

CHRIS DEROSE  
Clerk of the Superior Court  
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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

Michelle Ugenti-Rita;

Plaintiff,

v.

Donald D Shooter and Susan Shooter,  
husband and wife;

Defendants.

CV2018-052586

Case: \_\_\_\_\_

**COMPLAINT**

**(TORT- NON MOTOR VEHICLE SLANDER,  
LIBEL, INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS, BATTERY,  
NEGLIGENCE)**

**(Demand for Jury Trial)**

1. COMES NOW the Plaintiff, Michelle Ugenti-Rita, by and through her attorneys  
2. undersigned, and for her causes of action against the Defendants, Donald Shooter and Susan  
3. Shooter, husband and wife, states and alleges as follows:  
4.

5. **PARTIES, JURISDICTION AND VENUE**  
6.

7. 1. Michelle Ugenti-Rita is a resident of the County of Maricopa, Arizona,  
8. and was so at all times relevant hereto.

9. 2. Defendant Donald D. Shooter caused events to occur within the County  
10. of Maricopa, State of Arizona, out of which this cause of action arose.

11. 3. At the time of the actions complained of herein Defendants Donald D.  
12. Shooter and Susan Shooter were husband and wife and all actions by Donald D. Shooter  
13. were undertaken in furtherance of the marital community. Defendant Susan Shooter is sued  
14. herein as a member of the Shooter marital community.

15. 4. Damages sustained by Plaintiff exceed the jurisdictional amount of  
16. mandatory arbitration.

17. 5. Maricopa County Superior Court properly has jurisdiction over the  
18. persons and subject matter of this Complaint.

19. 6. Jurisdiction and venue are proper.  
20.

21. **FACTUAL ALLEGATIONS**

22. 7. Plaintiff Michelle Ugenti-Rita was elected as a first time Legislator to the  
23. Arizona House of Representatives in the November election of 2010 and was sworn into her  
24. position as a representative of District 8 in January 2011 and subsequently re-elected in  
25. what was then District 23 in 2012, 2014 and 2016.  
26.

1           8. Defendant Donald Shooter was elected to the Arizona Senate in the  
2 same election and likewise was sworn into the Arizona Senate in January of 2011.

3           9. Plaintiff and Defendant, Donald Shooter, became acquainted and  
4 familiar with one another through public events, orientation for new legislators and other  
5 events surrounding the work of the legislature.

6           10. Almost immediately after the legislative session began in 2011  
7 Defendant Donald Shooter began making inappropriate sexually suggestive comments to  
8 Plaintiff. Such comments included but were in no way limited to statements such as "Mmm,  
9 that's a good looking skirt" or "Michelle, you're making it hard to concentrate".

10           11. This behavior continued and became more intense as the 2011  
11 legislative session progressed. During this period Defendant Donald Shooter would routinely  
12 comment on Plaintiff's personal appearance or clothing immediately upon seeing her.

13           12. Plaintiff did not encourage this behavior by Defendant Shooter and in  
14 fact became very uncomfortable with this behavior which caused her to avoid attending  
15 certain meetings if she believed Defendant Donald Shooter would be present for those  
16 meetings.

17           13. As the legislative session progressed in 2011 the harassing actions of  
18 Defendant Donald Shooter escalated. Numerous incidents occurred during the 2011  
19 session, including an incident in March 2011 during which Plaintiff advised attendees at a  
20 meeting that she had to leave early to feed her newborn baby. Defendant Donald Shooter  
21 who was also at the meeting then commented publicly that he wished he "was that baby".

22           14. In a June 2011 incident at a dinner party at a local restaurant to  
23 celebrate Plaintiff's birthday, Defendant Donald Shooter publicly presented her with a gift of  
24 a beach cruiser and again caused her public embarrassment, by his obvious and  
25

1 inappropriate advances.

