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**CURRY, PEARSON
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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

CV2007-016329

JOHN GILDING, a married man,

No.

Plaintiff,

CIVIL SUMMONS

IF YOU WANT THE ADVICE OF A
LAWYER, YOU MAY WISH TO CONTACT
THE LAWYER REFERRAL SERVICE AT
602-257-4434 OR ON-LINE AT
WWW.LAWYERFINDERS.ORG LRS IS
SPONSORED BY THE MARICOPA
COUNTY BAR ASSOCIATION

v.

JOHN S. CARR, a married man, JOHN
DOES I-V and JANE DOES I-V, inclusive;
and ABC ASSOCIATIONS I-V, inclusive;

Defendant(s).

THE STATE OF ARIZONA TO THE DEFENDANTS:

JOHN S. CARR
2600 Fairfield Drive
Avon Ohio 44011-4772

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona - whether by direct service, by registered or certified mail, or by publication - you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the date of service. Where process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until expiration of 40 days after date of such service upon the Director. Service by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days

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Phoenix, Arizona 85007

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after filing the Affidavit of Compliance and return receipt or Officer's Return. R.C.P. 4; A.R.S. 20-222, 28-503.

YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you are required to serve a copy of any Answer or response upon the Plaintiff's attorney. R.C.P. 10(D); A.R.S. 12-311; R.C.P. 5.

The name and address of the plaintiff's attorney is:

Michael W. Pearson
Curry, Pearson & Wooten
814 W. Roosevelt St.
Phoenix, Arizona 85007
602-258-1000

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by parties at least 3 judicial days in advance of a scheduled court proceeding.

SIGNED AND SEALED this date: _____

Clerk

By _____



Deputy Clerk

COPY
SEP 06 2007
MICHAEL K. JAMES, CLERK
M. ANOY
DEPUTY CLERK

Method of Service:

- Private Process Service
- Sheriff or Marshall
- Personal Service
- Registered/Certified Mail (Out of State)

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Attorneys for Plaintiff

MICHAEL K. JEANES, CLERK
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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

JOHN GILDING, a married man,
Plaintiff,

v.

JOHN S. CARR, a married man, JOHN
DOES I-V and JANE DOES I-V, inclusive;
and ABC ASSOCIATIONS I-V, inclusive;
Defendant(s).

No. **CV2007-016329**
AMENDED COMPLAINT
(TORT; NON-MOTOR VEHICLE)

Plaintiff by and through counsel undersigned and for their complaint against Defendant(s), hereby allege as follows:

JURISDICTION AND VENUE

1. Plaintiff John Gilding ("Gilding") is a citizen of the State of Arizona residing in Maricopa County, Arizona.
2. Defendant John S. Carr ("Carr") is a citizen of the State of Ohio, residing in Lorain County, Ohio, and has engaged in specific and purposeful contact and conduct, related to the forum State of Arizona, and has caused the events complained of herein to occur in the State of Arizona.
3. Defendants John Does I-V, Jane Does I-V, and ABC Associations I-V, are individuals or entities that, on information and belief, have engaged in specific and purposeful contact and

1 conduct, related to the forum, State of Arizona, and have caused the events complained of herein to
2 occur in the State of Arizona.

3 4. The true identity of defendants John Does I-V, Jane Does I-V, and ABC Associations
4 I-V, inclusive, are unknown to Plaintiff at this time. Plaintiff expects to identify additional defendants
5 as this matter progresses and will seasonably amend his Complaint when such true names become
6 known.

7 5. At all times mentioned herein, defendants John Does I-V, Jane Does I-V, and ABC
8 Associations I-V, inclusive, and each of them, were the agents, servants and employees of the
9 remaining co-defendants, and each was at all times acting within the course and scope of said agency,
10 service and employment.

11 6. All defendants were either joint tortfeasors or otherwise secondarily liable for said acts
12 and omissions of all other defendants.

13 7. Any and all married defendants were jointly acting for and on behalf of the respective
14 marital communities at all times relevant to this Complaint.

15 8. Jurisdiction and venue are appropriate in this Court. The amount in controversy
16 exceeds the minimal jurisdictional limits of this Court.

17
18 **GENERAL ALLEGATIONS**

19 9. All previous paragraphs of the Complaint are realleged as if set forth more fully
20 herein.

21 10. Plaintiff is employed as a Support Manager for Training by the Federal Aviation
22 Administration ("FAA") at the Phoenix Terminal Radar Approach Control (TRACON) and/or Tower
23 located in Phoenix, Arizona.

