

1 Paul S. Padda, Esq. (NV Bar #10417)  
Email: psp@paulpaddalaw.com  
2 Michael C. Lafia, Esq. (NV Bar #12989)  
Email: mcl@paulpaddalaw.com  
3 Joshua Y. Ang, Esq. (NV Bar #14026)  
Email: ja@paulpaddalaw.com  
4 **PAUL PADDA LAW, PLLC**  
4240 West Flamingo Road, Suite 220  
5 Las Vegas, Nevada 89103  
Tele: (702) 366-1888  
6 Fax: (702) 366-1940  
Web: paulpaddalaw.com

7  
8 Kathleen Bliss, Esq. (NV Bar #7606)  
Email: kb@kathleenblisslaw.com  
Jason K. Hicks, Esq. (NV Bar #13149)  
9 Email: jh@kathleenblisslaw.com  
**KATHLEEN BLISS LAW GROUP, PLLC**  
10 400 South 4<sup>th</sup> Street, Suite 500  
Las Vegas, Nevada 89101  
11 Tele: (702) 793-4000  
Fax: (702) 793-4001  
12 Web: kathleenblisslaw.com

13 Attorneys for the Plaintiff

14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF NEVADA**

16 **CHANG AHN, an individual;** )  
17 **HWAN JAE LEE, an individual;** )  
18 **MI WON KIM, an individual;** )  
19 **AEJA KIM, an individual;** )

20 **Plaintiffs,** )

Case No. \_\_\_\_\_

21 **UNITED STATES OF AMERICA** )  
22 **Defendant.** )

23 **COMPLAINT**

24 This is a civil action seeking monetary relief. In support thereof, Plaintiffs, each of them  
25 individually, hereby allege the following:

26 . . . .

I.

**JURISDICTION, VENUE AND LEGAL BASIS FOR THIS ACTION**

1. This action arises under the Federal Tort Claims Act (“FTCA”) Sections 2671 through 2680 of Title 28 of the United States Code (“U.S.C.”). The FTCA, 28 U.S.C. § 1346(b)(1), provides that federal courts “shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on or after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.”

2. Venue is proper in this federal judicial district pursuant to 28 U.S.C. § 1391 since “a substantial part of the events or omissions giving rise to the claim[s] occurred” in Nevada.

3. This civil action is brought by Plaintiffs pursuant to statute and common law.

II.

**THE PARTIES**

4. Plaintiff Chang Ahn is an adult male that during all time periods relevant to this lawsuit was a resident of Clark County, Nevada.

5. Plaintiff Hwan Jae Lee is an adult male that during all time periods relevant to this lawsuit was a resident of Clark County, Nevada.

6. Plaintiff Mi Won Kim is an adult female that during all time periods relevant to this lawsuit was a resident of Clark County, Nevada.

7. Plaintiff Ae Ja Kim is an adult female that during all time periods relevant to this lawsuit was a resident of Clark County, Nevada.

8. Defendant the United States of America is sued herein for monetary damages based upon the acts and/or omissions of its “employee(s)” as that term is defined under 28 U.S.C.

1 § 2671. The United States Department of Homeland Security (“DHS”) is an agency of the  
2 executive branch of the United States government. Immigration and Customs Enforcement  
3 (“ICE”) is a component agency of DHS. Homeland Security Investigations (“HSI”) is a section  
4 within ICE that operates as a criminal investigative arm of DHS. HSI Agents are considered law  
5 enforcement officers within the meaning of 28 U.S.C. § 2680(h) and have the power to execute  
6 searches, seize evidence and make arrests for alleged violations of federal law.

7 **III.**

8 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

9 9. Prior to the initiation of this litigation, Plaintiffs submitted administrative tort  
10 claims to the General Counsel of DHS.

11 10. The United States, by letter dated February 25, 2016, acknowledged receipt of  
12 Plaintiffs’ administrative tort claims and advised that the claims would be adjudicated and a  
13 decision would be rendered within six months.

14 11. To date, the United States has failed to adjudicate Plaintiffs’ administrative claims  
15 and has failed to provide any written communication denying those claims.