2  
3 15. In the latter part of June 2011 after a meeting of the Tort Reform  
4 legislative group Defendant Donald Shooter advised Plaintiff that he was "infatuated" with  
5 her and wanted to have a personal relationship and further advised that without her  
6 knowledge or consent he had "intervened" in one of Plaintiff's legislative bills to "make sure  
7 the bill got through". Defendant Donald Shooter further advised Plaintiff that he "was a  
8 powerful Senator" and implied that in the future if she wanted her proposed legislation to  
9 move forward that she had to give him "time and attention".

10 16. In August 2011 at an American Legislative Exchange Council  
11 conference in New Orleans Defendant Donald Shooter, who had not been invited,  
12 unexpectedly knocked at her hotel room door. Plaintiff looked through the securing  
13 peephole and saw Defendant at the door with a six pack of beer. Plaintiff did not answer the  
14 door.

15 17. During the above stated time frames Plaintiff attempted to distance  
16 herself more and more from Defendant Donald Shooter by not answering his multiple phone  
17 calls and by not attending meetings where he was going to be present. However, Plaintiff  
18 was concerned that if she confronted Defendant Donald Shooter more forcefully he would  
19 take actions to overtly interfere with her ability to further her legislative agenda on behalf of  
20 her constituency.

21 18. Despite Plaintiff making it obvious to Defendant Donald Shooter that she  
22 was not interested in his continuing sexual and romantic overtures, Defendant Shooter  
23 persisted. In December 2011 Defendant Shooter left a gift for Plaintiff along with a gift card  
24 referencing a romantic and sexually suggestive song. Defendant took this action, despite  
25 the fact that for some months prior Plaintiff had simply avoided any contact with Defendant  
26  
27  
28

1 Donald Shooter seeking to make it obvious that she did not view him in a friendly light.

2 19. Despite Plaintiff's efforts to avoid Defendant Donald Shooter, he  
3 persisted. In April 2012 Defendant stopped by her office uninvited, ostensibly to discuss  
4 "why one of her bills was rejected by the Senate". During this conversation Defendant  
5 Donald Shooter made sexually explicit comments to Plaintiff including comments about her  
6 breasts and "whether or not they were real".

7 20. In yet another incident, following an August 2012 fundraising event  
8 Defendant Donald Shooter insisted on walking Plaintiff to her car at which time he invited her  
9 to join him in his room. He refused to stop when she declined his advances, thus forcing her  
10 to get into her car and lock the doors to "escape" from him.

11 21. Finally, acting with the belief that Defendant Donald Shooter would  
12 simply not stop his inappropriate behavior, in late 2012 Plaintiff confronted Defendant about  
13 his behavior, itemized the incidents of his inappropriate actions and bluntly told him to stop  
14 and that any friendship he may have thought they had was over.

15 22. Despite all reasonable efforts by Plaintiff to deter Defendant Donald  
16 Shooter from continued inappropriate behavior, Defendant's inappropriate actions continued.  
17 In 2013 Defendant left a business card on her car windshield indicating he was "TOY"  
18 (thinking of you). In December 2013 Defendant Shooter, while in a group with Plaintiff,  
19 pointed at a waitress who resembled Plaintiff and stated that "because he could not have her  
20 he would have the waitress". These public comments were both publicly humiliating and  
21 very emotionally troubling for Plaintiff.

22 23. In December of 2016 while Plaintiff and many other members of the  
23 legislature were attending a reception, Defendant Shooter pulled on a tie that held Plaintiff's  
24 wrap dress in place, causing it to come undone, and potentially exposing her to public  
25

1 embarrassment. This violation of Plaintiff was an offensive touching and battery, and was  
2 humiliating and embarrassing to Plaintiff.

3 24. Throughout the remainder of 2016 and 2017 Plaintiff avoided  
4 communication and/or contact with Defendant Donald Shooter and attempted to focus all of  
5 her attention on her legislative duties.

