

COPY

JAN 23 2019



CLERK OF THE SUPERIOR COURT
A. SUTTON
DEPUTY CLERK

1 Mark D. Goldman (012156)
2 Scott H. Zwillinger (019645)
3 Shaun T. Kuter (028278)
4 **GOLDMAN & ZWILLINGER PLLC**
5 17851 North 85th Street, Suite 175
6 Scottsdale, AZ 85255
7 Main: (480) 626-8483
8 Facsimile: (480) 502-7500
9 E-mail: docket@gzlawoffice.com
10 *Attorneys for Plaintiffs*

11
12 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
13 **IN THE COUNTY OF MARICOPA**

14 MARIA M. SYMS and MARK J. SYMS, a
15 married couple,

16 Plaintiff,

17 v.

18 ARIZONA REPUBLICAN PARTY, a state
19 committee, and JONATHAN W. LINES and
20 ROSALIE LINES, a married couple,

21 Defendants.

No.: CV2019-052541

COMPLAINT

22 Plaintiffs Maria M. Syms and Mark J. Syms, by and through their attorneys, Goldman &
23 Zwillinger PLLC, for their causes of action against Defendants, and each of them, hereby allege
24 as follows:
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE PARTIES

1. Plaintiffs Maria M. Syms and Mark J. Syms, husband and wife, are residents of Maricopa County, Arizona.

2. Defendants Jonathan W. Lines (“Lines”) and Rosalie Lines, husband and wife, are residents of Yuma County, Arizona.

3. Any actions described herein by either Defendant Lines or Defendant Rosalie Lines were done on their own behalves and on behalf of each other and their marital community and were done in order to bind their marital community, and they each acted, or failed to act, as described herein, on behalf of each other and for the benefit of said marital community, as well as on behalf of the other Defendant.

4. Defendant Arizona Republican Party (the “AZ GOP”) is a state committee, as defined by 52 U.S.C. 30101(15), dedicated to electing candidates of the Republican Party to public office, which main office is located in Maricopa County, Arizona.

5. Defendant Lines is the chairman of the AZ GOP and has been since 2017.

6. At all times relevant to this matter, Defendant Lines acted on behalf of the AZ GOP in his capacity as chairman of the AZ GOP.

JURISDICTION AND VENUE

7. This action arises from events that occurred in Maricopa County. All Defendants reside or conduct business and/or have offices in Maricopa County, Arizona.

8. The amount in controversy herein exceeds this Court’s minimal jurisdictional amount, and this Court has jurisdiction pursuant to A.R.S. § 12-123.

9. Venue is proper in this Court pursuant to A.R.S. § 12-401.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL FACTUAL ALLEGATIONS

10. The events that give rise to the allegations contained within Plaintiffs' Complaint began at the monthly meeting of Legislative District 26 ("Meeting") on or about January 9, 2019.

11. At the Meeting, Defendant Lines was asked about the elections in Legislative District 28, which had recently concluded.

12. In the Legislative District 28 elections, Plaintiff Maria M. Syms ran for re-election to the Arizona House of Representatives as a Republican.

13. In the Legislative District 28 elections, Plaintiff Mark J. Syms ran as an independent candidate, but he was not allowed on the ballot following a nomination petition challenge that was orchestrated by Defendant Lines and the AZ GOP.

14. Defendant Lines, in response to an audience question, made several false and malicious statements (the "False Statements") regarding Plaintiffs.

15. The False Statements were:

"After the Courts determined that she and her husband had committed fraud, uh, in trying to take out another Republican by registering her husband as an independent, uh the Governor and I sat down with her to try to get her to change course and she wasn't willing to do it, she wasn't willing to work with any of the Republicans and she put the state Senate at risk, um and because of that, um, she was left off of those slate pieces."

"She was uh, she was convicted, and she was ordered to pay in the case, she was ordered to pay over \$70,000 of restitution to Senator Kate Brophy McGee."

16. The False Statements falsely stated to the audience that Plaintiffs had committed fraud with regard to the previous election and falsely stated facts underlying those false allegations.

1 17. The False Statements contained several false and malicious statements about, of,
2 and concerning Plaintiffs including, without limitation, that: (a) a court determined Plaintiffs
3 had committed fraud; (b) Defendant Lines and Governor Doug Ducey met with Maria Syms to
4 “get her to change course”; (c) a court convicted Maria Syms of a crime; and (d) Maria Syms
5 was ordered by a court to pay restitution to Senator Kate Brophy McGee.

6 18. The False Statements were false and made for the sole purpose of providing false
7 information to Arizona voters to cast a false light on the political reputation and standing in the
8 community of Plaintiffs.

9 19. Defendant Lines intentionally spoke the False Statements with malice and despite
10 knowledge that they were false.

11 20. Defendant Lines was acting in his capacity as AZ GOP Chairman at the time he
12 made the False Statements.

13 21. Defendant Lines made the False Statements as an agent for and to further the
14 interests of the AZ GOP.

15 22. Defendant Lines made the False Statements as an agent for the AZ GOP in order
16 to disseminate the false and misleading information to Arizona voters to further harm Plaintiffs’
17 reputation and standing in the community.

18 23. Defendant Lines made the false and defamatory statement that: “[T]he Courts
19 determined that she and her husband had committed fraud, uh, in trying to take out another
20 Republican by registering her husband as an independent.”

21 24. In fact and to the contrary, Plaintiff Maria M. Syms has never been found by any
22 court to have committed fraud or any other improper act.

23 25. Defendant Lines made the false and defamatory statement that: “[T]he Governor
24 and I sat down with her to try to get her to change course.”