16 **IV.**

17 **FACTUAL BACKGROUND**

18 12. Thomas Kim (“Thomas”), a United States citizen, was the owner/operator of a  
19 popular and successful Las Vegas based Korean supper club known as “Club Yamang” located in  
20 Las Vegas, Nevada. Plaintiffs Hwan Jae Lee (“Hwan Jae”) and Mi Won Kim (“Mi Won”)  
21 (husband and wife), along with Chang Ahn (“Chang”), were investors/co-owners that had a  
22 financial interest in the business. Plaintiff Aeja Kim (“Aeja”) was, during all time periods  
23 relevant to this Complaint, engaged to be married to Thomas. Thomas and Aeja are now  
24 husband and wife.

25 . . .



1           18.     During the raid of Club Yamang, several Korean employees, mainly females,  
2 were detained by SA Lee and questioned at significant length about their immigration status and  
3 whether they were prostitutes. One of the women detained by SA Lee was Plaintiff Aeja, who at  
4 the time was Thomas's fiancé. SA Lee transported Aeja to an ICE detention center where he  
5 subjected her to intense interrogation and placed a Global Positioning System ("GPS") device on  
6 her ankle. For several hours Thomas did not know the whereabouts of his fiancé and was deeply  
7 traumatized by her disappearance, as was Aeja who was in ICE custody and being interrogated  
8 by SA Lee in the Korean language. In placing the GPS device on Aeja, SA Lee acted without  
9 court order or the approval of an immigration judge. He subsequently notified Aeja's fiance,  
10 Thomas, when Thomas was finally allowed to see her, that the GPS would remain on Aeja for an  
11 indeterminate period of time and that he had the legal authority to monitor her for as long as he  
12 liked.

13           19.     Following the initial raid of July 11, 2013, SA Lee returned to Club Yamang  
14 several times for the purpose of interrogating employees and conducting parking lot  
15 "surveillance." What this meant in practical terms was that SA Lee would park his government  
16 vehicle in front of the establishment, intimidating both employees and customers of Club  
17 Yamang. Upon information and belief, and based upon information relying upon ethnic  
18 stereotypes provided to other law enforcement agencies, SA Lee was successful in recruiting  
19 other agencies to join in the stalking and surveillance of Thomas, Aeja and other Plaintiffs.

20           20.     Concerned for his well-being and that of his employees, Thomas retained criminal  
21 defense counsel believing that his prosecution by federal authorities was imminent given the  
22 words and actions of SA Lee. Defense counsel met with SA Lee in approximately November  
23 2013. At that meeting, he notified counsel that he had placed a GPS tracking device on Aeja for  
24 the sole purpose of monitoring her movements and those of Plaintiff so that he could "build" a  
25 criminal case. Shocked by this admission, counsel questioned the legitimacy of this tactic and  
26

1 queried whether he had obtained any court approval. In response, SA Lee indicated that prior to  
2 the execution of the July 2013 raid of Club Yamang he had discussed his investigation of  
3 Plaintiff and his proposed methods with Russell E. Marsh, at that time the Criminal Chief of the  
4 United States Attorney's Office, and that Chief Marsh had approved and directly sanctioned SA  
5 Lee's plan. SA Lee advised he could offer no further details due to the "ongoing government  
6 investigation." Further, in response to defense counsel's request for immediate removal of the  
7 GPS device from Aeja's ankle, SA Lee refused stating he would have to "think about it."  
8 Subsequently, defense counsel brought their concerns to the attention of legal counsel for ICE.  
9 However, no government official committed to removing the GPS monitor from Aeja.

10 21. For more than a year following the initial raid of Club Yamang, SA Lee continued  
11 to harass Thomas, his employees and the Plaintiffs to this lawsuit. In approximately, December  
12 2013 SA Lee accompanied by an investigator with the Nevada Attorney General's Office went to  
13 the apartment building of one of Thomas' female employees and questioned her at length in the  
14 lobby of the complex, and within earshot of other residents, about prostitution and illicit drug  
15 use. SA Lee repeatedly stated that Plaintiffs were going to be criminally prosecuted. Despite her  
16 vehement denials about any prostitution or drug use occurring at Club Yamang, SA Lee showed  
17 the employee several photographs of Thomas and Plaintiffs Aeja, Mi Won, Hwan Jae and Chang  
18 and notified her that they would all be going to jail soon. He further queried whether she wanted  
19 to end up in the same position. Additionally, and despite the fact that the employee was a  
20 naturalized United States citizen at the time, SA Lee suggested she could lose her citizenship if  
21 she did not cooperate with him.

