

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

2018-165705-CZ

JUDGE HALA JARBOU

**KERRY BENTIVOLIO,**

Case No. 2018- \_\_\_\_\_-CZ

Plaintiff,

Hon.

v.

**ANDREW RACZKOWSKI**  
**a/k/a "ROCKY" RACZKOWSKI**  
**a/k/a ANDRE RACZKOWSKI'**

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/clerkrod/Pages/efiling](http://www.oakgov.com/clerkrod/Pages/efiling).

Defendant.

---

Deborah K. Schluszel (P56420)  
Law Offices of Debbie Schluszel  
Attorney for Plaintiff  
29477 Laurel Woods Drive  
Southfield, MI 48034  
(248) 354-1409  
WriteDebbie@gmail.com

There has never been any other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court.

**/s/Deborah K. Schluszel**  
Deborah K. Schluszel, Attorney for Plaintiff

---

**COMPLAINT and JURY DEMAND**

NOW COMES Kerry Bentivolio, by and through his attorney, Deborah K. Schluszel, and for his Complaint against Defendant, Andrew Raczkowski a/k/a "Rocky" Raczkowski a/k/a Andre Raczkowski, states as follows:

**PARTIES**

1. Plaintiff Kerry Bentivolio is a citizen of Michigan, residing in the Township of Milford in the County of Oakland.

2. Defendant Andrew Raczkowski a/k/a "Rocky" Raczkowski a/k/a Andre Raczkowski (hereinafter referred to as "Raczkowski") is a citizen of Michigan, residing in the City of Troy in the County of Oakland.

### **VENUE AND JURISDICTION**

3. Jurisdiction is proper in this Court because the amount in controversy exceeds the sum of \$25,000 exclusive of interests and costs of litigation, and because Counter-Plaintiffs seek equitable relief.

4. Venue is proper in this Court because all of the parties reside and do business in the County of Oakland, and the events giving rise to Plaintiff's causes of action occurred in Oakland County.

### **GENERAL ALLEGATIONS**

5. Bentivolio is a former U.S. Congressman representing the 11<sup>th</sup> Congressional District in the United States Congress from 2013-2015.

6. Bentivolio is currently a candidate for the 11<sup>th</sup> Congressional District. Bentivolio is also a veteran of the United States Army in which he proudly enlisted in 1968.

7. Bentivolio served in Vietnam in from 1970 to 1971 as an infantry rifleman, for which he was awarded the Vietnam Campaign Medal with two Bronze Stars.

8. After a break in service, Bentivolio later joined the Army National Guard in

Michigan as a reservist and served for more than 20 years. Bentivolio was trained as an MLRS/HIMARS crewmember.

9. Bentivolio also served on the home front during Operation Desert Storm and was deployed to Iraq in 2007 with an Artillery unit as a senior human resources sergeant performing combat convoy missions.

10. Bentivolio retired from the United States Army as a sergeant first class after a neck injury in 2008.

11. Bentivolio is 70% disabled, per a United States Veterans Administration's Disability Determination Letter.

12. While serving in Iraq, chest pains he endured prompted further problems, and he was MEDEVACed due to a suspected heart attack. He also received a neck injury from falling off a road and into a ditch at night, in front of witnesses. Bentivolio's neck was x-rayed, and a hairline fracture was found.

13. As a result of these incidents, Bentivolio ended up spending eleven months in medical recovery.

14. For his service in both Vietnam and Iraq, Bentivolio received 27 awards and Medals, awards include the Vietnam Campaign Medal with two Bronze Stars, the Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, and the Combat Infantryman Badge. These records are detailed on Bentivolio's official DD Form 214, attached hereto as "Exhibit A."

15. Raczkowski is also a candidate for the 11<sup>th</sup> Congressional District.

16. Over the last several years and to date, Raczkowski has engaged in a malicious

defamation campaign against Bentivolio, telling multiple third parties that Bentivolio's military record is fraudulent and fake, that he is not disabled, and that he did not earn his military medals and awards and that they are fake, and that Bentivolio's DD Form 214 is fake.

17. Debra Haas is a conservative and Republican political activist.

18. In a sworn affidavit, attached as "Exhibit B," Haas details Raczkowski's multiple instances of defamation of Bentivolio. To wit, she states:

On at least three separate occasions, Andrew "Rocky" Raczkowski made comments to me that Kerry Bentivolio's military record and service are "a lie" and "made up." Raczkowski also told me that Congressman Bentivolio "didn't really earn his medals," and that they were "fictitious" and "fake."

Raczkowski made these statements to me—and upon information and belief, other third parties—at a Michigan Trump Republicans event at Hoffman Farms Winery in Highland Township, Michigan, on Sept 28, 2017.

Raczkowski repeated these assertions to me again—and upon information and belief, other third parties—at a Michigan 11th Congressional District candidate debate at the Emagine movie theater in Novi, on January 8, 2018.

At the time that I am signing this affidavit, I cannot remember the occasion and date of the third time that Raczkowski made these statements about Kerry Bentivolio, but I do recall that he made these statements to me on at least three separate occasions.

When Raczkowski made these defamatory statements about Kerry Bentivolio, many other people were in close proximity and very likely heard him.

