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7 **SUPERIOR COURT OF ARIZONA**

8 **MARICOPA COUNTY**

9 SANDRA WILSON and PAUL) No.
WILSON, wife and husband,)
10) **COMPLAINT**
Plaintiffs,)
11) (Jury Trial Requested)
v.)
12)
13 SHERIFF JOSEPH ARPAIO and)
AVA ARPAIO, husband and wife;)
ANDREW THOMAS and ANNE)
14 THOMAS, husband and wife, LISA)
AUBUCHON and PETER R.)
15 PESTALOZZI, wife and husband,)
DEPUTY CHIEF DAVID)
16 HENDERSHOTT and ANNA)
HENDERSHOTT, husband and wife,)
17 WILLIAM MONTGOMERY, only in)
his official capacity as MARICOPA)
18 COUNTY ATTORNEY, MARICOPA)
COUNTY, a municipal entity; and)
19 JOHN DOES I-X; JANE DOES I-X;)
BLACK CORPORATIONS I-V; and)
20 WHITE PARTNERSHIPS, I-V,)
Defendants.)
21)
22)

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1 Plaintiffs Sandra Wilson and Paul Wilson, for their Complaint against
2 Defendants, hereby allege as follows:

3 **JURISDICTIONAL ALLEGATIONS**

4 1. Plaintiffs have satisfied all the provisions of A.R.S. § 12-821.01 by timely
5 serving a Notice of Claim more than sixty (60) days prior to the date of the filing of this
6 Complaint. Defendants denied the Notice of Claim.

7 2. Plaintiffs bring this action pursuant to 42 U.S.C. § 1983, the United States
8 Constitution (certain Amendments), and other pendent statutory and state common laws.

9 3. This Court has jurisdiction of Plaintiffs' federal law claims pursuant to 28
10 U.S.C. § 1331 and 42 U.S.C. § 1988. Additionally, this Court has jurisdiction over
11 Plaintiffs' state and federal claims pursuant to Article 6, Section 14 of the Arizona
12 Constitution.

13 4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), as the
14 parties are residents of Maricopa County, Arizona, and the events underlying this
15 lawsuit occurred in Maricopa County.

16 **GENERAL ALLEGATIONS**

17 5. At all times material herein, Plaintiffs Sandra Wilson and Paul Wilson
18 were a married couple residing in Maricopa County, Arizona (collectively "Plaintiffs,"
19 or "Deputy County Manager Wilson" or "Paul" in the singular).

20 6. At all times material herein, Defendant Joe Arpaio ("Arpaio" or "Sheriff
21 Arpaio") was the duly-elected Sheriff of Maricopa County and the head of the Maricopa
22 County Sheriff's Office ("MCSO"), with ultimate authority and responsibility for the
23 MCSO and the actions of its officers and agents, and with the authority and
24 responsibility to establish policy, practices, customs, procedures, protocols, and training
25 for the MCSO as the official and final policymaker for the County. His actions and/or
26

1 inactions constitute actions of Maricopa County, and the County is vicariously and
2 directly liable for his wrongful conduct, as alleged herein. Sheriff Arpaio is named in
3 both his official and individual capacities. As the elected Sheriff, Arpaio has official,
4 vicarious, direct, individual, and/or supervisory liability for the MCSO, the County, and
5 its officers, agents, and employees.

6 7. Ava Arpaio is the spouse of Defendant Joseph Arpaio and is so designated
7 because the wrongful conduct of Defendant Arpaio was engaged in for the benefit of
8 their marital community, thereby rendering his spouse and marital community liable for
9 such conduct.

10 8. With the exception of the times specifically referenced herein, at all times
11 material herein, Defendant Andrew Thomas (“Thomas” or “County Attorney Thomas”)
12 was the duly-elected County Attorney of Maricopa County and the head of the
13 Maricopa County Attorney’s Office (“MCAO”), with Thomas having the ultimate
14 authority and responsibility for the MCAO and the actions of its officers and agents, and
15 with the authority and responsibility to establish policy, practices, customs, procedures,
16 protocols, and training for the MCAO as the official and final policymaker for the
17 County. His actions and/or inactions constitute actions of Maricopa County, and the
18 County is vicariously and directly liable for his wrongful conduct, as alleged herein.
19 County Attorney Thomas is named in both his official and individual capacities. As the
20 former elected County Attorney, County Attorney Thomas had official, vicarious,
21 direct, individual, and/or supervisory liability for the MCAO, the County, and its deputy
22 and assistant attorneys, agents, and employees.

23 9. Andrew Thomas is also named as a private citizen Defendant for conduct
24 he engaged in after he left the office of County Attorney. Thomas is a resident of
25 Maricopa County.

1 10. Anne Thomas is the spouse of Defendant Andrew Thomas and is so
2 designated because the wrongful conduct of Defendant Thomas was engaged in for the
3 benefit of their marital community, thereby rendering his spouse and marital community
4 liable for such conduct.

5 11. With the exception of the times specifically referenced herein, at all
6 material times herein, Defendant Lisa Aubuchon (“Aubuchon” or “Deputy County
7 Attorney Aubuchon”) was a Deputy County Attorney of Maricopa County. Her actions
8 and/or inactions constitute actions of Maricopa County, and the County is vicariously
9 and directly liable for her wrongful conduct, as alleged herein. Deputy County Attorney
10 Aubuchon is named in both her official and individual capacities.

11 12. Lisa Aubuchon is also named as a private citizen Defendant for conduct
12 she engaged in after leaving the employ of the MCAO. Aubuchon is a resident of
13 Maricopa County.

14 13. Peter R. Pestalozzi is the spouse of Defendant Lisa Aubuchon and is so
15 designated because the wrongful conduct of Defendant Aubuchon was engaged in for
16 the benefit of their marital community, thereby rendering her spouse and marital
17 community liable for such conduct.

18 14. At all times material herein, Defendant David Hendershott (“Hendershott”
19 or “Deputy Chief Hendershott”) was the Deputy Chief of Maricopa County Sheriff’s
20 Office, with the authority and responsibility to establish policy, practices, customs,
21 procedures, protocols, and training for the MCSO as an official policymaker for the
22 County. His actions and/or inactions constitute actions of Maricopa County, and the
23 County is vicariously and directly liable for his wrongful conduct, as alleged herein.
24 Deputy County Attorney Hendershott is named in both his official and individual
25 capacities. As the Deputy Chief, Hendershott has official, vicarious, direct, individual,
26

1 and/or supervisory liability for the MCSO, the County, and its officers, agents, and
2 employees.

