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7 *Attorneys for Plaintiff*

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
9 IN AND FOR THE COUNTY OF PINAL

10 SCOTT STROBEL; SUSAN STROBEL;)
11 RYAN STROBEL; LARRY STROBEL; and)
12 LOGAN STROBEL, A Minor, by and through)
13 his next friend, SCOTT STROBEL)

14 Plaintiffs.)

15 vs.)

16 THE PINAL COUNTY SHERIFF'S OFFICE;)
17 THE PINAL COUNTY ATTORNEY'S)
18 OFFICE; THE PINAL COUNTY BOARD OF)
19 SUPERVISORS; DOES I-XX and BLACK &)
20 WHITE CORPORATIONS I-V,)

21 Defendants.)

Case No.: CU201700435

COMPLAINT

Tort Non-Motor Vehicle/Defamation;
Infliction of Emotional Stress; Wanton and
Willful Conduct; and Constructive Discharge

STEPHEN F MCCARVILLE

22 Plaintiffs, by and through his counsel undersigned, makes the following allegations of
23 defamation with Actual Malice, Defamation with Negligence, Defamation with Reckless
24 Disregard, Negligent Infliction of Emotional Distress, Willful and Wonton Conduct, and
25 Constructive Discharge:

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1. The events giving rise to the cause of action set forth herein occurred within the County of Pinal, State of Arizona, therefore, this Court has jurisdiction over the subject matter and the parties to this litigation.

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2. That Defendants, upon information and belief, are public entities existing under the laws of the State of Arizona and have been duly noticed of this claim pursuant to A.R.S. § 12-821, et seq., and Rule 4(d) of the Arizona Rules of Civil Procedure
 3. That Defendants, THE PINAL COUNTY SHERIFF'S OFFICE, THE PINAL COUNTY ATTORNEY'S OFFICE, and THE PINAL COUNTY BOARD OF SUPERVISORS, were at all times relevant hereto doing business in the State of Arizona, County of Pinal.
 4. The alleged acts were committed by employees of the named defendants. At the time of the alleged conduct the employees were acting in the course and scope of their employment of the named defendants.
 5. The "Doe" Defendants I-XX are each fictitious names to designate unknown parties who may have in some manner contributed to Plaintiffs' injuries and damages and are liable therefore. The true names for said Defendants are unknown to the Plaintiffs at this time and leave of Court is sought to amend this Complaint to include their true names after they are discovered.
 6. The "BLACK & WHITE CORPORATIONS" Defendants I-V are each fictitious names to designate unknown companies and/or corporations and/or partnerships who may have in some manner contributed to Plaintiffs' injuries and damages and are liable therefore. The true names for said Defendants are unknown to the Plaintiffs at this time and leave of Court is sought to amend this Complaint to include their true names after they are discovered.

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GENERAL ALLEGATIONS

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7. Between November 2015 and March of 2016, the Pinal County Sheriff's Office initiated and conducted a criminal investigation which targeted Plaintiff, Scott Strobel.