Affidavit of Debra Haas, Exhibit B.

19. Kenneth Crow is a political journalist and blogger whose website, Crows Nest Politics, which is nationally known and read by many elected officials and influencers in politics, including many in the Trump Administration.

20. In a sworn affidavit, attached as "Exhibit C," Crow details Raczkowski's defamation of Bentivolio. To wit, he states:

On or about March 8<sup>th</sup> or March 9<sup>th</sup> of 2018, Andrew “Rocky” Raczkowski contacted me.

During that contact, Raczkowski told me that Kerry Bentivolio’s DD Form 214, detailing the various medals and awards he earned during his military career, is “fraudulent” and that Bentivolio “falsified” the form and “never earned Bronze Stars.” He elaborated that Congressman Bentivolio “didn’t really earn his medals,” and that they were “fictitious” and “fake.”

Raczkowski also said that Bentivolio is an enlisted man and that enlisted men should not be in Congress and are not qualified to serve in Congress.

Further, Raczkowski also told me that he (Raczkowski) is a lawyer.

Affidavit of Kenneth Crow, Exhibit C.

21. In fact, though he has often improperly and apparently illegally, fraudulently represented himself to third parties as an attorney, Raczkowski is not a licensed attorney in any Bar in any state or jurisdiction in the United States. He attended Cooley Law School, and upon information and belief, graduated, but he failed to pass the State of Michigan Bar Exam.

22. In media reports, Raczkowski bragged that he studied for this exam with his friend Kwame Kilpatrick (the now-deposed and imprisoned former Mayor of Detroit), but while Kilpatrick actually passed the bar and became a member of the Michigan Bar, Raczkowski did not pass. Upon information and belief, Raczkowski took the bar exam several times and never passed.

23. Patricia Thomas, a resident of Oakland County, is a conservative and Republican political activist. Raczkowski also defamed Bentivolio to her, stating that Bentivolio’s military career and credentials are fraudulent and fake. Her affidavit will be forthcoming in the instant action and will be attached if an amended version of this Complaint is filed in the instant action.

24. Raczkowski's repeated pattern of uttering and publishing the same defamatory statements regarding Bentivolio and his military record stretches far back into the past. See "FedUpUSA" and its 2012 article about Raczkowski, entitled, "Michigan's 11<sup>th</sup> District: Hypocrisy on Display," which details Raczkowski's repeated false claims against Bentivolio and his military record, including defamatory statements he made on a Detroit radio station's morning show, at <http://www.fedupusa.org/2012/09/michigans-11th-district-hypocrisy-on-display/>, attached hereto as "Exhibit D."

25. Pursuant to Michigan Compiled Laws Section 600.2911(2)(b), Bentivolio sent two letters to Raczkowski, attached hereto as "Exhibit E," demanding a retraction of Raczkowski's defamatory statements about Bentivolio and his military record.

26. Raczkowski, while personally acknowledging to Bentivolio receipt of at least one of those letters, has to date declined to retract his defamatory statements as required pursuant to Michigan Compiled Laws Section 600.2911. He was given a reasonable time in which to retract his defamatory statements about Bentivolio, and that time period has ended without any such retraction.

#### **COUNT I – DEFAMATION**

27. Counter-Plaintiffs incorporate the foregoing allegations by reference.

28. Pursuant to Michigan Compiled Laws Section 600.2911 et seq., Michigan law prohibits defamation, including the utterance and/or publishing of false information.

29. Raczkowski made certain public statements to third parties that were false, including but not limited to those detailed herein, *supra*.

30. Raczkowski made these statements knowingly, intentionally, and maliciously,

knowing that they were false, and/or with reckless disregard of the statements' truth or falsity, and/or at least negligently.

31. The statements were not privileged, not opinion, not truthful, and wholly unjustified.

32. The statements were false and defamatory concerning the Plaintiff, and/or they were crafted to falsely indicate that Bentivolio is a liar and/or a fraud and "faked" his military service and awards.

33. As a former member of the military himself, Raczkowski knew or should have known how to check the veracity of Bentivolio's record.

34. Raczkowski's defamatory statements caused special harm, in that they substantially interfere with Plaintiff's candidacy and his stature as a public figure and moral conservative.

35. The utterance of these statements has otherwise caused Plaintiff great damages and impugned his integrity.

36. Raczkowski's statements blatantly and egregiously violate Michigan Compiled Laws Section 600.2911.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- a. Enter judgment in favor of Plaintiff and against Defendant;
- b. Award damages to Plaintiff in excess of \$100,000,000, as warranted by law and proofs, including:
  - i. economic and non-economic damages; and
  - ii. the greatest possible combination of non-economic, exemplary, and/or punitive damages:

- c. Award Plaintiff interest, costs, and attorneys' fees incurred in this litigation, and
- d. Award such additional or alternative relief as this Honorable Court deems appropriate as permitted by law or equity.

Respectfully submitted,

By: /s/Deborah K. Schluszel  
Deborah K. Schluszel (P56420)  
Attorney for Defendants  
LAW OFFICE OF DEBBIE SCHLUSSEL  
29477 Laurel Woods Drive  
Southfield, MI 48034  
(248) 354-1409  
writedebbie@gmail.com

Date: May 14, 2018