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**THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

SHAUNA MAYNE, individually and as
personal representative of the ESTATE OF
AMANDA MAYNE,

Plaintiff,

vs.

SALT LAKE CITY POLICE DEPARTMENT,
a governmental entity,

Defendant.

**COMPLAINT
(Tier 3)**

Case No.
Judge

Plaintiff Shauna Mayne, individually and in her capacity as personal representative for the Estate of Amanda Mayne (deceased), hereby files this complaint against Defendant Salt Lake City Police Department, alleging, claiming, and seeking relief as follows:

Introduction

1. On August 17, 2022, Amanda Mayne (“Amanda”) was murdered by her ex-husband, Taylor Ray Martin (“Martin”). In the years, months, and days before he brutally murdered her, Martin had been reported to the Taylorsville Police Department (“Taylorsville PD”) and Salt

Lake City Police Department (“SLC PD”) for making death threats against her and her mom, Shauna Mayne.

2. SLC PD knew or should of known of the threats reported to Taylorsville PD. Moreover, despite the clarity and frequency of the threats against Amanda’s life and Amanda’s status as a person with diminished capacity, SLC PD did not properly investigate the situation and assess its lethality or take appropriate steps to protect Amanda. If it had, she would still be alive today.

3. Amanda’s death constituted a wrongful death resulting from SLC PD’s negligence. Notwithstanding case law from the Utah Supreme Court holding that the State is immune in cases of wrongful death, *Tiede v. State*, 915 P.2d 500 (Utah 1996), plaintiffs are prepared to demonstrate that the case in question must be overturned because it relied on an incorrect assessment of the history of Utah’s wrongful death actions. The Utah Constitution prohibits the legislature from abrogating the right of action for wrongful death. And at the time the Utah Constitution was drafted, the right of action included the right to assert against the State a claim for wrongful death arising from negligence. Indeed, the Utah Constitution enshrined the common understanding that no one—including a governmental entity—enjoys immunity for negligently causing the death of another, under Utah law.

Parties and Relevant Persons

4. Plaintiff Shauna Mayne (“Plaintiff” or “Ms. Mayne”) resides in Salt Lake County. On January 29, 2024, Ms. Mayne was appointed as Personal Representative for the Estate of Amanda Mayne by Judge Coral Sanchez in the Third District Court, Probate No. 233902738.

5. Kent Mayne is the father of Amanda Mayne.

6. Amanda Mayne (“Amanda”) was domiciled in Salt Lake County, Utah, at the time of her death.

7. Defendant SLC PD is a governmental entity located in Salt Lake County, Utah.

Venue, Jurisdiction, Statutory Prerequisites, and Constitutionality of Immunity

8. This case is of a civil nature, and jurisdiction is conferred pursuant to Utah Code § 63G-7-501(1).

9. Venue is proper pursuant to Utah Code §§ 63G-7-502(1), 78B-3-303(1), and 78B-3-307.

10. Plaintiff served the statutorily required Notice of Claim against the aforementioned governmental entity, *see* Utah Code §§ 63G-7-401, 402, has waited the required 60-day period, *see id.* § 63G-7-403(2)(a)(ii), and now timely commences this action within two years from the date of the incident, *see id.* § 63G-7-403(2)(b).

11. Plaintiff will also file an undertaking in the amount of \$300 pursuant to Utah Code § 63G-7-601(2).

12. Pursuant to Rule 26 of the Utah Rules of Civil Procedure, Plaintiff elects to file this matter under Tier 3.

Jury Demand

13. The Plaintiff hereby demands a jury trial as to all facts and issues in this case.

Factual Allegations

14. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

Amanda and her Marriage to Martin

15. Amanda was born on July 23, 1987.

16. As an adult, she had diminished cognitive capacity.

17. Her mother, Shauna, describes her cognitive aptitude as comparable to a teenager, and notes that her diminished mental capacity would be apparent to most people.

