

PATRICIA M. CLANCY
CLERK OF COURTS
HAMILTON COUNTY, OH

2009 SEP 16 A 11:11

FILED
IN THE HAMILTON COUNTY COURT OF COMMON PLEAS
CIVIL DIVISION

THOMAS J. QUIGLEY JR.
10260 Alliance Road, Suite 130
Cincinnati, Ohio 45242

CASE NO. A0908847

Plaintiff

JUDGE: _____

v.

DEMOCRATIC NATIONAL COMMITTEE
430 S. Captial Street, S.E.
Washington, D.C. 20003

And

DNC SERVICES CORPORATION
430 S. Captial Street, S.E.
Washington, D.C. 20003

And

JOHN/JANE DOE 1-100

Defendants

ORIG. COMP. PARTIES, SUMMONS	
<input checked="" type="checkbox"/> CERT MAIL	<input type="checkbox"/> SHERIFF <input type="checkbox"/> WAVE
<input type="checkbox"/> PROCESS SERVER	<input type="checkbox"/> NONE
CLERKS FEES _____	TIC _____
SECURITY FOR COST _____	
DEPOSITED BY _____	
FILING CODE _____	<u>H705/11/16/118</u>

COMPLAINT
(with jury demand endorsed hereon)

NOW comes Plaintiff, THOMAS J. QUIGLEY JR., by and through undersigned counsel,
and for his Complaint against Defendant states and avers as follows:

FIRST CAUSE OF ACTION
(Assault and Battery)



D85084548 INI

1. Plaintiff states that at all relevant times, he was and is a resident of the County of Hamilton, State of Ohio with his principal place of business in Hamilton County, Ohio.
2. Plaintiff further states that Plaintiff has developed an innovative strategy for controlling health care costs (hereinafter the “Total Benefits Strategy”). In relevant part, the Total Benefits Strategy utilizes a 55-year old federal tax law to “refinance” health-care costs by raising deductibles on existing group insurance policies and administering benefits through a medical expense reimbursement plan. Further the Total Benefits Strategy provides an option to shift utilization away from the group policy and rewrite certain employees, spouses, and dependants using individual insurance policies. The Total Benefits Strategy is explained in detail in a book written by Plaintiff, entitled “How to Beat the High Cost of Health Care“ and available for sale to the general public.
3. Plaintiff further states that at all relevant times Defendant the Democratic National Committee (hereinafter the “DNC”) was and is an unincorporated association, with its principal place of business in Washington D.C.. The DNC was and is the governing body of the Democratic Party of the United States.
4. Plaintiff further states that Defendant DNC Services Corporation (hereinafter “DNC Services”) is a District of Columbia non-profit corporation that is controlled by the elected national officers of the DNC and that owns the assets, employs the staff and possesses the contractual rights and obligations of the DNC. The DNC undertakes the majority of its business and financial activities through DNC Services.
5. Plaintiff further states that the DNC and DNC Services are jointly registered with the Federal Election Commission as a “national committee” within the meaning of FECA, 2 U.S.C. § 431(14) and the FEC’s regulations.

6. Plaintiff further states that at all relevant times Defendants John/Jane Doe 1-100, whose names are presently unknown, were the agents, employees and/or servants of Defendants DNC and DNC Services, and intentionally, willfully, wantonly, and maliciously either directly participated in the subject assault and battery upon Plaintiff; actively and willfully participated in the training, supervision or instruction of the individual who assaulted and battered Plaintiff, and/or actively and willfully participated in the formation and/or implementation of the policies and procedures which permitted the assault and battery upon Plaintiff to occur.

7. Plaintiff further states that following the election of DNC's candidate for president Barack Obama the DNC established a "project" commonly known as "Organizing for America" as a successor organization to "Obama for America". The purpose of this project was to build "on the movement that elected President Obama by empowering communities across the county to bring about (the DNC's) agenda of change."

