced above).

57. Defendant Robinson testified that the affidavit was written by a team.

58. At this time, Plaintiff is not aware of what other members of the Attorney General's team participated in providing the false information in the affidavit. Plaintiff reserves the right to amend the complaint to add those individuals.

59. Defendant Denney, Jennings, and Robinson possessed information contrary to the information submitted in the Probable Affidavit and original indictment and statements they made during the press conference.

60. On July 1, 2022, the jury found McGuiness not guilty of Counts Two and Five and guilty of Counts One, Three, and Four.

61. Judge Carpenter issued a Post Trial Decision dismissing the Structure charge ultimately deciding that Plaintiff's acts did not constitute a crime.

62. In pages 12-13 of his decision, Judge Carpenter writes:

“The procurement statute violation has been a difficult one for the State to establish as it is the classic example of trying to fit conduct into a statute for which it was never intended to address. The State's initial theory in the case was that the Defendant violated Section 6903(a) when she had manipulated a contract to ensure that when executed it did not violate the \$50,000 threshold to avoid placing it out for bid, conduct clearly contemplated by that section of the code. When it became evident there was no splitting of the initial contract into two or more separate ones, however, the State's theory mollified into a theory that when one intentionally breaks invoices down into smaller amounts to avoid the \$5,000 review threshold, such conduct would violate Section 6981 and be subject to the criminal

penalties listed in Section 6903(a). The problem with relying upon Section 6981 is that subchapter of Chapter 69 does not criminalize that conduct... **After reviewing the evidence, it appears that the MyCG contract was properly executed between the OAOA and MyCG because it was below the \$50,000 threshold and not subject to the provisions in Section 6981.**” *State v. McGuinness*, No. 2206000799 (Del. Super. Ct. Aug. 30, 2022)

63. In other words, Judge Carpenter determined that there never was a “structuring” crime. The only way the State was able to allege probable cause in the warrant was to concoct a crime that never occurred, and when McGuinness’ defense called them on it, the State re-indicted to allege an offense that doesn’t exist.

64. On October 19, 2022, McGuinness was sentenced to, *inter alia*, pay a \$10,000 fine, serve one year in custody at supervision Level 5, suspended for one year at supervision Level 1 and perform 500 hours of community service.

65. McGuinness filed a Notice of Appeal on November 18, 2022.

66. McGuinness’ appeal is still pending and scheduled for oral argument before the Delaware Supreme Court on September 20, 2023.

***Count One—Fourth Amendment Violation Against Defendant Robinson
(42 U.S.C § 1983)***

67. Plaintiff McGuiness incorporates by reference complaint paragraphs one through forty-four, as set forth fully here.

68. The Constitution prohibits a state official from making perjurious or recklessly false statements in support of a warrant. *Franks v. Delaware*, 438 U.S. 154, 165-66 (1978)

69. Here, it was determined at trial that the affidavit submitted by Defendant Robinson included false information.

70. The affidavit included the following falsities and/or misleading statements:

a. On or about August 1, 2020, My Campaign Group submitted a single invoice for \$11,250.00. On August 5, 2020, My Campaign Group received two payments, one for \$4,875.00 and one for \$4,500.00. DEFENDANT later instructed an AOA employee to pay \$1,950.00 with a PayPal account, on September 10, 2020, which was done outside of the original \$45,000.00 purchase order with the Division of Accounting. Additional payments were made to My Campaign Group on September 10, 2020— one for \$4,350.00, and another for \$2,950.00. The \$2,950.00 payment was also made outside of the purchase order.

b. On or about August 5, 2020, and again on or about September 10, 2020, My Campaign Group invoices were split by AOA and paid in amounts

of less than \$5,000.00. DEFENDANT engaged in at least three other contracts, for \$45,000.00 each. Each of those contracts included individual payments over the \$5,000.00 reporting threshold. The MYCG contract was the only OAOA no-bid contract of at least \$45,000.00 in which all payments were made below the \$5,000.00 reporting threshold.

71. The records available to the State and Robinson as maintained by the State's automated and electronic accounting system called First State Financials ("FSF") **showed that both invoice payments were, in fact, approved by the Division of Accounting as required by that agency's regulations.** FSF records were either in the possession of Robinson or were readily accessible to him, as they are accessible online by any State agency.

72. Paragraph 37 of the Probable Cause Affidavit purports to demonstrate probable cause for the State to seize records maintained by the OAOA video system from June 15, 2021, to July 1, 2021. It reads as follows:

"On or about June 25, 2021, an employee who is friends with former employees and whistleblowers to the misconduct at the Office of the Auditor of Accounts called the police to report an item stolen from within the office."

73. At the time of the affidavit containing the misleading information regarding the purported theft of stolen items from the office, Defendant Robinson

and other unknown members of the Department of Justice were aware that the police had investigated the claim and determined the report to be “crazy”.

