



ATTORNEYS AT LAW

The Wilenchik & Bartness Building
2810 North Third Street Phoenix, Arizona 85004

Telephone: 602-606-2810 Facsimile: 602-606-2811

Dennis I. Wilenchik, #005350
K. McKay Worthington, #018703

admin@wb-law.com

Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

ELIJAH NORTON, an individual, and
NORTON for CONGRESS,

Plaintiffs,

v.

FRIENDS OF DAVID SCHWEIKERT, a political action committee; **AMERICANS FOR ACCOUNTABILITY IN LEADERSHIP**, a federal political action committee; **LIBERTY STRATEGIC PARTNERS, LLC**, a California limited liability company; **JONATHAN HUEY**, an individual and the Managing Member of Liberty Strategic Partners; **JANE DOE HUEY**; **DAVID SCHWEIKERT**, an individual; **JOYCE SCHWEIKERT**, an individual; **CHRIS BAKER**, an individual; **JANE DOE BAKER**, an individual; **BLUE POINT, LLC**, an Arizona limited liability company; **TRAILHEAD STRATEGIC COMMUNICATIONS, LLC** an Arizona limited liability company; **JOHN DOES 1-5**; **JANE DOES 1-5**; **ABC CORPORATIONS**; and **XYZ PARTNERSHIPS or LLC's**,

Defendants.

Case No.:

COMPLAINT

(Defamation, False Light, Intentional or Negligent Infliction of Emotional Distress, Invasion of Privacy/Misappropriation, Aiding and Abetting Tortious Conduct, and Civil Conspiracy)

(Tier 3)

(Jury Trial Requested)

1 Plaintiff Elijah Norton, (“Norton”) and Norton for Congress (“NFC”) and for their
2 Complaint do hereby state and allege as follows:

3 **PARTIES, JURISDICTION, AND VENUE**

4 1. Plaintiff Elijah Norton is a resident of Maricopa County, Arizona.

5 2. Plaintiff Norton for Congress is both an FEC federal political committee and a non-
6 profit entity under Arizona law headquartered in Maricopa County, Arizona.

7 3. Defendant Friends of David Schweikert (“Friends”) is a political action committee
8 that conducts activities in Arizona on behalf of and/or for the benefit of Defendant David
9 Schweikert, including operating “davidschweikert.com” on the internet, printing and distributing
10 political mailers, posting political signs on public property, selling and promoting political yard
11 signs, recruiting campaign volunteers, soliciting and managing campaign contributions and
12 otherwise funding and promoting Defendant David Schweikert’s political campaign and his
13 interests. Upon information and belief, the Committee is intertwined with Schweikert individually
14 in that Schweikert is fully aware of and informed of the Committee’s activities and acts in concert
15 with those activities for and on his behalf and approves of them.

16 4. Defendant Americans for Accountability in Leadership (“Am-Pac”) is a federal
17 political action committee or Super PAC, headquartered in Granite Reef, California. Upon
18 information and belief, Schweikert fully endorses the PAC’s activities on his behalf and it acts in
19 furtherance of his interest and for and on his behalf in promoting his agenda.

20 5. Defendant Liberty Strategic Partners LLC (“LSP”) is a California limited liability
21 company in the business of consulting. Upon information and belief, its actions are performed on
22 Schweikert’s behalf with his full knowledge and direction, and with his full consent and
23 endorsement.

24 6. Defendant Jonathan Huey according to the public records of the Secretary of State
25 of California is the Managing Member of Defendant LSP and directed its activities as complained
26 of herein for and on behalf of Schweikert and to promote his interests as directed by him. On
27 information and belief, Jonathan Huey is the sole owner, employer, officer, and director of LSP.



1 7. Defendant Jane Doe Huey is believed to be the wife of Defendant Jonathan Huey
2 and all acts of Defendant Jonathan Huey were performed for and on behalf of the marital
3 community between them and for its benefit rendering the community liable therefor.

4 8. Defendant David Schweikert is a resident of Maricopa County, Arizona and is
5 married to Joyce Schweikert. All acts of David Schweikert alleged herein were performed for and
6 on behalf of the marital community between them and for its benefit, and therefore the community
7 is liable for any actions of Schweikert.

8 9. Defendant Chris Baker is believed to be a resident of Maricopa County, Arizona.
9 Upon information and belief, he is married to Jane Doe Baker, and his actions complained of
10 herein were for the benefit of the marital community and done for and on its behalf and thus the
11 marital community is liable for his actions. Jane Doe Baker's true name will be substituted herein
12 when known.

13 10. Defendant Baker is a political consultant who regularly advises Defendant
14 Schweikert regarding his political campaigns and ultimately acts at Schweikert's direction. Upon
15 information and belief, Defendant Baker through Baker-owned entities was paid over \$430,000
16 for his "Campaign Consulting and Digital Consulting", and "Strategic Campaign Consulting and
17 Polling" for the benefit of Friends of David Schweikert and Schweikert and Schweikert's re-
18 election campaign to the United States House of Representatives in the 2022 Republican Primary
19 election. On information and belief, a majority of these funds were paid to Baker and Baker-
20 owned entities for the design and perpetuation of the materials disseminated to the public as
21 complained of herein to oppose Elijah Norton in the 2022 Republican primary election, and for
22 the purpose of unfairly, maliciously and falsely, smearing Norton's name and reputation thereby,
23 and to similarly damage his Campaign for Congress.

24 11. Trailhead Strategic Communications LLC ("Trailhead") is believed to be an
25 Arizona limited liability company owned and operated by Defendant Baker. It too was used by
26 Baker and Schweikert to damage Norton and his Campaign by the use of malicious, false and
27 intentionally misleading and harmful media. Among other things, Baker is believed to have
28 provided internet marketing services in this regard to Schweikert's 2022 re-election campaign

1 through the use of Trailhead or another of his entities, Blue Point, LLC (“BluePoint”) he wholly
2 controls. Blue Point’s exact participation and form of existence is not presently fully known, but
3 when discovered, may be added as an additional Defendant.

4 12. Upon information and belief, Defendants have each acted in concert together and
5 consulted and coordinated with one another to conspire to create a false and misleading campaign
6 disseminating misinformation to the public and mainly targeted to voters in the 2022 GOP primary
7 for Congress in District One in Arizona. Defendants’ specific purpose was to produce and
8 disseminate “hit pieces” against Plaintiffs to benefit themselves in getting Schweikert re-elected
9 to Congress, knowing he was vulnerable for having a despicable record of misdeeds and ethical
10 improprieties he was found liable for by Congress. Defendants accomplished their purpose to
11 destroy Plaintiffs’ campaign opposing Schweikert, and did so with malice, with the intent to
12 defame Norton and damage his campaign through the use of various defamatory smears as alleged
13 herein, both on web sites, digital advertisements, mailers and/or radio, television, and other forms
14 of social media such as “Twitter”. Their goal was to intentionally and falsely depict and
15 characterize Norton in a negative light to the public through knowing and/or recklessly false
16 portrayals of Norton, having nothing to do with any legitimate First Amendment right, and to cast
17 Norton in a false light to damage his campaign.

18 13. These defamatory actions as described herein succeeded in getting Schweikert
19 elected as the GOP’s nominee in the general election. Defendants engaged together in this plan
20 and course of conduct intentionally with an evil mind guiding their evil hands, and/or a conscious
21 or reckless disregard for the truth and the substantial harm their actions would cause to others.

22 14. The Court has jurisdiction over the subject matter of this action pursuant to Article
23 VI, Section 14 of the Constitution of the State of Arizona, and Ariz. Rev. Stat. § 12-123 as a court
24 of general jurisdiction.

25 15. The Court has personal jurisdiction over the parties as they either all reside in, or do
26 business in, Maricopa County, Arizona or have caused acts and/ or events to have occurred in this
27 County.

28 16. Venue is proper in this County as per A.R.S. § 12-401.