24 11. Defendant Carr does, and at all times herein mentioned continues to do, business as the
25 owner, proprietor, author, and publisher of a so-called "blog" style internet web site on which Carr
26 authors and publishes what amounts to aviation industry type gossip.

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1 12. Defendant Carr utilized, and continues to utilize, the web site known as
2 "www.themainbang.typepad.com", (the "blog(s)") to criticize the FAA and make ad hominem attacks
3 on various FAA employees, officers, agents, and officials associated therewith.

4 13. On information and belief, several defendant John Does are employed by the FAA as
5 air traffic controllers (a/k/a "certified professional controller" or "CPC"), at the Phoenix Tower/
6 TRACON.

7 14. On information and belief, defendants Carr, John Does I-V, Jane Does I-V, and ABC
8 Associations I-V, inclusive, have a long history of acrimony, discontent, hatred, and personal
9 animosity with the plaintiff due to the plaintiff's various supervisory roles and status within the FAA.

10 15. On information and belief, defendants John Does I-V, Jane Does I-V, and ABC
11 Associations I-V have intentionally, maliciously, and/or with reckless disregard for the truth,
12 published false statements and information to defendant Carr, and others, accusing the plaintiff, inter
13 alia, of the death of a former FAA CPC, as well as falsely accusing plaintiff of intentionally
14 threatening and intimidating an FAA employee in training ("Developmental CPC") to such an extent
15 that the Developmental CPC "...decided to change career fields...", want of skill and integrity, lack
16 of professional judgment, and dishonesty.

17 16. On or about July 30 and July 31, 2007, defendant Carr authored and published a two-
18 day series of blogs based on "information" allegedly submitted to defendant Carr by, among others,
19 "...members of the PHX and P50 (Phoenix TRACON) locals...", (hereinafter identified as John
20 Does) for the purpose of publication on defendant Carr's blog with the specific knowledge and intent
21 of all defendants that the blogs would be published, circulated, and distributed in Arizona, as well as
22 other communities nationwide, where plaintiff has an professional reputation with the FAA.

23 17. In these blogs, defendant Carr intentionally took select information from an
24 administrative EEOC hearing, as well as other information provided by various John Doe defendants
25 out of context, utilizing fallacy of composition and innuendo, in order to defame and harm plaintiff
26 and place him in a false light.

27 18. In the blogs, defendant Carr falsely accused plaintiff, inter alia, of:

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- A. Lying under oath in an administrative hearing;
- B. Harassing and intimidating a subordinate CPC to death;
- C. Contributing to a culture and a working environment that was "...unlawful..." and "...brutal...";

D. "Shocking" everyone by treating a Developmental CPC in such a manner that the developmental CPC "...was shaken, his confidence shattered..." to such an extent that the developmental CPC "...is now exploring other employment opportunities. He isn't sure he wants to continue in the FAA as an air traffic controller...."

19. Defendant Carr's blogs falsely and maliciously:

- A. Impugned plaintiff's ability and fitness to serve the people of the community, and the FAA, in a position of trust;
- B. Charged plaintiff with dishonest conduct;
- C. Charged plaintiff with illegal conduct; and
- D. Charged plaintiff with unethical practices.

20. Through his July 31, 2007, blog, defendant Carr further intentionally painted the plaintiff in a false and defamatory light through innuendo by accusing plaintiff of a laundry list of negative and inflammatory "charges" placed against him by disgruntled union employees by failing to publish that most, if not all, of the "charges" and grievances against plaintiff, were not sustained by the plaintiff's supervisors. That is, although plaintiff was accused by select subordinates of wrongdoing due to his position as a supervisor, most, if not all, of the charges placed by the disgruntled employees were found to be fabricated or without merit.

21. Through his July 31, 2007, blog, defendant Carr furthermore encouraged and facilitated tortious interference with plaintiff's employment by asking blog readers to "...[r]esist the urge to vomit, and instead email the FAA Administrator at marion.blakey@faa.gov and weigh in on her tacit approval of this grossly inappropriate personnel move...the promotion of this miscreant, and his transfer back...to the scene of the crime...."

1 22. The words printed and published, of and concerning plaintiff, in defendant Carr's blog
2 were false, malicious, and defamatory by, inter alia, imputing to plaintiff complicity in the death of a
3 CPC, falsely accusing plaintiff of intentionally threatening and intimidating an FAA employee to
4 such an extent that the Developmental CPC decided to change career fields, want of skill and
5 integrity, lack of professional judgment, and dishonesty.

6 23. Defendant Carr acted jointly and in concert with defendants John Does I-V, Jane Does
7 I-V, and ABC Associations I-V, in maliciously conspiring and formulating a plan to intentionally
8 incite individuals to harm the plaintiff, by relying on the published false information in defendant
9 Carr's blog, into sending electronic mail to the FAA Administrator complaining about plaintiff.

