CHRIS DEROSE Clerk of the Superior Court By Eufemia Vazquez-Fregoso, Deputy Date 10/10/2018 Time 15:54:24 Description William M. Fischbach (SBN 019769) Amount 1 ----- CASE# CV2018-013114 Amy D. Sells (SBN 024157) CIVIL NEW COMPLAINT 333.00 2 Marcos A. Tapia (SBN 032746) TOTAL AMOUNT 333.00 3 TB TIFFANY&BOSCO Receipt# 26845609 4 SEVENTH FLOOR CAMELBACK ESPLANADE II 2525 EAST CAMELBACK ROAD PHOENIX, ARIZONA 85016-4229 TELEPHONE: (602) 255-6036 6 FACSIMILE: (602) 253-0103 7 Emails: wmf@tblaw.com; ads@tblaw.com; mat@tblaw.com Attorneys for Plaintiffs 8 9 SUPERIOR COURT OF ARIZONA 10 MARICOPA COUNTY CV 2018-013114 11 PAMELA YOUNG, an individual; MODELS Case No. 12 PLUS INTERNATIONAL, LLC dba THE YOUNG AGENCY, an Arizona Limited **COMPLAINT** 13 Liability Company; (Defamation; False Light Invasion of 14 Privacy; Punitive Damages) Plaintiff, 15 Tier 3 VS. 16 17 WENDY ROGERS and HAL KUNNEN, husband and wife; WENDYROGERS.ORG, a 18 Principal Campaign Committee; 19 Defendants -20 Pamela Young ("Ms. Young") and Models Plus International, LLC dba The 21 Young Agency ("The Young Agency") (collectively "Plaintiffs") allege as follows: 22 INTRODUCTION 23 Ms. Young is one of Arizona's most accomplished female African-1. 24 American small business owners. She has spent the past 30 plus years building the 25 Young Agency, a full-service model/talent agency that represents models and actors in 26 Arizona. Defendant Wendy Rogers is the Republican candidate for Arizona's 1st 27 Congressional District. In an effort to discredit her opponent in the 2018 Republican

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primary election—who worked for the Young Agency—Defendant Wendy Rogers published throughout Arizona several false and misleading statements regarding the Young Agency, namely that it "specializes in underage girls and advertises on websites linked to sex trafficking," or words to that effect. To call Defendant Wendy Roger's conduct "dirty politics" is an understatement. Her conduct was outrageous and indefensible, and unnecessarily tarnished the reputations of Ms. Young and the Young Agency. Through this lawsuit, Ms. Young and the Young Agency seek to hold Defendant Wendy Rogers and her campaign accountable for their conduct.

PARTIES, JURISDICTION, AND VENUE

- 2. Plaintiff Ms. Young is a citizen of Arizona residing in Maricopa County.
- 3. Plaintiff the Young Agency is an Arizona Limited Liability Company authorized to do business in Arizona and doing business in Maricopa County and other Arizona Counties.
- 4. Defendants Wendy Rogers and Hal Kunnen are husband and wife and citizens of Arizona. At all relevant times, Defendant Wendy Rogers was acting in furtherance of, and for the benefit of, her marital community.
- 5. Defendant WendyRogers.org is the Principal Campaign Committee running Defendant Wendy Rogers' political campaign for Arizona's 1st Congressional District.
- 6. At all relevant times, Defendants Wendy Rogers and WendyRogers.org acted in concert as joint tortfeasors, and they are therefore jointly and severally liable to Plaintiffs under A.R.S. § 12-2506(d)(1).
- 7. At all relevant times, Defendant WendyRogers.org was acting as an agent or servant of Defendant Wendy Rogers, and *vice versa*, and they are therefore jointly and severally liable to Plaintiffs under A.R.S. § 12-2506(d)(2).
- 8. At all relevant times, Defendants Wendy Rogers and WendyRogers.org conspired to effectuate, and mutually aided and abetted one another in, the tortious conduct alleged herein.

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- 9. Defendants Wendy Rogers and WendyRogers.org are collectively referred to as the "Rogers Campaign."
- 10. The alleged conduct occurred in Maricopa County, as well as other Arizona counties.
- 11. Given the legal and logistical complexities of the case, and given that Plaintiffs seek special, general, and punitive damages in excess of \$300,000.00, this case qualifies for Tier 3 designation under Arizona Rule of Civil Procedure 26.2.
- 12. This Court has jurisdiction over this action under A.R.S. § 12-123 and the Arizona Constitution, Article VI, § 14.
- 13. Venue is proper in this Court under A.R.S. § 12-401(10). See also Sulger v. Superior Court In & For Cochise & Pima Ctys., 85 Ariz. 299, 302 (1959) (holding that an action for defamation may be brought in the county in which the defamatory statement was published).

