

SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

MARVIN L. STEWART an individual; DEBORAH ANN PETERSON, a.k.a. DEBORAH ANN COURTNEY, an individual; BARBARA COE, an individual; PAUL SIELSKI, an individual; BROOK YOUNG, an individual; CHELENE NIGHTENGALE, an individual; and DOES 1 - 100, inclusive,

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

JIM GILCHRIST, an individual

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 16 2008

ALAN SLATER Clerk of the Court

BY: D. SOUTHARD DEPUTY

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que la quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

ORANGE COUNTY SUPERIOR COURT
UNLIMITED JURISDICTION - CIVIL
700 CIVIC CENTER DR. WEST
P. O. BOX 836
SANTA ANA, CA 92702-0836

CASE NUMBER:
(Número del Caso)

10-2008
00105431

JUDGE FRANZ E. MILLER
DEP't. C62

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Mark S. Brown, Esq. SBN: 225511 (949) 443-1900

BROWN LAW FIRM
32072 Camino Capistrano
San Juan Capistrano, California 92675

D. SOUTHARD

DATE: APR 16 2008 ALAN SLATER Clerk, by _____ Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

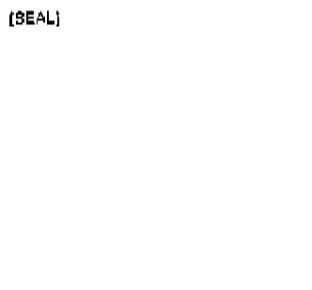
NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

- 3. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
- other (specify):

- 4. by personal delivery on (date):



1 **MARK STEVEN BROWN, ESQ., SBN 225511**
 2 **BROWN LAW FIRM**
 3 **32072 Camino Capistrano, 2nd Flr**
 4 **San Juan Capistrano, CA 92675**
 5 **Telephone: (949) 443-9100**
 6 **Attorneys for Plaintiff,**
 7 **JIM GILCHRIST**

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF ORANGE
 CENTRAL JUSTICE CENTER

APR 16 2008

ALAN SLATER, Clerk of the Court

BY: D. SOUTHARD, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL BRANCH

9 **JIM GILCHRIST, an individual,**)
 10 **Plaintiffs,**)
 11 **vs.**)
 12 **MARVIN L. STEWART an individual;**)
 13 **DEBORAH ANN PETERSON, a.k.a.**)
 14 **DEBORAH ANN COURTNEY, an**)
 15 **individual; BARBARA COE, an**)
 16 **individual; PAUL SIELSKI, an**)
 17 **individual; BROOK YOUNG, an**)
 18 **individual; CHELENE**)
 19 **NIGHTENGALE, an individual; and**)
 20 **DOES 1 - 100, inclusive,**)
 21 **Defendants.**)

30-2008
CASE NO. 00105431

COMPLAINT FOR

- 1. **DEFAMATION**
- 2. **INVASION OF PRIVACY**
- 3. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

DEMAND FOR A JURY TRIAL

JUDGE FRANZ E. MILLER
DEPT. C62

GENERAL ALLEGATIONS

24 1. This is an action seeking damages, declaratory and injunctive relief by Plaintiff **JIM**
 25 **GILCHRIST** (hereinafter sometimes referred to as "Plaintiff" or "Gilchrist") for defamation
 26 and related actions against Defendants

1 2. Plaintiff Jim Gilchrist is an individual and the founder of the Minuteman Project,
2 Inc., and at all times alleged herein resided and resides in Orange County, California.

3 3. Defendant Marvin L. Stewart (hereinafter "Stewart") is an individual who formerly
4 was a volunteer for the Minuteman Project, Inc. and claimed to be a member of the
5 corporation's board of directors. At all times alleged herein defendant Stewart resided in Los
6 Angeles County, California.

7 4. Defendant Deborah Ann Peterson a.k.a. Deborah Ann Courtney (hereinafter
8 "Peterson") is an individual who formerly was a volunteer for Minuteman Project, Inc. and
9 claimed to be a member of the corporation's board of directors. At all times alleged herein
10 defendant Peterson resided in Orange County, California.

11 5. Defendant Barbara Coe (hereinafter "Coe") is an individual who formerly was a
12 volunteer for of Minuteman Project, Inc. and who claimed to have been at various times a
13 member of the corporation's board of directors. At all times alleged herein defendant Coe
14 resided in Orange County, California.

15 6. Defendant Paul Sielski (hereinafter "Sielski") is an individual and at all times
16 alleged herein resided and resides in Orange County, California.

17 7. Defendant Brook Young (hereinafter "Young") is an individual and at all times
18 alleged herein resided and resides in Los Angeles County, California.