18. In addition to having a diminished cognitive capacity, Amanda suffered from anxiety, which made it difficult for her to respond to stressful situations.

19. Around 2016, Amanda met Martin, and after dating for some time, the two married.

Martin's Unstable and Violent Personality

20. Martin was an unstable individual prone to episodes of violence.

21. Upon information and belief, he had been diagnosed with bipolar disorder and/or schizoaffective disorder.

22. These conditions caused him to suffer paranoid delusions in which he believed specific individuals were responsible for his life setbacks.

23. To rectify these perceived wrongs, he would stalk these individuals and obsess about committing acts of violence against them.

24. His propensity to violence was known to SLC PD.

25. In June 2015, he was arrested for assault.

26. In December 2016, he began threatening Amanda's family, and he was arrested for domestic violence, tampering with witnesses, and engaging in threatening and intimidating behaviors.

27. That same month, Shauna sought a protective order against Martin.

28. The following month, in January 2017, the protective order was served on Martin, and the parties subsequently entered a 2-year agreement, after which time the protective order was withdrawn on February 8, 2017.

29. Ten days later, Martin was charged with assault, criminal mischief—including domestic violence—engaging in threatening and intimidating behavior, and damaging property.

30. Two months later, on April 4, 2017, Martin was put on probation for 24 months.

31. By April 24, 2017, an arrest warrant was issued because he had violated his probation, and on May 16, 2017, he was sentenced to 30 days in jail.

32. Four months later, in early September 2017, Martin was arrested for the charges brought against him in December 2016.

33. In this setting, he made a bomb threat and was, upon information and belief, charged in connection with that threat.

34. In November 2017, Martin was charged with threatening a judge, parole board, and/or family member, and he was arrested the following month.

Martin's Incarceration, and His Divorce from Amanda

35. In January 2018, Martin entered a plea agreement relating to the domestic violence charges from December 2016.

36. Under this agreement, he was sentenced to 365 days in jail for charges relating to the December 2016, February 2017, and November 2017 charges.

37. By March 2019, Martin was released from jail.

38. Fearing for her safety, Amanda fled the apartment she shared with Mr. Taylor and went to the home of her father, Kent Mayne.

39. Soon after, Martin reported Amanda missing.

40. When police found Amanda at her father's home, they told Shauna about "an unrelated matter," which involved information they learned from one of Martin's co-workers: specifically, Martin said he was making plans to kill Shauna and her son.

41. The police officer shared her belief that the co-worker was just trying to get Martin in trouble, but Shauna urged the officer to take the threat seriously.

42. Eventually, Martin went to Kent's home looking for Amanda, and upon learning that she was staying at Shauna's home—which is located in a different policing jurisdiction—Martin called the police in that jurisdiction and told them that Amanda was being held by Shauna against her will.

43. His erratic, disturbing behavior made his separation from Amanda permanent, and on April 26, 2021, Amanda obtained a final divorce decree from the Third District Court in Salt Lake County.

44. Despite the entry of this order, Martin had no intention of moving on with his life.

The Taylorsville Police Report

45. An incident documented by the Taylorsville PD reinforces this point.

46. Nine months after his divorce from Amanda was finalized, Martin reestablished contact with Amanda and Shauna.

47. To do so, he texted Shauna from an unknown number, claimed to be one of Amanda's old friends by the name of Aubrey, and asked for Amanda's current cell phone number.