8. Plaintiff further states that since the establishment of "Organizing for America", the DNC has utilized this organization to pursue certain agendas of the DNC, including but not limited to changes to America's present health care system.

9. Plaintiff further states that in an effort to promote the DNC's and President Obama's aforesaid health care agenda, the DNC and DNC Services, by and through their employees, servants, agents and elected officials, have organized, promoted and hosted a series of "town hall meetings" across the United States, including but not limited to Cincinnati, Ohio where citizen's are invited to attend and ask questions.

10. Plaintiff further states that the aforesaid "town hall meetings" are rigidly controlled events during the course of which the DNC and DNC Services actively seek to limit free discussion of the issues surrounding the DNC's proposed modifications to America's health care

system. The Defendants' efforts in this regard, including but are not limited to taking steps to immediately silence and forcibly remove individuals who attend the "town hall meetings" in the event that said individuals voice positions that run contrary to the DNC's health care agenda or in any manner embarrass the DNC's speakers and representatives.

11. Plaintiff further states that the DNC and DNC Services, by and through their employees, servants and elected officials further seek to limit free and open discussion by defaming individuals who disagree with the DNC's position during the course of the "town hall meetings". Specifically, the DNC and DNC Services refer to these individuals as "right wing domestic terrorists" and other like and defamatory terms.

12. Plaintiff further states that on or about August 31, 2009, Plaintiff was invited by a certain Greg Schultz, the Ohio State Director for Organizing America, to attend a "health care town hall" on September 1, 2009 hosted by the DNC and Representative Steve Driehaus at the Oakely Theater in Cincinnati, Ohio.

13. Plaintiff further states that pursuant to the aforesaid invitation, Plaintiff attended the "health care town hall" meeting at the Oakely Theater on September 1, 2009 in order to obtain a more complete understanding the DNC's proposed changes to America's health care system.

14. Plaintiff further states that prior to the aforesaid "health care town hall" meeting, the DNC and DNC Services employed a "line monitor" to address guests waiting to take their seats. This "line monitor" informed the guests that written questions could be submitted to the speakers and would be drawn at random by the panel.

15. Plaintiff further states that during the course of the aforesaid "health care town hall" meeting Representative Driehaus presented the DNC's position in regards to the current status of America's health care system the DNC's proposed modifications thereto. Thereafter a

representative from Ohio Senator Sherrod Brown's office likewise addressed the guests and voiced the Senator's support for the DNC's agenda.

16. Plaintiff further states that during the panel's initial remarks, Plaintiff noticed that the panel had made a misstatement concerning group health insurance coverage. Feeling a duty to speak, Plaintiff brought this misstatement to the attention of the panel. Immediately following his comments, however, Plaintiff was approached by four DNC security guards and told to "keep (his) mouth shut". Taken aback by this demand and the threatening nature of the security guards' demeanor, Plaintiff explained that he was only exercising his right to freedom of speech. The guards then told him that if he made any more comments that "he was out".

17. Plaintiff further states that later on in the panel's presentation, the panel made untrue representations in connection with standard prescription drug plan coverage. Plaintiff brought this fact to the attention of the panel. After commenting on the panel's inaccurate characterization, Plaintiff was again approached by the DNC's security guards. This time the guards closely surrounded Plaintiff in an attempt to intimidate him. Plaintiff was informed by the guards that Plaintiff would either "get out" or that the guards would "get the cops". Plaintiff thereafter informed the guards that he was only attempting to exercise his constitutional rights and that reminded the guards that he was an invited guest.

18. Plaintiff further states that he was compelled to correct the panel for a third time after the panel made misstatements in regards to the current status of health care coverage for children. After making his comments, the guards quickly approached Plaintiff and appeared prepared to physically remove Plaintiff and his friend from the meeting. Feeling physically threatened, Plaintiff's friend indicated that he was a black belt in kung-fu and would respond if attacked. This caused the guards to back off.