74. By omitting these facts from paragraph 37 of the Probable Cause Affidavit, Defendant Robinson and other unknown members of the Department of Justice recklessly disregarded the truth. There was, in fact, no probable cause to believe that the OAOA’s video system might contain evidence of a crime.

75. Here, Defendant Robinson and other unknown members of the Department of Justice knowingly filed a false affidavit to secure a search warrant in violation of Section 1983.

76. There is no doubt that Defendant Robinson and other unknown members of the Department of Justice knew, or had reason to know, that the affidavit submitted materially misled a magistrate on the basis of a finding of probable cause. Therefore, they cannot claim qualified immunity as a defense.

77. The Search Warrant was issued based on these false statements, and the State unconstitutionally seized evidence identified in bullets 6 and 7 of the Search Warrant as “All invoices and payment records for My Campaign Group and Innovate Consulting between January 1, 2019, and July 1, 2021” and recordings made by “The office video system to cover June 15, 2021, to July 1, 2021,” respectively.

78. This is not a case where Defendant Robinson and other unknown members of the Department of Justice acted in good faith or relied on third parties who were lying.

79. Here, Defendants Robinson, and other unknown members of the Department of Justice were in possession of the facts they either knew were false or intentionally ignored the facts.

80. At trial, Defendant Robinson took the witness stand and admitted that he knew the information in the warrant was false.

81. As a direct and proximate result of Defendant Robinson and other unknown members of the Department of Justice's unlawful actions, Plaintiff McGuiness has suffered irreparable harm, including the loss of her fundamental liberty interests entitling her to declaratory relief and damages.

Count Two – Slander Per Se Against Defendants Kathy Jennings and Mark Denney

82. Plaintiff McGuiness repeats and realleges paragraphs 1 through 59 above as if specifically set forth herein.

83. In order to state a claim of defamation properly, a plaintiff must satisfy five elements: (1) defamatory communication; (2) publication; (3) the

communication refers to the plaintiff; (4) a third party's understanding of the communication's defamatory character; and (5) injury.

84. Slander is oral defamation.

85. If a statement defames Plaintiff in her trade, business, or profession, she need not show that the defamation caused an actual monetary loss in order to recover damages.

86. Defendants Denney and Jennings are not protected by absolute privilege afforded to attorneys in the context of litigation for any statements made to the press.

87. On October 11, 2021, during the Press Conference referenced above, both Defendant Denney and Jennings made false statements that Plaintiff McGuinness structured political payments to a consulting group as described above in order to avoid oversight by the State, specifically the Division of Accounting.

88. The Defendants intentionally or recklessly failed to determine the truth of the defamatory matter since at the time that the press conference was held, records available to Defendants Denney and Jennings as maintained by the State's automated and electronic accounting system called First State Financials ("FSF") **showed that both invoice payments were, in fact, approved by the Division of**

Accounting as required by that agency's regulations.

89. FSF records were either in the possession of the Defendants or readily accessible to them, as they are accessible online by any State agency.

90. At the press conference, Defendants Denney and Jennings emphasized their complete knowledge of the facts of the investigation and allegations in the indictment.

91. Defendant Denney stated the “indictment is the most detailed and as thorough as an indictment” as any in the history of the State.

92. Defendant Jennings stated she was “laser beam focused” on the facts of the investigation and “very focused” on the prosecution.

93. A large portion of the Press Conference focused on McGuiness creating a “sweetheart” deal by manipulating pay structure to avoid public scrutiny and direct payment overview, particularly by the Division of Accounting.

94. The statements made by Defendants Denney and Jennings concerning Plaintiff McGuiness, were known to be false at the time they were made (as admitted by Defendant Robinson) and caused injury to Plaintiff McGuiness.

95. The defamation defamed Plaintiff McGuiness’ profession and therefore she need not show an actual monetary loss. However, Plaintiff McGuiness did suffer actual monetary loss as a result of Defendants Denney and Jennings’

statements.

96. It was necessary for the Plaintiff to hire the undersigned attorney to file this lawsuit. Upon judgment, the Plaintiff is entitled to an award of attorney fees and costs under 42 U.S.C. § 1988 (b).

PRAYERS FOR RELIEF

97. The above paragraphs are repeated and incorporated herein by reference as if set in full.

98. Plaintiff demands judgment against Defendants Robinson, Denney, and Jennings, individually, jointly, and/or in the alternative for compensatory damages, punitive damages, attorney fees, interest and costs of suit, and such relief as the Court may deem just and equitable.

99. Plaintiff demands judgment against Defendants Robinson, Denney, and Jennings jointly and/or in the alternative for compensatory damages, attorney fees, interest and costs of suit, and such relief as the Court may deem just and equitable.

PLAINTIFF'S DEMAND FOR JURY TRIAL

100. Plaintiff asserts her rights under the Seventh Amendment to the U.S. Constitution and demands, in accordance with Federal Rule 38, a trial by jury on all issues.

THE POLIQUIN FIRM, LLC

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Date: August 15, 2023