22 22. As a result of SA Lee's unrelenting pursuit of a manufactured investigation  
23 against them, Plaintiffs suffered significant economic loss in the business given the "word on the  
24 street" that they were under federal investigation and that their arrest was imminent. The initial  
25 raid of July 2013 had a chilling and devastating effect on Plaintiffs' business causing a  
26

1 significant decline in the number of people patronizing the club. Additionally, beginning in  
2 December 2013, SA Lee caused misinformation to be placed into ICE's computer database  
3 resulting in detention and harassment of Plaintiffs Hwan Jae and Mi Won. *See Exhibit A.* As a  
4 result of SA Lee's actions, the emotional devastation on Plaintiffs was significant. Each Plaintiff  
5 constantly worried about the fate of his/her future, the decline of the business and the significant  
6 damage to their individual reputations. As a result of the foregoing, Plaintiffs suffered extreme  
7 emotional distress and anxiety which in turn affected their physical health.

8 23. In approximately November 2014, Thomas and Aeja learned for the first time  
9 that the "investigation" that had been initiated by SA Lee was a complete fabrication and had no  
10 proper legal basis.

11 24. While vigorously promoting the perception that Plaintiffs were under  
12 investigation, acts that presumably met with the approval of his immediate supervisors, SA Lee  
13 was himself the recipient of a federal indictment handed down by a grand jury in the Central  
14 District of California on May 1, 2015 in a case entitled United States of America v. Joohoon  
15 David Lee, CR-15-0237. SA Lee was indicted for "Bribery of a Public Official" (a crime of  
16 moral turpitude) for acts unrelated to the investigation of Plaintiff occurring in Nevada. To date,  
17 no charges have ever been brought against Plaintiff or any of the other individuals that were the  
18 subject of SA Lee's "investigation."

19 V.

20 **FIRST CAUSE OF ACTION ON BEHALF OF ALL PLAINTIFFS**

21 **(Negligence)**

22 25. Plaintiffs reallege and incorporate by reference each and every allegation set forth  
23 above in the preceding paragraphs.

24 26. Under Nevada law, a plaintiff may recover for the negligence of another by  
25 showing the following: (i) defendant owed a duty of care to plaintiff, (ii) defendant breached its  
26

1 duty, (iii) the breach was the actual and proximate (foreseeable) cause of plaintiff's injuries and  
2 (iv) plaintiff suffered damages.

3 27. Defendant owed each Plaintiff various non-discretionary duties of care. Among  
4 those duties was the duty to initiate criminal investigations only where there was sufficient  
5 predication and not due to an ulterior personal motive of a law enforcement agent, the duty to  
6 comply with the Constitution, federal laws, agency policies/procedures/regulations regarding the  
7 initiation of criminal investigations (including limitations applicable to HSI Agents under  
8 investigation) and the duty to comply with all laws and agency policies/procedures/regulations  
9 regarding use of GPS monitoring in the immigration context which prohibit such use for  
10 "building" a criminal case.

11 28. The acts and/or omissions of Defendant breached the duties of care owed to  
12 Plaintiffs and were the legal cause of the injuries sustained by each Plaintiff. Among the injuries  
13 sustained by each individual Plaintiff was the financial ruin of Club Yamang and their individual  
14 interests in that business. Prior to SA Lee's investigation, Club Yamang was a thriving  
15 commercial success. After SA Lee conducted his raid, his desired effect of destroying Club  
16 Yamang was accomplished as patrons avoided socializing there instead choosing other  
17 establishments such as Club Sonagi.

18 29. As a result of Defendant's negligence, Plaintiffs seek damages in an amount  
19 proven at trial but no less than \$100,000.00 for each Plaintiff.

20 . . .

21 . . .

22 . . .

23 . . .

24 . . .

25 . . .

