Anh Jung 2200 E Williamsfield Road, #200 Gilbert, AZ 85295 Pro Per

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

ANH JUNG,

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Plaintiff,

v. Case No.: CV2025-017755

NICOLAS LEVI DWYER, et al.,

MOTION TO DISQUALIFY MULCAHY LAW FIRM, P.C. FROM REPRESENTING DEFENDANT CRYSTAL GLAIM

Defendants.

INTRODUCTION AND STATEMENT OF RELIEF SOUGHT 2 3 Plaintiff, Anh Jung, respectfully moves this Court for an order disqualifying Mulcahy Law 4 Firm, P.C. ("Mulcahy") from representing Defendant Crystal Glaim in this action. This motion is 5 brought under the Arizona Rules of Professional Conduct, relevant Arizona case law, and the State 6 Bar of Arizona's "Eye on Ethics" guidance. Mulcahy's representation of Glaim presents a direct and unwaivable conflict of interest, authorized through a process marred by coercion, lack of 7 8 informed consent, and the improper involvement of interested board members who are themselves defendants in this case. 9

The Power Ranch Community Association, an Arizona nonprofit represented by Mulcahy¹, has interests that are materially adverse to those of Glaim in this litigation, which centers on allegations of personal misconduct and actions taken beyond the scope of any legitimate board authority. Notably, Plaintiff Jung—also a member of the Association's board² and thus a constituent under ER 1.13—was excluded from the vote to retain Mulcahy, while Defendants Rotta and Stone participated in and benefited from the vote. This undermines both the ethics of the representation and the legitimacy of any purported consent.

Accordingly, Plaintiff respectfully requests that the Court disqualify Mulcahy Law Firm, P.C. from representing Glaim in this matter and grant such other relief as the Court deems appropriate.

FACTUAL BACKGROUND

A. Parties and Representation

The Power Ranch Community Association is an Arizona nonprofit³ governed by a board of directors. Mulcahy Law Firm, P.C. serves as general counsel for the Association. The Association is not a named defendant. Defendant Crystal Glaim is a former board member named as an

¹ Meeting Minutes May 5, 2025, Exhibit A1

 $^{^2}$ Arizona 2024 Corporate Filing, and Power Ranch website (https://mypowerranch.com/159/Board-of-Directors) Board of Directors, $\it Exhibit\,A2$

³ Arizona Corp Commission Entity, Power Ranch, Exhibit A3

- individual defendant in this matter, which includes claims for defamation, false light, tortious 25 26 interference, civil conspiracy, and other torts.
- Plaintiff Jung was a duly elected member of the board when the decision to retain counsel 27 for Glaim was made. 28
- Despite being a constituent of the Association under ER 1.13, Jung was excluded from the 29 meeting where the retention of Mulcahy for Glaim was authorized. 30
- Defendants Jennifer Rotta and Michael Stone, as individuals, both named in this suit, 31 participated in the vote to approve representation. 32
- Glaim resigned from the board on December 9, 2024⁴. 33
- The "Save Power Ranch" website⁵, social media⁶ campaigns and flyer distribution were launched around April 1, 2025, long after Glaim's resignation. 35

A. Deficient Process and Coercion

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The authorization process was defective. Board members were not provided the Complaint or meaningful information regarding the nature of the claims or the risks associated with dual representation. Instead, the vote was rushed under pressure, undermining the board's ability to act independently and responsibly.

⁴ Meeting Minutes, December 9, 2024, Exhibit A4

⁵ Whois, Save Power Ranch Website, Exhibit A5

⁶ Save Power Ranch Facebook page creation date, *Exhibit A6*

B. Participation of Interested Directors

Directors Rotta and Stone, both individually named in the suit, voted on the decision to retain Mulcahy. Their participation constitutes self-dealing and violates fiduciary obligations. Arizona law requires directors with personal stakes in a matter to recuse themselves to preserve decision-making integrity.

C. Invalidity of Any Purported Waiver

Waiver of conflict under Arizona ethics rules must be informed and voluntary. Consent obtained through misinformation or participation of conflicted parties is invalid. *Ethics Opinion* 07-04 emphasizes that dual representation involving potential adversity is fraught with peril and often non-waivable, especially where the process is coercive or procedurally defective.

D. Prejudice to the Integrity of the Proceedings

These defects are not procedural technicalities. The integrity of this litigation—and public confidence in it—depends on the ethical propriety of counsel. Allowing Mulcahy to represent Glaim under these conditions threatens fairness and violates professional responsibility norms.

LEGAL ARGUMENT

I. The Conflict of Interest Is Material and Unwaivable Under Arizona Law

ER 1.7 bars dual representation where interests are directly adverse. The Amended Complaint alleges personal acts by Glaim—such as the defamatory Save Power Ranch campaign—committed <u>after</u> her resignation, in coordination with non-board members, and

entirely outside board authority. These facts show direct, material adversity between her and the Association.

The "Eye on Ethics" article⁷ and Ethics Opinion 07-04 warn that conflicts in such circumstances are typically non-waivable, especially when involving litigation, post-resignation misconduct, and personally motivated actions.

II. Lack of Informed Consent and Procedural Defects Render Any Purported Waiver Invalid

Informed consent requires disclosure of material facts, time to deliberate, and absence of coercion. Here, board members were denied necessary documents⁸, pressured to act⁹, and the vote was influenced by self-interested directors. Arizona law deems such consent invalid. In *Alexander v. Superior Court*, a key authority on the duty of loyalty and the management of conflicts of interest in the context of attorney representation. In Canon School Dist., the court relied on Alexander to reinforce the principle that, in the event of a conflict, a lawyer owes primary responsibility to a long-standing client, and the other client should obtain separate counsel. The court explained that an attorney cannot represent clients with directly adverse interests in litigation, and that even the appearance of divided loyalty is intolerable. The duty of loyalty is paramount, and a tribunal should not permit an attorney to discredit one client in order to advocate

⁷ State Bar of Arizona. Eyes on Ethics, David D. Dodge. (2019) (https://www.myazbar.org/AZAttorney/PDF_Articles/1119EyeonEthicsweb.pdf)

⁸ Evidence of Lack of Informed Consent - Declarations by Non-Defendant Board members, Non-service Affidavits Rotta and Stone – *Exhibit A7*

⁹ Coercion and Lack of Understanding of Multiple Representation – Exhibit A8

for another in the same or a related proceeding. This is especially true where the attorney's actions could cause the client to question the attorney's loyalty or the integrity of the representation.¹⁰

III. Continued Representation Would Prejudice the Integrity of the Proceedings

Mulcahy's exclusive access to confidential Association information combined with a clear conflict jeopardizes the fairness of this litigation. The potential for misuse of confidential information is substantial, not speculative. Representation must be impartial and independent—standards Mulcahy cannot meet here.

IV. Policy Considerations and the Need for Disqualification

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Legal ethics and public policy prioritize loyalty, transparency, and conflict-free representation. Representation of both the entity and a former director accused of personal misconduct undermines these principles and risks the appearance—and reality—of impropriety.

REQUEST FOR DISQUALIFICATION

- 89 For these reasons, Plaintiff respectfully requests that the Court:
- Enter an order disqualifying Mulcahy Law Firm, P.C. from representing Defendant Crystal
 Glaim;
 - 2. Prohibit further participation by Mulcahy on Glaim's behalf in this action;

 $^{^{10}}$ Alexander v. Superior Court, 141 Ariz. 157, 163, 685 P.2d 1309, 1315 (1984); Canon School Dist. v. W.E.S. Const. Co. 1994, Ariz. Ct. App., 177 Ariz. 431

3. Grant any other relief the Court deems appropriate and just. 93 If necessary, Plaintiff requests that the Court set this matter for a hearing to resolve any factual 94 disputes related to this motion. 95 96 Respectfully submitted this 18th day of June, 2025. 97 98 /s/ Anh Jung 99 Anh Jung Plaintiff, Pro Per 100 2200 E Williamsfield Road, #200 101 102 Gilbert, AZ 85295 103 104 Attachments: 105 Exhibits A1-8 106 Notice of Appearance 107 First Amended Complaint, Filed 6/16/25 108 109 **COPIES** of the foregoing mailed This 18th day of June, 2025 to: 110 111 112 MULCAHY LAW FIRM, PC 113 3001 E Camelback Rd, Ste 130 114 Phoenix, AZ 85016 115 For Defendant Crystal Glaim 116 117 Rochelle Billeter 118 4271 S Splendor Court, 119 Gilbert, AZ 85297

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Defendant

EXHIBIT 'A1'



Open Board Meeting – Emergency Session Carriage House Monday, May 5, 2025 7:00 PM

Members Present: Ken Starks (President); Anh Jung (Vice President); Jeremy Harger (Treasurer); Kristi Kisler (Secretary); Mike Stone; Jennifer Rotta; and Katherine Wick.

Members Absent: None

Management Present: Margaret Troyer (Executive Director); and Lisa Capriotti (Vice President, Community

Operations).

Homeowners Present: In Person: 45 ZOOM: 27

I. Call to Order: 7:12 PM

Mr. Starks announced that CHDB Law has terminated its general counsel agreement with PRCA, effective immediately. As a result, the Board is convening an emergency meeting to select a new law firm to represent the Association. A working session was held immediately prior to this emergency open session to interview representatives from three law firms:

Charles Sellers, Maxwell & Morgan Beth Mulcahy, Mulcahy Law Firm Clint Goodman, Goodman Law Firm

MOTION: Ms. Kisler made a motion and Ms. Rotta seconded, to accept Maxwell & Morgan as the general counsel for the Association. After Board and homeowner discussion, the motion failed with a 3 – 4 vote, with Mr. Starks, Ms. Jung, Ms. Wick, Mr. Hager voting Nay.

MOTION: Ms. Wick made a motion and Mr. Starks seconded, to accept Mulcahy Law Firm as the general counsel for the Association. Motion passed with a 6-1 vote, with Ms. Kisler voting Nay.