3 15. Anna Hendershott is the spouse of Defendant David Hendershott and is so
4 designated because the wrongful conduct of Defendant Hendershott was engaged in for
5 the benefit of their marital community, thereby rendering his spouse and marital
6 community liable for such conduct.

7 16. Defendant William Montgomery (“Montgomery” or “County Attorney
8 Montgomery”) took office November 22, 2010, succeeding interim County Attorney
9 Richard Romley who was appointed when Thomas left to run for Attorney General.
10 County Attorney Montgomery is named only in his official capacity.

11 17. Defendant Maricopa County (the “County”) is a public entity, formed and
12 designated as such pursuant to Title 11, of the Arizona Revised Statutes, and (as such) it
13 and its officers and divisions are subject to civil suit and may be held independently or
14 vicariously liable for the wrongful conduct of its divisions, agents, officers, and
15 employees, including (*inter alia*) the individual members of the Maricopa County Board
16 of Supervisors, the officers and employees of its divisions, Sheriff Joseph Arpaio,
17 former County Attorney Andrew Thomas, former Deputy County Attorney Lisa
18 Aubuchon, and Deputy Chief David Hendershott.

19 18. At all times material herein, Defendants John Does I-X and Jane Does I-X
20 (collectively “John Does”) were officers, agents, and employees of Sheriff Arpaio,
21 MCSO, Thomas, MCAO and/or Maricopa County, acting within the scope of their
22 employment and under color of law. These Defendants engaged in wrongful conduct
23 that allowed, caused, and/or contributed to cause the violations of Ms. Wilson’s rights.
24 Their actions and/or inactions constitute actions of the Sheriff Arpaio, MCSO, Thomas,
25

1 MCAO, and/or Maricopa County. Sheriff Arpaio, MCSO, Thomas, MCAO, and/or
2 Maricopa County are vicariously and directly liable for their wrongful conduct.

3 19. The true names, capacities, and relationships, whether individual,
4 corporate, partnership, or otherwise of all John and Jane Doe Defendants, Black
5 Corporations, and White Partnerships are unknown at the time of the filing of this
6 Complaint, and are being designated pursuant to applicable law. Plaintiffs further allege
7 that all of the fictitiously named Defendants were jointly responsible for the actions,
8 events, and circumstances underlying this lawsuit, and that they proximately caused the
9 damages stated in this Complaint. Plaintiffs will amend the Complaint to name the
10 unidentified individuals once they identify through discovery the identities and acts,
11 omissions, roles, and/or responsibilities of such Defendants sufficient for Plaintiffs to
12 discover the claims against them.

13 **FACTUAL BASIS FOR CLAIMS FOR RELIEF**

14 **Background of Sandra Wilson**

15 20. Sandra Wilson has been a faithful and dedicated employee of Maricopa
16 County for over 17 years, beginning her County career as a Budget Manager.

17 21. In 1998 Ms. Wilson was promoted to her present position of Deputy
18 County Manager.

19 22. As Deputy County Manager, her primary responsibility is to oversee the
20 County's \$2.2 billion budget.

21 23. She has direct responsibility for these departments: the Office of
22 Management and Budget; Workforce Management and Development; the Office of
23 Enterprise Technology; Risk Management; Correctional Health Services; Health Care
24 Programs; and Research and Reporting.

1 24. In December 2008, Ms. Wilson became Acting County Manager when
2 David Smith, County Manager, went on an extended medical leave and continued in
3 this position until Mr. Smith's return on a part-time basis on February 23, 2009.

4 **The Genesis of the Attack On Acting County Manager Wilson**

5 25. Ms. Wilson's primary task has always been to oversee the County's
6 budget, and this task, given the condition of the County's finances since 2008 has
7 included structuring a budget that reflected the fiscal realities of the times.

8 26. Ms. Wilson acts as a liaison between the Board of Supervisors and the
9 elected and appointed officials of the various County agencies and divisions and works
10 with them to craft budget solutions to the loss of revenues the County has been
11 experiencing since the economic downturn.

12 27. It became increasingly clear during 2008 and 2009 that the financial
13 realities of the downturn meant that budgets had to be cut, staff needed to be reduced,
14 and programs eliminated or cut back.

15 28. It late 2008 Sheriff Arpaio and then-County Attorney Thomas, ever-
16 resistant to input from, oversight from, or cooperation with the other County agencies
17 considered MCSO and MCAO immune from the budget dilemma. So, they conspired
18 to fend off the County's increasingly focused requests that MCSO and MCAO share the
19 pain of the financial downturn by cutting their budgets.

20 29. Arpaio and Thomas took aim at the County's plans for the Court Tower
21 project – a capital project 12 years in the planning, one budgeted for and saved for over
22 those years; a project in which both Arpaio and Thomas had participated in planning.

23 30. In October 2008, after a budget meeting chaired by Supervisor Kunasek
24 and attended by elected officials, Ms. Wilson was followed back to her office by Arpaio
25
26

1 and MCSO Deputy Chief Hendershott who asked why the Board was proceeding with
2 the Court Tower project.

3 31. Ms. Wilson politely but directly reminded them of their early support of
4 the Court Tower Project and told them that the Board had made a policy decision to
5 continue the Project.

6 32. Less than two weeks later, Arpaio sent a memo to the Board of
7 Supervisors, County Manager David Smith, and Ms. Wilson “suggesting” that the
8 County should eliminate the Court Tower debt service funding and use those savings to
9 offset cuts to his MCSO operating budget. Thomas was copied on this memo.

10 33. One week later, at an informal meeting, the Board approved a number of
11 budget-cutting actions, including imposing a hiring and capital purchasing freeze and
12 adopting guidelines applicable to all elected and appointed managers asking them to
13 identify up to 20% in reductions to their budget for the upcoming year.

14 34. Almost immediately thereafter, Don Stapley, Chairman of the Board of
15 Supervisors (“BOS” or “Board”), was indicted by Thomas, on the basis of Arpaio’s
16 “investigation,” on 118 felony counts for alleged disclosure violations.

17 35. Within days of the indictment, Arpaio notified the Board that he would
18 not be abiding by the 20% reduction to his budget requested by the Board and mandated
19 by the financial condition of the County purse.

20 36. Recognizing clear conflicts of interest in Thomas’ prosecution of a
21 member of the Board of Supervisors – his client – the Board appointed outside counsel
22 to investigate the conflict that MCAO and MCSO’s indictment presented.