48. Having no reason for concern, Shauna gave Martin—whom she believed to be Aubrey—Amanda's number.

49. Several days later, Shauna received the following disturbing text messages from a different, unknown number:¹

¹ All grammatical/spelling errors in the quotations that follow are original to the quotation. For simplicity, Plaintiff will not use [sic] to mark errors in any of the quotations.

a. “Look I know Amanda’s number voicemail is a fake a number doesn’t get reassigned for at least 45 days *I’m hunting you guys down* your out of your minds.” (emphasis added).

b. “Daniel Carrick modification pretty smart he must be sleeping with you ladies.”

c. “I enjoy destroying your life and relationships *potential* family members[.] *I will continue to. this will Never stop never ever[.] your daughter Will be killed* along with mr. Carrick[.] I can’t wait until your reaction happens You already destroyed her life correct[.] But now she’s gonna die and maybe[.], Maybe you to let’s play cards to find out[.]” (emphases added).

d. “Poor Amanda Mayne and poor Shauna Pathetic.”

e. “I know wear you all are.”

f. “I’m close to you guys everyday.”

g. “Been for 8 years.”

50. Shauna did not know Daniel Carrick, but the contents of the messages left no doubt in her mind as to their author: Martin.

51. Concerned for her life and Amanda’s life, Shauna filed a police report with Taylorsville PD on January 28, 2022, and identified Martin as the sender of the messages.

52. In this report, she also notified officers of Amanda’s diminished cognitive capacities.

53. Several days later, an officer of Taylorsville PD called Martin and discussed the situation.

54. Without being prompted, Martin asked if Shauna was making accusations about threatening text messages.

55. Despite the nature and criminality of Martin's conduct, this phone call would end the interview as there was "not sufficient evidence to move forward with the case at this time."

56. Even so, the Taylorsville PD logged the evidence pertaining to this report.

57. And as will be seen, that evidence shows that Martin was serious when he said, "I enjoy destroying your life and relationships *potential* family members[.] *I will continue to*. this will *Never stop never end*[.] *your daughter Will be killed . . .*" (emphases added).

58. Upon information and belief, SLC PD had access to Martin's criminal history in the days leading up to Amanda's murder.

59. Upon further information and belief, SLC PD had access to the numerous police reports filed against Martin in other jurisdictions, including the police report filed with Taylorsville PD.

The Salt Lake City Incidents
August 15, 2022

60. On August 15, 2022, Martin "coincidentally" showed up at Amanda's place of employment—ALSCO Uniforms—at sometime between 6:00 a.m. and 6:30 a.m.

61. At the time, he was carrying a bookbag that appeared to be weighed down.

62. By around 8:00 a.m., he headed to the break room, where Amanda and her boyfriend, Jerry Zuniga, were holding hands.

63. According to Mr. Zuniga, Martin said, "What are you doing? You need to leave! Are you f*****g my ex-wife? That's my f*****g ex-wife!"

64. ALSCO staff described Martin's as behaving aggressively while screaming, "That's my wife; that's my wife."

65. Martin then tried to grab Amanda, and Mr. Zuniga stepped in to protect her.

66. In response, Martin began yelling at Mr. Zuniga, baiting him to fight.

67. Eventually, ALSCO staff separated the two and put them in different rooms.

68. The purpose of Martin's "coincidental visit" was clear: he planned to confront Amanda and let her know that she still belonged to him.

69. During this time, Amanda called the police and handed her phone to the manager, Mr. Barton.

70. When police arrived, they immediately went to interview Martin.

71. As they entered the room, Martin said the following without being prompted:

"Dude, I just happened to run into my ex-wife by coincidence; well, soon to be ex-wife: we do not even have a divorce decree on file. And I'm talking to her saying I am going to forward her the papers, and then, you know, her boyfriend steps up and starts challenging me. And I say, step up then cuz. And he keeps talking his shit. And I'm like, then let's go, let's go n***a. You know, we didn't do anything. But you know, she's like saying I'm dangerous; I've never done anything domestically violent to her, put my hands on her in any way shape or form. I'm not stalking her; this is just a coincidence. . . . I came here to work through the temp agency. . . . [I] absolutely [did] not, under no circumstances, [knew that she worked here]. [We've been separated since] 2019. Then her saying we are already divorced when I haven't signed any papers, there's no decree, nothing of me being notified and her boyfriend trying to challenge me, that's not cool."