II. Adjournment: Motion to adjourn by Ms. Wick, seconded by Ms. Jung. Unanimously approved. Adjourned at 8:00 PM

Respectfully submitted,

Margaret Troyer

Executive Director

EXHIBIT 'A2'

2024 ANNUAL REPORT

ENTITY INFORMATION

ENTITY NAME: POWER RANCH COMMUNITY ASSOCIATION

ENTITY ID: 09663380

ENTITY TYPE: Domestic Nonprofit Corporation

CHARACTER OF BUSINESS: Other - Other - HOMEOWNERS ASSOCIATION

AUTHORIZED SHARES:

ISSUED SHARES:

STATUTORY AGENT INFORMATION

STATUTORY AGENT NAME: CAPITAL CONSULTANTS MGMT CORP

PHYSICAL ADDRESS: 8360 E VIA DE VENTURA BL SUITE L-100, SCOTTSDALE,

AZ 85258

MAILING ADDRESS: 8360 E VIA DE VENTURA BL SUITE L-100, SCOTTSDALE,

AZ 85258

KNOWN PLACE OF BUSINESS

8360 E VIA DE VENTURA #L-100, SCOTTSDALE, AZ 85258

PRINCIPAL OFFICE ADDRESS

PRINCIPAL INFORMATION

Director: Anh Jung - 4546 E HAVEN CREST DR, GILBERT, AZ, 85297, USA - - Date of Taking Office: 07/17/2024

Director: Jennifer Rotta - 4546 E HAVEN CREST DR, GILBERT, AZ, 85297, USA - - Date of Taking Office: 02/22/2024

Director: Ken Starks - 4546 E HAVEN CREST DR, GILBERT, AZ, 85297, USA - - Date of Taking Office: 02/22/2024

President: Gordon Engstrom - 4546 E HAVEN CREST DRIVE, GILBERT, AZ, 85297, USA - - Date of Taking Office: 07/17/2024

Secretary: Crystal Galim - 4546 E HAVEN CREST DR., GILBERT, AZ, 85297, USA - - Date of Taking Office: 01/29/2024

Treasurer: Matthew Harrison - 4546 E HAVEN CREST DR, GILBERT, AZ, 85297, USA - - Date of Taking Office: 06/24/2024

Vice-President: Mike Stone - 4546 E HAVEN CREST DRIVE, GILBERT, AZ, 85297, USA - - Date of Taking Office: 02/22/2024

SIGNATURE

President: Gordon Engstrom - 10/29/2024

EXHIBIT 'A3'

ENTITY INFORMATION Search Date and Time: 6/17/2025 9:47:18 PM **Entity Details Entity Name:** POWER RANCH COMMUNITY ASSOCIATION **Entity ID:** 09663380 **Entity Type:** Domestic Nonprofit Corporation **Entity Status:** Active **Formation Date:** 10/17/2000 Reason for Status: In Good Standing **Approval Date:** 10/17/2000 **Status Date:** 10/29/2024 **Original Incorporation Date:** 10/17/2000 Life Period: Perpetual **Business Type:** Other - Other - HOMEOWNERS ASSOCIATION **Last Annual Report Filed:** 2024 **Domicile State:** Arizona

Annual Report Due Date:

10/17/2025

Orio	inal	Pub	lish	Date:

11/20/2000

Statutory Agent Information

Name:

CAPITAL CONSULTANTS MGMT CORP

Appointed Status:

Active

Attention:

Address:

8360 E VIA DE VENTURA BL SUITE L-100 , SCOTTSDALE, AZ 85258, USA

Agent Last Updated:

10/29/2024

E-mail:

Attention:

Mailing Address:

8360 E VIA DE VENTURA BL SUITE L-100 , SCOTTSDALE, AZ 85258, USA

County:

Maricopa

Principal Information

Title	Name	Attention	Address	Date of Taking Office	Last Updated
Director	Anh Jung		4546 E HAVEN CREST DR, GILBERT, AZ, 85297, Maricopa County, USA	7/17/2024	10/29/2024
Director	Ken Starks		4546 E HAVEN CREST DR, GILBERT, AZ, 85297, Maricopa County, USA	2/22/2024	10/29/2024
Director	Jennifer Rotta		4546 E HAVEN CREST DR, GILBERT, AZ, 85297, Maricopa County, USA	2/22/2024	10/29/2024
Vice- President	Mike Stone		4546 E HAVEN CREST DRIVE, GILBERT, AZ, 85297, Maricopa County, USA	2/22/2024	10/29/2024
Secretary	Crystal Galim		4546 E HAVEN CREST DR., GILBERT, AZ, 85297, Maricopa County, USA	1/29/2024	10/29/2024

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< Previ	ious 1	2 Next > Page 1 of 2	, records 1 to 5 of 7	Go to Page
Address	•			
Attentio	n:			
Address	: 8360 E VIA DE VEN	TURA #L-100, SCOTTSDALE, AZ	, 85258, USA	
County:	Maricopa			
Last Upo	dated: 10/29/2024			
Entity Pi Attention Address County: Last Upo	:	ss		
Back	Return to Search		Document History	Name/Restructuring History

Return to Results

Pending Documents

Microfilm History

EXHIBIT 'A4'



Open Meeting Minutes
The Barn
4546 E. Haven Crest Drive
December 9, 2024, at 6:30
PM

Members Present: Gordon Engstrom, President

Mike Stone, Vice-President Crystal Glaim, Secretary Anh Jung, Director Ken Starks, Director Jennifer Rotta, Director Kristi Kisler, Director

Members Absent:

CCMC Management: Jenna Perkins, Senior Vice-President of Community Operations

Michelle Sacco, Community Operations Manager

Margaret Troyer, Executive Director Corey Miller, Community Manager Jerob Moon, Communications Manager Brianna Presto, Operations Coordinator

Residents Present: Approximately 60 homeowners were in person and 7 on Zoom.

Call to Order

The meeting was called to order at 6:44 PM.

Consent Agenda
Board Meeting Minutes
September 23
October 28
November 14

Mr. Engstrom motioned to approve the minutes from September, October and November. Ms. Kisler motioned to amend the minutes from November 14, 2024 to correct the increase amount for the Village dues for 2025 from 21 % to 20 %. Motion seconded by Ms. Rotta. Carried unanimously.

Wall Repair

Mr. Engstrom motioned to approve the wall repair work to be completed. Motion seconded by Ms. Rotta. Carried unanimously.



New Business

Woodcrest East Monument Sign

Mr. Engstrom motioned to deny the plans for the monument sign and requested the developer resubmit the plans for the signage within the guidelines. Motion seconded by Ms. Kisler. Mr. Starks and Ms. Jung abstained.

Committee Member Removal

Mr. Starks motioned to remove Dustin Zawalich from the DRC committee as he has missed more than 3 meetings. Ms. Kisler seconded the motion. Carried unanimously.

Ms. Kisler motioned to remove Ms. Jung from the Budget and Finance committee based on a lack of confidence and fidelity. Ms. Glaim seconded the motion. Ms. Glaim amended the motion requesting the Board stick to the Agenda and Packet. Mr. Engstrom seconded the motion. Motion carried 4-1-2 with Ms.Rotta abstaining and, Mr. Starks and Ms. Jung voted against the motion.

Board Code of Ethics

Mr. Engstrom motioned to approve the Board Code of Ethics policy. This policy is effective immediately. Motion was seconded by Ms. Kisler. Ms. Jung and Mr. Starks voted against the policy. Motion carried 5-2.

2025 Annual Election Online Voting Platform

The Board discussed two bids regarding the online voting platform for the 2025 annual meeting. The two bids are Election Buddy and Vote HOA Now. The cost for Vota HOA Now was \$2040.00 and Election Buddy was \$1300.00. Mr. Engstrom motioned to approve Election Buddy. Motion seconded by Mr. Starks. Motion carried unanimously.

Annual Meeting and Election Policy

The Board discussed a new policy for the annual meeting and elections. Mr. Engstrom motioned to approve the policy. Motion seconded by Ms. Kisler. Mr. Stone motioned to amend to approve the policy adding a clause stating proof of ownership be submitted with all applications. Ms. Jung also motioned to amend the policy changing "May" to "Must" vet all candidates within 48-72 hours from receipt of applications. Motion carried unanimously.

Bids for Access Systems- Expedited Process

Mr. Engstrom motioned to approve CCMC to collect bids and prepare a RFP for the access system to be replaced. The bid from CCMC is for \$1200. Motion seconded by MR. Starks. Mr. Engstrom motioned to amend the bid to include security cameras as well. Motion was seconded by Mr. Starks. Motion carried unanimously.

Knolls Residential Tree Trimming

The Board discussed the 2024 October proposal to trim 142 resident trees in the Knolls. The cost is \$16,000.00 and will come from the Knolls 2024 budget. Mr. Engstrom motioned to approve the tree trimming. Motion seconded by Mr. Stone. Motion carried 6-0-1 with Ms. Jung abstaining.

January 2025 Master Tree Trimming

The Board discussed the trimming of 264 trees in the vineyards. Mr. Engstrom motioned to approve. Motion seconded by Mr. Starks. Motion carried unanimously.



Oversii 2025 Rate Change

The Oversii rate increase was added to the agenda to discuss the increase for 2025. Prior to the meeting Mr. Miller spoke with Oversii and they were able to come to a agreement to not raise the rates for Power Ranch in 2025. Therefore the community is saving \$6,600 in 2025. There was no vote on this matter.

Old Business

Sidewalk Repair

The Board discussed the previous inspection that determined there are 2,178 trip hazards throughout the community sidewalks. There were 3 bids submitted, Precision Concrete Cutting for \$225,236.81, Arizona Experts for \$172,500.00 and AZ Spruce up for \$53,905.50. Mr. Engstrom motioned to approve the bid from AZ Spruce Up and to allow CCMC to spend up to a additional \$5,000 and catalog any necessary slab replacements. Motion seconded by Ms. Glaim. Motion carried unanimously.