23 37. The Board soon after voted to strip MCAO of its right to represent the
24 County in civil matters, along with part of his budget, and because of the conflicts of
25 interest set up a separate civil division to handle those cases.

1 38. Soon after, Arpaio served Ms. Wilson with a Grand Jury subpoena
2 requesting years worth of County documents, all related to the Court Tower project, and
3 returnable just two weeks later, on January 5, 2009.

4 39. Ms. Wilson was pointedly instructed by an MCSO deputy that the matter
5 was sealed and she was to speak to no one about it.

6 40. Arpaio and Hendershott knew that because of the conflict issue with the
7 County Attorney's Office, Ms. Wilson and the County were left with no legal
8 representation. Arpaio and Hendershott further knew that because of the warning
9 regarding confidentiality, Ms. Wilson believed she had no one with whom she could
10 discuss the outrageously broad subpoena.

11 41. The Board then retained outside counsel to represent its interests in the
12 Grand Jury subpoena matter.

13 42. Incensed by what he considered to be a usurpation of his power, and the
14 reduction of his budget, Thomas sued the outside counsel the Board had appointed
15 seeking to undo that representation.

16 43. Days later, Arpaio and Thomas jointly sued the Board, questioning its
17 right to appoint outside counsel to represent it. Arpaio and Thomas both prefer
18 unarmed and vulnerable targets.

19 44. The Sheriff then served an avalanche of extremely broad and open-ended
20 public records requests directed to the Board, County Management, Planning and
21 Zoning, Management and Budget, and others.

22 45. In late January 2009, the Sheriff served a public records request on the
23 County, seeking email, phone numbers, records, and calendars from 36 County
24 employees: the Supervisors, executive staff, County management, and employees,
25 including Ms. Wilson.
26

1 46. Lisa Allen, the Sheriff's spokesperson, reported to the media that all 36
2 County employees, including Ms. Wilson, were under "criminal investigation."

3 47. Meanwhile, Ms. Wilson and others in County management continued
4 efforts to find ways to save money, working with offices and agencies to cut expenses
5 and costs.

6 48. These efforts continued to be rebuffed by Arpaio, who characterized the
7 County's actions as retaliatory and hostile to his office.

8 49. Ms. Wilson unsuccessfully reached out to Arpaio, hoping to find a way to
9 assuage the animosity that had developed between Arpaio and the County.

10 50. At the next budget meeting involving the MCSO, Hendershott pointedly
11 reminded Ms. Wilson that she and David Smith were currently under "criminal
12 investigation."

13 51. Once again, this "criminal investigation" of Ms. Wilson was leaked to the
14 press by Arpaio's press people.

15 52. Hendershott filed Bar Complaints against County Manager David Smith,
16 also a lawyer, and members of the judiciary.

17 53. Both the Sheriff and County Attorney continued to overwhelm County
18 management with overbroad and open-ended public records requests into a number of
19 topics and involving dozens of County employees.

20 54. They continued their blitz of retaliatory lawsuits against the Board. Of
21 course, none of those have been successful.

22 55. Sheriff's deputies visited lower level County employees at home, often at
23 night, seeking information on their bosses and information that they might use as fodder
24 in the war they had declared against the cost-conscious County – by virtue of her
25 position, Sandi Wilson was at the epicenter of their attack.
26

1 63. Arpaio alleged he had been corruptly deprived of civil legal services from
2 the County Attorney's Office; Thomas claimed he had been deprived of the ability to
3 practice law!

4 64. Thomas and Arpaio did not act alone in filing the RICO Action: MCAO
5 Attorney Aubuchon was integrally involved and was assigned to prosecute it.

6 65. The RICO Complaint was an inept and sophomoric rant and was
7 voluntarily dismissed by Thomas and Arpaio on March 11, 2009, after Judge Leonardo
8 dismissed the indictment of Supervisor Wilcox in *State v. Wilcox*, CR-2010-005423-
9 001.

10 66. In that ruling, Jude Leonardo noted that Thomas acted unethically,
11 retaliated against those who disagreed with him, sought political advantage by
12 prosecuting those who oppose him publically and allied himself with Sheriff Arpaio
13 who "misused the power of his office" by targeting opponents with criminal
14 investigations.

15 67. After this, Defendants voluntarily dismissed the RICO action in March,
16 2010.

17 **Their Own Grand Jury Rejected the Defendants' "Case"**

18 68. In January of 2010, Thomas and Aubuchon empanelled a grand jury to
19 use as one of their tools of intimidation. Aubuchon and Hendershott "threw the book"
20 at their political targets, including Sandi Wilson and Judge Donahoe. But, their "case"
21 was, even to these lay grand jurors, muddled, political, and as "incomprehensible" as it
22 was to the independent prosecutors that later reviewed their "case." On March 3, 2010,
23 at the conclusion of the presentations by Hendershott and Aubuchon, the grand jury
24 rejected their "case" and voted to "end the inquiry."

1 69. It is highly unusual for grand jurors to so summarily reject a prosecutor's
2 presentation of evidence and urgings that the grand jurors indict their targets.

3 70. Defendants knew that they had utterly failed to make out a criminal case
4 against Sandi to these lay grand jurors – even though the Defendants controlled that
5 grand jury and even though their “targets” were unrepresented, defenseless, and not
6 allowed to appear before the grand jury.

7 71. Defendants knew their grand jury's instruction to them to “end the
8 inquiry” meant that their failure to obtain an indictment should have ended their crusade
9 to assault Sandi and others.

10 72. But, of course, the Defendants continued, even after the grand jury voted
11 to terminate their crusade, to publically portray Sandi as a criminal still under “criminal
12 investigation.”

13 **MCAO Independent Personnel Investigation of Aubuchon**

14 73. Richard Romley, who was appointed Interim County Attorney when
15 Thomas resigned as County Attorney, authorized an independent personnel
16 investigation of Aubuchon, which was conducted by Katherine Baker, Esq., of Green &
17 Baker.

18 74. The findings of that investigation led to Aubuchon's termination from the
19 MCAO. In the letter of termination, Paul Ahler, MCAO Chief Deputy, concluded that:
20 [T]he Federal RICO Complaint was [nothing more than a vehicle to intimidate, retaliate
21 and besmirch the reputations of judges, public officials and attorneys who had
22 previously opposed positions taken by the Maricopa County Attorney's Office.”

23 75. Chief Deputy Ahler also concluded that the Complaint filed by Aubuchon
24 did not meet the requirements to state a RICO claim, that it was devoid of facts and that
25 there was no competent evidence to support the filing of the RICO action.