72. Martin's account of the incident was inconsistent with other witnesses' recollections.

73. He also lied in saying that he and Amanda were not divorced.

74. In his subsequent exchanges with investigating officers, Martin repeatedly insisted the incident was a coincidence and repeatedly asked whether the officer's believed him and thought he was a good guy.

75. In a telling moment, he said the following:

Officer: "Why did you let this guy get to you?"

Martin: "Because it's like rubbing it in my face." [*Holding up and turning on his cell phone screen*]: "I've never removed this [Amanda's picture] from my phone."

Officer: Then why take it so personally?

Martin: "Because it's one of the biggest f*****g *failures I hold onto.*" (emphasis added) [*Begins crying*]. . . . "*Four years going by, and I try to move on from it, but every day it's like running into her; I'm not even strong enough to do it, man. It's like, I wake up every day trying to move on, working my butt off, it's like I work at Maverick, dude, and I came here for some extra money. . . . It's hard man; it's like I am a f*****g c**k.*" (emphasis added).

76. In this exchange, Martin reveals his obsession with Amanda and his unwillingness to move on with his life.

77. After interviewing Martin, an officer went to interview Amanda.

78. She told the officer that she had been divorced from Martin for one year and had to wait for some time before the divorce went into effect because Martin refused to sign the divorce papers.

79. She further informed the officer that Martin had been harassing her family.

80. She then told the officer about the incident: "So, he just tapped me, and I, and I, can't really remember what he said, but he said, 'Are we divorced?,' and I said, 'Yeah, we've been

divorced for a year because I got a lawyer.’ And I was just worried about Jerry because . . . I wanted to prevent them from fighting.”

81. When she finished telling about her recollection of the incident, she asked the police officer if she could file a protective order against Martin.

82. The officer told her he had nothing to do with protective orders and that she would need to go to the Matheson Courthouse in Salt Lake City to request a protective order.

83. In a clear cry for help, Amanda said she believed Martin was stalking her, could have found out where she worked, and had a history of violence and threats—such as his threatening to bomb a police station in 2018.

84. Amanda’s belief that Martin was stalking her was supported by ALSCO’s manager and assistant manager, who expressed their skepticism of the “coincidental nature” of Martin’s appearance.

85. The officers concluded their investigation and removed Martin from ALSCO’s property.

86. Martin, however, became argumentative about leaving the property.

87. He even made tacit threats toward the police officers and Mr. Zuniga: “Do you guys think I am a bad guy, out of curiosity? . . . Want to know why I don’t want to come back [to this property], because I’m not going back to jail. Because I told myself, ‘if I ever go back to jail again, you guys are going to kill me before you get me into those gates. . . . If [Mr. Zuniga] ever puts his hands on me, I swear to God. . . . I am not her c**k, I ain’t her b***h, calling me out like that . . . you know, I see him in public with her like that, God knows . . . I am a blackbelt like I said.”

88. The officers eventually ended their investigation, and Martin went free.

August 16, 2022

89. At around 1:30 a.m., on the next day, August 16, 2022, Martin sent a threatening email to ALSCO through the company's sales lead system.

90. In it, he said the following:

This is the email received: [REDACTED]
[REDACTED]
[REDACTED] Comments: Your employee Amanda mayne and her boyfriend need to watch their back after messing with my friend today. All I could say is if you guys wanna try to save your other staff I'd get rid of them Especially since he killed himself after."

91. Martin signed this email as "John Dillinger."

92. John Dillinger was a gangster during the early 1900s and the leader of the Dirty Dozen. In 1909, Dillinger was killed by a federal officer after being betrayed by his girlfriend's former employer, Anna Sage.

93. ALSCO's management was deeply concerned about this threat.

94. In response, an officer of the Salt Lake Police Department interviewed Amanda.

95. During this interview, he learned that Martin had texted threats to Amanda.

96. When the officer tried talking to Amanda, she was in tears and told him she needed to leave.

97. She then provided the text messages from Martin to her manager at ALSCO.

98. The text messages said the following: "Your so stupid I hope you get killed by a car *or something* this week slut. Your so retarded I want you to dye. Whore. I got you b***h and everything. Cock suckers can't win lesbian." (emphasis added).