Water Reduction Plan

The landscape committee proposed a plan for community water reduction. Phase one would be removing 111 cottonwood trees, converting selected areas of turf to granite and nozzle conversions for sprinkler heads. Capital Improvement funds will fund the plan and will cost \$243,301.00. Ms. Glaim motioned to approve the plan. Motion carried 6-0-1 with Ms. Jung abstaining.

Tree Trimming- November and December 2024

Mr. Engstrom motioned to approve the November and December budgeted tree trimming. Motion seconded by Mr. Starks. Motion carried unanimously.

Rules Governing Open Meeting Participation

Mr. Engstrom motioned to approve a policy for residents to participate via Zoom and in person. This policy states 3 people to talk on both sides for and against the topic at hand. Motion seconded by Ms. Kisler. The motion was carried out 6-1, with Ms. Jung voting no.

Adoption of Memorial Policy

Mr. Engstrom motioned to adopt the new policy regarding memorials in the community. Motion seconded by Ms. Rotta. Motion carried 6-1, with Mr. Starks voting no.

Collections Company

- Maxwell & Morgan and PMB: These firms operate on a traditional billing model, where the
 association is invoiced directly on a monthly basis for all fees and costs incurred. The association
 must pay these bills in line with the terms of the contract, resulting in an upfront expense to the
 association.
- **CHDB**: This firm provides a plan deferring legal fees until a triggering event. Under this structure, the association only covers direct costs, while legal fees are billed when a specified event occurs, allowing for reduced upfront expenses.

After considering all 3 options the Board voted to continue to use CHDB for collections. This contract will be for 1 year. Mr. Engstrom motioned to approve CHDB. Motion seconded by Ms. Kisler. Motion passed 6-1 with Ms. Jung voting no.



Village Update

Approval of Parking Policy and Parking Letter to Homeowners

Ms. Kisler motioned to approve the new parking policy in the village and to approve the letter that will be sent to homeowners regarding the parking policy. Motion seconded by Mr. Starks. Motion carried unanimously.

DRC Update

Approval of DRC Survey Questions, Request for Mr. Starks to collect bids for new paint palettes and Approval of revised Guidelines.

- Mr. Starks motioned to approve the DRC survey to be sent to the community. Motion seconded by MS. Rotta. Motion carried unanimously.
- Mr. Starks motioned to approve a request to collect bids for new paint palettes. Motion seconded by Ms. Glaim. Motion carried unanimously.
- Mr. Starks motioned to approve the revised guidelines. Motion seconded by Ms. Rotta. Mr. Engstrom motioned to amend and approve after reviewed by legal. Motion seconded by Mr. Stone. Motion carried unanimously.

Board Update

Mr. Engstrom shared the quarterly dues for the master for 2025 will remain at \$348.75. The Knolls neighborhood will have a 6% increase and The Village will have a 20 % increase for 2025.

Board Member Appointment

Mr. Engstrom motioned to allow Ms. Glaim to appoint her replacement on the Board. Motion seconded by Mr. Stone. Motion carried unanimously. Ms. Glaim motioned to appoint Annette Anderson to serve the remainder of the term. Motion seconded by Mr. Engstrom. Motion carried unanimously.

Board Member Discussion

Mr. Engstrom announced he will run for the Board again in 2025.

Meeting Adjourned at 10:33 PM.

Respectfully Submitted,



Respectfully Submitted,

EXHIBIT 'A5'

savepowerranch.com

Updated 1 second ago 🗘

Domair	n Information
Domain:	savepowerranch.com
Registered On:	2025-04-01
Expires On:	2026-04-01
Updated On:	2025-04-01
Status:	client delete prohibited client transfer prohibited
Name Servers:	ns-cloud-e1.googledomains.com ns-cloud-e2.googledomains.com ns-cloud-e3.googledomains.com ns-cloud-e4.googledomains.com

Registrar Information	
Registrar:	Squarespace Domains LLC
IANA ID:	3827
Abuse Email:	abuse-complaints@squarespace.com
Abuse Phone:	1-646-693-5324

Registi	rant Contact
Organization:	TGIQ, LLC
State:	AZ
Country:	US

Administrative Contact

Organization: TGIQ, LLC

State: AZ

Country: US

Technical Contact

Organization: TGIQ, LLC

State: AZ

Country: US





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savepowerfarm.com Buy Now

.space

\$29.88 **\$1.18**



BUY NOW

.ONLINE @ \$5.28 \$39.88

*while stocks last



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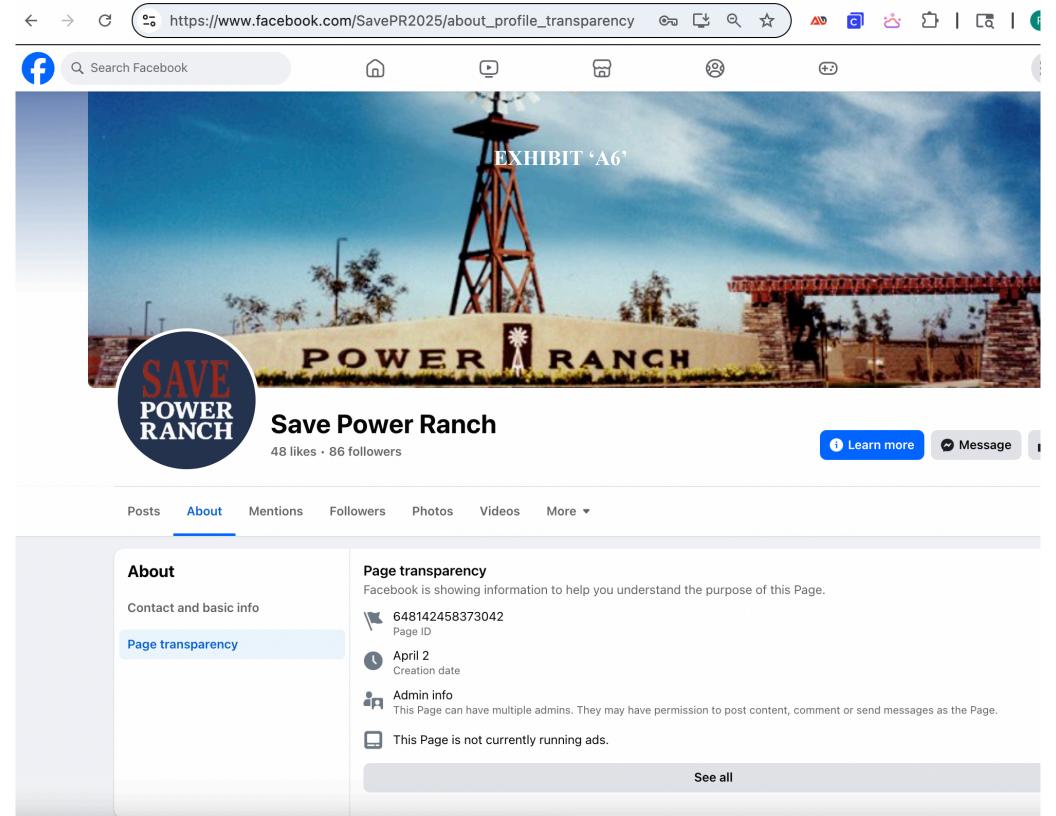
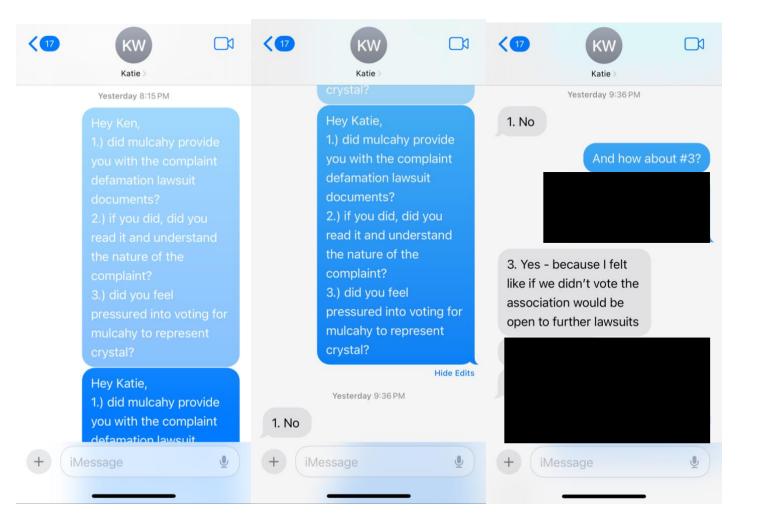
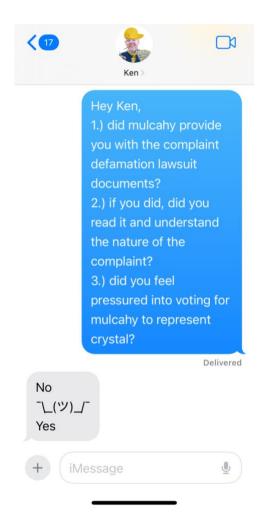


EXHIBIT 'A7'

Board Member, Director Katie Wik's Declaration







SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

ANH JUNG Plaintiff,

Vŝ.

Case No.: CV2025-017755

NICHOLAS LEVI DWYER, et al.

NON-SERVICE DECLARATION

Defendant,

Came to hand on 5/23/2025 at 3:39 PM a true copy of the below referenced documents.

The undersigned is over the age of 18 years and not a party to the action. The undersigned is qualified and appointed under ARCP §4 (d) & §4(e) to serve legal process within the State of Arizona.

Upon: JENNIFER ROTTA

At: 3893 S STALLION DR, GILBERT, AZ 85297

NON-SERVED on 06/10/2025 at 10:20 AM the SUMMONS; APPLICATION FOR TEMPORARY RESTRAINING ORDER; COMPLAINT OF DEFAMATION, SLANDER, LIBEL, FALSE LIGHT INVASION OF PRIVACY; EXHIBITS; CERTIFICATE OF COMPULSORY

05/27/2025 7:00 PM 3893 S STALLION DR, GILBERT, AZ 85297 Server received no answer at the door after repeated knocking. There was a green Jeep in the driveway with AZ plate CEE6323.