19 8. Defendant CHELENE NIGHTENGALE (hereinafter "Nightengale") is an
20 individual and at all times alleged herein resided and resides in Orange County, California.

21 9. The true names and capacities of the defendants sued herein as DOES 1 through 100
22 are unknown to Plaintiffs at this time and are therefore sued by such fictitious names.
23 Plaintiffs will amend this Complaint to allege the true names and capacities of DOES 1
24 through 100 when Plaintiff knows them. Plaintiffs are informed and believe that each of the
25 DOE defendants is in some manner legally responsible for the actions alleged herein.

26 10. On information and belief, Plaintiffs allege that each defendant, including those
27 sued herein as DOES 1-100, was acting as an agent, representative, aider-and-abettor, co-
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1 conspirator, and/or the alter ego of every other defendant and/or other persons in doing the
2 acts described in this Complaint, and at all relevant times was acting within the course and
3 scope of such agency, representation, aiding-and-abetting, conspiracy, and/or alter ego
4 capacity in doing the acts described herein.

5 11. Since its founding, Minuteman has been organized and spearheaded primarily by
6 its original founder and public face, Plaintiff Gilchrist. Plaintiff Jim Gilchrist has served as
7 the sole member of the board of directors since on or about September 1, 2005. Sometime
8 thereafter Minuteman created an advisory board. Defendants Stewart, Peterson, Coe, and
9 Plaintiffs Jim Gilchrist and Eichler served with two others: Sandy Gilchrist and Time Bueler
10 as directors of the advisory board.

11 12. Within the last year, Defendants Stewart, Peterson, Coe, Paul Sielski, Brook
12 Young, Chelene Nightengale and DOES 1-100, with knowledge of falsity and with malice
13 and intent to harm Plaintiff Gilchrist made false statements of fact to third parties about
14 Plaintiffs, and each of them, to the effect that corporate funds were being misused,
15 embezzled, and that theft and fraud was being committed by the Plaintiffs, Gilchrist, and
16 Eichler. Defendants, and each of them, made these statements with malice and intent to harm
17 Plaintiff.

18 FIRST CAUSE OF ACTION

19 DEFAMATION

20 (BY PLAINTIFF AGAINST ALL DEFENDANTS)

21 13. Plaintiffs incorporate each and every allegation contained in Paragraphs 1 through
22 12 above, as though fully set forth herein.

23 14. Within the last year Defendants, and each of them, published statements to third
24 parties about Plaintiff, to the effect that corporate funds were being misused, embezzled, and
25 that theft and fraud had and was being committed by Plaintiff, Gilchrist, that he had lied and
26 been professionally dishonest, committed perjury and had committed crimes. Also within the
27 last year, Defendants, and each of them, published statements to third parties about Plaintiff,
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1 to the effect that he had been paid compensation for the endorsement of U.S. Presidential
2 candidate Mike Huckabee. Also within the last year, Defendants, and each of them,
3 published photographs of Plaintiff with the word "FRAUD" emblazoned across his face.

4 15. The statements referred to Plaintiffs by name throughout, were made of and
5 concerning Plaintiff, and were so understood by those who heard them.

6 16. The entire statements are false as they pertain to Plaintiff.

7 17. The statements were not privileged in any manner.

8 18. The statements are defamatory on their face. They clearly expose Plaintiffs to
9 hatred, contempt, ridicule and obloquy as they charge Plaintiffs with having committed crimes.

10 19. The statements were widely disseminated, being published in website mass e-
11 mailings, and the like, in addition to having been expressed orally.

12 20. As a proximate result of the above-described publication, Plaintiff has suffered loss
13 of reputation, shame, mortification, and injury to feelings, all to his damage in an amount
14 according to proof at trial.

15 22. Plaintiff has suffered special damages including but not limited to loss of earning
16 capacity.

17 23. The above-described publication was not privileged because it was published by
18 Defendants with malice, hatred and ill will toward Plaintiff and the desire to injure him, in that
19 Defendants had expressed a desire to harm the individual Plaintiffs in part because of personal
20 animus for refusing to follow Defendants' will regarding the operation of the corporation and/or
21 to illicitly seize control of the corporation for their personal benefit. Because of Defendants'
22 malice in publishing, plaintiff seeks punitive damages an amount to be established by proof at
23 trial.

24 **SECOND CAUSE OF ACTION**

25 **INVASION OF PRIVACY**

26 **(BY PLAINTIFF AGAINST ALL DEFENDANTS)**

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1 24. Plaintiffs incorporate each and every allegation contained in Paragraphs 1 through
2 23 above, as though fully set forth herein.