- 1 8. During that same time, the Pinal County Sherriff's Office initiated and conducted an
2 internal investigation which targeted Plaintiff, Scott Strobel.
- 3 9. At all times relevant Scott Strobel was an Arizona Post certified law enforcement officer
4 employed as a Pinal County Sheriff Deputy.
- 5 10. Between 2011 and 2012, Scott Strobel was the President of the Pinal County Deputies
6 Association.
- 7 11. During Mr Strobel's time as union President, Paul Babeu was seeking re-election as Pinal
8 County Sheriff.
- 9 12. The Association voted to support Paul Babeu's opponent.
- 10 13. Mr. Strobel informed Paul Babeu of the Association's decision.
- 11 14. Paul Babeu urged Mr. Strobel to override the vote as president of the Union.
- 12 15. Mr. Strobel refused to override the vote of the Association.
- 13 16. Upon information and belief, Paul Babeu was aware of the details of the investigations
14 against Mr. Strobel.
- 15 17. The Pinal County Sheriff's Office ignored a conflict of interest on initiating and
16 conducting a criminal investigation against Mr. Strobel.
- 17 18. Upon information and belief, Paul Babeu provided instructions and directives regarding
18 the criminal investigation of Mr. Strobel.
- 19 19. Upon information and belief, Paul Babeu provided instrutions and directives regarding
20 the internal investigation of Mr. Strobel.
- 21 20. Upon information and belief, there was insufficient corroboration to meet a burden of
22 probable cause in a case involving a sexual allegation.
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- 1 21. Upon information and belief, Paul Babeu met with Lando Voyles regarding the criminal
2 investigation of Mr. Strobel.
- 3 22. Upon information and belief, Paul Babeu improperly asserted himself into the charging
4 decision process of the Pinal County Attorney's Office.
- 5 23. Upon information and belief, Paul Babue and Lando Voyles colluded to bring charges
6 against Mr. Strobel without sufficient corroboration or evidence.
- 7 24. Upon information and belief, Lando Voyles directed members of his office to file
8 criminal charges against Mr. Strobel.
- 9 25. On March 2, 2016, during the Grand Jury presentation, the Pinal County Attorney's
10 Office and the Pinal County Sheriff's Office failed to present information in a fair and
11 impartial manner, provided false and misleading information to the grand jury, and failed
12 to provide clearly exculpatory information to the Grand Jury.
- 13 26. The internal investigation was completed on March 24, 2016.
- 14 27. A supervisor signed off on the investigation on March 31, 2016.
- 15 28. Scott Strobel was provided a notice of termination on March 23, 2016.
- 16 29. On April 26, 2016 Mr. Strobel's attorney filed a motion to remand for a new finding of
17 probable cause on the grounds that the Pinal County Attorney's Office and the Pinal
18 County Sheriff's Office prior presentation to the grand jury was not fair and impartial,
19 presented false and misleading testimony, and failed to present clearly exculpatory
20 evidence.
- 21 30. After this motion was filed, The Pinal County Sheriff's Office and The Pinal County
22 Attorney's Office re-presented the case to the grand jury and provided additional facts to
23 the Grand Jury as demanded by Mr. Strobel's attorney.
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1 31. The Grand Jury found there was insufficient corroboration and/or evidence to meet the
2 probable cause standard and the case against Mr. Strobel was dismissed.

3 Count I:

4 Defamation with Actual Malice and/or Defamation with Negligence

5 32. Plaintiffs hereby incorporates into this Claim for Relief each and every allegation set
6 forth above as if fully set forth and repeated herein.

7 33. On March 4, 2016. The Pinal County Sheriffs Office made, said, or wrote the first false
8 statement regarding Mr. Strobel when they provided a false statement to the press, a third
9 party.

10 34. Subsequent to March 4, 2017, Paul Babeu and/or employees of The Pinal County
11 Sheriff's Office made, said, or wrote additional false statements regarding Mr. Strobel to
12 the press and/or another a third party.

13 35. Subsequent to March 4, 2017, Lando Voyles and/or employees of The Pinal County
14 Attorney's Office made, said, or wrote false statements regarding Mr. Strobel to the press
15 and/or another third party.

16 36. The Pinal County Sheriff's Office and Pinal County Attorney's Office was grossly
17 negligent in failing to determine the truth of the statements.

18 37. The Sheriff's Office knew the statements were false or acted with reckless disregard of
19 whether the statements were true or false.
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21 Count II

22 Infliction of Emotional Distress

23 38. Plaintiffs hereby incorporates into this Claim for Relief each and every allegation set
24 forth above as if fully set forth and repeated herein.
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1 39. Paul Babeu or an agent acting on his behalf, directed the investigation and directed the
2 Pinal County Attorney's Office to file charges despite insufficient evidence.

3 40. Paul Babeu or an agent acting on his behalf, disclosed false information to a third party
4 regarding the criminal and internal investigation.

5 41. Paul Babeu or an agent acting on his behalf, provided confidential information related to
6 the internal investigation of Scott Strobel to a member of the press which violated Pinal
7 County Sheriff policies and the rights of Mr. Strobel.

8 42. The Pinal County Attorney's Office abdicated its independent decision making power in
9 determining whether sufficient evidence exists to proceed with an indictment.

10 43. The Pinal County Sheriff's Office and Pinal County Attorney's office engaged in further
11 conduct with caused emotional distresss to the plaintiffs.