1 17. Based on the case characteristics and criteria as set forth in Arizona Rules of Civil
2 Procedure 8(b) and 26.2(b)(3) this case qualifies for Tier 3 discovery limits.

3 18. There may be other potential Defendants who have acted in concert with one or
4 more of these Defendants that may be added as Defendants. These individuals are identified herein
5 as John Does 1-5 and Jane Does 1-5 and ABC corporations and XYZ partnerships or LLC's. The
6 Complaint may be amended to add these additional parties once their identities are actually
7 discovered.

8 **GENERAL ALLEGATIONS**

9 19. Plaintiff realleges and hereby incorporates all prior allegations as set forth above.

10 20. Plaintiff decided to run in the 2022 Republican primary for the U.S. Congress,
11 seeking to oust disgraced incumbent Defendant Schweikert, who was riddled with serious ethics
12 violations he was found to have committed by the House of Representatives Ethics Committee
13 and overall House itself, along with substantial fines assessed against him for his documented
14 misconduct and misuse of trust while in office. Schweikert knew he was vulnerable in his re-
15 election bid as a result of this, and along with the other Defendants decided to take action to ensure
16 Schweikert would be re-elected, by conducting the vicious smear campaign against Norton and
17 his campaign as described herein, to assure his chances of victory.

18 **Allegations Regarding Norton's Business Record**

19 21. Thus, in an effort to deflect and blunt the election threat of Plaintiff and to divert
20 attention from his own misdeeds and record of ethical improprieties, Schweikert and the
21 Defendants sought to discredit Plaintiff Norton's successful business background and character
22 with outright lies and deceptions by making demonstrably false and defamatory statements about
23 both Norton and his businesses with the intent to damage both Norton, the businesses, and the
24 Norton campaign. One such business which Norton had been involved with in the past but which
25 he was not then an active officer of, or operating is CarGuard Administration, INC ("CarGuard")
26 and another is "Veritas Global Protection Services, INC," ("Veritas"). By failing to distinguish
27 any difference between Norton and these companies Defendants intended to place Norton in a
28 false light in connection with those business' activities, while knowing his actual involvement

1 with their operations was then very limited and that he was not then responsible for the actions of
2 the companies. As depicted by Defendants, however, Norton was the companies and apparently
3 responsible for any claims made against them or activities involving them, which was false and
4 malicious.

5 22. Plaintiff was, in fact, an original founder of these companies. Previously, before the
6 2022 Congressional campaign he served as an officer and director of CarGuard. At the time of the
7 events complained of herein, he was merely a shareholder, with no active or daily operational
8 duties or responsibilities over CarGuard and certainly not responsible for any limited claims that
9 were made against its business activities by a few members of the public. Defendants knew, or
10 should have known this, had they bothered to find out, or they did know it, and ignored it, and the
11 substantial risk of harm their statements would cause to Plaintiffs. There were no such consumer
12 complaints that were directed at Norton himself, but Defendants simply ignored this inconvenient
13 fact in defaming Norton himself by failing to distinguish him from the Companies.

14 23. In fact, Plaintiff resigned as an officer and director of CarGuard in August of 2019,
15 to then focus his time on growing Veritas' international business, and thus was not responsible at
16 all, or involved in directly, any consumer complaint lodged against Car Guard that Defendants
17 chose to impute to Norton himself. The Defendants were aware of this disassociation, as
18 Defendant Baker, on behalf of Schweikert, albeit also falsely, informed the Arizona Republic that
19 Norton had been "fired" from CarGuard. This was yet another of the Defendants' untruths,
20 maliciously put forth to defame Plaintiff unfairly.

21 24. Among other things, Defendant Baker was quoted in the media as saying that
22 CarGuard engages in "widespread almost nonstop autodialers" implicating Norton in that practice
23 as well, and knowing it was false and reckless as to both and knowing Plaintiffs had asked it be
24 stopped.

25 25. Defendant Baker also falsely, and knowing it was false, claimed for further
26 publication, "If you're buying a warranty from these clowns, you don't have the ability to hire an
27 attorney and enforce a warranty when that warranty doesn't pay out." Who he was referring to
28 exactly as not being able to hire an attorney was not made clear, but it is clear he was implicating

1 Plaintiff Norton as being involved in wrongfully not paying out on legitimate claims, which was
2 totally unsubstantiated and unfounded as to Plaintiff Norton in particular.

3 26. Despite the foregoing notices to cease these disparaging activities, Defendants
4 ignored the demands to cease and desist, and/or refused to discontinue their dissemination of such
5 false information, and accusations and disparaging characterizations, implicating if not outright
6 claiming Plaintiff himself was somehow a “crook” without any basis for such comments let alone
7 substantial truth.

8 27. In other media placements on television and or Facebook ads and on radio
9 Defendants also asserted as a fact that Norton was a ‘scam” artist and selectively chose at best a
10 relatively minor number of comments from third parties, if indeed they actually quoted them
11 properly at all, as to the companies, without placing them in a proper context, and indicating the
12 far more numerous people who were happily served by companies Norton had been associated
13 with, who had no negative claims or complaints at all. By doing so, they created an entirely
14 misplaced and misleading narrative about Plaintiff Norton, and concluded thereby that voters
15 should reject Norton, “the car warranty scam artist who wants to be your Congressman.” Such
16 statements, even if characterized by Defendants now as mere “opinions” can still be actionable if
17 reasonably cast to the public as fact.

18 28. Defendants further falsely portrayed and claimed on video commercials over the
19 airwaves that Elijah Norton “is not a businessman, he’s a con man” which is also a false and
20 misleading statement cast as fact as well as the others. “His specialty: selling warranties over the
21 phone, then rejecting claims” all of which was known to be false and cast as facts and misleading
22 and maliciously made. The Defendants then falsely and disparagingly also referred to Norton as
23 “Elijah Don’t Call Norton, phony as a three-dollar bill. Wrong for Congress.” This went beyond
24 mere protected opinion and crossed the line, even in a political campaign, into false assertions of
25 Plaintiff’s person and character intended to be understood as fact and was defamatory per se.

26 29. Defendants further falsely portrayed as fact on other commercials aired that Elijah
27 Norton “[i]s a fraud. Norton’s faced fraud charges repeatedly, including an eight-million-dollar
28 federal case in court. Right now, you have the right to remain silent, Elijah. Norton. Wrong for

1 Congress” knowing this was blatantly false and defamatory, as Norton himself was never faced
2 with any such personal fraud charges, let alone repeatedly, or for eight million dollars, and that it
3 was grossly disparaging, and harmful to his person in a political campaign.

4 30. In other aired commercials Defendants caused to be claimed as well that not only
5 was Norton a “fraud” cast as a fact, but that “Norton is the king of robocall rip offs. He scammed
6 thousands of consumers selling bogus extended car warranties.” Again, Defendants knew this was
7 highly false and malicious and designed solely to smear Norton for their own ends when they
8 were repeatedly told that the companies, let alone Norton himself, did not do robocalls, that
9 Norton was never charged as a scam artist or scammer selling bogus extended warranties at all,
10 but they simply and purposefully ignored these corrections of false facts for their own benefit.

11 31. In other media ads, again, using alleged selective quotes from purported
12 “employees” of Norton and “customers” of Norton, which by itself was entirely false and
13 misleading, since Norton did not individually have any employees or customers of his own,
14 Defendants falsely and maliciously claimed and portrayed to the public, and intended to be fact
15 that Norton was a “liar”, a “scammer”, “trash”, a “fraud”, “greedy”, “ignorant”, a “horrible human
16 being” and a “horror story”.