10 24. The blogs were authored and published by defendant Carr for the sole purpose of
11 recklessly and maliciously damaging plaintiff's reputation, causing plaintiff emotional distress, and
12 tortiously interfering with plaintiff's current FAA, as well as future, employment and employment
13 prospects.

14 25. Defendant Carr engaged in a series of intentional, sustained, specific and purposeful
15 contacts with, inter alia, Arizona FAA CPC employee defendants John Does I -V, while acting in
16 concert with the same, in jointly planning and executing their malicious, reckless, and tortious attack
17 upon the character of the plaintiff.

18 26. The blogs of defendant author and publisher Carr was circulated and distributed
19 widely in Arizona as well as other areas and communities where plaintiff has a long-established
20 reputation for professional skill and ability, honesty, integrity, and good character.

21 27. On information and belief, defendants John Does I-V, Jane Does I-V, and ABC
22 Associations I-V have, inter alia, intentionally, maliciously, and with reckless disregard for the truth,
23 published false statements accusing and involving the plaintiff in the suicide of a former FAA CPC,
24 falsely accusing plaintiff of intentionally threatening and intimidating an FAA employee to such an
25 extent that the Developmental CPC decided to change career fields, and accused the plaintiff of want
26 of skill and integrity, lack of professional judgment, and dishonesty.

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1 28. Defendants jointly, and acting in concert, intentionally conspired with each other in an
2 attempt to destroy the plaintiff's business reputation and expose the plaintiff to contempt, hatred, and
3 ridicule.

4 29. Defendants John Does I-V, Jane Does I-V, and ABC Associations I-V, have
5 collectively, and at various times, threatened to "...do what they have to do..." if the FAA didn't cede
6 to their demands by taking improper job action(s) against the plaintiff.

7 30. On August 2, 2007, Plaintiff Gilding's immediate supervisor placed plaintiff on
8 administrative leave due directly to the tortious and improper activities of Defendants and removed
9 plaintiff from his position as Support Manager for Training.

10 31. Upon further investigation by the FAA, the malicious and false allegations by the
11 defendants were found to be without merit, and the plaintiff returned to operational duties several
12 weeks after being placed on administrative leave.

13 32. Although plaintiff has returned to work, he has not been allowed to resume his position
14 as Support Manager for Training, due to the malicious and intentional false portrayal of his character
15 and actions by defendants Carr, John Does I-V, Jane Does I-V, and ABC Associations I-V.

16 **FIRST CAUSE OF ACTION**
17 **Defamation**

18 33. All previous paragraphs of the Complaint are realleged as if set forth more fully
19 herein.

20 34. Defendants engaged in a series of false and defamatory communications (written and
21 verbal) about, and referring to, the plaintiff, with various individuals.

22 35. Defendants authored and published such statements with malice because they either
23 knew the statements to be untrue, or made the statements with reckless disregard for the truth.

24 36. Defendants published the defamatory statements during the period July and August of
25 2007.

26 37. The statements exposed the plaintiff to hatred, contempt, ridicule, and disgrace.
27

1 38. The statements were specifically intended to injure, and did injure, plaintiff in his
2 occupation and, therefore, are libel per se.

3 39. Plaintiff has suffered general, special, and punitive damages, in an amount to be
4 proven at trial.

5 40. Wherefore, plaintiff requests judgment against defendants as set forth below.
6

7 **SECOND CAUSE OF ACTION**
8 **Intentional Infliction of Emotional Distress**

9 41. All previous paragraphs of the Complaint are realleged as if set forth more fully
10 herein.

11 42. Defendants intentionally, or with reckless disregard, published a series of false
12 statements regarding the plaintiff.

13 43. Defendants' conduct was extreme and outrageous because the conduct exposed the
14 plaintiff to hatred, contempt, ridicule, disgrace and was intended as a personal attack and meant to
15 destroy the plaintiff's reputation.

16 44. Defendants' conduct was intentional and/or reckless in that it was intended to cause
17 the plaintiff severe emotional distress.

18 45. Defendants' conduct has, and continues to cause, the plaintiff severe emotional
19 distress.

20 46. Plaintiff has suffered both general, special, and punitive damages, in an exact amount
21 to be proven at trial.

22 47. Wherefore, plaintiff requests judgment against defendants as set forth below.

23 **THIRD CAUSE OF ACTION**
24 **Tortious Interference with Contract**

25 48. All previous paragraphs of the Complaint are realleged as if set forth more fully
26 herein.