05/28/2025 2:11 PM 3893 S STALLION DR, GILBERT, AZ 85297 There was no answer at the door after repeated knocking. The same Jeep was present and seemed unmoved since the last attempt.

06/01/2025 9:24 AM 3893 S STALLION DR, GILBERT, AZ 85297 Server received no answer at the door after repeated knocking. Dogs were present inside the home. There was a red 4Runner with AZ plate JUS4ADV.

06/10/2025 10:20 AM 3893 S STALLION DR, GILBERT, AZ 85297 There was no answer at the door after repeated knocking. Server heard multiple dogs inside the home. The same Jeep was present as well as another with AZ plate 4X4TOAD. A check withthe Maricopa County Assessor site reports the property to Rotta Family Living Trust.

I declare under penalty of perjury under the laws of the State of Arizona that the foregoing information contained in the Proof of Service is true and correct. [ARCP Rule 80(c)]

SIGNED,

FEMIA PITTMAN,

Client File #:

Job Number: 56696 Private Process Server ID # MC9082, MARICOPA County



SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

ANH JUNG Plaintiff,

vs. Case No.: CV2025-017755

NICHOLAS LEVI DWYER, et al.

NON-SERVICE DECLARATION

Defendant,

Came to hand on 5/23/2025 at 3:35 PM a true copy of the below referenced documents.

The undersigned is over the age of 18 years and not a party to the action. The undersigned is qualified and appointed under ARCP §4 (d) & §4(e) to serve legal process within the State of Arizona.

Upon: MICHAEL STONE

At: 4218 E BUCKBOARD RD, GILBERT, AZ 85297

NON-SERVED on 06/10/2025 at 9:52 AM the SUMMONS; APPLICATION FOR TEMPORARY RESTRAINING ORDER; COMPLAINT OF DEFAMATION, SLANDER, LIBEL, FALSE LIGHT INVASION OF PRIVACY; EXHIBITS; CERTIFICATE OF COMPULSORY

05/27/2025 7:13 PM 4218 E BUCKBOARD RD, GILBERT, AZ 85297 Server received no answer at the door after knocking. While walking up, there were dogs barking inside. There were several cars in the drive with AZ plates BHR9243, and CMH0745.

05/28/2025 12:57 PM 4218 E BUCKBOARD RD, GILBERT, AZ 85297 There was no answer at the door after repeated knocking. Server spoke with the neighbor across the street who confirmed the address to be occupated by Sully and Michael. There were also Amazon packages at the front door that confirmed the address.

06/01/2025 8:56 AM 4218 E BUCKBOARD RD, GILBERT, AZ 85297 Server received no answer at the door after repeated knocking. Dogs were in the backyard barking.

06/10/2025 9:52 AM 4218 E BUCKBOARD RD, GILBERT, AZ 85297 There was no answer at the door after repeated knocking. Server sould hear a dog barking inside the home. A vehicle was present with AZ plate BHR9243. A check with the Maricopa County Assessor site reports the property to Michael Stone and Sally Stevens.

I declare under penalty of perjury under the laws of the State of Arizona that the foregoing information contained in the Proof of Service is true and correct. [ARCP Rule 80(c)]

SIGNED,____

FEMIA PITTMAN.

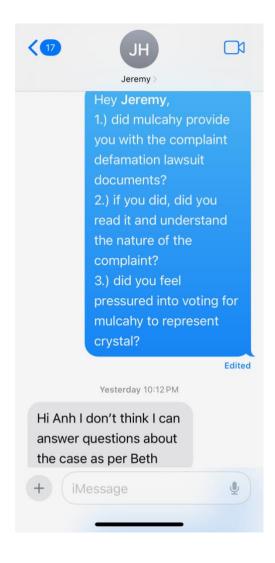
Client File #:



Job Number: 56694 Private Process Server ID # MC9082, MARICOPA County

EXHIBIT 'A8'

Board Member, Treasurer Jeremy Harger's Declaration



Clerk of the Superior Court *** Electronically Filed *** K. Higuchi-Mason, Deputy 6/17/2025 10:26:13 AM Filing ID 20037570

MULCAHY LAW FIRM, P.C.

3001 E. CAMELBACK ROAD, SUITE 130 PHOENIX, ARIZONA 85016 (602) 241-1093 PHONE / (602) 264-4663 FAX E-MAIL: bmulcahy@mulcahylawfirm.com

Beth Mulcahy #017005 Haidyn DiLorenzo #036748 Madeline Gegg #038703 Attorneys for Defendant

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

9	ANH JUNG,	Case No.CV2025-017755
10	Plaintiff,	
11	Vs.) DEFENDANT CRYSTAL GLAIM'S NOTICE OF APPEARANCE
12	NICHOLAS ("NICK") LEVI DWYER, (GORDON ENGSTROM,	(Defamation; Slander, Libel, False Light,
13	MICHAEL STONE, CRYSTAL GLAIM,	Invasion of Privacy)
14	JENNIFER ROTTA, TGIQ LLC,	
15	ELLEN SWANSON,	
16	MICHAEL HARRISON ROCEHLLE ANDERSON BILLETER))
17	JOHN AND JANE DOES 1-455	
18	Defendants.	,)

Defendant, CRYSTAL GLAIM, ("Defendant") hereby gives notice that she will be represented in this matter by attorneys Beth Mulcahy and Madeline Gegg of MULCAHY LAW FIRM, P.C. Defendant and her counsel hereby request that all communications regarding this action be shared with Defendant's counsel as of this date.

RESPECTFULLY submitted this 17 day of June, 2025.

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MULCAHY LAW FIRM, P.C.

Ву:
Beth Mulcahy
Haidyn DiLorenzo
Madeline Gegg
3001 E. Camelback Road, Suite 130
Phoenix, Arizona 85016
Attorney for Defendant, Crystal Glaim

ORIGINAL of the foregoing filed this $\sqrt{\gamma}$ day of June, 2025, with:

Clerk of the Superior Court Maricopa County Superior Court 201 West Jefferson Phoenix, Arizona 85003

By: C 6

this 17 day of June, 2025 to:
Anh Jung
2200 E. Williamsfield Road
#200
Gilbert, AZ 85295

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Clerk of the Superior Court *** Electronically Filed *** T. Hays, Deputy 6/16/2025 1:06:39 PM Filing ID 20031055

Anh Jung 2200 E Williamsfield Road, #200 Gilbert, AZ 85295 filings@epiclaw.legal Pro Per

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

Case: CV2025-017755

ANH JUNG,

Plaintiff,

v.

FIRST AMENDED
COMPLAINT OF
DEFAMATION, SLANDER,
LIBEL, FALSE LIGHT
INVASION OF PRIVACY

NICOLAS LEVI DWYER, et al

Defendants.

- 1 NOW COMES Plaintiff Anh Jung, appearing in propria persona, and respectfully moves
- 2 this Honorable Court for leave to file an Amended Complaint in the above captioned
- 3 matter. against Defendants Nicholas Levi Dwyer (also referred herein as "Dwyer"),
- 4 Gordon Engstrom (also referred herein as "Engstrom"), Michael Stone (also referred herein
- 5 as "Stone"), Crystal Glaim (also referred herein as "Glaim"), Jennifer Rotta (also referred
- 6 herein as "Rotta"), TGIQ LLC (also referred herein as "TGIQ"), Ellen Swanson (also
- 7 referred herein as "Swanson"), Michael Harrison (also referred herein as "Harrison"),
- 8 Rochelle Anderson Billeter (also referred herein as "Billeter"), John and Jane Does 1-455
- 9 (also referred herein as "Does"), and (collectively referred to as 'Defendants'). In support
- thereof, Plaintiff states as follows:

I. PRELIMINARY STATEMENT

- 1. This motion is made pursuant to the applicable provisions of the Arizona Rules of Civil Procedure. Plaintiff seeks to amend her complaint to state more fully and accurately the allegations against Defendants for defamation, false light invasion of privacy, intentional infliction of emotional distress, tortious interference with business relations, and civil conspiracy.
- 2. The amended complaint further sets forth in detail the coordinated and malicious conduct of the Defendants—including false statements concerning felony convictions, unauthorized background checks, and coercive tactics—designed to injure Plaintiff's personal, professional, and business relationships in contravention of Arizona law.

II. JURISDICTION AND VENUE

- 3. The subject matter jurisdiction of this Honorable Court is proper as the claims arise under Arizona state tort law, including state defamation and related causes of action, Article 6 § 14, Arizona Constitution and A.R.S. § 12-123.
 - 4. Personal jurisdiction is proper over the Defendants because many, if not all are residents of or have purposefully engaged in conduct within Arizona, and the defamatory acts occurred in this State, pursuant Arizona Revised Statutes § Title 12, Chapter 1, Article 2.
- 5. Venue is proper in this Court pursuant to Ariz. Rev. Stat. Ann. § 12-401 since the events giving rise to the claims occurred in Maricopa County.

31 III. STATEMENT OF FACTS AND FOUNDATIONAL RELEVANCE

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6. Plaintiff, a resident of Gilbert, Arizona, has been subjected to an orchestrated campaign of defamatory conduct intentionally directed against her by Defendants.

7. Defendant Gordon Engstrom, in a failed attempt to secure re-election, faced defeat, which was publicly announced at a community meeting on February 27, 2025¹. Rather than accepting his loss with integrity, Engstrom responded by blaming Jung and coopting other Defendants, especially Defendants Stone, Glaim, and Glaim's next-door neighbor Nick Dwyer, to wage a calculated and malicious campaign against Plaintiff. This effort culminated in the creation of the Save **Power** Ranch website (www.savepowerranch.com) and the Save Power Ranch Facebook (https://www.facebook.com/SavePR2025) which was created on or about April 1, 2025, and **Preserving** Power Ranch **Facebook** page (https://www.facebook.com/profile.php?id=61561935784515#), where anonymous, false, and defamatory accusations were purposefully spread to destroy Plaintiff's character. This was not an innocent attempt at self-defense but a deliberate, coordinated effort to sabotage Plaintiff's reputation and professional standing in the community for personal and political retribution.