17 32. In one particular radio ad the Defendants caused to be aired, Defendants first
18 proclaimed Plaintiff to be a liar, and then made it clearer what they meant by claiming falsely that
19 “robocall scam artist Elijah Norton...made millions defrauding consumers with bogus car
20 warranties and now he’s using that money to lie about conservative David Schweikert...with Joe
21 Biden and the leftist Rogue Mob doing everything they can to destroy our country, the last thing
22 we need is some fraudster like Elijah Norton representing us in Congress.” All this was beyond
23 the pale even in a political campaign, was false as to Norton personally, and known to be, was
24 asked to be stopped and wasn’t, and was malicious and defamatory. There were no robocalls by
25 Norton, there was no lies being cast against Schweikert, who was found by Congress to have done
26 the unethical acts accused of, there were no millions made by Norton defrauding people, and there
27 were no “bogus” car warranties being sold by companies that administered them, let alone by
28 Norton. Schweikert approved this message personally, in league with the others, and it was paid

1 for by defendant “Friends of David Schweikert.” Ending it by calling Schweikert “a principled
2 conservative” while of course omitting his numerous ethical improprieties found by Congress in
3 bilking the public of funds for his own personal uses, the entire ad was nothing but pure fiction
4 cast as fact, and designed to smear Norton unfairly, as a fraud and scammer who sold bogus
5 warranties and made millions defrauding the public thereby, while falsely portraying Schweikert
6 as some principled public servant, all of which was entirely false.

7 33. Upon information and belief, Baker had informed a reporter at the Arizona
8 Republic, that Norton had been “fired” from CarGuard, when the reporter called Baker to get
9 Schweikert’s response to Norton’s forming an exploratory committee to run against Schweikert.
10 The article “Insurance executive Elijah Norton weighs primary challenge to Arizona’s U.S. Rep.
11 David Schweikert,” published on May 18th, 2021, was modified three times, because of Baker’s
12 continuing misinformation to the Arizona Republic. In fact, Brian Seitchik, the campaign
13 consultant of Plaintiff CFN, had to contact the reporter, to inform him that Elijah Norton had not
14 been “fired” from CarGuard, but rather he had voluntarily resigned to pursue other interests with
15 Veritas, which Defendants thus knew of.

16 34. CarGuard and Veritas are both well regarded “Vehicle Service Contract (“VSC”)
17 Administrators” operating in all fifty states and internationally, and they each enter into numerous
18 agreements to perform or pay for specified automobile repairs, during the term of the contracts
19 they enter into with consumers.

20 35. As administrators of VSC’s, CarGuard and Veritas are subject to scrutiny and
21 regulation in each State where they operate and are generally required to comply with stringent
22 licensing and reporting requirements designed to protect the public. Neither CarGuard nor Veritas
23 have ever lost their licenses in any State or country they operate in, as a result of any alleged
24 misconduct which Defendants claimed or clearly implied in their smear campaign against
25 Plaintiffs. And, certainly, no remedial action has ever been imposed on Plaintiffs herein as a result
26 of Mr. Norton’s involvement with both. Both companies are “A-” or better rated with the Better
27 Business Bureau, and both companies are accredited with the Better Business Bureau – something
28 that would not be possible if they were “scams” or “frauds”. The companies are both relatively

1 large in size, and like any such companies dealing with the public in numerous transactions, there
2 is bound to a few people who go online or to authorities to complain about something. That does
3 not make them a “scam” or a “fraud”.

4 36. CarGuard and Veritas are both fully insured by a Contractual Liability Insurance
5 Policy (“CLIP”) issued by multiple Category XV, “A-” rated insurance companies for purposes
6 of fully covering their service contract obligations and Defendants knew or clearly should have
7 known and been aware of this before their reckless or conscious misstatements not only about the
8 companies but about Mr. Norton individually as alleged herein. CarGuard, for example, is subject
9 to regular review and scrutiny over its handling of claims by its CLIP insurers, that ensure Car
10 Guard conforms to their strict standards of operations in order to maintain their CLIPS coverage.
11 In the event CarGuard or Veritas were to lose their CLIPs coverage, the companies would lose
12 their licenses in most states where they operate. Neither company has ever had its CLIP revoked
13 or licenses pulled as a result of any conduct found against them, and there is no reason to
14 reasonably believe or conclude that there is any systemic or overall question as to the integrity of
15 their operations, unless one is trying to wrongfully portray and defame them or their founder.
16 Again, Defendants should have known all this, and/or did, but simply didn’t care about the truth
17 as it did not serve their false plan for a narrative casting both the companies and Norton as being
18 frauds, charlatans or cheats.

19 37. CarGuard and Veritas not only consistently honor the terms of their contracts they
20 administer, but they regularly pay legitimate claims as part of their regular business operations or
21 they would not still be in business. They both are, and have been, providing significant value to
22 their consumers, who continue to purchase their products despite Defendants’ wrongful and
23 deliberate efforts to mislead the public about their integrity and that of their founder, Elijah
24 Norton. CarGuard and Veritas have both paid millions of dollars in legitimate claims submitted
25 to them since their formation and have serviced thousands of customers satisfactorily or they
26 would not still be in business successfully operating under scrutiny. Neither company was founded
27 or designed to be a “scam” or to otherwise be “abusive” or “defraud” their customers or they
28 would not have lasted long doing so. But, again, Defendants didn’t care about that.

1 38. CarGuard also does not even directly sell VSC's to public consumers, and
2 Defendants knew or should have known this too. All of CarGuard-administered VSC's are sold,
3 in fact, by third parties also beyond repute, such as automobile dealerships, financial institutions
4 and other such companies, with whom Plaintiff is not directly affiliated, and never has been, and
5 this too was known, or should have been known, by Defendants, but of course, it too did not fit
6 their false narratives or malicious intentions.

7 39. Veritas only sells its VSC's to automotive dealerships and automotive refinance
8 companies as well. In fact, Veritas has business relationships, and continues to do business with,
9 some of the largest automotive dealership groups in the world with outstanding reputations.

10 40. CarGuard also does not engage in any telemarketing activities targeted to public
11 consumers directly and does not engage in "robocalls" of any kind, nor does Plaintiff himself
12 engage in such activities as Defendants should have known. Yet, Defendants despite this either
13 consciously or recklessly ignored it, in order to sell their false invective to harm Plaintiff and his
14 campaign and the businesses he founded. In fact, Defendants were sent not one, but **two** cease and
15 desist letters from counsel, clearly informing them of such information and that CarGuard does
16 not make Robocalls to consumers to no avail as they continued their malicious smear campaign.
17 The cease-and-desist letters were sent to both Defendants Baker and Schweikert directly and
18 should have been communicated by them with the other Defendants if they were not directly
19 shared with them. The first letter was sent on May 28, 2021 in response to false quotes made to
20 the Arizona Republic, and no doubt shared between all Defendants at that time if not before. The
21 second letter was sent to Defendants Baker, Schweikert, and Friends of Schweikert on March 9,
22 2022, in response to the publication of direct false statements on a site they created called
23 **crookednorton.com**, a web site designed to disseminate to the public false and malicious
24 statements about Plaintiff Norton and his campaign, and the businesses Norton had been affiliated
25 with in the capacities set forth above.

26 41. The Ninth Circuit Court of Appeals in *Jones v. Royal Administration Services, Inc.*,
27 in 2018, held that administrators such as CarGuard or Vertias, should not be held liable for the
28 sales practices of independent third-party sellers or distributors that sell VSC's administered by

1 companies like CarGuard or Vertias. Defendants knew this, or should have known it, but ignored
2 it and/or have tried by themselves or their lawyers to pathetically distinguish it in vain, rather than
3 simply heed what it says. This fact too was contained in both cease-and-desist letters as well, but
4 equally ignored as well by Defendants who were intent on doggedly proceeding to spray their
5 invective further to damage Plaintiffs.