6 25. Throughout 2017, the issue of sexual harassment in the workplace was  
7 catapulted to the front of the national conversation as a result of several very high profile  
8 cases within the entertainment industry. Appreciating the significance of this movement,  
9 Plaintiff felt an obligation to the public to come forth and recount the personal and sexual  
10 harassment issues that she faced as a female legislator. In support of the movement, in  
11 October of 2017 Plaintiff published in social media, the history of the actions that she had  
12 been subjected to by Defendant Shooter, the effect it had upon her as a woman, and the  
13 difficulties she had to overcome as a result of the harassment.

14 26. Subsequent to Plaintiff posting the sexual harassment history to social  
15 media, the story was picked up by the local press and several newspaper articles were  
16 published articulating and detailing the history of harassment by Defendant Donald Shooter.

17 27. In early November 2017 Defendant Shooter was questioned by local  
18 newspaper media about the allegations by Plaintiff. He immediately issued an apology  
19 stating that he "apparently said things that were insensitive and not taken well". After the  
20 apology the story was picked up by local television stations and discussed in the news  
21 media.

22 28. After the television news began discussing the history of harassment by  
23 Shooter, Defendant Donald Shooter then went directly to news sources and made numerous  
24 false and disparaging statements about Plaintiff, including that Plaintiff was a liar in that she  
25

1 was "lying about me".

2           29. As a result of the aforesaid information coming forth into the public view,  
3 and because of the improper nature of Shooter's harassment of Plaintiff, the Arizona House  
4 of Representatives hired independent counsel to conduct an investigation into all allegations  
5 of sexual and workplace harassment by Defendant Donald Shooter as alleged by Plaintiff as  
6 well as other accusers of Defendant Donald Shooter.

7           30. As a result of the investigation by the House, by an overwhelming vote,  
8 Defendant Donald Shooter was expelled from the Arizona legislature on February 1, 2018.

9           31. Thereafter, on April 16, 2018 Defendant Donald Shooter, through  
10 Counsel, advised of his intention to bring an action against the State of Arizona due to the  
11 expulsion.

12           32. On or about November 8, 2017 and again on February 1, 2018 after his  
13 expulsion, Defendant Donald Shooter slandered and defamed Plaintiff by making false and  
14 defamatory statements to third parties about Plaintiff, including but not limited to (1) that  
15 Plaintiff was lying about his harassment; (2) that the only reason why Plaintiff made the  
16 allegations against him was that she was motivated by promises of "dark money" and illegal  
17 campaign money; and (3) that Plaintiff harassed a young female staffer.

18           33. Also, in written statements of February 1, 2018, and again in his written  
19 April 16, 2018 Notice of Claim letter sent by his attorneys to the State of Arizona which was  
20 published to the general public, Defendant Donald Shooter libeled and defamed Plaintiff by  
21 making false and defamatory statements in writing to third parties about Plaintiff, including  
22 but not limited to statements that (1) Plaintiff was lying about Shooter's harassment of her;  
23 (2) the only reason why Plaintiff made the charges against him public was that she was  
24 motivated by promises of "dark money" and illegal campaign money; and (3) harassed a  
25

1 young female staffer.

2 **COUNT ONE**

3 **SLANDER**

4 34. Plaintiff re-alleges and incorporates by reference the allegations  
5 contained in Paragraphs 1-33 of this complaint as though fully set forth herein.

6 35. As set forth above, in paragraph 32, on or about November 8, 2017 and  
7 again on February 1, 2018, after his expulsion from the House, Defendant Donald Shooter  
8 slandered and defamed Plaintiff by making false and defamatory statements to third parties  
9 about Plaintiff, including but not limited to (1) that Plaintiff was lying about his harassment;  
10 (2) that the only reason why Plaintiff made the charges against him was that she was  
11 motivated by promises of "dark money" and illegal campaign money; and (3) that Plaintiff  
12 harassed young female staffer. The statements by Defendant Shooter were false, the  
13 statements were published to the general public, the Defendant failed to determine the truth  
14 of the statements and the statements have caused harm to Plaintiff.