8. Defendant Gordon Engstrom, in deliberate concert with his wife, Daniella Engstrom, operates and moderates the Facebook group titled "Positively Power Ranch"

¹ Annual Meeting February 27, 2025 Recap (Exhibit A)

² Preserving Power Ranch Facebook page containing defamatory statements (Exhibit B)

(https://www.facebook.com/groups/positivelypowerranch/)³. Despite its seemingly benign name, the group functions as a calculated vehicle for the dissemination of defamatory statements and malicious falsehoods targeting Plaintiff. The platform is strategically positioned to contrast the Engstroms as ostensibly "positive" and civil, while in reality serving to amplify reputational harm under the guise of community engagement and civility. This deliberate mischaracterization further underscores the malicious intent behind their conduct. The group is weaponized to spread disinformation while simultaneously censoring any dissenting views, including systematically deleting or hiding comments critical of Gordon Engstrom. In a further act of concealment and bad faith, Jung was intentionally removed and blocked from the group, thereby preventing her from viewing or responding to the ongoing defamatory content.

9. On September 23, 2024, Defendants Engstrom, Stone, Rotta, and Glaim acting in concert and with calculated intent, conspired to publicly remove Plaintiff from her role during a community meeting ⁴ without any legitimate cause or justification. This coordinated action was not only retaliatory in nature but executed with malice and a shared objective to discredit, humiliate, and isolate Plaintiff in the eyes of the community. Their joint conduct reflects a willful and deliberate civil conspiracy to undermine Plaintiff's credibility and obstruct her continued involvement.

³ Positively Power Ranch Facebook page operated by Engstrom (Exhibit C)

⁴ Meeting Minutes from September 23, 2024 (Exhibit D)

10. On September 30, 2024, Engstrom and Stone convened a meeting where Defendant Stone disclosed that he had illegally conducted background checks on community members, including Plaintiff. Stone's actions were unauthorized and outside the scope of his role⁵. He then falsely accused Plaintiff of felony convictions, specifically arson, in front of approximately nine attendees⁶. Despite Plaintiff presenting undeniable evidence⁷ that she was not convicted of a felony, nor arrested, Defendants persisted with their malicious and reckless falsehoods, continuing to tarnish Plaintiff's reputation.

11. Defendant Michael Stone, along with his wife Sally Stevens— who has *self-proclaimed*, among other things, that she previously worked in the banking industry—has engaged in a long-standing and documented pattern of conducting unauthorized background checks on members of the community, including former board members. These checks have reportedly included access to sensitive personal information such as IRS tax filings⁸, obtained without consent or legal authority. The information acquired through these improper actions was then used by Stone and Stevens to manipulate and blackmail individuals within the community, in an effort to exert control, intimidate, and silence opposition. This pattern of behavior reflects a deliberate and malicious abuse of private information for personal or political gain.

⁵ *Guth v. Loft, Inc.*, 5 A.2d 503, 510 (Del. 1939) Corporate officers and directors are not permitted to use their position of trust and confidence to further their private interests.

⁶ Transcription of September 30, 2024 meeting (Ex. E)

⁷ Letter from Plaintiff's attorney (Ex. F)

⁸ Stone and Stevens text message re: Homeowner IRS filings (Ex. G)

- 12. This was no isolated incident. In the case of Plaintiff, on September 30, 2024, Stone, working in concert with then-attorney Josh Bolen, attempted to coerce Plaintiff into resignation by exploiting this unlawfully obtained information. During the meeting, Stone explicitly told Plaintiff: 'If you resign, all of this will go away. 91 This was nothing short of blackmail using personal information as leverage for personal and political gain.
- 13. On October 14, 2024, Plaintiff served Cease and Desist Letters to attorney Josh
 Bolen, and Defendants Engstrom and Stone¹⁰.
- 92 14. On October 21, 2024, Plaintiff filed a bar complaint¹¹ against attorney Josh 93 Bolen.
 - 15. On October 21, 2024, Defendants Engstrom, Stone, Rotta, and Glaim held a meeting from which Jung was deliberately excluded. During that meeting, attorney Bolen was present and correctly concluded after his research and speaking with Jung's attorney—based on guidance from the Arizona Corporation Commission, the certificate of disclosure ¹² specifically requires disclosure of certain felony convictions and judicial actions related to fraud, securities, antitrust, and similar matters within the preceding seven years, but it does not require disclosure of misdemeanor convictions that are not related to those categories or that are not financial in nature ¹³—that disclosing Jung's personal

⁹ Transcription of September 30, 2024 meeting (Ex. H)

¹⁰ Cease and Desist Letters addressed to Engstrom, Stone, Bolen (Ex. I)

¹¹ Bar Complaint against Bolen (Ex. J)

¹² Arizona Certificate of Disclosure https://www.azcc.gov/docs/default-source/corps-files/forms/c003-certificate-of-disclosure.pdf?sfvrsn=5ab554d2 2 (Ex. K)

¹³ Section 10-11622 - Annual report, Ariz. Rev. Stat. 10-11622

criminal history was not required, as evidenced by filing documents signed by Engstrom¹⁴. However, despite this formal decision, the Defendants later on October 28, 2024, willfully disregarded this determination and proceeded to weaponize that information publicly, demonstrating clear bad faith and a deliberate intent to cause harm.

16. On October 28, 2024¹⁵¹⁶, Defendant Glaim publicly read a prepared statement to an audience of approximately 50 homeowners, which included knowingly false and defamatory claims about Plaintiff's personal background—fabricated assertions that prompted at least one attendee to later remark, "It was so inappropriate, it made me uncomfortable." Prior to the reading, Defendant Engstrom announced, "There will be no comments," effectively silencing any immediate rebuttal or clarification. This orchestrated presentation was a clear attempt to malign the Plaintiff's character in a public forum without affording her the opportunity to respond. This calculated presentation, coupled with the absence of any actionable steps following the reading, was a deliberate effort to cast Plaintiff in a false light before her community and inflict reputational harm without due process or accountability¹⁷. A statement may be described as defamatory "if it tends so to harm the reputation of another as to lower him in the estimation of the community or to

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¹⁴ 2024 Corporate Filing signed by Engstrom (Ex. L)

¹⁵ Transcript from October 28, 2024 meeting (Ex. M)

¹⁶ Recording of meeting from October 28, 2024 -

https://youtu.be/LdChp0KDnEA?si=md5i7glgMZ0y8jT0&t=3913

¹⁷ Restatement (Second) of Torts § 559 (1977); see also syl. pt. 1, Sprouse v. Clay Communications, Inc., 158 W.Va. 427, <u>211 S.E.2d 674</u> (1975), cert. denied, <u>423 U.S. 882</u>, 96 S. Ct. 145, 46 L. Ed. 2d 107, reh. denied, 423 U.S. 991, 96 S. Ct. 406, 46 L. Ed. 2d 311

deter third persons from associating or dealing with him." statements are defamatory if they tend to "reflect shame, contumely, and disgrace upon [the plaintiff]."

- 17. Additional Defendants—including Jennifer Rotta, Michael Harrison, Rochelle Anderson Billeter, TGIQ LLC (via Nicholas Dwyer), Nicholas Dwyer, and Ellen Swanson, who distributed flyers ¹⁸ to over 4,000 households—joined the campaign, thus amplifying the harm inflicted upon Plaintiff.
- 18. Defendant Jennifer Rotta made malicious and defamatory statements to other community members, telling them that Plaintiff was a 'convicted felon¹⁹', despite having been informed that the accusations were utterly false. These actions were intended to destroy Plaintiff's reputation and caused irreparable harm.
- 19. Defendant Michael Harrison recklessly and repeatedly spread the defamatory lie that Plaintiff had felony convictions, posting such falsehoods on social media²⁰, fully aware that these statements were fabricated and harmful.
- 20. Defendant Rochelle Anderson Billeter posted highly defamatory content on Facebook²¹ accusing Plaintiff of criminal behavior and fraud, despite these claims being categorically untrue. This was done with the express intent to ruin Plaintiff's reputation and perpetuate a false narrative that served only to harm Plaintiff.

¹⁸ Defamatory flyers and printed materials (Ex. N)

¹⁹ Text message between Rotta and homeowner (Ex. 0)

²⁰ Screenshot defamatory posts by Harrison (Ex. P)

²¹ Defamatory Statements published by Billiter (Ex. Q)

21. Defendants TGIQ LLC, Nicholas Dwyer, Crystal Glaim, and/or John and Jane
Does are responsible for disseminating false and defamatory statements about Plaintiff
through the Save Power Ranch website which falsely accused Plaintiff of being a
convicted felon. These malicious statements were part of a coordinated attack on Plaintiff's
character designed to undermine her and perpetuate lies for personal and political motives.

22. Defendant Swanson took the malicious step of distributing flyers²² to over 4,300 households, falsely accusing Plaintiff of felony convictions, including the completely fabricated claim of arson. This was part of an organized effort to smear Plaintiff's character and destroy her reputation. Swanson's actions were designed to damage Plaintiff's reputation and were done with actual malice.

23. As a result of such coordinated and malicious conduct, Plaintiff has suffered significant and measurable damages including vandalism to her property, irreparable harm to her reputation, loss of business opportunities, and severe emotional distress.

IV. SUPPLEMENTAL FACTUAL ALLEGATIONS AFTER THE INITIAL COMPLAINT

24. After the initial complaint was served to Defendant Glaim, and confirmation that she as in fact the individual who paid for the dissemination of defamatory flyers to 4,300 homes, she not only failed to retract her defamatory statements, but continued her malicious campaign. Specifically, Defendant Glaim took to Facebook, where she publicly

²² Ring Door Camera of Swanson - (Ex. R)

stated: 'In her brief time living in Power Ranch, Ms. Jung has filed five separate legal actions against the community—including one that names current and former board members (myself included), several homeowners, and 455 unnamed residents. These lawsuits are not about justice—they're intimidation tactics designed to silence us and derail the recall movement²³.' This statement was a blatant falsehood, fabricated to further harm Plaintiff's standing in the community.