99. The investigating officer later performed a background check on Martin and learned that "he has been arrested multiple times for threats of violence, assault and threats against a judge."

100. The officer then called Martin.

101. During this call, Martin denied emailing ALSCO and texting Amanda.

102. The officer then told Martin that detectives would “subpoena [his phone] apps and go backwards that way.”

103. He then told Martin, “if you didn’t do anything, then it won’t come back to you but if you did then it won’t be good.”

104. Martin then said he wanted to exercise his rights and hung up the phone.

105. Viewed in context, the incident at ALSCO on August 15 and the email of August 16, show that after confronting Amanda, Martin had become unstable and was planning to take Amanda’s life:

a. He deliberately went to her place of employment to confront her about their marriage.

b. He assaulted Amanda, which forced her boyfriend to come to her defense.

c. He yelled and behaved aggressively while threatening Amanda’s boyfriend.

d. His aggressive and threatening behavior forced ALSCO employees to separate him and Amanda’s boyfriend.

e. He revealed to the officers his obsession with Amanda as well as his emotional instability at the thought of Amanda being with another man, threatening to harm him if he saw them together in public.

f. He lied to the officers about his relationship and history with Amanda, and showed suspicious occupation as to whether they believed him and thought he was a good guy.

g. He told the officers that they would have to kill him if they tried to arrest him.

h. The next day an email threatening the lives of Amanda, her boyfriend, and ALSCO's employees was sent by John Dillinger—a man killed by federal officers after being betrayed by his girlfriend.

i. This email further betrayed Martin's belief that he had nothing to lose and his unstable emotional state when he followed his threat with the ominous reference to the claim that he "killed himself after."

j. He then texted Amanda saying he hoped she would be "killed by a car or something this week."

August 17, 2022

106. Around 4:00 a.m. on August 17, 2022, an UBER dropped Martin off at the corner of 4700 South and 3600 West.

107. After exiting the vehicle, Martin walked to a nearby gas station parking lot and waited for Amanda, who would arrive around 5:00 a.m. to catch a bus for work.

108. When Amanda arrived, Martin ambushed and shot her 14 times, including one time through the head.

109. He then walked down the street about one block and shot himself.

110. He had a backpack with him that contained a large amount of ammunition.

111. Upon information and belief, this is the same backpack he had with him when confronting Amanda on August 15, 2022, at ALSCO.

CAUSES OF ACTION
FIRST CAUSE OF ACTION
(NEGLIGENCE)

112. Plaintiff incorporates all prior paragraphs as if fully set forth herein.

113. SLC PD had a special relationship with Amanda, and Amanda reasonably relied on them to properly investigate and enforce the law after they received evidence of Martin's unstable character and intent to harm Amanda.

114. SLC PD had a duty to exercise reasonable care to, among other things, properly investigate and enforce Utah law governing reports of threatened violence.

115. SLC PD had a duty to follow police policies and legislative mandates regarding threats of violence.

116. SLC PD had a duty of exercise reasonable care and to provide appropriate training, supervision, instruction, discipline, and control over subordinates.

117. SLC PD had a duty to exercise reasonable care and to promulgate, create, implement, maintain, and enforce appropriate policies regarding responses to reports of domestic violence.