25 26. In fact and to the contrary, neither Defendant Lines nor Governor Ducey ever met
26 with Plaintiff Maria M. Syms to “get her to change course.”
27

1 27. Defendant Lines made the false and defamatory statement that: "She was uh, she
2 was convicted."

3 28. In fact and to the contrary, Plaintiff Maria M. Syms has never been convicted of a
4 crime, or even charged with one, by any court or other venue.

5 29. Defendant Lines made the false and defamatory statement that: "[S]he was
6 ordered to pay in the case, she was ordered to pay over \$70,000 of restitution to Senator Kate
7 Brophy McGee."

8 30. In fact and to the contrary, Plaintiff Maria M. Syms has never been ordered by
9 any court or any other venue to pay restitution to Senator Kate Brophy McGee.

10 31. Defendant Lines made the false and defamatory statement that: "[T]he Courts
11 determined that she and her husband had committed fraud, uh, in trying to take out another
12 Republican by registering her husband as an independent."

13 32. In fact and to the contrary, Plaintiff Mark J. Syms was never found by any court
14 to have committed fraud or any other improper act.

15 33. The False Statements, which falsely accuse Plaintiffs of being fraudulent and
16 criminals, impeach the honesty, integrity, and reputation of Plaintiffs.
17

18 19 **COUNT ONE**

20 **DEFAMATION AND DEFAMATION *PER SE***

21 34. Plaintiffs re-allege and incorporate by reference each of the previous allegations
22 as if fully set forth herein.

23 35. Defendant Lines spoke the False Statements in his official capacity as chairman
24 of the AZ GOP and in his personal capacity.

25 36. Defendant Lines spoke the False Statements on behalf of and to further the
26 interests of the AZ GOP.
27
28

1 37. Defendant Lines spoke the False Statements, knowing they were false, to
2 somehow justify the bad acts taken by the AZ GOP and further damage the reputation of
3 Plaintiffs.

4 38. The False Statements, when read or heard in context, have the natural and
5 probable effect of bringing Plaintiffs into disrepute, contempt, and ridicule, and impeach
6 Plaintiffs' honesty, integrity, virtue, and reputation in the mind of the average reader or hearer.

7 39. The False Statements contained false and defamatory statements concerning
8 Plaintiffs, at best limited public figures, to third parties.

9 40. The False Statements are patently false and misleading and purposefully
10 malicious and were made within the past year.

11 41. Defendants intentionally spoke and disseminated the False Statements.

12 42. The false and defamatory statements contained in the False Statements included
13 statements relating to Plaintiffs' honesty, integrity, and reputation and were made with the
14 intent to damage Plaintiffs' personal, political, and professional reputations and standing in the
15 community.

16 43. Defendants, and each of them, knew or should have known that such acts of
17 defamation are particularly designed to damage the reputation of Plaintiffs and benefit
18 Defendants.

19 44. Defendants, and each of them, knew or should have known that the False
20 Statements were false and defamatory *per se* to Plaintiffs.

21 45. Defendants, and each of them, acted with actual malice in making the False
22 Statements.

23 46. Defendants, and each of them, acted in reckless disregard of the truth of the False
24 Statements.

25 47. Defendants, and each of them, acted intentionally.

1 48. Plaintiffs suffered reputational harm as a result of Defendants' reckless disregard
2 of the false and defaming statements in the False Statements and Defendants acted with actual
3 malice in making the False Statements.

4 49. Moreover, in Arizona, a statement which impeaches the honesty, integrity, or
5 reputation of a person is defamatory *per se* and damages are presumed.

6 50. Defendants, and each of them, acted with malice and an evil mind and, therefore,
7 Plaintiffs are entitled to punitive damages for the acts of Defendants.

8 **COUNT TWO**

9 **FALSE LIGHT**

10 51. Plaintiffs re-allege and incorporate by reference each of the previous allegations
11 as if fully set forth herein.

12 52. Defendants, and each of them, made the False Statements to third parties and
13 doing so cast Plaintiffs in a false light.

14 53. The False Statements publicly shamed Plaintiffs for convictions that, in fact, did
15 not exist.

16 54. Defendants, and each of them, knew or should have known that the False
17 Statements were false or Defendants, and each of them, acted with reckless disregard for the
18 truth of those statements when they made the False Statements to third parties.

19 55. As a result of Defendants casting Plaintiffs in a false light, they suffered
20 reputational harm and are entitled to damages determined by a jury at the time of trial.

21 **PRAYER FOR RELIEF**

22 **WHEREFORE**, Plaintiffs seeks a judgment in their favor and against Defendants,
23 jointly and severally:

24 A. For actual damages in an amount to be proven at trial;

25 B. For damages for defamation *per se* regardless of proof at trial;

- 1 C. For compensatory, consequential, and incidental damages in an amount to be
2 proven at trial;
3 D. For punitive damages against Defendants for all counts under which the law
4 recognizes punitive damages;
5 E. For such other relief and damages as may be permitted as a matter of law;
6 F. For pre-and post-judgment interest to the extent provided by law;
7 G. For attorneys' fees and costs as permitted by law; and
8 H. For any other relief this Court deems just and proper.
9

10 **DATED this 23rd day of January, 2019.**

11
12 **GOLDMAN & ZWILLINGER PLLC**

13 

14 Mark D. Goldman

15 Scott H. Zwillinger

16 Shaun T. Kuter

17 17851 North 85th Street, Suite 175

18 Scottsdale, AZ 85255

19 *Attorneys for Plaintiffs*
20
21
22
23
24
25
26
27
28