25. Despite having been provided with irrefutable evidence from Plaintiff's attorney that Plaintiff was not convicted of any felony charges, Glaim continued to defame Plaintiff by falsely asserting that Plaintiff was a convicted felon. This highlights Defendant Glaim's reckless disregard for the truth and her continued malice in publishing false information with the sole intent to harm Plaintiff and to serve her personal interests.

26. Defendant Glaim's behavior in continuing to publicly malign Plaintiff and portray herself as a 'victim' when she was, in fact, the aggressor is an example of the egregiousness of her conduct. Glaim claimed in her post: *T'm not a politician. I'm your neighbor. I'm a homeowner. I'm someone who believes that staying silent in the face of dysfunction isn't an option.* 'However, the reality is that Glaim's actions were nothing more than a vindictive, malicious effort to destroy Plaintiff's character and undermine her credibility in the community.

V. ARGUMENT AND LEGAL BASIS

²³ Facebook post by Glaim (Ex. S)

Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 26, all Exhibits, and Appendix A as though fully set forth herein.

CLAIM 1: DEFAMATION (against all Defendants)

Under Arizona law, defamation occurs when a false statement is published with either actual knowledge of its falsity or reckless disregard for the truth and causes reputational harm.²⁴²⁵

The concept that a person's reputation in the community is precious and should not be injured with impunity had been well established since ancient times. Slander was expressly forbidden by the law of Moses- "*Thou shalt not bear false witness against thy neighbour*.²⁶"

Myers v. the Telegraph also supports this view, noting that the likelihood of damage to one's reputation by the false attribution of serious misconduct, such as a felony, "approaches a near certainty." The court recognized that society at large views certain accusations as gravely damaging to a person's reputation, further underscoring the legal protection afforded to one's good name in the community²⁷.

Here, Defendants—most notably Engstrom, Stone, Rotta, Glaim, and Dwyer—knowingly and intentionally disseminated false and defamatory statements about Plaintiff with the explicit intent to damage Plaintiff's personal and professional reputation. Despite

²⁴ Dombey v. Phoenix Newspapers, Inc., 150 Ariz. 476

²⁵ Yetman v. English, 168 Ariz.

²⁶ Exodus 20:16, Deuteronomy 5:20, Mosiah 13:23

²⁷ Myers v. the Telegraph 2002, Ill. App. Ct., 332 Ill. App. 3d 917

evidence disproving the allegations, Engstrom, Stone, Rotta, Glaim, and Dwyer continued their attack with malice and reckless disregard, satisfying the elements of defamation.

The defamatory statements made by Defendants included false accusations that Plaintiff had been convicted of criminal charges, including fraud, arson, and embezzlement²⁸. These statements were maliciously spread despite clear and convincing evidence to the contrary, which was provided to Defendants Stone, Engstrom, and Rotta on September 30, 2024 and confirmation that disclosure was not required on October 21, 2024. Despite this, they continued to disseminate these false statements, showing reckless disregard for the truth and actual malice.

Plaintiff further shows that these defamatory statements directly led to recall petitions²⁹ filed against her and consequential business losses. The causation element in defamation is met where the false statements are a substantial factor in causing the harm.

Under Arizona law, a statement is considered defamatory per se if it falsely imputes a criminal offense involving moral turpitude ³⁰. The Defendants' statements that the Plaintiff is a 'convicted felon' clearly fall within this category, as they falsely assert that the Plaintiff has been convicted of a felony, which is a serious criminal offense. This inherently damages the plaintiff's reputation without the need for additional context, as it directly attacks the plaintiff's honesty, integrity, and character.

²⁸ Appendix A, #3 - Save Power Ranch website

²⁹ Save Power Ranch website – (Ex. T)

³⁰ Akers, 45 Ariz. at 541, 46 P.2d at 133

The court defines "libel" under Arizona law as any malicious falsehood expressed in writing or by other permanent means that tends to bring a person into disrepute, contempt, or ridicule, or impeaches their honesty, integrity, virtue, or reputation, thereby exposing them to public hatred or contempt. This broad definition encompasses both statements that are defamatory on their face (libel per se) and those that become defamatory only when considered in light of extrinsic facts known to the recipient or the public ³¹.

In *Myers vs the Telegraph*, the court emphasized that "society at large views a "felon" far differently than a person who has committed an offense resulting in a misdemeanor conviction. While most persons would be unable to give a precise legal definition of the terms "misdemeanor" or "felony," we have no doubt that the prevailing view would be that a misdemeanor is a minor offense and a felony is a serious crime. That would be a correct view as a general proposition. We see little, if any, practical difference between falsely accusing a person of committing a crime and falsely attributing a felony conviction to a person who pleaded guilty only to a misdemeanor. The likelihood of damage to one's reputation by the false attribution of felonious conduct approaches a near certainty.³²"

Plaintiff previously entered into a plea agreement for an undesignated offense that was entirely unrelated to any matters involving the community. The matter was personal in nature and holds no legal relevance to Plaintiff's involvement in community affairs—a

³¹ Ilitzky v. Goodman 1941, Ariz., 57 Ariz. 216

³² Myers v. the Telegraph 2002, Ill. App. Ct., 332 Ill. App. 3d 917

point that was clearly and unequivocally stated during the September 30, 2024 meeting. Under Arizona law, specifically A.R.S. § 13-604, an undesignated offense is legally treated as a misdemeanor unless, until and if the court designates it a felony [or misdemeanor]. Despite being provided with this legal information, Defendants willfully disregarded it, choosing instead to perpetuate a knowingly false and defamatory claim that Plaintiff is a "convicted felon." This assertion is not only factually baseless but reflects a reckless and intentional misrepresentation of Plaintiff's legal status. Their failure to acknowledge the law—because it did not serve their narrative—further underscores the deliberate and malicious nature of their conduct. Moreover, the disclosure and amplification of this private legal matter, despite its lack of relevance or legal bearing, demonstrates actual malice and a clear intent to inflict reputational harm. It served no legitimate purpose other than to defame, humiliate, and discredit Plaintiff through knowingly false and inflammatory assertions³³.

In Arizona, if a statement is defamatory per se, the Plaintiff is entitled to presumed damages without needing to prove actual damages ³⁴. The rationale is that certain statements are so inherently damaging that harm to reputation is presumed. The Defendants' statements, by falsely imputing a felony conviction, qualify as defamation per se, thus entitling the plaintiff to presumed damages.

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³³ (PROSSER & KEETON ON THE LAW OF TORTS § 115, at 833-34 (5th ed.1984) (hereafter PROSSER & KEETON); 2 F. HARPER, F. JAMES, & 0. GRAY, THE LAW OF TORTS § 5.27 (1986); Selby v. Savard, 134 Ariz. 222, 228, 655 P.2d 342, 348 (1982); A.R.S. § 12-653.-01(1)).

³⁴ Kinsey v. Real Detective Pub. Co., 52 Ariz. 353, 80 P.2d 964 (1938)

The public dissemination of the defamatory statements further supports the claim of defamation per se. The statements were published to a large audience through flyers distributed to 4,300 homeowners, a website, Facebook, and paid ads³⁵. This widespread publication amplifies the defamatory impact, as it increases the likelihood of reputational harm by reaching a broad audience³⁶.

The Defendants may attempt to argue that their statements were protected as opinion or rhetorical hyperbole. However, under *Yetman v. English*, statements that could be interpreted as stating actual facts are not protected as rhetorical hyperbole ³⁷. The Defendants' statements, which assert that the plaintiff is a 'convicted felon,' 'committed fraud,' 'convicted felon with a documented history of fraud, forgery, and attempted arson³⁸' (among others as referenced in Appendix A), would reasonably appear to a reasonable person as assertions of objective fact, not mere opinion or hyperbole.

CLAIM 2: FALSE LIGHT INVASION OF PRIVACY (against all Defendants)

Under Arizona law, a claim for false light requires that the false statements be so offensive as to put the plaintiff in a false light that would be highly offensive to a reasonable person.³⁹

³⁵ Dombey v. Phoenix Newspapers, Inc., 150 Ariz.

³⁶ Citizen Publishing Co. v. Miller, 210 Ariz. 513, 455 Ariz. Adv. Rep. 25, 2005 Ariz. LEXIS 69 (Ariz. Jul. 2005

³⁷ Yetman v. English, 168 Ariz.

³⁸ Save Power Ranch website article, Felonies, Fraud, and Fire_ The Criminal Past of Power Ranch's HOA Board Vice President — Save Power Ranch, April 25. 2025 (Ex. U)

³⁹ Godbehere v. Phoenix Newspapers, Inc., 162 Ariz.; Hart v. Seven Resorts, Inc., 190 Ariz

Case law across multiple jurisdictions supports the proposition that false light claims are actionable when someone is implied to be engaging in illegal or nefarious conduct, particularly when such implications are designed to undermine their credibility or reputation. Courts have recognized that both defamation and false light can arise not only from explicit statements but also from implications, innuendo, or the omission of material facts that create a misleading and damaging impression.

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On April 25, 2025, Defendants Glaim and Does posted on the Save Power Ranch website with the narrative stating that "she [Jung] spent the next two years submitting forged invoices and documents, creating fake emails, and even establishing a fake LLC," "October 2021 her salon was being evicted for non-payment," "she climbed to the roof of the building, accessed through a utility panel, cut a hole in the ceiling, climbed down through the ducting, then used gasoline (yes...she had gasoline) and attempted to ignite insulation and papers to start a fire in the building," "January 2023 on multiple felony charges and was convicted," "Faced with overwhelming evidence, she took a plea deal and pled guilty to: Attempted Criminal Damage (Class 6 Felony), Disorderly Conduct (Class 6 Felony). "She now has Access to homeowner contact information and private data." "She then drove to a building, climbed on the the roof, climbed into the ceiling, cut a hole, and lit a fire in response to her eviction for non-payment." Defendants have used social media, website posts to juxtapose Plaintiff's name, image, and statements with content about criminal activity, or have omitted exculpatory facts so as to create the impression that Plaintiff is a felon, *Heekin v. CBS Broad., Inc.* supports the viability of

a false light claim. The key elements are that the publicity was widespread, the impression created was false and highly offensive to a reasonable person, and the defendants acted with knowledge or reckless disregard for the falsity of the impression.