118. SLC PD, through their agents, violated these duties when they failed to act with reasonable care in at least the following ways:

- a. failing to enforce Utah law, which prohibits police officers from exercising enforcement discretion, including issuing a citation or making an arrest and imposing an automatic no-contact order;
- b. failing to properly investigate inconsistencies in the witness's statements;
- c. failing to properly investigate the origins of the threatening email to ALSCO;
- d. failing to properly investigate the origins of the threatening text messages to Amanda;

e. failing to properly arrange, facilitate, and provide immediate and adequate notice of the rights of victims and of the remedies and services available to victims and threatened victims of violence;

f. failing to provide appropriate training, supervision, instruction, discipline, and control of officers on evaluating and investigating incidents of threatened violence, including but not limited to identifying signs of potential violence;

g. failing to properly create, implement, and enforce appropriate policies regarding investigations of threatened violence, including but not limited to well-accepted practices such as conducting threat assessments; and

h. any and all other breaches hereafter discovered.

119. In breaching their duties, as shown above, SLC PD increased the risk of violence that Amanda faced, while also allowing Amanda to believe that they were handling the matter to ensure her safety.

120. SLC PD's negligence was a proximate cause of Amanda's injuries and damages, including but not limited to, her death at the hands of Martin.

121. Amanda otherwise suffered harm and incurred damages due to SLC PD's negligence.

122. Plaintiff has a good-faith argument that their negligence claim is warranted by existing law or by a nonfrivolous argument for the modification or reversal of existing law.

Second Cause of Action
(Survival)

123. Plaintiff incorporates all prior paragraphs as if fully set forth herein.

124. Pursuant to Utah Code section 78B-3-107, Amanda's claims did not abate upon her death, and Plaintiff has a cause of action against SLC PD for special and general damages associated with such claims.

125. Plaintiff has a good faith argument that this claim is warranted by existing law or by a nonfrivolous argument for the modification or reversal of existing law.

Third Cause of Action
(Wrongful Death)

126. Plaintiff incorporates all prior paragraphs as if fully set forth herein.

127. Pursuant to Utah Code section 78B-3-106, Amanda's heirs have a cause of action against SLC PD for wrongful death associated with Amanda's underlying claims for negligence and failure to train, and they are entitled to general and special damages for, among other things, costs associated with Amanda's death, the value of services Amanda would have provided, loss of Amanda's society, comfort, association, love, counsel, care, consortium and protection, loss of the reasonable expectation to associate with Amanda for the rest of her natural life, and for any and all other damages as may be justified under the circumstances of the case.

128. Plaintiff has a good faith argument that this claim is warranted by existing law or by a nonfrivolous argument for the modification or reversal of existing law.

DAMAGES

129. Plaintiff incorporates the prior paragraphs as if fully set forth herein.

130. As a direct and proximate result of the negligent and careless acts for which SLC PD and its agents are legally responsible, Plaintiff has suffered serious and permanent harm and injuries, as well as severe pain and anguish.

131. As a further direct and proximate result of the negligent, careless, reckless, and willful acts for which SLC PD and their agents are legally responsible, it has been and continues to be necessary for Plaintiff to seek medical care and treatment.

132. As a direct and proximate result of the negligent, careless, reckless, and willful acts for which SLC PD and their agents are legally responsible, Plaintiff has suffered and will continue to suffer the following damages:

- a. Damages for costs of medical treatment in an amount to be proven at trial;
- b. Past and future damages for lost earnings in an amount to be proven at trial;
- c. Past and future damages for pain, suffering, mental anguish, and loss of life enjoyment in an amount to be proven at trial;
- d. Damages for loss of filial consortium; and
- e. Any and all other economic and non-economic damages as demonstrated by the evidence presented at trial.

PRAYER FOR RELIEF

1. For past and future medical expenses in an amount to be proven at trial;
2. For general damages, including pain and suffering, , and a reduction in the quality of life in an amount to be proven at trial;
3. For loss of income in an amount to be proven at trial;
4. For compensated and gratuitous care and services in an amount to be proven at trial;
5. For damages from a loss of filial consortium with the decedent;
6. For pre- and post-judgment interest and costs provided by law; and

7. For such other relief as may be justified based on the pleadings and/or evidence or which Plaintiff may be entitled to by law.

Dated this 22nd day of March 2024.

PARKER & MCCONKIE

/s/ Judson Burton
Judson Burton
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