19. Plaintiff further states that during the later portions of the panel's presentation, he noticed a member of the panel removing questions from the basket and placing them in his pocket in an attempt to avoid answering the same. At this point, Plaintiff demanded that the panel place the cards back in the basket so that they could be addressed in accordance with the panel's outlined procedure. Apparently regaining their courage, the guards then physically removed Plaintiff and his friend from the meeting and roughly shoved them out the door. During the course of Plaintiff's eviction, one of the security guards, purposely and with intent to harm Plaintiff, struck Plaintiff with a forearm in the forehead.

20. Plaintiff further states that aforesaid security guards while in the regular performance of his job related duties and in an attempt to unlawfully silence and remove Plaintiff from the premises, intentionally willfully, wantonly, and maliciously, without privilege or provocation, threatened, offensively touched, beat and assaulted Plaintiff.

21. Plaintiff further states that at the time of said assault and battery the individuals that assaulted and battered Plaintiff were agents, employees and/or servants of Defendants and as such Defendants were and are responsible for the acts of said agents, employees and/or servants.

22. Plaintiff further states that as a direct and proximate result of said assault and battery, Plaintiff suffered injury to his body and extreme mental anguish, embarrassment, humiliation and fright.

SECOND CAUSE OF ACTION
(Negligence and/or Intentional Misconduct)

23. Plaintiff incorporates the averments contained in paragraphs one (1) through twenty-two (22) set forth above as if fully rewritten hereunder.

24. Plaintiff further states that at all material times Defendants to keep it's guests, including but not limited to Plaintiff, reasonably safe at it's "town hall meetings".

25. Plaintiff further states that Defendants negligently and/or intentionally failed to keep Plaintiff reasonably safe by engaging in the following actions and omissions:

- a. Defendants negligently and/or intentionally failed to properly train it's agents, employees and/or servants in the proper methods of protecting it's guests, including but not limited to Plaintiff, from physical harm;
- b. Defendants negligently and/or intentionally failed to properly train it's agents, employees and/or servants in the proper methods of addressing the concerns of it's guests, including but not limited to Plaintiff, who voice disagreements with the DNC's policies and proposed legislation.
- c. Defendants negligently and/or intentionally failed to properly train it's agents, employees and/or servants in the proper methods of protecting and securing for it's guests, including but not limited to Plaintiff, their Constitutionally protected First Amendment rights to freedom of speech.
- d. Defendants negligently and/or intentionally failed to design and implement policies and procedures that would reasonably protect it's guests, including but not limited to Plaintiff, from physical harm.
- e. Defendants negligently and/or intentionally increased the likelihood of harm to their guests, including but not limited to Plaintiff, by actively and purposefully promoting an atmosphere of intolerance for differing viewpoints.

26. Plaintiff further states that as a direct and proximate result of Defendants negligence and/or intentional misconduct Plaintiff suffered the harm as set forth in paragraph nineteen (19) above.

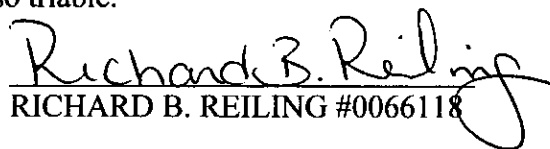
WHEREFORE, Plaintiff prays for compensatory damages¹ against Defendants, jointly and severally, in the amount of \$25,000.00. Plaintiff further prays for punitive damages against Defendants, jointly and severally, in the amount of \$25,000.00. Plaintiff further prays for an injunction, enjoining Defendants from further unlawful action. Plaintiff likewise prays for the costs of this action, including but not limited to attorneys fees.

Respectfully Submitted,


RICHARD B. REILING #0066118
Ohio office:
5045 North Main Street, Suite 320-D
Dayton, Ohio 45415
Reilinglaw@aol.com
Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands trial by jury on all issues so triable.


RICHARD B. REILING #0066118

¹ Plaintiff intends to donate any award that he receives to charity.