3 25. Within the last year, Defendants and each of them published on the internet
4 Plaintiff's residence address and a photograph of his California driver's license accompanied
5 with defamatory and inflammatory matter about Plaintiff. At times such disclosure of
6 information (Plaintiff's residence address, driver's license and photograph) was accompanied
7 by incitement to violence against Plaintiff.

8 26. By doing the afformentioned acts, Defendants, and each of them, intentionally
9 made a public disclosure of private facts and intruded upon the privacy of Plaintiff.

10 27. Plaintiff's personal address and driver's license were not newsworthy matter.

11 28. Such acts would be highly offensive to a reasonable person, including but not
12 limited to, because they incite hatred against Plaintiff, identify his whereabouts and provide a
13 photograph of him, causing potential physical harm to Plaintiff and fear in Plaintiff of potential
14 physical harm.

15 29. As a proximate result of the above-described publication, Plaintiff has suffered
16 emotional distress, all to his damage in an amount according to proof at trial.

17 30. Plaintiff has suffered special damages including but not limited to loss of earning
18 capacity.

19 31. The above-described publication was not privileged because it was published by
20 Defendants with malice, hatred and ill will toward Plaintiff and the desire to injure him, in that
21 Defendants had expressed a desire to harm the individual Plaintiffs in part because of personal
22 animus for refusing to follow Defendants' will regarding the operation of the corporation and/or
23 to illicitly seize control of the corporation for their personal benefit. Because of Defendants'
24 malice in publishing, plaintiff seeks punitive damages an amount to be established by proof at
25 trial.

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THIRD CAUSE OF ACTION

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)**

32. Plaintiff refers to paragraphs 1 through 21, inclusive, and by this reference incorporate said paragraphs as though fully set forth herein.

33. The conduct of Defendants, and each of them as hereinabove alleged, was outrageous and beyond the bounds of decency such that no reasonable person could be expected to endure it.

34. Plaintiff is informed and believes, and thereon alleges, that the actions of Defendants, and each of them, as aforesaid, were intentional, extreme, and outrageous. Plaintiff is further informed and believes, and thereon alleges, that such actions were done with the intent to cause serious emotional distress or with reckless disregard of the probability of causing Plaintiff serious emotional distress.

35. As a direct, legal and proximate result of the acts of Defendants, and each of them, as aforesaid, Plaintiff, sustained serious injuries to his person, all to his damage in an amount to be shown according to proof and within the jurisdiction of this Court.

36. As a direct, legal and proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff suffered special damages including a loss earning capacity according to proof.

37. Plaintiff is informed and believe that the aforesaid acts directed towards the Plaintiff were carried out with a conscious disregard of Plaintiff's right to be free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California Civil Code Section 3294, entitling Plaintiff to punitive damages in an amount appropriate to punish and set an example of Defendants.

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PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS PRAY AS FOLLOWS:


- 1. General damages in excess of in an amount according to proof at trial;
- 2. Special damages according to proof at trial;
- 3. Punitive damages;
- 4. Preliminary and permanent injunctive relief;
- 5. Reasonable attorneys' fees and the costs of this action; and
- 6. Such other relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demands trial by jury in this action of all issues properly triable by

DATED: April 16, 2007

BROWN LAW FIRM

By: 
 Mark S. Brown, Esq.
 Attorneys for Plaintiff,
 Jim Gilchrist

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, title, telephone number, and address):
 Mark S. Brown, Esq. SBN: 225511
 BROWN LAW FIRM
 32072 Camino Capistrano
 2nd Floor
 San Juan Capistrano, California 92675
 TELEPHONE NO.: (949) 443-1900 FAX NO.: (949) 443-1904

ATTORNEY FOR (Name):
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange
 STREET ADDRESS: 700 Civic Center Drive West
 MAILING ADDRESS:
 CITY AND ZIP CODE: Santa Ana, CA 92702
 BRANCH NAME: Central Branch

CASE NAME: Gilchrist v. Stewart, et al.

FOR COURT USE ONLY

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF ORANGE
 CENTRAL JUSTICE CENTER

APR 16 2008

ALAN SLATER, Clerk of the Court

BY: D. SOUTHARD, DEPUTY

CASE NUMBER:
30-2008

JUDGE:
00105431

DEPT:

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PII/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PII/PD/WD (23)</p> <p>Non-PII/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input checked="" type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PII/PD/WD tort (36)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p>	<p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (06)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p>	<p>Provisionally Complex-Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p>
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. Large number of separately represented parties d. Large number of witnesses

b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court

c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 16, 2008
 Mark S. Brown, Esq. SBN: 225511
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.