Heekin v. CBS Broad., Inc. stands for the principle that false light claims are actionable when the overall context and presentation of otherwise true or ambiguous facts create a misleading and damaging impression—such as implying criminality—through social media or website posts. Such conduct by Defendants is actionable under the false light theory⁴⁰.

The false attribution of a felony conviction to Plaintiff by Defendants such as Crystal Glaim is intrinsically offensive and imputed conduct that is wholly incompatible with Plaintiff's professional duties and reputation.

The widespread dissemination of such false statements further underscores the offensiveness and impact on Plaintiff's personal and social standing.

CLAIM 3: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (against all Defendants)

Arizona law requires that conduct be so extreme and outrageous as to exceed all bounds of decency, and that such conduct causes severe emotional distress⁴¹

⁴⁰ Heekin v. CBS Broadcasting, Inc., 789 So. 2d 355 (Fla. 2d DCA 2001)

⁴¹ Ford v. Revlon, Inc., 153 Ariz.; Mintz v. Bell Atlantic Systems Leasing International, Inc., 183 Ariz.

Defendants Engstrom and Stone's actions—forming a defamatory campaign, conducting unauthorized background checks, disseminating false felony accusations, and coercing Plaintiff into resignation through threats—constitute extreme and outrageous conduct.

At the September 30, 2024 meeting, even Ken Starks seemed incredibly confused as to the purpose of the meeting and emphasized the way in which it was being addressed seems "extraordinary" due to the fact that the information is not action in regards to the association business. It was clear that the meeting was held specifically to inflict emotional distress on Jung to the point that she would feel she had no choice but to resign.

The proximate and direct causation of emotional distress, as evidenced by home vandalism, loss of business, contract for armed security guards, and the initiation of recall petitions, clearly meets the threshold for this tort.

CLAIM 4: TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS

(against all Defendants)

Plaintiff had a valid business expectancy in her role and professional endeavors.

Defendants, with full knowledge of Plaintiff's existing roles and business relationships, willfully and intentionally interfered with her contractual and economic opportunities by disseminating false and defamatory statements. These statements were spread through social media platforms and paid Facebook advertisements that reached

beyond Plaintiff's immediate community into multiple neighboring areas, causing widespread reputational and economic harm.

The direct linkage between the false statements and Plaintiff's loss of business demonstrates the requisite causation and supports a claim for tortious interference.

CLAIM 5: CIVIL CONSPIRACY (against all Defendants)

Defendants agreed, explicitly or implicitly, to commit an unlawful act (or a lawful act by unlawful means) and that overt acts were taken in furtherance of that agreement.

Defendants engaged in a deliberate and coordinated campaign to defame Plaintiff by disseminating knowingly false claims regarding an alleged felony conviction. The evidence reflects a clear and concerted agreement among the Defendants to pursue this unlawful objective. Their collective actions—including the creation and promotion of a defamatory website and Facebook pages, the widespread distribution of misleading flyers, the issuance of false public statements, and the calculated efforts to remove Plaintiff from her roles within the community—demonstrate a shared intent and mutual understanding to damage Plaintiff's reputation through deceit and misinformation. 42

The D.C. Circuit in *Halberstam vs Welch*, explained that civil conspiracy is not an independent tort but a means of imposing vicarious liability for an underlying tort—such as defamation—committed pursuant to an agreement. The court emphasized that an agreement to participate in a wrongful course of action, even if inferred from circumstantial

⁴² Dombey v. Phoenix Newspapers, Inc., 150 Ariz.

evidence, suffices to create vicarious liability for all acts done in furtherance of the conspiracy. The court also noted that the existence of a conspiracy can often be inferred from the nature of the acts, the relationships of the parties, and the circumstances, rather than requiring direct evidence of an explicit agreement. This reasoning has been widely cited and is particularly relevant in defamation cases where multiple actors coordinate to publish or disseminate defamatory material, as the conspiracy doctrine allows for joint liability even if not all conspirators directly participate in every defamatory act. ⁴³

The Defendants' actions constitute overt acts in furtherance of the conspiracy. The creation of a website, social media pages and the distribution of flyers to over 4,300 households, donations collected, as well as public statements made by the Defendants, are clear overt acts that further the conspiracy's objective. These acts are not only overt but also unlawful, as they involve the dissemination of false information that damages Jung's reputation. ⁴⁴ The fact that these statements were made despite evidence proving its falsity further supports the argument that the defendants acted with actual malice.

The unlawful objective of the Defendants' agreement is evident in their actions. The objective was to defame Jung by spreading false statements about her criminal record. This objective is clearly linked to the actions taken by the Defendants, as they continued to disseminate false information even after being provided with evidence that Jung was not

⁴³ Halberstam v. Welch 1983, D.C. Cir., 705 F.2d 472

⁴⁴ Boswell v. Phoenix Newspapers, Inc., 152 Ariz

convicted of any felony charges. This demonstrates a willful disregard for the truth and an intent to harm Jung's reputation.

Causation and resulting harm are clearly established in this case. The deliberate and overt acts undertaken by the Defendants directly caused substantial injury to the Plaintiff, including severe reputational damage, business losses, and significant emotional distress. The dissemination of defamatory statements sparked community hostility, led to the circulation of recall petitions targeting Plaintiff, necessitated the presence of armed security⁴⁵ at community events, and culminated in the vandalism of her residence. These harms are not incidental—they are the foreseeable and proximate result of the Defendants' coordinated actions in furtherance of their conspiracy, thereby satisfying the final element required to establish civil conspiracy.

The coordinated and joint effort by Defendants—evidenced by the creation of websites, distribution of flyers, and public readings of defamatory materials—clearly demonstrates an overt, concerted campaign designed to destroy Plaintiff's reputation.

The malicious coordination among the various Defendants satisfies both the agreement element and the overt act element for a civil conspiracy claim.

The evidence supports the existence of an agreement among the defendants to achieve this unlawful objective, and the harm caused to Jung is a direct result of their

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⁴⁵ Armed Security Guard Receipts - (Ex. V)

actions. Therefore, the court should find in favor of the petitioner, Anh Jung, and hold the defendants liable for civil conspiracy under Arizona law.

ABUSE OF POSITION, BREACH OF DUTY, AND UNAUTHORIZED

379 CONDUCT

Even if assuming, arguendo, that certain Defendants had some legitimate role in community governance, their actions in this instance incontrovertibly exceeded the scope of any lawful duty by engaging in actions that were malicious, knowingly false, and intended to harm Plaintiff.

Their deliberate and malicious misuse of authority to extort, intimidate, and defame Plaintiff cannot be subject to any available indemnification under Arizona law⁴⁶.

No one should be excused for intentional actions that are malicious and harmful. Defendants cannot use their role or position in the community as a shield to carry out actions that harm others. The Court must recognize that Defendants' actions were intentionally harmful and outside the scope of their duties, and therefore, they should not be absolved for using their roles in the community to carry out personal vendettas, harm Plaintiff, and spread falsehoods.

Defendants' conduct represents a clear breach of the duty they owed to the community and to Plaintiff, in that they acted outside the scope of any legitimate duty to

⁴⁶ Cohen v. Beneficial Industrial Loan Corp.; Biltmore Associates v. Twin City Fire Insurance Co

the public. Instead, they pursued a personal vendetta, using defamatory statements to damage Plaintiff's reputation for purely malicious reasons.

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The business judgment rule affords directors and officers protection from personal liability for decisions made in good faith within the scope of their authority—even if those decisions ultimately prove to be unwise or negligent. However, this protection is not absolute⁴⁷. It does not extend to acts that are ultra vires—those beyond the scope of authority granted by law and the governing documents, such as the CC&Rs, Bylaws, or corporate charter—nor does it shield conduct that is fraudulent, grossly negligent, or reflects a willful disregard of duty. When directors or officers knowingly engage in illegal actions, exceed their legal authority, or exhibit a conscious indifference to the rights of others, the business judgment rule ceases to apply⁴⁸. Courts have consistently held that liability may be imposed when there is actual knowledge, direct participation in unauthorized acts, or a complete lack of care rising to gross negligence. In Cates vs Sparkman, the Court stated that "injurious practices, abuse of power, and oppression on the part of the company or its controlling agency clearly subversive to the rights of the minority, or a shareholder" are not protected⁴⁹.

In fact, nowhere in the governing documents⁵⁰ is there any provision that authorizes background checks or scrutiny of a member's personal business dealings as a condition for

⁴⁷ Joy v. North, 692 F.2d 880 (2d Cir. 1982), cert. denied, 460 U.S. 1051, 103 S.Ct. 1498, 75 L.Ed.2d 930 (1983)

⁴⁸ Resolution Trust Corp. v. Norris 1993, S.D. Tex., 830 F. Supp. 351

⁴⁹ Cates v. Sparkman, supra, 73 Tex. 619, 11 S.W. 846 (1889)

⁵⁰ Power Ranch Community Association Governing Documents, CCR, Bylaw, Policies, Charters (Ex. X)

community participation. Yet, Defendants acted as though their positions conferred such authority, choosing to intrude into private matters with no legal or contractual justification. This behavior not only exceeds the scope of their authority—it reflects a blatant abuse of power and disregard for the privacy rights of the Plaintiff.

Defendants' actions were not only unethical but intentionally harmful, with the clear and malicious intent to ruin Plaintiff's reputation. By spreading these lies, Defendants breached their duties and engaged in a malicious campaign of harm, deception, and lies.