27 49. Plaintiff's duties as an FAA manager included those of Support Manager for Training
for the Phoenix area facilities.

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50. Defendants knew of the plaintiff's status as Support Manager for Training.

51. Defendants intentionally and wrongfully interfered with plaintiff's job status and duties, causing the FAA to terminate plaintiff's status as training manager.

52. Defendants' conduct was improper as enumerated herein.

53. Plaintiff has suffered both general and special damages in an amount to be proven at trial.

54. Wherefore, plaintiff requests judgment against defendants as set forth below.

FOURTH CAUSE OF ACTION
Aiding and Abetting

55. All previous paragraphs of the Complaint are realleged as if set forth more fully herein.

56. On information and belief, defendants Carr, John Does I-V, Jane Does I-V, and ABC Associations I-V, inclusive, acting jointly and in concert, engaged in tortious conduct for which they are liable to the plaintiff.

57. Defendant Carr was aware that defendants John Does I-V, Jane Does I-V, and ABC Associations, I-V, inclusive, were going to engage in the tortious conduct and actually encouraged and facilitated the same.

58. Defendants provided substantial assistance, false information, and encouragement to each other, with the specific intent of promoting the tortious conduct.

59. Due to defendants' conduct as outlined in this cause of action, the plaintiff has suffered both general and special damages in an amount to be proven at trial.

60. Wherefore, plaintiff requests judgment against defendants as set forth below.

WHEREFORE, plaintiff requests judgment against defendants, and each of them, as follows:

1. Reasonable general, special, and punitive damages in excess of this Court's jurisdictional minimum;
2. Taxable costs,

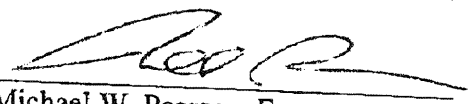
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3. For such other and further relief as the court considers just and proper.

Dated this 11th day of September, 2007.

CURRY, PEARSON & WOOTEN, P.L.C.



Michael W. Pearson, Esq.
Robert D. Wooten, Esq.
814 W. Roosevelt Street
Phoenix, Arizona 85007
Attorneys for Plaintiff

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M. KNOX
DEPUTY CLERK

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

JOHN GILDING, a married man,
Plaintiff,

v.

JOHN S. CARR, a married man, JOHN
DOES I-V and JANE DOES I-V, inclusive;
and ABC ASSOCIATIONS I-V, inclusive;
Defendant(s).

No. **CV2007-016329**

**PLAINTIFF'S CERTIFICATE
REGARDING COMPULSORY
ARBITRATION**

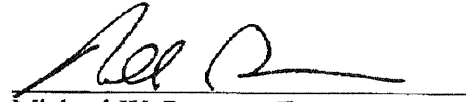
Plaintiff, by and through counsel undersigned, hereby certifies that the largest award sought by the complainant, including punitive damages, but excluding interest, attorneys' fees, and costs does exceed the limits set by Local Rule for compulsory arbitration. This case **IS NOT SUBJECT TO** the Uniform Rules of Procedure for Arbitration.

////

////

Dated this 6th day of September, 2007.

CURRY, PEARSON & WOOTEN, P.L.C.



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Robert D. Wooten, Esq.
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Phoenix, Arizona 85007
Attorneys for Plaintiff

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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
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and ABC ASSOCIATIONS I-V, inclusive;
Defendant(s).

No. **CV2007-016329**

NOTICE OF CHANGE OF JUDGE

(Honorable Janet Barton)

Plaintiff John Gilding, pursuant to the provisions of Rule 42(f), Ariz.R.Civ.P., hereby exercises the right to a change of judge in this matter. The name of the Judge to whom this matter is presently assigned and who is to be changed by virtue of this Notice is the Honorable Janet Barton.

Undersigned counsel for plaintiff hereby certifies that this Notice of Change of Judge is timely under the Rules, that the right to secure a change of judge by notice has not previously been waived, and that plaintiff has not previously been granted a change of judge as a matter of right in this case.

/////

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Dated this 13th day of September, 2007.

CURRY, PEARSON & WOOTEN, PLLC



Michael W. Pearson
814 W. Roosevelt Street
Phoenix, Arizona 85007
Attorneys for Defendants

Original of the foregoing filed
this 13th day of September, 2007, with:

Clerk of Court
201 W. Jefferson
Phoenix, Arizona 85003

Copy delivered to:

Honorable Janet Barton
201 W. Jefferson, Central Court Building-7A
Phoenix, Arizona 85003-2243

Copy of the foregoing mailed this
13th day of September, 2007, to:

John S. Carr
2600 Fairfield Drive
Avon Ohio 44011-4772
Defendant