1 76. In the Baker investigation, Aubuchon admitted that not a single witness
2 was interviewed in any investigation for the RICO Action.

3 77. Aubuchon filed the RICO Action, without evidentiary support, against the
4 recommendation of experienced Maricopa County Attorneys and outside legal counsel,
5 in contravention of Judge Donahoe's ruling prohibiting MCAO from working on the
6 Court Tower Project, and despite her inexperience in RICO matters.

7 78. In doing so, Aubuchon was found to have violated MCAO Procedures 1.2,
8 5.29, and 5.3, Merit Rule Section 15, Rule 9.03, ER 1.1, ER 1.4, and ER 3.1 relating to
9 incompetency, inefficiency, discourteous treatment of the public or fellow employees,
10 violation of policies/procedures, and violation of Code of Ethics.

11 79. Katherine Baker's Report concluded that the RICO Action was driven by
12 the political agendas of Thomas and Arpaio.

13 80. The Baker Report also found that Aubuchon's and MCAO's continued
14 involvement in the Court Tower Project (particularly the RICO Action), after Judge
15 Donahue ruled that the MCAO had a conflict of interest, was a clear violation of Judge
16 Donahoe's Order and a violation of MCAO Procedures 1.2, 5.29, 11.02 and 5.3, Merit
17 Rule Section 15, Rule 9.03, Rule 42, and ER 8.4, relating to incompetency, inefficiency,
18 neglect of duty, violation of policies/procedures, and violation of Code of Ethics.

19 **Independent Federal and State Prosecutors Find the Thomas/Arpaio Court**
20 **Tower—Public Corruption Investigations “Nearly Incomprehensible”**

21 81. On March 10, 2010, the Supervisor Stapley matter and other related
22 public corruption investigations regarding the Court Tower Project were referred to the
23 Public Integrity Section of the Department of Justice by Thomas and Arpaio.

24 82. This referral was done with great fanfare and bluster. The referral was
25 also the contrived basis offered by Arpaio and Thomas for voluntarily dismissing the
26

1 RICO Action, the criminal matter against Judge Donahoe, and other alleged “corruption
2 cases.”

3 83. Of course, the Public Integrity Section never agreed to act as the lackey
4 for Arpaio and Thomas so it sent them to Dennis K. Burke, United States Attorney for
5 the District of Arizona, for review.

6 84. On October 22, 2010, U.S. Attorney Burke advised County Attorney
7 Romley that he determined that “there is a total lack of evidence of the commission of
8 any federal crimes by the individuals” in the nine matters, including the Court Tower
9 out of which the RICO Action against Susan arose.

10 85. U.S. Attorney Burke concluded that “in several instances, the evidence
11 was so lacking as to make the theory of any liability nearly incomprehensible.”

12 86. Despite the lack of any evidence of an federal violations, U.S. Attorney
13 Burke recommended that the nine matters be reviewed for violations of state statutes.

14 87. Because of Maricopa County’s conflict of interest in the matters, on
15 October 27, 2010, County Attorney Romley requested Navajo County Attorney, Brad
16 Carlyon to review the matters.

17 88. On November 16, 2010, Navajo County Attorney Carlyon advised County
18 Attorney Romley that he found no basis for any state law violations involving the nine
19 matters, including the actions involving the Court Tower out of which the RICO Action
20 against Susan arose.

21 89. As her supervisor and employer at the time concerns began to arise
22 regarding Aubuchon’s prosecutorial judgment, Thomas and the County had the
23 professional and ethical obligation to review her performance, but they failed to do so.

24 90. Instead, during the time Aubuchon was committing these infractions,
25 Thomas, her supervisor, was encouraging, approving, and ratifying her behavior.
26

1 **Thomas Continued His Defamatory Assault After Leaving Office**

2 91. After leaving office for his unsuccessful run for Arizona Attorney
3 General, Thomas, acting solely in his individual capacity and as a private citizen, made
4 and/or released to the media several defamatory statements about Ms. Wilson and
5 others.

6 92. Among other things, Thomas issued several press releases and made
7 various public comments reasserting the defamatory assault of the RICO charges
8 brought against Ms. Wilson and others.

9 93. As an example, on June 5, 2010, Thomas and Arpaio's representatives,
10 made numerous statements on their behalf denigrating the Notices of Claim filed by
11 County officials and employees, including Ms. Wilson: "Not only are these...claim not
12 valid, they represent a preplanned, calculated effort to mock the Sheriff's Office."

13 94. Further, on or about June 30, 2010, Thomas disseminated the first of a
14 four-part article followed by a news release which was published by various media
15 outlets throughout Arizona, in which he reiterated that all the allegations contained in
16 the RICO Action had merit and announced that he, along with Arpaio, had recently
17 released "new evidence" in support of the claims asserted.

18 95. Thomas accused various County officials, including Ms. Wilson, and
19 other County employees of "rigging the system so they can avoid going to court like
20 anyone else and testifying under oath."

21 96. In the second news release issued July 14, 2010, Thomas publicly referred
22 to the notices of claim filed by Ms. Wilson and others as requests for "greedy,
23 underserved payouts" for people who knowingly permit "blatant, self-dealing by
24 government officials"!

1 by County officials and employees are “ frivolous” and “are a greedy attempt at a
2 payday and an attempt by these individuals to have their friends on the Board of
3 Supervisors or County Administration settles these matter prior to litigation so that they
4 not be subjected – so that the parties bringing them not be subjected to interrogation by
5 deposition or discovery.”

6 **Other Defamatory Conduct (In Official Capacity)**

7 102. Other Defendants similarly made or released several defamatory
8 statements, some of which are set forth herein.

9 103. On June 22, 2010, after the RICO Action was voluntarily dismissed, in a
10 press release issued by MCSO, Arpaio and Thomas (in Thomas’ capacity as a private
11 citizen) blustered that the Notices of Claim filed by the County officials, employees,
12 and judges were “bogus” and “absurd” and that he looked forward to “proving their
13 corruption case in civil court.”

14 104. At that same time, Arpaio and Thomas stated that “some of these same
15 individuals abused the powers of their public offices to shut down criminal
16 investigations and prosecutions and/or otherwise improperly deny us such an
17 opportunity for examination under oath. That abuse of power will now be remedied in
18 another forum.”

19 105. Further, Arpaio announced in his release that he was tired “...of the false
20 rhetoric claiming that evidence did not exist to justify the Court Tower investigation”
21 and that new details concerning these matters would be revealed to the public. Of
22 course, he knew better.