6 42. The Defendants thus continued to target Norton unfairly and falsely and maliciously
7 portrayed him as being equivalent to the companies they also targeted as being frauds or cheats.
8 These were not merely their uninformed opinions as they would later claim, but were cast as facts,
9 and truths as to Norton, and falsely placed him in the light of being a scammer, a swindler, and a
10 fraud based on them. Repeating these tropes on both the Internet and in other media, and making
11 numerous references to CarGuard and or Veritas, as essentially the same as Norton, without
12 distinction, and without context, Defendants inaccurately portrayed Norton in false narratives
13 about these companies, as if actions of the companies were actually those of Norton, and that
14 complaints made by a handful of people, whether informed or not, were complaints against Norton
15 personally, and that he was personally held accountable for them. By falsely portraying these
16 businesses as being somehow evil and predatory in nature, even though they are not, and even
17 though more importantly, they clearly knew Norton was not the companies, or even an officer or
18 director of both at the time, and that the companies were legitimately licensed and operating
19 enterprises and not some evil and predatory scams as they were falsely portrayed, Defendants
20 acted with malice and should be punished for their participation in such scandalous activities.

21 43. Among other false, defamatory and malicious statements presented as facts and
22 made as to Norton, while equating him with their false narrative about CarGuard or Vertias,
23 included statements made to the public in print or other media that: a) CarGuard is a “SCAM”;
24 and b) a total “ripoff”; c) that “all they” do is collect the public’s money and then deny their
25 claims; and d) that as a result, people should beware, and not buy a policy from these companies.
26 These statements were defamatory per quod, and defamatory per se.

27 44. Defendants also wrongfully repeated and republished false and inaccurate
28 information of others about CarGuard or Veritas without adequate investigation into the truth as

1 well, that do not represent the overall history of the company accurately, are factually false and
2 distort the nature of the businesses, and their products and operations, and then tied these false
3 facts onto Plaintiff directly, to unfairly compete with Plaintiffs and damage them both personally
4 and in the election, and destroy Plaintiffs' credibility, reputation and fundamental business
5 interests, all unfairly, to the voting public.

6 45. The Web Site and Twitter accounts set up by all or some of the Defendants further
7 referenced a lawsuit filed whereby a news article in the Aspen newspaper was referenced. The
8 AM-PAC twitter account that all or some of the Defendants established and/or operated and
9 benefited from, stated that CarGuard was being sued for over \$8 million dollars, making the suit
10 sound quite large and legitimate, when in fact Defendants knew, or should have known had they
11 cared to check, that the suit was filed by a known "vexatious litigant" who filed many false claims,
12 and had had his law license temporarily suspended for filing such bogus claims, but, of course
13 that relevant information was omitted by Defendants as it was not convenient for their false
14 narrative. The plaintiff in that cited case also faced disciplinary action against him by the Bar
15 Association for his baseless conduct, but again this was also conveniently and purposefully left
16 out by Defendants in their zeal to falsely portray Plaintiffs herein. Defendants' chose to
17 purposefully fail to provide such important facts in context in casting Plaintiff in a false light, by
18 making it appear as if the claims were quite fair and legitimate, and not part of an overall pattern
19 of abuse he displayed, and that his actions were somehow legitimately representative of the
20 customers of the companies, rather than someone who had a habit of submitting "bogus" claims,
21 because Defendants didn't care in trying to further paint Plaintiff as both founding and operating
22 these companies as a SCAM, or FRAUD.

23 46. In fact, Defendants Schweikert and Baker were specifically informed, in more than
24 one Cease and Desist Letters that these companies do not engage in "robocalls" or similar abusive
25 telemarketing practices, and have never done so, and that under the legal standards applicable
26 under the Ninth Circuit's holding in *Jones v. Royal Administration Services*, such administrators
27 were not liable for the actions of the third-party sellers of the product. Furthermore, CarGuard
28 doesn't even own the software or hardware to make telemarketing calls and never has. But rather

1 than heed these reasonable requests, warnings and actual facts, Defendants chose to ignore the
2 truth, and or disingenuously tried to later distinguish their conduct with legal platitudes, rather
3 than simply stop it.

4 47. Defendants also published and distributed campaign flyers and mailers directed to
5 the public, that specifically referred to the companies and Plaintiffs in a false light, and falsely
6 suggested, or outright claimed, that Plaintiffs engaged in illegal telemarketing calls and other
7 unlawful and fraudulent actions including “preying” on vulnerable people and the elderly, which
8 was known by them to be false and defamatory, and defamed Plaintiffs at a minimum by
9 implication.

10 48. Defendants also conspired and aided and abetted one another to set up and create a
11 web page to further disseminate their false invective, that they named “crookednorton.com” that
12 falsely implicated and/or maliciously accused Plaintiff Norton, as well as CarGuard and or Veritas
13 as being the equivalent of Norton, of “sending out millions of illegal robocalls as part of a scheme
14 to convince Americans to purchase auto warranties that are effectively worthless.” This was
15 factual and false. After being sent the cease-and-desist letters by CarGuard, Defendants updated
16 crookednorton.com by removing the names of CarGuard and Veritas, and instead **directly** accused
17 Norton, falsely stating, “Who is Elijah Norton? **Norton owns a** web of companies responsible for
18 the so-called ‘auto warranty scam’ that has victimized thousands of Americans.” The site later
19 concluded “Elijah Norton Has Scammed Thousands of Americans with His Auto Warranty
20 Scams. Now He Wants to Scam You for Your Vote. After making millions of dollars spamming
21 us with unwanted and illegal robocalls, **Elijah Norton** thinks he should represent us in Congress.
22 **Say No to Elijah Norton and his illegal robocalls**, say no to Elijah Norton for Congress.” All
23 this was done solely for the purpose of maliciously harming and damaging Norton’s good name
24 and reputation in the community so as to harm his campaign as well.

25 49. Further, around the same time in March of 2022, Defendants Schweikert, Friends
26 of Schweikert, and Baker published a series of defamatory Google advertisements. One such
27 advertisement (which was subsequently taken down by Google for violating their terms and
28 conditions) was displayed nearly each and every time someone Googled the name “Elijah Norton”

1 as a “Google AdWord” campaign. The ad stated “Elijah Norton – Dishonest – crokednorton.com
2 – Elijah Norton is a scam artist **who is responsible** for millions of illegal robocalls. Learn more
3 about Elijah Norton and his schemes to scam Arizona voters”.

4 50. In addition, in March of 2022, Defendants also paid for a Facebook advertisement
5 with a picture of a mobile phone on it. In the middle of the phone was as picture of Norton that
6 said, “Definite Scam Elijah Norton” and had the words “Elijah Norton is Scamming Voters” over
7 it. The advertisement had a direct link to “crookednorton.com” with the web site URL displayed
8 and was clearly implying the narrative that Norton made “illegal robocalls” and scammed
9 consumers. The advertisement had thousands of views and was paid for by “Friends of David
10 Schweikert”.

11 51. The same web site created and published by Defendants, and trying to obviously
12 cast Norton as a “crook” also refers to the company, Carguard, and by clear implication, Norton,
13 as being a “scam” and a “fraud” both false, and further maliciously stated that the company
14 engaged in acts of fraud and deception, and targeted “vulnerable persons”, all purported facts,
15 which have no basis as to Plaintiffs and are false and malicious and which damaged Plaintiffs per
16 se and placed them clearly in a false light.

17 52. The foregoing web page was paid for by Defendant “Friends of David Schweikert”,
18 which is actually Schweikert’s federal campaign committee, of which he is the chairman, and
19 which he personally directs. He authorized directly the publication of the false and disparaging
20 statements about Plaintiff and equating him with the false statements about CarGuard and Veritas,
21 and is directly liable for the infractions alleged herein. Schweikert effectively controls, and
22 officially authorizes, the actions of Defendant Friends of David Schweikert, as he does the other
23 Defendant’s conduct as well, and he is the moving, active and conscious force behind the acts of
24 these entities who operate on his behalf and at his direction and approval.

25 53. Defendants had no free speech privilege protected by the Arizona or U.S.
26 Constitutions so as to freely maliciously defame Plaintiff, by claiming they simply made or
27 repeated selected highly offensive and false allegations made by others, in repeating them in a
28 false context to the public as facts. They further distorted public filings and lawsuits as to

1 CarGuard, equating them with Plaintiff personally, without any reason to know or believe that
2 Plaintiff was responsible for any such claims, or involved in any such activities or claims.