GENERAL ALLEGATIONS

- 14. The Young Agency is a full-service model/talent agency that represents models, actors, and talent for local and national print, fashion, runway, commercial, television, film, voice over, video and promotional modeling.
- 15. Ms. Young, a former model and actor herself, founded the Young Agency in Arizona in 1996.
- 16. As an African-American woman, Ms. Young has been recognized by the AZ Business Journal as one of the top minority business owners in the State of Arizona.
- 17. For over 30 years, Ms. Young has worked diligently to build a reputation for herself and the Young Agency in Arizona's small business community and its modeling/entertainment sector.
- 18. As with any small business owner, Ms. Young's personal and professional reputation is inextricably tied to that of the Young Agency.
- 19: Defendant Wendy Rogers is the Republican candidate for Arizona's 1st Congressional District ("CD1").

- 20. CD1 includes portions of Maricopa County, Apache County, Navajo County, Coconino County, Gila County, Graham County, Greenlee County, and Pima County.
- 21. Defendant Wendy Rogers won the Republican nomination for CD1 by defeating candidate Steve Smith ("Smith") in the 2018 Arizona primary election.
- 22. Before and during the primary election, it was common and public knowledge that Smith had worked for, and continued to work for, the Young Agency.
- 23. Throughout the primary election, the Rogers Campaign published statements, in Maricopa County and other Arizona counties, asserting that Smith worked for a "modeling agency [that] specializes in underage girls and advertises on websites linked to sex trafficking," or words to that effect.
- 24. These and similar statements were published in television commercials, radio ads, social media, websites (such as www.SlimySteve.com), and printed materials distributed throughout Arizona, some of which referenced the Young Agency specifically by name.
- 25. These statements were false and/or placed Plaintiffs in a false light, doing severe damage to their reputations in the community.
- 26. Plaintiffs are not public figures for purposes of the claims alleged herein. Even if Plaintiffs were public figures, the Rogers Campaign acted with actual malice in publishing these statements.
- 27. The Rogers Campaign deliberately crafted these statements to be salacious and with the express expectation that others would republish these statements, and these statements were in fact republished by others, including without limitation the news media, other candidates, and social media users.

COUNT I

Defamation and Defamation Per Se

28. Plaintiffs repeat and reallege each and every allegation as if fully set forth herein.

- 29. The Rogers Campaign's actions, statements, and publications as alleged herein constitute defamation.
- 30. The Rogers Campaign negligently, if not knowingly and intentionally, published unprivileged, false, and defamatory statements of and concerning Plaintiffs.
- 31. The Rogers Campaign published these false and defamatory statements out of malice and to discredit Plaintiffs before the general public.
- 32. The Rogers Campaign false publications have subjected Plaintiffs to hatred, contempt, ridicule, or obloquy; lowered their reputation in the estimation of the business and public community; and deterred third persons from associating or dealing with them.
- 33. The Rogers Campaign's false publications constitute defamation *per se* as they allege that Plaintiffs committed and/or would commit a crime and/or impute a lack of fitness for their trade, business, or profession.
 - 34. The Rogers Campaign's actions have caused damages to Plaintiffs.
- 35. Rogers Campaign is also liable for damages resulting from the republication of its false and misleading statements because the Rogers Campaign deliberately crafted these statements to be salacious and with the express expectation that others would republish these statements.
- 36. Based upon the Rogers Campaign's tortious acts of defamation *per se*, Plaintiffs are entitled to recover presumed damages, as well as general and special damages against The Rogers Campaign.
- 37. The Rogers Campaign either intended to injure Plaintiffs or consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others, thereby entitling Plaintiffs to an award of punitive damages.

COUNT II

False Light Invasion of Privacy

38. Plaintiffs repeat and reallege each and every allegation as if herein again set forth in full.

- 39. The Rogers Campaign's actions as alleged herein constitute invasion of privacy and placed Plaintiffs before the public in a false light.
- 40. The Rogers Campaign's publications about Plaintiffs would be highly offensive and objectionable to a reasonable person and were, in fact, highly offensive and objectionable to Plaintiffs.
- 41. The Rogers Campaign had knowledge of or acted in reckless disregard as to the falsity of the publicized matters and the false light in which Plaintiffs were placed.
 - 42. The Rogers Campaign's actions have caused damages to Plaintiffs.
- 43. Rogers Campaign is also liable for damages resulting from the republication of its false and misleading statements because the Rogers Campaign deliberately crafted these statements to be salacious and with the express expectation that others would republish these statements.
- 44. Based upon the Rogers Campaign's misconduct, Plaintiffs are entitled to recover presumed damages, as well as general and special damages against The Rogers Campaign.
- 45. The Rogers Campaign either intended to injure Plaintiffs or consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others, thereby entitling Plaintiffs to an award of punitive damages.

WHEREFORE, Plaintiffs demand judgment against the Rogers Campaign as follows:

- A. For presumed, special, and general damages;
- B. For punitive damages;
- C. For Plaintiffs' taxable costs under A.R.S. § 12-341; and
- D. For such other further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED this 9th day of October, 2018.

TIFFANY & BOSCO, P.A.

By: ______

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