23 106. On or about July 10, 2010, Hendershott, Arpaio, Thomas (in Thomas’
24 capacity as a private citizen) and MCSO caused to be published in the *American Post-*
25 *Gazette* an email between Hendershott and County Risk Manager Peter Crowley
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1 wherein Hendershott bombastically accused the County of recklessly considering
2 settlement of “frivolous” claims filed by various County officials and employees. They
3 all knew better.

4 107. On August 13, 2010, in statements to the *Arizona Republic*, Hendershott
5 continued to maintain that their “nearly incomprehensible” rants of the Criminal
6 Complaint and the RICO Actions had “merit.” He knew better, too.

7 **Defendants Have A Pattern, Custom, and Practice of Misusing Their Power by**
8 **Investigating, Arresting and Prosecuting Individuals Without Probable Cause for**
9 **Improper and Unlawful Selfish Purposes, Including Political and Financial Gain**

10 108. This is far from the first time these Defendants have abused their authority
11 for unconstitutional and improper motives and to obtain financial, political, and other
12 gain or to retaliate against those that dared to disagree or disappoint them. They have a
13 custom, pattern, and practice of targeting, investigating, arresting, and/or prosecuting
14 individuals without probable cause and for purely political or retributive motives.

15 109. Last Spring, Tucson judge, John Leonardo, in *State v. Wilcox*, CR-2010-
16 005423-001 disqualified Thomas from prosecuting Supervisor Wilcox because of
17 obvious conflicts of interest and then dismissed the indictment against her.

18 110. In that ruling, Judge Leonardo noted that Thomas acted unethically,
19 retaliated against those who disagreed with him, sought political advantage by
20 prosecuting those who oppose him politically, and allied himself with Sheriff Arpaio,
21 who “misused the power of his office” by targeting opponents with criminal
22 investigations.

23 111. These damning findings by Judge Leonardo memorialized what most
24 people knew: that Thomas and Arpaio had mounted their destructive assault on county
25 officials and others to retaliate, intimidate, and punish.

1 112. Arpaio and Thomas brought a RICO Action in early December 2009
2 against Stapley, Wilcox, members of the judiciary, County management including Ms.
3 Wilson and others arising out of the Court Tower Project. The RICO Complaint was a
4 sophomoric rant. All but its vindictive purpose was incomprehensible. This case, too,
5 was voluntarily dismissed after Judge Leonardo exposed the meritlessness of their
6 mischief.

7 113. Days after filing their RICO Complaint, Thomas and Aubuchon filed a
8 criminal complaint against Judge Gary Donahoe—again based on groundless
9 allegations involving the Court Tower Project. It too, was later voluntarily dismissed.

10 114. In October 2007, Arpaio and the MCSO arrested Michael Lacey and Jim
11 Larkin, the Executive Editor and Chief Executive Officer, respectively, of *The Phoenix*
12 *New Times* on meritless misdemeanor charges, in violation of the constitutional rights of
13 Mr. Lacey and Mr. Larkin, for the sole and improper purpose of Arpaio's and the
14 MCSO's own personal and political gain, and in an attempt to silence *The Phoenix New*
15 *Times* as a critic.

16 115. Then, one month later, in November 2007, the legal director of the
17 American Civil Liberties Union of Arizona ("ACLU"), Daniel Pochoda, was arrested by
18 the MCSO after identifying himself as being with the ACLU. Arpaio disapproved of
19 the ACLU because it had filed lawsuits against him. Mr. Pochoda was attending a
20 demonstration as a legal observer in front of a Phoenix furniture store. Mr. Pochoda
21 was arrested that day on a misdemeanor charge of trespassing, which rarely leads to
22 anything more than a simple summons or "ticket" to appear in court. Mr. Pochoda, a
23 constitutional law expert with more than 35 years experience, was hauled off to jail and
24 detained for nearly 12 hours! A Maricopa County Justice of the Peace later ruled that
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1 that Mr. Pochoda did not engage in any unlawful behavior prior to his arrest by MCSO
2 deputies.

3 116. In 2007, Arpaio arrested Chandler Police Sergeant Thomas Lovejoy,
4 without probable cause, for animal cruelty, and insisted that a reluctant MCAO
5 prosecute the case after Sgt. Lovejoy's K-9 partner, Bandit, died from heat exhaustion
6 in the back of his SUV. He was quickly acquitted on the charge after a bench trial.

7 117. These and other instances of targeting, investigation, arresting, and
8 prosecuting individuals without probable cause and in violation of the Constitution
9 demonstrate the Defendants' pattern and practice of investigating, arresting, and
10 prosecuting individuals solely for the improper purposes of achieving personal and
11 political gain or political retaliation and retribution.

12 **Sandi Wilson and Her Husband Have Suffered Damages as a Result**
13 **of This Assault on Her Reputation**

14 118. As a result of Defendants' conduct as alleged herein, Ms. Wilson's
15 reputation has been tarnished and she has lost professional opportunities, including the
16 loss of an opportunity for a new county management position in another County.

17 119. As a matter of course, human resource departments of public service
18 employers (and many in the private sector) now require applicants for new positions or
19 advancements to disclose whether the applicant has ever been the target of a criminal
20 complaint or a criminal investigation. As a result of Defendants' conduct, though the
21 investigation was utterly bogus and meritless, Ms. Wilson will necessarily have to
22 disclose that she was the target of a "criminal investigation," and as a result, future
23 employers will not risk hiring her into any serious position.

24 120. In addition to the damage to her reputation, as a mother of three children
25 for whom she needs to continue to work in order to send them to college, Ms. Wilson
26 has suffered emotional distress and adverse physical maladies and manifestations.

1 investigated, prosecuted, intimidated, harassed, and retaliated against by or at the behest
2 of Defendants for improper unconstitutional motives, was treated differently than others
3 similarly situated, and was subjected to improper abuse of process and power for
4 improper motives, without proper or probable cause, and with malice.

5 127. Ms. Wilson was subjected to Defendants' wrongful and unconstitutional
6 conduct as alleged herein in a particularly egregious, and conscience-shocking manner.

7 128. The acts and omissions of Sheriff Arpaio, Hendershott, Thomas, and
8 Aubuchon acting in their individual capacity and under color of law as alleged herein,
9 were malicious, punitive, and in reckless disregard of Ms. Wilson's rights.

10 129. As a result, punitive damages in an amount to be determined by a jury
11 should be awarded against Arpaio, Hendershott, Thomas, and Aubuchon to punish them
12 for wrongdoing and to prevent them and others from acting in a similar manner in the
13 future.