3 54. In communications to the public, including direct mailers where Defendants
4 purported to republish comments allegedly found elsewhere without sufficient investigation into
5 the truth or falsity of the allegations before recklessly republishing these falsehoods to the public,
6 Defendants defamed Plaintiffs. Such statements repeated false and misleading accounts that are
7 demonstrably false and should have been known to be false, and that were simply repeated by
8 Schweikert and Defendants and attributed to acts of these Plaintiffs, without any regard for the
9 truth or falsity, and include such selective falsehoods as: Norton is a “low rent scam artist”... he
10 is ”defrauding senior citizens”...with “bogus car warranties” and is “single handedly responsible
11 for sending millions of unsolicited and illegal robocalls” and has “been sued too many times to
12 count for his illegal schemes to rip off innocent consumers.” All of this was clearly known to be
13 false, if in fact these statements had even been made by others.

14 55. Defendants had no information to rely on that Plaintiff should be held liable for any
15 acts of CarGuard as its alter ego or “agent” or that Plaintiff had any liability or involved making
16 any “robocalls” to consumers, let alone any illegal or fraudulent schemes to rip off anyone.

17 **False Allegations Related to Norton’s Personal Life, DUI, and Honesty**

18 56. On May 25, 2018, a person named Frank Diaz created copyrighted work while
19 digitally photographing a Memorial Day event at a bar in Phoenix, Arizona. He subsequently
20 assigned the rights to that work to his company.

21 57. The copyrighted work included a depiction of two subjects standing together at the
22 event. One of them was Plaintiff and the other was a private citizen, Leslie Hammon (“Hammon”).
23 As the picture was taken in 2018, Norton was not then even a candidate for any public office at
24 the time, and just a private citizen, entitled to his right to privacy, when the picture was innocently
25 taken at an event. Norton was not in a sexual or other intimate type relationship at all with the
26 individual photographed next to him, who was also a private citizen at the same event.

27 58. Defendants Schweikert and one or more of the Defendants including Friends of
28 David Schweikert, however, saw this photo as an opportunity to wrongfully paint Plaintiff as

1 somehow being in a secretive same-sex sexual relationship, and with their own warped minds,
2 used it to do so unfairly, and thinking that by doing so in CD 1 would be an effective and to their
3 benefit, as Schweikert had used similar tactics in a previous primary challenge against Ben
4 Quayle. Without evidence to support such an implication, Defendants proceeded on nonetheless
5 to use this photo to clearly try to portray Plaintiff Norton as being in a secretive, prurient, same-
6 sex relationship which to them was not a compliment, but an attack that according to Jon Huey,
7 as sworn in a deposition, was “negative in a Republican Primary.” They then unlawfully published
8 the copyrighted work on May 30, 2018, without permission from the participants, let alone the
9 holder of the copyright, in furtherance of Schweikert’s political campaign against Norton. Despite
10 knowing that they were violating the copyright laws in doing so, without permission of Diaz or
11 his Company, and knowing they had no evidence that this was indeed factual, but knowing that
12 Hammon was openly gay, they tried to falsely portray that Norton was in a prurient, same-sex
13 relationship with Hammon. Diaz and/or his Company have since filed a lawsuit in U.S. District
14 Court in and for the District of Arizona, over the foregoing Defendants’ acts of infringement and
15 Hammon has filed a suit against Schweikert over the same unlawful activity.

16 59. The foregoing Defendants Friends and Schweikert, and perhaps the other
17 Defendants acting in concert, or as part of a conspiracy to unlawfully invade Norton’s right of
18 privacy and to defame him, caused the photos to later be printed, and disseminated, to the general
19 public as flyers or mailers and distributed thousands of these mailers to the voters in Arizona in
20 Congressional District No. 1 in a clear attempt to portray Norton as in a secretive, same-sex
21 relationship with Hammon with the intent of that being negative to GOP primary voters. In
22 addition, with the assistance of Defendant Am-Pac and Huey, the same photo with a false and
23 misleading commentary from AM-PAC and Huey placed on it, was posted on social media, using
24 inter alia, a Twitter account with the handle “@RejectNorton”. This was in addition to false
25 signage placed on the public roads by Schweikert and Friends, all of which included identical or
26 substantially similar copies of the copyrighted photo, and/or including derivative works, based on
27 the copyrighted photo, with additional language on the signage designed to maliciously and falsely
28 smear, disparage and defame Plaintiff wrongfully as being a in a same-sex relationship with

1 Hammon and for lying for the sole purpose of embarrassing Plaintiff and holding him in a false
2 light, solely for Schweikert’s own political advantage. Defendants knew the alterations and
3 commentary placed on the photo was outrageous conduct and was in conscious disregard for the
4 substantial rights of Plaintiff to be free from such false allegations.

5 60. Defendants Friends, Am-Pac, Schweikert and Huey, knew that not only did they
6 have no permission to publish or alter these copyrighted photos, but that the holder of the
7 copyright would not have approved of their use any more than Plaintiff Norton would, particularly
8 in the misleading and despicable manner in which they were actually published and altered to
9 reflect.

10 61. By stating on the altered photos that “Elijah Norton is not being straight with you”
11 and that “Elijah Norton (is) Unfit for Congress” as a result of Norton supposedly being in a same-
12 sex relationship with Hammon and regarding the alleged relationship, through use of this altered
13 photo, Defendants intended to shame, embarrass and falsely portray Plaintiff and his campaign,
14 when he was simply standing for a picture with a friend at the event. In fact, Hammon met Norton
15 through Norton’s former girlfriend. Defendants were aware of this fact, as Hammon had sent
16 Defendants Schweikert, Baker, and AM-PAC a cease-and-desist letter prior to Defendants
17 publishing it and placing Plaintiff in a false light. Schweikert was clearly trying to argue, with the
18 text “Elijah Norton isn’t being straight with you” and on the back of the mailer “Elijah Norton
19 Not Straight at All” as well as with his signs to the same effect, that Elijah Norton was hiding that
20 he was a same-sex relationship with Hammon and was in a hidden same-sex relationship which
21 was false.

22 62. In 2012, Schweikert and Baker sent out a similar mailer, falsely accusing sitting
23 Republican member of Congress Ben Quayle of being bisexual in a prior campaign and knew the
24 successful effect it had on the campaign. The mailer had there stated “Ben Quayle, he goes both
25 ways.” Using inappropriate sexual undertones in the advertising of an opponent is thus a theme
26 Defendants, who were responsible for this activity, have employed successfully before, and under
27 Schweikert’s direction, and they did so again here, in the hopes of re-electing Schweikert, since it
28 had proven successful before, regardless of its falsity. Their acts here were thus intentional and

1 malicious and outrageous, despicable and demeaning to the Congressional Office both men were
2 vying for.

3 63. Defendants obviously published the foregoing photo with the language
4 superimposed on it clearly implying that Plaintiff is in a same-sex relationship and is a liar
5 regarding it, that gay men are unfit for Congress, and that therefore Norton must be unfit for
6 Congress. And they did so intentionally knowing, according to Huey’s own testimony that it
7 would impact the results of the primary election, to Schweikert’s benefit.

8 64. Defendant Am-Pac also published on social media various false and misleading
9 “tweets” about Norton, during the same campaign, in the overall scheme to disparage Norton.
10 Some of these tweets were clearly intended to link up the foregoing photo with the false
11 insinuation and narrative that Norton was in a hidden, same-sex relationship, which Defendants
12 knew or should have known was false before doing so. On June 7, 2022, for example, Defendants
13 caused to be tweeted @Nortonfor AZ “besides having so many horrendous reviews and people
14 coming forth about the truth of your company... I’m sure you have something to be prideful about.
15 It is June, isn’t it?” This was an obvious reference to June being Gay Pride month. The “truth” of
16 Norton’s company was that it was quite successful.