VI.

**SECOND CAUSE OF ACTION ON BEHALF OF ALL PLAINTIFFS**

**(Intentional Infliction Of Emotional Distress)**

30. Plaintiffs reallege and incorporate by reference each and every allegation set forth above in the preceding paragraphs.

31. Under Nevada law, a plaintiff may recover for intentional infliction of emotional distress upon showing the following: (i) the defendant’s conduct was extreme and outrageous with either the intention of, or reckless disregard for, causing emotional distress to plaintiff and, (ii) plaintiff suffered severe or extreme emotional distress as the actual or proximate result of defendant’s conduct.

32. Defendant, by and through SA Lee, a law enforcement officer employed by the United States, engaged in extreme and outrageous conduct with specific intent, or at a minimum with reckless disregard, or causing extreme emotional distress in each Plaintiff. Each Plaintiff, Aeja, Hwan Jae, Mi Won and Chang, did in fact suffer extreme emotional distress which impacted his/her physical health causing each of them anxiety, sleeplessness, dizziness, heart palpitations and other physical manifestations associated with severe tension and stress. SA Lee’s actions were the actual and proximate cause of Plaintiffs’ injuries. At all times relevant to this Complaint, SA Lee was acting as a law enforcement officer within the meaning of 28 U.S.C. § 2680(h).

33. As a result of Defendant’s negligence, Plaintiffs seek damages in an amount proven at trial but no less than \$100,000.00 for each Plaintiff.

. . .  
. . .  
. . .  
. . .

VII.

RELIEF REQUESTED

34. Wherefore, in light of the foregoing, Plaintiffs, each of them individually, seek the following relief in this matter:

- a. Monetary damages in an amount not less than \$100,000.00 for each Plaintiff;
- b. Plaintiffs' costs in this action, including attorney's fees and any interest on judgment permitted by law;
- c. Such other and further relief as the Court may deem just and proper in this case.

Respectfully submitted,

*/s/ Paul S. Padda*

---

Paul S. Padda, Esq.

Attorney for the Plaintiffs

Dated: January 14, 2017

**E X H I B I T A**

**E X H I B I T A**

# Cohen & Padda, PLLC

4240 W. Flamingo Road Suite 220  
Las Vegas, NV 89103  
Phone: (702) 366-1888  
Fax: (702) 366-1940  
Web: www.caplawyers.com

---

May 1, 2015

Michael A. Harris  
Special Agent in Charge  
Homeland Security Investigations  
600 Las Vegas Blvd. S. 7<sup>th</sup> Floor  
Las Vegas, NV 89101

Reference: Mi Won Kim, a LPR and Hwan Je Lee, a U.S. citizen, husband and wife

Dear Mr. Harris:

I write to ask for your assistance regarding these two individuals of the United States who have not been charged with any offense or placed into removal proceedings. It appears that Special Agent Lee of your office has been investigating them for some time. To my knowledge, nothing has come of this investigation. However, every time they return to the United States there is some kind of "flag" which sends them to secondary inspection.

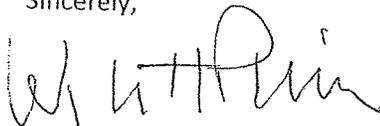
The first time this happened was on Christmas Day, 2013 at LAX, when returning from Korea. They were detained for two hours and after a call to their attorneys, they were released.

The next time they entered the United States was on April 7, 2014 at LAS. Upon arrival, SA Lee and another gentleman who said he was an investigator from the Attorney General's Office of the State of Nevada stopped the couple for questioning. Once again the couple advised SA Lee to contact their attorneys and only then were they allowed to leave.

On September 19, 2014, the couple was once again returning from Korea at LAS when they were detained. After a substantial length of time had passed, CBP officials called SA Lee and they were released.

I request your assistance in "unflagging" the information in the database. They are planning to take another trip to Korea in June and wish to have this matter resolved when they return. At this point, there appears to be harassment of this couple for no reason whatsoever. I appreciate your assistance in this matter.

Sincerely,



Wayhe H. Price, Esq.  
Bar # 6782

Cc: Paul S. Padda, Esq.  
Kathleen Bliss, Esq.