12 44. Scott Strobel was deprived of due process by the Pinal County Sheriff's Office and the
13 Pinal County Attorney's Office when they investigated and prosecuted Mr. Strobel.

14 45. The Pinal County Sheriff's Office engaged in conduct during the merit review process
15 which caused damages to Plaintiffs.

16 46. Defendants' conduct inflicted emotional distress on Mr. Strobel's wife, Susan Strobel,
17 and also on Mr. Strobel's sons, Ryan, Larry, and Logan.

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20 Count III
Wonton and Willful Conduct (Aggravated Negligence)

21 47. Plaintiffs hereby incorporates into this Claim for Relief each and every allegation set
22 forth above as if fully set forth and repeated herein.

23 48. Throughout the investigation and prosecution of Mr. Strobel, The Pinal County Sheriff's
24 Office and Pinal County Attorney's Office demonstated reckless indifference to Mr.
25 Strobel being falsely charged with a sexual crime without sufficient evidence.
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1 49. The Pinal County Sheriff's Office engaged in conduct during the merit review process
2 which caused damages to Plaintiffs

3 50. Defendants' conduct inflicted emotional distress on Mr. Strobel's wife, Susan Strobel,
4 and also on Mr. Strobel's sons, Ryan, Larry, and Logan.

5 Count IV
6 Constructive Discharge

7 51. Plaintiffs hereby incorporates into this Claim for Relief each and every allegation set
8 forth above as if fully set forth and repeated herein.

9 52. Members of the Pinal County Sheriff's Office provided false and misleading information
10 during the merit hearing in an attempt to affirm Mr. Strobel's termination.

11 53. Paul Babeu or other members of the Pinal County Sheriff's Office asserted their belief
12 that Mr. Strobel committed a sexual crime despite a finding by the merit board that the
13 termination should be reversed and despite the existence of insufficient evidence or
14 corroboration.
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16 54. The conduct described above resulted in constructive discharge pursuant to A.R.S. 23-
17 1502.

18 55. That as a result of Defendants' conduct as stated above, Plaintiff, SCOTT STROBEL has
19 sustained damages to reputation, lost wages, permanent personal injuries, which have
20 caused pain, suffering and inconvenience which will continue, and has incurred expenses
21 for attorneys fees related to the criminal defense, medical care which will continue.
22 Plaintiff asks leave to amend as necessary to conform to the proof regarding the exact
23 amount of said past and future losses.
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25 56. That as a result of Defendants' conduct as stated above, Plaintiff, SUSAN STROBEL, has
26 incurred permanent personal injuries, which have caused pain, suffering and

1 invonvenience which will continue, and has incurred expenses for medical care which
2 will continue. Plaintiff asks leave to amend as necessary to conform to the proof
3 regarding the exact amount of said past and future losses.

4 57. Plaintiff, RYAN STROBEL, has incurred permanent personal injuries, which have
5 caused pain, suffering and invonvenience which will continue, and has incurred expenses
6 for medical care which will continue. Plaintiff asks leave to amend as necessary to
7 conform to the proof regarding the exact amount of said past and future losses.

8 58. Plaintiff, LARRY STROBEL, has incurred permanent personal injuries, which have
9 caused pain, suffering and invonvenience which will continue, and has incurred expenses
10 for medical care which will continue. Plaintiff asks leave to amend as necessary to
11 conform to the proof regarding the exact amount of said past and future losses.

12 59. Plaintiff, LOGAN STROBEL, has incurred permanent personal injuries, which have
13 caused pain, suffering and invonvenience which will continue, and has incurred expenses
14 for medical care which will continue. Plaintiff asks leave to amend as necessary to
15 conform to the proof regarding the exact amount of said past and future losses.

16 Damages herein exceed the minimum jurisdictional limits of the Court.

17 **WHEREFORE.** Plaintiffs pray for judgment against the Defendants, as follows:

18 A. For such sums as and for general damages as may be fair and just.

19 B. For those special damages incurred to date, plus those future special damages proved
20 at the time of trial.

21 C. For costs the suit herein; and,

22 D. For such other and further relief as the Court deems just and proper.
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DATED this 3rd day of March, 2017.

ROWLEY LONG & SIMMONS

By: 

Matthew S. Long
Attorney for Plaintiff

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