17 65. The June 7th tweet clearly and falsely insinuated that Norton had a hidden same sex
18 relationship, which Defendants knew to be false and malicious. By the way they also thought they
19 cleverly tagged the tweet, Defendants acted with malice and according to Huey’s deposition made
20 multiple references to Norton being in a same-sex relationship because it was “negative” in a
21 Republican primary and would benefit Schweikert. Huey also testified under oath that he had no
22 proof Norton was in a same sex relationship and only based his assertions on “rumors” whereby
23 he could not identify the source. In response to a lawsuit filed against Defendants by Hammon,
24 Defendants conceded to the Court that the intent of these tweets and comments was to defame
25 Norton and thereby prevent his election. Defendants stated, “any reasonable reader would have
26 understood [the comments] as political messaging against Mr. Norton’s candidacy” and “any
27 political value in the publication was attributable to their presentation of . . . Mr. Norton . . .”
28

1 66. On June 7th @RejectNorton.com, the site set up by Defendants, they also tweeted
2 out in furtherance of Defendants’ plan to smear Norton, and further cement the false notion that
3 Norton was a liar in a hidden, same-sex relationship, “Hey @Nortonfor AZ, what else is in your
4 closet besides all the lawsuits, horrible reviews of your company, and you or your campaign
5 getting mad because they know all of it is actually true? #AZ01, guess what else is in Elijah’s
6 closet? @azHouseGOP, @azGOP, @MaricopaGOP @azSenateGOP. As stated earlier, there
7 were no lawsuits in Plaintiff’s “closet” and Plaintiff was not mad because any of it was true, but
8 if he was mad, it was because of Defendants’ continued lying about these alleged claims and
9 lawsuits.

10 67. By stating that Elijah has secrets in his purported “closet”, a clear dog-whistle type
11 phrase traditionally used to describe individuals who have not yet come out as gay or lesbian, the
12 June 13th tweet clearly and falsely insinuated as facts that Norton had a hidden same-sex
13 relationship and was lying about it.

14 68. Moreover, by tagging ‘AZ 101’, as was done with the June 7th tweet as well, as
15 well as several media outlets, the official @AZGOP twitter account, and other official Republican
16 Party Twitter accounts—such as official Congressional accounts, the twitter account of the
17 Republican sitting Governor, and many other elected officials, the June tweets show that
18 Defendants were trying to push this false narrative and encouraged them to not vote for Norton in
19 the Republican primary election because of the false narrative that he was lying about being in a
20 hidden same-sex relationship – to the sole benefit of Schweikert.

21 69. Defendant Huey, in his deposition taken in another case against him for his
22 participation in such defamatory remarks, on December 2, 2022, was asked why he repeatedly
23 made these insinuations about Norton on the @RejectNorton Twitter account. He admitted in
24 response that he had no proof Norton was in a same-sex relationship, but only claimed vague and
25 unsubstantiated alleged “rumors” he claimed to have heard, with no specifics of course provided,
26 whereby he was unable to remember even who had told him Norton was in a same-sex
27 relationship. Furthermore, when asked “why would it matter?” he stated that he understood it was
28 a “negative” in a Republican primary election such as this one, and that it played into the

1 “narrative” these Defendants were trying to “portray” Norton as. These type of comments should
2 have no place in a legitimate political forum in this Country, and the fact that Defendants admitted
3 they wanted to use alleged unsubstantiated and undocumented and vague at bet “rumors” that
4 Norton was in a same-sex relationship, as a way to get Schweikert elected is not only obviously
5 outrageous, but beyond despicable. It is not in any way justifiable based on Defendants’ hollow
6 claims about protected “free speech” under the First Amendment either. Rather, it is nothing but
7 truly defamatory, and part of an obvious “smear campaign” with no redeeming value, and not
8 beyond one’s shouting “fire” in a crowded theatre is anymore a protected right of free expression
9 either. Such games played with the First Amendment by Defendants should not be tolerated in
10 American life or politics. This false narrative of Schweikert, thrown into the public ether forever,
11 and for his own twisted political purposes, and for no other redeeming purpose or value, warrants
12 an award of punitive damages to deter such conduct in the future.

13 70. Not only did Defendants continue to purposefully make defamatory statements
14 about Norton’s honesty and make defamatory comments and innuendos about Norton’s purported
15 romantic and sex life for Schweikert’s benefit, but Defendant AM-PAC also continued to make
16 false, defamatory, and highly offensive statements and insinuations that Norton engaged in
17 prurient sexual activity without any basis to believe it was true.

18 71. On June 15, 2022 @RejectNorton.com posted an edited version of the foregoing
19 Photograph of Norton and Hammon referenced herein, with a caption: “Well...looks like
20 @NortonforAZ.com has been caught. Seems like the Department of Justice isn’t the only
21 punishment he likes from his lawsuits @AZ01, @AZGOP. @MaricopaGOP, @AZHouseGOP,
22 @AZ SenateGOP. Can anyone else find the rest of this billboard? @rejectnorton @nortonscam.”
23 This tweet, in order to make its meaning clearer, despicably placed “emojis” of lipstick, female
24 lips and high heels. Later, @Rejectnorton.com replied to the June 15 tweet to add tags for
25 @Barnettfor AZ, @DavidSchweikert.com, @MCYRGOP to further damage Plaintiffs.

26 72. By using emoji’s traditionally associated with femininity, and using words like
27 “caught” alongside the Photograph of Norton and Hammon, the June 15 tweet clearly and falsely
28 insinuated the fact that Norton was in some secretive, prurient same-sex relationship with

1 Hammon, and that gay men are unfit for Congress, and that because he is in a same sex
2 relationship, Norton was also unfit for Congress, all of which was clearly false and malicious and
3 beyond the pale of fair political discourse and beyond the limits of free speech even in a political
4 campaign. Were it otherwise, there would be no limits.

5 73. Moreover, by the use of the tags, the June 15 tweet intended to assert that voters
6 within CD1 should not vote for Norton in the Republican primary simply because he was in a
7 hidden, same-sex relationship to the benefit of Schweikert, and regardless of it being false and
8 known to be false or recklessly made without regard for its truth or falsity.

9 74. On June 17, 2022 @RejectNorton again posted an unedited version of the foregoing
10 Photograph and tagged the same organizations as stated above for emphasis and further injury.
11 For several weeks this same tweet was “pinned” to @RejectNorton’s homepage, and this was
12 made the very first image that any user would see when going to that page for information.

13 75. Later, @RejectNorton replied to the June 17 tweet to tag other prominent
14 Republican politicians and political sites on Twitter, and other news outlets, as Defendants sought
15 to further harm and damage Norton and his campaign.

16 76. Defendants caused to be aired on media further false and malicious defamatory
17 statements cast as fact, such as, “when Norton claims to be a law-and-order candidate, he doesn’t
18 mention getting busted for drunk driving. Rough night Elijah?” Again, Defendants were fully
19 aware or should have been, that Norton was never “busted” for drunk driving at all and that his
20 blood alcohol reading when tested was far under the legal limit and was NOT convicted of a DUI
21 in the case they reference repeatedly on digital video and in mailers. But, again, this did not fit
22 into Defendants’ false narrative to voters that Elijah Norton was an irresponsible, “party boy” not
23 fit for Congress and that his successful businesses were nothing more than a fraud and designed
24 to scam the public by selling bogus warranties, all of which was factually false and known to be
25 false.