15 36. The defamatory and slanderous statements by Defendant Donald  
16 Shooter were false when made; Defendant knew statements were false, and/or acted in  
17 reckless disregard of whether statements were true or false and Defendant negligently failed  
18 to ascertain the truth or falsity of statements; Defendant intentionally published the false  
19 statements to third parties and has caused extensive damage to Plaintiff; and the defamatory  
20 statements by Defendant were made with the intention of causing harm to Plaintiff and/or  
21 made with reckless disregard of the harm it would cause to Plaintiff.

22 37. As a direct and proximate result of Defendant Shooter's actions, Plaintiff  
23 has suffered consequential, general and special damages including, but not limited to,  
24 emotional distress, pain and suffering, humiliation, embarrassment, anxiety, damage to  
25



1 reputation, personal injury and other damages. Accordingly, Plaintiff is entitled to damages  
2 in an amount according to proof, the exact amount to be proven at trial.

3  
4 38. Defendant Shooter's conduct was wanton, deliberate, overt, dishonest  
5 and oppressive, made with an evil mind and motive and in conscious disregard of the rights  
6 of Plaintiff. Furthermore, Defendant Shooter's conduct was intentional and/or was motivated  
7 by spite or ill will and/or Defendant acted to serve his own interests, having reason to know  
8 and consciously disregarding a substantial risk that his conduct might significantly injure the  
9 rights and reputation of Plaintiff. Plaintiff is therefore entitled to an award of punitive  
10 damages according to proof to punish Defendant for his conduct and to deter him and others  
11 from engaging in similar conduct in the future.

## 12 COUNT TWO

### 13 LIBEL

14 39. Plaintiff re-alleges and incorporates by reference the allegations  
15 contained in Paragraphs 1-38 of this complaint as though fully set forth herein.

16 40. As set forth above, in paragraph 33, in written statements of February 1,  
17 2018, and again in his written April 16, 2018 Notice of Claim letter sent by his attorneys to  
18 the State of Arizona which was published to the general public, Defendant Donald Shooter  
19 libeled and defamed Plaintiff by making false and defamatory statements in writing to third  
20 parties about Plaintiff, including but not limited to statements that (1) Plaintiff was lying about  
21 Shooter's harassment of her; (2) the only reason why Plaintiff made the allegations against  
22 him was that she was motivated by promises of "dark money" and illegal campaign money;  
23 and (3) Plaintiff harassed a young female staffer.

24 41. The defamatory and libelous statements by Defendant Donald Shooter  
25 were false when made; Defendant knew statements were false, acted in reckless disregard  
26  
27  
28

1 of whether statements were true or false, and Defendant negligently failed to ascertain the  
2 truth or falsity of statements; Defendant intentionally published the false statements to third  
3 parties and has caused extensive damage to Plaintiff; and the defamatory statements by  
4 Defendant were made with the intention of causing harm to Plaintiff and/or made with  
5 reckless disregard of the harm it would cause to Plaintiff..

6  
7 42. As a direct and proximate result of Defendant Shooter's actions, Plaintiff  
8 has suffered consequential, general and special damages including, but not limited to,  
9 emotional distress, pain and suffering, humiliation, embarrassment, anxiety, damage to  
10 reputation, personal injury and other damages. Accordingly, Plaintiff is entitled to damages  
11 in an amount according to proof, the exact amount to be proven at trial.

12 43. Defendant Shooter's conduct was wanton, deliberate, overt, dishonest  
13 and oppressive, made with an evil mind and motive and in conscious disregard of the rights  
14 of Plaintiff. Furthermore, Defendant Shooter's conduct was intentional and/or was motivated  
15 by spite or ill will and/or Defendant acted to serve his own interests, having reason to know  
16 and consciously disregarding a substantial risk that his conduct might significantly injure the  
17 rights and reputation of Plaintiff. Plaintiff is therefore entitled to an award of punitive  
18 damages according to proof to punish Defendant for his conduct and to deter him and others  
19 from engaging in similar conduct in the future.

### 20 **COUNT THREE**

#### 21 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

22 44. Plaintiff re-alleges paragraphs 1-43 as if fully set forth herein.