14 COUNT II

15 Violations of 42 U.S.C. § 1983: Unconstitutional Policies, Customs, and Failure to 16 Train—(Arpaio, Hendershott, Thomas, Aubuchon, and Maricopa County)

17 130. Plaintiffs reallege and incorporate by reference the allegations set forth in
18 each of the preceding paragraphs of the Complaint as if set forth fully herein.

19 131. Sheriff Arpaio is an official policy maker for the MCSO and Maricopa
20 County. Sheriff Arpaio has the authority and responsibility to establish policy for the
21 MCSO and Maricopa County, and to properly supervise and train the officers, agents,
22 and employees of the MCSO. His actions are the actions of the County.

23 132. Chief Deputy Hendershott is an official policy maker for the MCSO and
24 Maricopa County. Sheriff Arpaio has the delegated to him the authority and
25 responsibility to establish policy for the MCSO and Maricopa County, and to properly
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1 supervise and train the officers, agents, and employees of the MCSO. His actions are
2 the actions of the County.

3 133. Former County Attorney Thomas was a policymaker for the MCAO and
4 Maricopa County. At all material times he had the authority and responsibility to
5 establish policy for the MCAO and Maricopa County, and to properly supervise and
6 train the attorneys, agents, and employees of the MCAO. His actions were the actions
7 of Maricopa County.

8 134. At all times material hereto, all Defendants were acting under color of law
9 in their capacity as officials and agents of Maricopa County.

10 135. Sheriff Arpaio, Hendershott, Aubuchon, and Thomas are named in their
11 official capacity, as well as their individual capacity, pursuant to 42 U.S.C. § 1983
12 supervisory and direct liability, for their conduct as alleged herein.

13 136. At all material times, Defendants Sheriff Arpaio, Hendershott, Thomas,
14 Aubuchon, and Maricopa County have oversight and supervisory responsibility over
15 the investigation, processing, handling, and management civil and/or criminal
16 investigations and prosecutions in their control, and the proper screening, hiring,
17 training, retaining, and supervision of the officers, employees, and agents investigating,
18 processing, handling, and managing such criminal investigations and prosecutions.

19 137. As alleged herein, Sheriff Arpaio, Hendershott, Thomas, Aubuchon, and
20 Maricopa County, independently and in concert with one another and through their
21 official policymakers, violated Ms. Wilson's constitutional rights and were deliberately
22 and callously indifferent to Ms. Wilson in training (or failing to train) their officers,
23 agents, and employees in (among other things and without limitation): The appropriate,
24 lawful and constitutional policies, procedures, and protocols for investigating,
25 processing, handling, and managing of civil and/or criminal investigations and
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1 prosecutions in their control; and for adopting policies and procedures to ensure due
2 process and equal protection for those subject to investigation and prosecution.

3 138. As alleged herein, Sheriff Arpaio, Hendershott, Thomas, Aubuchon, and
4 Maricopa County, independently and in concert with one another and through their
5 official policymakers, were deliberately and callously indifferent to Ms. Wilson through
6 fostering, encouraging and knowingly accepting formal and informal policies,
7 procedures, practices, or customs condoning indifference to the rights of the subjects of
8 civil and/or criminal investigations and prosecutions under their control.

9 139. As alleged herein, Sheriff Arpaio, Hendershott, Thomas, Aubuchon, and
10 Maricopa County, independently and in concert with one another and through their
11 official policymakers, knew and should have known that unconstitutional policies,
12 practices, customs, and training existed with respect to the screening, hiring, training,
13 retaining, and supervision of officers, employees, and agents who have responsibility
14 for the investigation, processing, handling, and management of civil and/or criminal
15 investigations and prosecutions in their control, yet failed to properly address them
16 and/or failed to establish and implement appropriate policies, procedures, protocols, and
17 training to remedy them.

18 140. As alleged herein, Sheriff Arpaio, Hendershott, Thomas, Aubuchon, and
19 Maricopa County, independently and in concert with one another and through their
20 official policymakers, permitted the implementation of inappropriate, unconstitutional,
21 *de facto* policies which: Authorized, approved, condoned, and/or ratified
22 unconstitutional civil and/or criminal investigatory and prosecutory practices, and failed
23 to adequately train and supervise their personnel in these and other relevant areas.

24 141. The wrongful conduct of these Defendants as alleged in this Complaint
25 constitutes violations of Title 42 U.S.C. § 1983, in that they deprived Ms. Wilson of the
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1 rights, privileges, and immunities secured to her by the Constitution and laws of the
2 United States and their wrongful conduct was the moving force behind the violations of
3 Ms. Wilson's rights by their agents, employees, officers, and personnel.

4 142. The wrongful conduct of Defendants alleged herein constitutes violations
5 of the United States Constitution, including but not limited to Amendments I, IV, V, VI,
6 and XIV, in that Ms. Wilson was subjected to retaliatory conduct from law enforcement,
7 illegal search and seizure, interference with her right to counsel, and was investigated,
8 and prosecuted with an unconstitutional motive, and without probable cause, equal
9 protection or due process in an attempt to chill Plaintiff's free speech, and to intimidate,
10 harass, and exact revenge for her involvement in the County budgeting process and the
11 Court Tower matter.

12 143. As the direct and proximate result of Defendants' wrongful conduct, Ms.
13 Wilson's constitutional rights were violated and she has suffered harm and has been
14 injured.

15 144. The acts and omissions of Sheriff Arpaio, Hendershott, Aubuchon, and
16 Thomas acting in their individual capacity and under color of law as alleged herein,
17 were malicious, punitive, and in reckless disregard of Ms. Wilson's rights.

18 145. As a result, punitive damages in an amount to be determined by a jury
19 should be awarded against Arpaio, Hendershott, Aubuchon, and Thomas to punish them
20 for wrongdoing and to prevent them and others from acting in a similar manner in the
21 future.

22 **COUNT III**

23 **Violation of 42 U.S.C. § 1983—Substantive Due Process—(All Defendants)**

24 146. Plaintiffs reallege and incorporate by reference the allegations set forth in
25 each of the preceding paragraphs of the Complaint as if set forth fully herein.