26 77. And, on June 23, 2022 @RejectNorton again posted a version of the Photograph of
27 Norton and Hammon, with the caption: “We shall not be silenced LOL #AZ101 Alcohol brings
28 out a lot in a boy (referring to an DUI where Norton was found not to have been drinking under

1 the influence and all charges were dropped, Defendants also publicized falsely about Plaintiff,
2 who was not under the influence of alcohol, and found to be within the legal allowable limits in
3 fact but ignored by Defendants’ false narrative). It continued, to make its insidious references
4 even clearer: “Don’t let this con man trick you to vote for him. Instead, vote for one of the others!
5 #rejectnorton #nortonscam @AZGOP @AZSenateGOP @AZHouseGOP @MaricopaGOP.
6 **Bottoms Up Elijah.**” (emphasis added) obviously trying to tie in the a false sexual reference to
7 the false drinking charge. The tweet is not only disgusting and outrageous in our supposedly
8 civilized society by itself, but to even more clearly add to its defamatory effect, the end of the
9 tweet makes use of a double entendre to make its true meaning obvious. By including an emoji of
10 **a peach** (commonly used on Twitter to refer to buttocks) and an alcoholic drink alongside it as
11 well, and the phrase, “Bottoms Up” and the emoji of a peach, which is commonly associated with
12 the buttocks, certainly creates to any normal person the patently false insinuation by Defendants
13 and certainly by Huey and Am-Pac and Schweikert, and anyone else found to have participated
14 in this, that Norton was somehow a receptive sexual partner in a secretive, same-sex relationship
15 with Hammon, which there was no evidence of at all, and which Defendants knew to not be true,
16 but nonetheless recklessly or purposefully portrayed as such nonetheless to advance Schweikert’s
17 victory.

18 78. Later, to make matters even more disgusting and over the top if possible,
19 @RejectNorton replied to the June 23 tweet, stating: “Gimp gimp gimp gimp” an obviously false
20 and derogatory reference to a sex suit commonly used by people engaging in sadomasochism, and
21 clearly referring to Norton as such is highly offensive to any reasonable listener. It should be noted
22 in the same area where the comment was placed, the modified picture of Norton and Hammon
23 had Hammon with a smiley face “emoji” that had a zipper over the mouth, furthering the false
24 and derogatory narrative that Norton engaged in sadomasochist sexual activities.

25 79. The June 23th tweet and the reply thereto, and the tagging as to same, was all
26 intended to convey and assert that Norton was in a secretive, same sex relationship, that Norton
27 was engaged in prurient same sex, sadomasochistic sexual activities, and was therefore unfit for
28 Congress as a result, and was intended to dissuade voters in CD 1 to vote for Norton because of

1 it, knowing it all to be false or recklessly proceeding without care for the truth or the substantial
2 harm it would do to Norton, and was at his expense, for the sole benefit of getting David
3 Schweikert re-elected to Congress.

4 80. Defendants not only ignored cease and desist written demands to them to stop such
5 defamatory activities, and to rectify it, but Defendant AM-PAC actually responded in amazing
6 defiance of it, in response to a June 22, 2022, demand to cease and desist from such further false
7 and defamatory publications, by refusing to do so, and in fact affirmatively asserting instead, that
8 it was “operating well within its rights.” But there is no “right” to intentionally and falsely make
9 up lies about someone’s sex life, accuse them of being engaged in prurient sexual activities, and
10 make up lies that someone is in a hidden, same-sex relationship with someone that they are not,
11 particularly when you know, or should know, it is false or having no regard for whether it is or
12 not. Defendants thus continued to brazenly post and publish the offending Photograph and
13 language on it as well as their other commentary, as alleged herein, fully knowing Plaintiff did
14 not consent to its use and that it was a false portrayal and damaging to his reputation as well as
15 the campaign and had no redeeming value to the electorate in deciding who should serve this
16 glorious nation in Congress and uphold its virtues. Thus, despite these Defendants knowing, or
17 should have knowing, that Hammon and Norton were not in a same sex relationship and never
18 had been, nor engaging in prurient sexual behavior beyond that therein, they proceeded on with
19 no care other than to harass and defame Norton for their own selfish ends regardless, and they
20 must be punished severely for such conduct as it will continue on again if not abated by such
21 punishment.

22 81. Defendants’ actions as alleged herein caused Plaintiff to suffer significant
23 reputational and emotional damage and harm to his person and his campaign and to the businesses
24 he holds ownership interests in. The acts of Defendants were done with an “evil mind” and were
25 done with extreme malice in their hearts and minds and show no remorse at all, and instead brash
26 defiance, attempting to twist the Constitutional protections afforded to free speech to its demise,
27 all to serve their own selfish pecuniary interests, and to cause harm, and with a conscious disregard
28 of Plaintiff’s substantial rights and interests and knowing that their actions would cause a

1 substantial damage to Plaintiff and thus, again, warrant an award of punitive damages to deter
2 such conduct from occurring again.

3 82. Defendant Baker aside from participating and being aware of and approving all the
4 misleading and false and defamatory statements alleged herein made his own separate and false
5 and defamatory statements about Plaintiff separately, and through companies he was associated
6 with, including multiple false statements made to the Phoenix New Times about Plaintiff.

7 83. Defendants have attempted to justify their shameful conduct by couching it as
8 somehow being part of what “America” is about, and what candidates for public office must
9 endure in a warped and cynical viewpoint they espouse under a similarly distorted view of the
10 First Amendment, as somehow giving them the unfettered right to defame Plaintiffs as well as to
11 intentionally cause Plaintiffs emotional distress by doing so. The First Amendment is no
12 justification or defense for malicious defamation.

13 84. Defendants further disingenuously claim in a further ridiculous effort to justify their
14 misconduct, that it is part of Plaintiff’s effort to make it impossible to have the “type of free
15 campaigns and accompanying free debates that are essential to an informed electorate” when in
16 fact they know that this false and cynical rhetoric is designed to allow them to freely smear and
17 defame others with impunity and without any restraint. The truth is that such conduct of theirs has
18 nothing to do with the right of free speech envisioned by our founders, and has no place in any
19 legitimate right of “debate” or political discourse, but is nothing more than a disingenuous attempt
20 to avoid liability for a smear campaign that has no legitimate redeeming value or constitutional
21 rights attached to it.

22 85. Defendants took no action at all to properly vet the claims in the above-referenced
23 suit against CarGuard that can justify repeating and republishing any claim of his as being
24 legitimately referable to any conduct of Plaintiff, just as they took no effort to do so as to other
25 claims they published of so called employees or customers of Norton himself in an effort to solely
26 distort Norton’s personal reputation.

27 86. To be clear, this suit is not an attempt to stifle legitimate free speech or of
28 information vital to the electorate in a free society, or to prevent the public from the benefit of

1 legitimate discourse in political campaigns, nor is it intended to repress the free and appropriate
2 exchange of legitimate and beneficial differing ideas open for debate to assist the public. Nor is it
3 a mere complaint of a disagreement of ideas subject to fair political discourse. It is instead a suit
4 to punish and prevent “over the top” and malicious and deliberately false smears cast as facts that
5 have no place or benefit to the public in any political campaign and are designed solely to win a
6 campaign at any cost using false and malicious tropes. If such conduct as is alleged herein is
7 allowed to continue as the norm then God help us all. It would allow our political campaigns to
8 be brought down to the level of pure mudslinging, with no redeeming value at all, in order to mask
9 and deflect, as here, serious improprieties of corrupt elected officials such as Schweikert, who
10 seek to perpetuate their misguided careers in office, by flooding the public with pure mudslinging,
11 without any redeeming information provided to the public at all. If that is the standard established,
12 with no limits at all, then our political elections will not only obviously suffer, but the country
13 itself will surely be the worst for it, as such defamation could never have been intended by our
14 founders as being justified by the claim of free speech, any more than inciting a crowd to violence
15 or riot by claiming the unfettered right to do so under the First amendment either. That right is not
16 unlimited.

17 87. All of the defamatory allegations referred to above (the “Defamatory Allegations”)
18 were assertions of existing or historical fact.

19 88. If any of the Defamatory Allegations were statements of opinion, they were
20 allegations that are capable of being proved false.