23 45. Defendant Donald Shooter's conduct as described above was extreme  
24 and outrageous; Defendant intended to cause Plaintiff to suffer emotional distress or  
25 recklessly disregarded the near certainty that such distress will result from his conduct; and  
26

1 Defendant caused Plaintiff to suffer severe emotional distress as a result of his conduct.

2 46. As a direct and proximate result of Defendant Shooter's actions, Plaintiff  
3 has suffered consequential, general and special damages including, but not limited to,  
4 emotional distress, pain and suffering, anxiety, humiliation, embarrassment, personal injury  
5 and other damages. Accordingly, Plaintiff is entitled to damages in an amount according to  
6 proof, the exact amount to be proven at trial.

7 47. Defendant Shooter's conduct was wanton, deliberate, overt, dishonest  
8 and oppressive, made with an evil mind and motive and in conscious disregard of the rights  
9 of Plaintiff. Furthermore, Defendant Shooter's conduct was intentional and/or was motivated  
10 by spite or ill will and/or defendant acted to serve his own interests, having reason to know  
11 and consciously disregarding a substantial risk that his conduct might significantly injure the  
12 rights of Plaintiff. Plaintiff is therefore entitled to an award of punitive damages according to  
13 proof to punish Defendant for his conduct and to deter him and others from engaging in  
14 similar conduct in the future.

15  
16 **COUNT FOUR**  
17 **BATTERY**

18 48. Plaintiff re-alleges paragraphs 1-47 as if fully set forth herein.

19 49. Defendant Donald Shooter's conduct, as described above was intended  
20 as an offensive or harmful contact or was intended to cause the apprehension of an  
21 immediate harmful and offensive contact; caused a harmful and offensive contact and has  
22 caused Plaintiff damages.

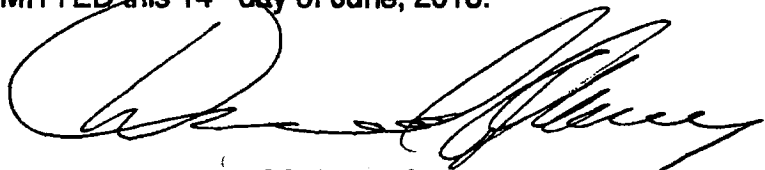
23 50. As a direct and proximate result of Defendant Shooter's actions, Plaintiff  
24 has suffered consequential, general and special damages including, but not limited to,  
25 emotional distress, pain and suffering, anxiety, humiliation, embarrassment, personal injury  
26

1 and other damages. Accordingly, Plaintiff is entitled to damages in an amount according to  
2 proof, the exact amount to be proven at trial.  
3

4 **WHEREFORE**, Plaintiff prays for judgment against the Defendants, both  
5 individually and jointly, as follows:  
6

- 7 1. For consequential, general and special damages in a reasonable and  
8 appropriate amount, as may be proven at trial;
- 9 2. For exemplary and/or punitive damages as may be proven at trial in a  
10 reasonable and appropriate amount;
- 11 3. For Plaintiff's costs and expenses in prosecuting this matter;
- 12 4. For Plaintiff's reasonable attorneys' fees; and
- 13 5. For such other and further relief as the Court deems just and proper.

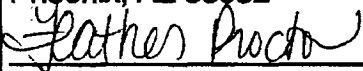
14 **RESPECTFULLY SUBMITTED** this 14<sup>th</sup> day of June, 2018.

15 

16 DANIEL P. MASSEY, ESQ.  
17 DAVID C. LARKIN, ESQ  
18 STEVEN A. COHEN, ESQ  
19 Attorneys for Plaintiff

20 **ORIGINAL** of the foregoing filed with  
21 the Court this 14<sup>th</sup> day of June, 2018 to:

22 Maricopa Superior Court Clerk  
23 18380 N. 40<sup>th</sup> St, Suite 120  
24 Phoenix, AZ 85032

25 

26 **FEATHER R. PROCTOR**  
27  
28