1 147. Defendants' conduct as alleged herein violates the laws of the United
2 States and the State of Arizona:

3 148. Among other things, Defendants' conduct constitutes:

- 4 a. Obstruction, in violation of A.R.S. § 13-2402;
5 b. Conspiracy against Rights, in violation of 18 U.S.C. § 241; and
6 c. Deprivation of Rights Under Color of Law, in violation of 18
7 U.S.C. § 242

8 149. At all times material hereto, all Defendants were acting under color of law
9 and in their capacity as officials and agents of Maricopa County.

10 150. The wrongful conduct of Defendants as alleged herein also constitutes
11 violations of the United States Constitution, including but not limited to Amendments I,
12 IV, V, VI and XIV, in that Ms. Wilson was deprived of privileges and immunities
13 guaranteed to all citizens of the United States, was subjected to law enforcement
14 retaliatory conduct, malicious and selective prosecution, illegal search and seizure,
15 interference with her right to counsel, and was investigated and prosecuted without
16 proper cause, with an unconstitutional motive and malice, and without equal protection
17 or due process in an attempt to chill Plaintiff's free speech, and to intimidate, harass,
18 and exact revenge for her involvement in the County budgeting process and the Court
19 Tower matter.

20 151. As a direct and proximate result of Defendants' wrongful conduct as
21 alleged herein, Ms. Wilson's constitutional rights were violated and she has suffered
22 harm and has been injured.

23 152. The wrongful conduct of these Defendants as alleged herein was
24 undertaken with malice and/or with improper and unconstitutional motives.
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1 Plaintiff's free speech, and to intimidate, harass, and exact revenge for her involvement
2 in the County budgeting process and Court Tower matter.

3 159. Defendants treated Ms. Wilson, as a class of one, differently from others
4 similarly situated.

5 160. Upon information and belief, no other Maricopa Deputy County Manager
6 has ever been treated in such a manner.

7 161. There is no rational basis for the difference in Defendants' treatment of
8 Ms. Wilson from others similarly situated.

9 162. Defendants' engaged in their conduct for an impermissible motive and
10 with malice due to the Defendants' animus of Ms. Wilson.

11 163. Defendants acted with bad faith intent to injure Ms. Wilson.

12 164. Defendants singled out Ms. Wilson with the impermissible motive of
13 attempting to chill her free speech, and to intimidate, harass, and exact revenge for her
14 involvement in the County budgeting process and the Court Tower matter.

15 165. As a direct and proximate result of Defendants' wrongful conduct as
16 alleged herein, Ms. Wilson's constitutional rights were violated and she has suffered
17 harm and has been injured.

18 166. The wrongful conduct of these Defendants as alleged herein was
19 undertaken with malice and/or with improper and unconstitutional motives in an attempt
20 to interfere with conduct protected by the Constitution. Ms. Wilson was investigated,
21 prosecuted, intimidated, harassed, and coerced by or at the behest of Defendants for
22 improper unconstitutional motives, was treated differently than others similarly situated,
23 and was subjected to improper abuse of process and power for improper motives,
24 without proper or probable cause, and with malice.

1 167. Ms. Wilson was subjected to Defendants' wrongful and unconstitutional
2 conduct as alleged herein in a particularly egregious, conscience-shocking manner.

3 168. The acts and omissions of Sheriff Arpaio, Hendershott, Thomas, and
4 Aubuchon acting in their individual capacity and under color of law as alleged herein,
5 were malicious, punitive, and in reckless disregard of Ms. Wilson's rights.

6 169. As a result, punitive damages in an amount to be determined by a jury
7 should be awarded against Arpaio, Hendershott, Thomas, and Aubuchon to punish them
8 for wrongdoing and to prevent them and others from acting in a similar manner in the
9 future.

10 **COUNT V**

11 **Conspiracy to Commit Violations of 42 U.S.C. § 1983—(Arpaio,**
12 **Hendershott, Thomas, and Aubuchon)**

13 170. Plaintiffs reallege and incorporate by reference the allegations set forth in
14 each of the preceding paragraphs of the Complaint as if set forth fully herein.

15 171. The wrongful conduct of Defendants, as alleged herein, was undertaken
16 pursuant to an agreement or meeting of the minds among Defendants to act in concert to
17 violate Ms. Wilson's constitutional rights, chill Plaintiff's free speech, and to intimidate,
18 harass, and exact revenge for her involvement in the County budgeting process and
19 Court Tower matter.

20 172. Defendants' acts and/or omissions as alleged herein to pursue and conduct
21 the RICO "investigation" and prosecution of Ms. Wilson, was undertaken pursuant to a
22 conspiracy among Defendants to violate Ms. Wilson's constitutional rights.

23 173. As a direct and proximate cause of Defendants' conspiracy, Ms. Wilson's
24 constitutional rights were violated.

1 reputation and good name, suffered severe emotional distress, adverse physical maladies
2 and manifestations, and physical injury and/or harm.

3 196. The acts and omissions of Sheriff Arpaio, Hendershott, Aubuchon, and
4 Thomas acting in their individual capacity and under color of law as alleged herein,
5 were malicious, punitive, and in reckless disregard of Plaintiff's rights.

6 197. Thomas and Aubuchon's conduct, which was performed in their capacity
7 as private citizens, after they left the MCAO, was done with an intent to harm Plaintiff
8 and in conscious disregard of causing significant harm to Plaintiff. Thomas and
9 Aubuchon acted deliberately, overtly, and dishonestly. Thomas and Aubuchon's
10 motives were so improper and their conduct so oppressive, outrageous, and intolerable
11 that punitive damages are warranted.

12 198. As a direct and proximate result, punitive damages in an amount to be
13 determined by a jury should be awarded against Aubuchon and Thomas to punish them
14 for wrongdoing and to prevent them and others from acting in a similar manner in the
15 future.

16 **COUNT IX**

17 **Racketeering Violations under 18 U.S.C. § 961, et seq. &**
18 **A.R.S. § 13- 2301, et seq.—(All Defendants)**

19 199. Plaintiffs reallege and incorporate by reference the allegations set forth in
20 each of the preceding paragraphs of the Complaint as if set forth fully herein

21 200. As set forth in detail in this Complaint, Defendants have engaged in a
22 pattern of unlawful activity in order to obtain political, retaliatory, and/or other gains
23 that have resulted in harm and injury to Ms. Wilson and others.

24 201. Such a pattern of unlawful activity includes, but is not limited to, a series
25 of repeated, baseless investigations, malicious prosecutions and abuses of process, false
26 arrests, asserting false claims, fraudulent schemes, practices, and artifices, and

1 extortions under color of official right, which have occurred over at least the last several
2 years and may still be ongoing.