21 89. Defendants benefitted financially from making the Defamatory Allegations.
22 Schweikert benefitted financially by retaining his position as a member of Congress with the
23 salary and other financial benefits associated with retaining that position. The other Defendants
24 benefitted financially by being paid to created and spread the Defamatory Allegations, and by
25 increasing the likelihood of being retained and paid by Schweikert and his Campaign again in the
26 future.

27 90. Defendants benefitted personally, professionally, and politically by securing
28 Schweikert’s re-election via making the Defamatory Allegations.

FIRST CLAIM FOR RELIEF
(Defamation per quod and per se)

1
2 91. Plaintiffs reallege and hereby incorporate all prior allegations as set forth above.

3 92. Defendants knew or should have known that all of the Defamatory Allegations were
4 false.

5 93. Defendants and their agents knew or should have known that Plaintiff Norton does
6 not engage in telemarketing activities or Robocalls- let alone illegal Robocalls, or as frauds or
7 scams, and that he was not in control of CarGuard doing so at the time alleged, or involved in its
8 activities during the time their defamatory statements attribute such conduct to him. Nonetheless,
9 Defendants accused Plaintiff and by implication his campaign, as if they were equivalent to
10 CarGuard doing so, despite knowing the falsity of those claims as to either, and that the substantial
11 risk of harm making them would cause to Plaintiff. Moreover, they knew neither Car Guard and
12 Veritas, which were administrators, were doing robocalls, or telemarketing, or selling fraudulent
13 warranties to the public, or scamming them by doing so, and thus knew Plaintiffs were not
14 involved in doing so either.

15 94. Defendants and their agents knew or should have known that Plaintiff Norton was
16 not engaged in a sexual relationship with Hammon, and that Norton did not engage in the sexual
17 conduct they alleged and implied.

18 95. Defendants and their agents knew or should have known that Plaintiff Norton was
19 never convicted for DUI and in fact that in connection with the police stop Norton was found to
20 be within the legal allowable limits for alcohol consumption when operating a vehicle.

21 96. In making their false assertions of fact about Plaintiffs, the Defendants acted either
22 purposefully or in conscious or reckless disregard for the truth or falsity of their statements and
23 the harm they would cause thereby, and at a minimum were careless, and reckless, in failing to
24 ascertain the truth about what they accused Plaintiffs of doing, and in casting their conduct as
25 alleged facts, and Defendants cannot shield themselves from liability by characterizing their false
26 statements later as mere opinions.

27 97. Defendants acted with spite and ill will in their disparagement and defamation of
28 Plaintiff and with an intent to harm.

1 98. In addition to actual damage caused, Plaintiff is entitled to an award of punitive
2 damages to deter Defendants from their continuing pattern of such defamations deliberately
3 designed to damage as displayed and alleged here, and to deter such conduct in the future.

4 99. Defendants' statements that went to the heart of Plaintiffs character and business
5 reputation were defamatory per se and Plaintiff is entitled to nominal damages at a minimum
6 therefore, if not the actual damages caused, including for the emotional distress caused thereby.

7
8 **SECOND CLAIM FOR RELIEF**
9 **(False Light)**

10 100. Plaintiffs reallege and hereby incorporate all prior allegations as set forth above.

11 101. At a minimum the defendants placed the Plaintiffs in a false light, which would be
12 highly offensive to a reasonable person, and the defendants either knew, or acted in reckless
13 disregard as to the falsity of the publicized matter and the false light in which the Plaintiff would
14 be placed.

15 102. Defendants made their false statements about Plaintiff to the public knowing that
16 they were highly offensive to a reasonable person, and knowing they would cause damage in
17 doing so to the Plaintiff's reputation and standing in the community. They intentionally or
18 recklessly placed Plaintiff in a false light, knowing their publications were false and misleading
19 and would cast Plaintiff in an unfavorable position with the constituents of CD1 and would
20 damage Plaintiff. The publications did damage Plaintiff and Defendants should be punished for
21 their conduct as it was intentional and purposeful and designed to harm.

22 **THIRD CLAIM FOR RELIEF**
23 **(Intentional or Negligent Infliction of Emotional Distress)**

24 103. Plaintiff realleges and hereby incorporates all prior allegations set forth above.

25 104. Defendants intended to inflict emotional distress upon Plaintiff and continue to do
26 so despite knowing their actions were wrongful and unjustifiable. Defendants' actions and conduct
27 were nothing short of an "outrage". At a minimum, they were negligent if not grossly negligent
28 in causing severe emotional distress by their conduct as alleged herein.

1 105. Defendants' conduct warrants an award of punitive damages beyond actual or
2 general damages for the harm their conduct caused.

3
4 **FOURTH CLAIM FOR RELIEF**
(Invasion of Privacy-Misappropriation)

5 106. Plaintiffs reallege and hereby incorporate all prior allegations set forth above.

6 107. Defendants appropriated to their own use or benefit the name and likeness of
7 Plaintiff without his consent and for the purpose of damaging him and others by doing so without
8 permission. Plaintiff Norton was a private citizen at the time of the photo and entitled to such
9 privacy and protection.

10 108. By using the Photograph of Plaintiff as alleged herein, in their advertising materials
11 and social media posts, Defendants misappropriated Plaintiff's likeness and name without his
12 permission and for the sole purpose of benefitting themselves at his expense in a false and
13 misleading manner and their actions not only warrant damages caused thereby but punitive
14 damages to deter such misconduct in the future.

15 109. Plaintiff has suffered emotional distress, loss of reputation humiliation,
16 inconvenience, stress, anxiety and actual damage in responding to Defendants' tropes and
17 misinformation and defamatory comments about Plaintiff Norton which resulted in demonstrable
18 damage to the campaign for the US Congress as well.

19
20 **FIFTH CLAIM FOR RELIEF**
(Aiding and Abetting)

21 110. Plaintiff realleges and hereby incorporates all prior allegations set forth above.

22 111. Defendants and each of them substantially aided and abetted one another in their
23 acts in preparation and/or participation in dissemination of false and defamatory statements about
24 Plaintiff and in invading his right of privacy, with the wrongful purpose of damaging Plaintiff and
25 his candidacy for the US Congress, with the intent of benefitting Defendant Schweikert and his
26 campaign.

27 112. As such each Defendant acted in concert with one another and is jointly and
28 severally liable for the other's misconduct and the damages caused thereby.

1 113. Defendants committed their acts with the willful intent of causing substantial harm
2 to Plaintiff, or in conscious and or reckless disregard for the substantial harm their actions would
3 cause Plaintiff and warrant an award of punitive damages.

4
5 **SIXTH CLAIM FOR RELIEF**
6 **(Civil Conspiracy)**

7 114. Plaintiff realleges and hereby incorporates all prior allegations set forth above.

8 115. Each Defendant joined with the other for the purpose of committing wrongful and
9 illegal acts for an improper purpose including invading Plaintiff Norton's privacy, defaming and
10 damaging Plaintiff and his candidacy for Congress, through a conspiracy and by acting in concert
11 such that they should each be jointly and severally liable for each other's acts in furtherance of
12 the conspiracy.

13 116. Defendants accomplished their conspiracy by use of false and deceptive
14 dissemination of highly inflammatory statements they knew would cause substantial harm to
15 Plaintiff or should have known would cause such harm or were in reckless disregard for the
16 substantial harm their acts would cause, warranting an award of punitive damages.

17 **PRAYER FOR RELIEF**

18 **WHEREFORE**, Plaintiff prays for judgment as follows:

19 1. For monetary damages against Defendants for general and special compensatory
20 damages in an amount to be proven at trial (and for purposes of designation under Ariz. R. Civ.
21 P. 26.2(c)(3), not less than \$300,000) to compensate Plaintiff for the damage inflicted on his
22 person and campaign by Defendants, jointly and severally.

23 2. For punitive and or exemplary damages against Defendants as allowable under the
24 law.

25 3. For reasonable costs and attorney's fees incurred by Plaintiff herein.

26 4. For such other and further relief as to the Court appears just and proper under the
27 circumstances.
28