Plaintiff demands justice for the emotional, reputational, and financial harm caused by Defendants' actions, and seeks to hold them fully accountable for their deliberate and malicious conduct.

PERSONAL LIABILITY

Defendants Engstrom, Stone, Rotta, and Glaim cannot and should not be indemnified for their actions. Indemnification is typically intended to protect individuals from personal liability when they act in good faith and within the scope of their duties, particularly in the context of corporate board members or directors. However, indemnification is not available when the actions are not in good faith and are intentionally harmful, malicious, or outside the scope of their duties.

The general rule of indemnification allows a corporation to protect its directors from liability arising from actions taken in their official capacities. However, under Arizona law and case law, indemnification is not warranted when the actions of the directors are willful,

grossly negligent, or malicious. For instance, in the case of *Cohen v. Beneficial Industrial Loan Corp.*, the Supreme Court ruled that directors and officers are not entitled to indemnification if their actions are fraudulent or malicious, even if those actions are related to their official duties⁵¹.

Defendants Engstrom, Stone, Rotta, and Glaim, in this case, seem to believe that they can use their titles as a shield to harm individuals without facing the consequences of their reckless and malicious actions. These individuals have abused their positions to spread defamatory lies and falsely accuse Plaintiff, believing that their roles in the community or organization provide them with immunity from accountability. However, the law is clear: titles and positions do not grant immunity to individuals who act with malice, fraud, or reckless disregard for the truth.

The Defendants' actions in this case—conducting unauthorized background checks, maliciously spreading false accusations, and using their roles for personal vendettas—were not in any way in the best interest of the community, the corporation, or its stakeholders. Instead, these actions were deliberate, malicious, and designed to harm Plaintiff's reputation out of personal animosity. As such, they cannot be entitled to indemnification under any interpretation of Arizona law or relevant case law.

Arizona case law also holds that a director or officer acting in bad faith, including engaging in fraudulent conduct, misappropriating information, or acting with malice, is not

⁵¹ Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949)

entitled to indemnification. In *Biltmore Associates v. Twin City Fire Insurance Company*, the Arizona Court of Appeals ruled that indemnification is not available to an officer or director if they act with actual malice or willful disregard of their fiduciary duties⁵². In that case, the court emphasized that indemnification is reserved for those acting in the best interest of the corporation, not those using their position to harm others.

Additionally, ARIZONA CORPORATIONS CODE § 10-850 and case law make it clear that indemnification cannot be applied when the actions are in bad faith, fraudulent, or illegal. The statute specifically states that indemnification is only appropriate for actions that are undertaken in good faith, and not when the individuals are acting out of malice or personal interests. The Defendants' actions here—attempting to coerce Plaintiff, spreading defamatory and inflammatory statements, and abusing their position—were neither in good faith nor related to the best interests of the community, but rather were motivated by personal retaliation.

Further, as outlined in the case of *Beaudoin v. Illinois Power & Light Co.*, indemnification is not applicable if the defendant engaged in willful misconduct or knowingly participated in wrongful acts⁵³. In that case, the court held that indemnification could not be provided to an officer who acted with malice, and this reasoning applies with equal force to the Defendants in this case, who acted with malice by spreading false and defamatory statements designed to harm Plaintiff.

⁵² Biltmore Associates v. Twin City Fire Insurance Company, 208 Ariz. 529, 96 P.3d 174 (2004)

⁵³ Beaudoin v. Illinois Power & Light Co., 1993 WL 16171938 (Ill. App. 1993)

Even if the Defendants' intentions were to act in the best interests of the community, how have their actions benefited the community? In truth, Defendants' actions have sown division, hostility, and significant harm toward Plaintiff, all under the false pretense of serving the community's interests. Rather than fostering unity or constructive dialogue, their conduct has ignited a coordinated campaign of targeted defamation. This is most plainly evidenced by individuals such as Nicholas Dwyer, Ellen Swanson, and Michael Harrison—persons with whom Plaintiff have never interacted—yet who openly display deep-seated hostility and prejudice toward her, based entirely on misinformation 54. Alarmingly, this pattern is not isolated; over 400 individuals have signed recall petitions against Plaintiff, influenced solely by the false and defamatory statements spread by Defendants. The widespread nature of this response highlights the reckless consequences of Defendants' willful dissemination of lies and underscores the extent of the harm inflicted on Plaintiff. By maliciously spreading false accusations about Plaintiff, Defendants have not protected the community or improved its integrity in any way. Instead, their actions have caused reputational damage, undermined trust within the community, and created an atmosphere of hostility and division. If their intentions were genuinely in the community's best interest, these actions would have resulted in reconciliation, transparency, and a more unified community, not in hate and animosity toward Plaintiff.

The Arizona Court of Appeals in *Arizona Tile, L.L.C. v. Berger* squarely addressed the personal liability of corporate officers and directors. The court held that while

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⁵⁴ Reference: Appendix A

individuals are generally not personally liable for a corporation's misconduct solely by virtue of their titles, they may be held personally accountable if they *direct, participate in, or knowingly acquiesce to* wrongful acts—including tortious conduct and breaches of fiduciary duty. The court affirmed prior Arizona rulings establishing that liability attaches when officers or directors have actual knowledge, participate in the misconduct, or exhibit negligence in the management or supervision of corporate affairs that causes or contributes to injury⁵⁵.

The court further clarified that even when wrongful acts are carried out in the name of the corporation, directors who vote for or authorize such conduct may be held personally liable. This reasoning extends to actions taken with malice, fraud, or a reckless disregard for the truth—conduct that falls entirely outside the protection of corporate status or the business judgment rule.

This principle is reinforced in *Bischofshausen, Vasbinder, and Luckie v. D.W. Jaquays Mining & Equipment Contractors Co.*, where the court reiterated that corporate officers and directors are personally liable for corporate torts if they participate in the wrongdoing, have knowledge amounting to acquiescence, or are negligent in the management or supervision of the corporation⁵⁶.

In this case, Plaintiff has sustained direct and substantial harm at the hands of Defendants Engstrom, Stone, Rotta, and Glaim—while each was acting in their personal

⁵⁵ Arizona Tile, L.L.C. v. Berger 2010, Ariz. Ct. App., 223 Ariz. 491

⁵⁶ Bischofshausen, Vasbinder, and Luckie v. D.W. Jaquays Min. & Equip. Contr.s Co., 145 Ariz. 204, 210-11, 700 P.2d 902, 908-09 (App.1985)

capacities after being provided with factual evidence. Their knowing participation in wrongful conduct lifts any corporate veil they may attempt to invoke. They are not shielded from personal liability under these circumstances, and the law is clear that such protection does not extend to acts rooted in malice, fraud, or gross negligence.

Defendants cannot shield themselves from personal responsibility for their unlawful actions under the guise of indemnification. As established in Arizona case law, indemnification is intended for individuals who act in the best interests of the corporation and in this case the community, not for those who engage in malicious conduct. The law does not allow individuals to use their roles to commit wrongful acts and then avoid the consequences of those actions simply because they are/were in positions of authority.

Indemnification must be rejected in this case because Defendants' conduct was clearly outside the scope of their duties and was driven by personal malice and retaliatory motives. They should be held personally responsible for the harm they caused, and no indemnification defense should be allowed to protect them from the legal consequences of their actions.

ARIZONA REVISED STATUTES 13-604

Pursuant to ARS § 13-604, Section A, any felony offense that is classified as an undesignated Class 6 felony is treated as a misdemeanor for all purposes unless otherwise specified by law. Therefore, the allegations made by Defendants against Plaintiff, regarding a felony conviction, are not only false but legally invalid. Such accusations are without

merit and are in direct violation of Arizona law, which classifies an undesignated Class 6 felony as a misdemeanor for all purposes, undermining the Defendants' malicious and baseless claims against Plaintiff.

Defendants' reckless and knowingly false classification of Plaintiff's conduct as a felony is entirely without legal or factual basis. This unfounded accusation was made with utter disregard for the truth and was clearly intended to maliciously defame Plaintiff. By willfully distorting the facts and ignoring the clear legal status of Plaintiff's offense, Defendants engaged in a deliberate campaign to damage her reputation. Their actions reflect not only a blatant disregard for accuracy but a calculated effort to undermine Plaintiff's integrity and standing in the community through the dissemination of knowingly false and defamatory claims.

PRAYER FOR RELIEF

- WHEREFORE, for the reasons stated herein and on the accompanying amended complaint, Plaintiff respectfully requests that this Court enter judgement in Plaintiff's favor and grant the following relief:
 - A. An award of nominal damages;

- B. An award of compensatory damages, including general, actual, pecuniary, consequential, and special damages, in an amount to be proven at trial;
 - C. An award of punitive and exemplary damages as permitted under Arizona law;

D. An award of reasonable attorneys' fees and legal expenses pursuant to applicable 548 Arizona statutes and case law; 549 E. An award of costs of suit incurred herein; 550 F. An award of prejudgment and post-judgment interest at the maximum rates 551 permitted by law; 552 G. Declaratory relief stating that the defamatory statements authored, published, 553 and/or disseminated by Defendants, individually and collectively, were and are 554 555 false; H. Injunctive relief requiring Defendants to immediately remove all defamatory 556 statements concerning Plaintiff from any websites, online platforms, and/or social 557 media accounts under their control or under the control of individuals or entities 558 acting in concert with them; 559 560 I. Injunctive relief invalidating and prohibiting the use of all recall petitions obtained or circulated based on the defamatory statements at issue; 561 J. Such other and further relief as this Court deems just, proper, and equitable under 562 the circumstances. 563 For the foregoing reasons, Plaintiff respectfully prays that this Court grant leave to file the 564 Amended Complaint and subsequently enter judgment in favor of Plaintiff for all relief 565 requested herein. 566

567	JURY DEMAND	
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569	Plaintiff demands a jury trial of all issues so triable.	
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571	DATED this 12th day of June, 2025.	
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573		By: <u>/s/ Anh Jung</u>
574		ANH JUNG
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