3 202. Defendants undertook such unlawful activity as an association-in-fact
4 and/or an enterprise with a common purpose. Each of the Defendants conducted or
5 participated, directly and/or indirectly, in the conduct of the association-in-fact and/or
6 enterprise.

7 203. As a direct and proximate result of Defendants' pattern of unlawful
8 activity as alleged herein, Ms. Wilson has been injured and sustained monetary damages
9 in an amount to be proven at trial.

10 204. Defendants' acts and omissions as alleged herein constitute violations of
11 18 U.S.C. § 1861, *et seq.* and A.R.S. § 12-2301, *et seq.*

12 205. Pursuant to 18 U.S.C. § 1964(c) and A.R.S. § 12-2314.01, Ms. Wilson is
13 entitled to an award of treble damages.

14 206. Pursuant to 18 U.S.C. § 1964(c) and A.R.S. § 13-2314.01, Ms. Wilson is
15 entitled to an award of her reasonable attorneys' fees and costs.

16 **COUNT X**

17 **Negligence—(All Defendants)**

18 207. Plaintiffs reallege and fully incorporate the allegations set forth in each of
19 the preceding paragraphs of this Complaint.

20 208. Defendants have both statutory and common law duties of care to Ms.
21 Wilson and all citizens when performing the functions of their positions. Defendants
22 also owe a duty of care to Ms. Wilson with respect to conducting criminal and/or civil
23 investigations and prosecutions.

24 209. Defendants are also legally responsible for the management of the civil
25 and/or criminal investigation system in Maricopa County, and the establishment and
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1 implementation of policies, procedures, and protocols that govern the investigation,
2 processing, handling, and management of civil and/or criminal investigations and
3 prosecutions in their control. Their responsibility includes making certain that such
4 policies, procedures, and protocols satisfy all federal and state standards.

5 210. Defendants are legally responsible for the screening, hiring, training,
6 retaining, and supervision of all employees and agents who have responsibility for the
7 investigation, processing, handling, and management of civil and/or criminal
8 investigations and prosecutions in their control. This responsibility includes making
9 certain that such screening, hiring, training, retaining, and supervision of such
10 employees and agents satisfy all federal and state standards.

11 211. Defendants breached their duties owed to Ms. Wilson, as alleged in this
12 Complaint, by (*inter alia*), failing to conduct the duties of their positions with
13 reasonable care; failing to establish and implement proper policies, procedures, and
14 protocols governing the investigation, processing, handling, and management of civil
15 and/or criminal investigations and prosecutions in their control; and failing to properly
16 screen, hire, train, retain, and supervise employees and agents who have responsibility
17 for the investigation, processing, handling, and management of civil and/or criminal
18 investigations and prosecutions in their control.

19 212. Defendants' breaches of their duties owed to Ms. Wilson directly and
20 proximately caused Plaintiffs to suffer emotional and physical damages in an amount to
21 be proven at trial.

22 213. The acts and omissions of Sheriff Arpaio, Hendershott, Thomas, and
23 Aubuchon acting in their individual capacity and under color of law as alleged herein,
24 were malicious, punitive, and in reckless disregard of Plaintiffs' rights.
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COUNT XI

Gross-Negligence—(All Defendants)

214. Plaintiffs reallege and incorporate by reference the allegations set forth in each of the preceding paragraphs of this Complaint.

215. Defendants have both statutory and common law duties of care to Ms. Wilson and all citizens when performing the functions of their positions. Defendants owe a duty of care to Ms. Wilson with respect to conducting criminal and/or civil investigations and prosecutions.

216. Defendants are also legally responsible for the management of the civil and/or criminal investigation system in Maricopa County, and the establishment and implementation of policies, procedures, and protocols that govern the investigation, processing, handling, and management of criminal investigations and prosecutions in their control. Their responsibility includes making certain that such policies, procedures, and protocols satisfy all federal and state standards.

217. Defendants are legally responsible for the screening, hiring, training, retaining, and supervision of all employees and agents who have responsibility for the investigation, processing, handling, and management of civil and/or criminal investigations and prosecutions in their control. This responsibility includes making certain that such screening, hiring, training, retaining, and supervision of such employees and agents satisfy all federal and state standards.

218. Defendants were grossly negligent in breaching their duties owed to Ms. Wilson, as alleged in this Complaint, by (*inter alia*), failing to conduct the duties of their positions with reasonable care; failing to establish and implement proper policies, procedures, and protocols governing the investigation, processing, handling, and management of civil and/or criminal investigations and prosecutions in their control; and failing to properly screen, hire, train, retain, and supervise employees and agents

1 who have responsibility for the investigation, processing, handling, and management of
2 civil and/or criminal investigations and prosecutions in their control.

3 219. Defendants' breached their duties with actual or constructive knowledge,
4 or with reckless disregard that their acts and/or omissions would result in harm to Ms.
5 Wilson.

6 220. Defendants' gross negligence directly and proximately caused Plaintiffs to
7 suffer physical and emotional harm in an amount to be proven at trial.

8 221. The acts and omissions of Sheriff Arpaio, Hendershott, Aubuchon, and
9 Thomas acting in their individual capacity and under color of law as alleged herein,
10 were malicious, punitive, and in reckless disregard of Plaintiff's rights.

11 **JURY TRIAL**

12 222. Plaintiffs hereby requests a trial by jury.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs pray for damages for judgment against Defendants as
15 follows:

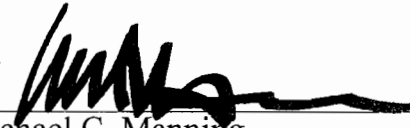
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- 17 (a) General damages in an amount to be proven at trial;
- 18 (b) Punitive damages in an amount deemed just and reasonable against the
19 individual Defendants as to the causes of action alleged herein;
- 20 (c) Costs and attorneys' fees against all Defendants as to the causes of action
21 alleged under the Constitution and laws of the United States, pursuant to
22 42 U.S.C. § 1988;
- 23 (d) Treble damages and attorneys' fees against all Defendants as to the causes
24 of action alleged under 18 U.S.C. § 1961, *et seq.* and A.R.S. § 13-2301, *et*
25 *seq.*
- 26 (e) The costs of litigation;

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- (f) All remedies provided by 42 U.S.C. § 1983, 18 U.S.C. § 1961, *et seq.*, and A.R.S. § 13-2301, *et seq.*; and
- (g) Such other and further relief which may seem just and reasonable under the circumstances.

RESPECTFULLY SUBMITTED this 30th day of November, 2010.

STINSON MORRISON HECKER LLP

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