

IN THE COURT OF CLAIMS
OHIO

ELLIOT FORHAN

1520 OAKMOUNT ROAD, APT 2
SOUTH EUCLID, OHIO 44121,

Plaintiff,

v.

THE STATE OF OHIO

C/O OHIO ATTORNEY GENERAL,
JAMES A. RHODES STATE OFFICE TOWER,
30 EAST BROAD STREET, 17TH FLOOR,
COLUMBUS, OHIO 43215,

AND

THE OHIO GENERAL ASSEMBLY

OHIO STATEHOUSE,
1 CAPITOL SQUARE,
COLUMBUS, OHIO 43215,

Defendants.

Case No.

**PLAINTIFF ELLIOT FORHAN'S VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT AND
MONEY DAMAGES**

Plaintiff Elliot Forhan ("Plaintiff") states as follows:

NATURE OF THE ACTION

1. Powerful politicians abused their positions and state and other common resources to perform a political hit job to achieve benefits for their political campaign objectives. They did so by (a) knowingly falsely portraying Plaintiff as a mentally ill, suicidal, violent, dangerous, criminal, threatening, abusive, racist, sexist, misogynist bigot and destroying his reputation, (b) imposing restrictions on him that prevented him from doing the job that he was duly elected to perform, (c) maliciously, falsely prosecuting him for menacing by stalking in an abuse of process and making false alarms about him, (d) producing and

publishing a report of a bogus workplace investigation that doubled-down on the defamation and (e) endangering Plaintiff himself by inspiring against him (i) threats of violence, (ii) harassment and (iii) efforts to have Plaintiff involuntarily committed and to tell law enforcement that Plaintiff was a “suicide by cop” risk.

2. Plaintiff displayed an Israel flag at his Ohio House of Representatives office. A colleague confronted him about it, yelling at him from across a large Statehouse hearing room. Another colleague witnessed a few seconds of that disagreement and inexplicably called publicly for Plaintiff’s removal from his House position. A cascading series of events followed. The minority leader of the House manufactured and published a lengthy memo about Plaintiff that knowingly falsely called him violent and suicidal. The colleague who had called for his removal initiated against him a baseless civil stalking protection order lawsuit. The minority leader recruited the Speaker of the House to repeat her false statements about Plaintiff and announce an investigation into Plaintiff. The minority leader removed Plaintiff from committee assignments and removed his office staff while the Speaker deactivated his building access badge and directed his sergeants-at-arms follow Plaintiff at the Statehouse, treating Plaintiff like a dangerous criminal. Over the next five months, no evidence of any violent or suicidal conduct by Plaintiff was revealed, law enforcement officials declined for lack of evidence to pursue any charges against Plaintiff, and Plaintiff was exonerated by the court in the CSPO case. But during this time mainstream media organizations published more than 50 articles and videos repeating the defamatory lies by Plaintiff’s colleagues, damaging Plaintiff.

3. As a result of their actions, Plaintiff lost the main client of his law practice; he lost access to his law-client referral service; he lost his primary election; the chair of the department of the university where Plaintiff had been doing adjunct-teaching met with his co-teacher

to discuss Plaintiff and, despite positive student reviews, did not offer Plaintiff to return to continue teaching; Plaintiff spent almost \$60,000.00 out of pocket and almost 800 hours of his own time in connection with litigating the CSPO case; he lost personal and professional relationships with many friends and associates; and he suffered extreme emotional distress.

4. This action includes claims for violations of (a) prohibitions of defamation *per se*, defamation *per quod*, false light-invasion of privacy, malicious civil prosecution, abuse of process, perjury, falsification, making false alarms and intentional infliction of emotional distress, (b) the Federal Enforcement Act of 1871 and (c) the duty to defend a state officer in civil action.
5. U.S. courts have maintained consistently that society has a pervasive and strong interest in preventing and redressing attacks upon reputation. Those who publish defamatory falsehoods with the requisite culpability are subject to liability, the aim being not only to compensate for injury but also to deter publication of unprotected material threatening injury to individual reputation. Defamation was in 1776 a common-law crime and thus criminal in the colonies. Laws authorizing the criminal prosecution of defamation were both widespread and well established at the time of the founding. They remained so in 1868. Society also has a pervasive and strong interest in preventing and redressing the abuse of public resources.

PARTIES

6. At all times relevant to this action, Plaintiff was under R.C. 109.36 an officer and served as an Ohio state representative and a member of the Ohio House of Representatives (the “House”) and Defendant Ohio General Assembly, representing Ohio House District 21 (“H.D. 21”), at the time consisting of the Cities of Euclid, South Euclid, Lyndhurst,

Beachwood and Highland Heights and parts of the City of Cleveland neighborhoods of Collinwood and Euclid Park, as a member of the Democratic Caucus of the House (the “Caucus”), as a member of the Cuyahoga County Democratic Party (the “County Party”) and as the sole member and owner of Forhan LLC (doing business as the Law Office of Elliot P. Forhan), an Ohio limited liability company. From no earlier than August 21, 2023, until no later than December 25, 2023, Plaintiff served as an adjunct professor in the political science department of Kent State University.

7. At all times relevant to this action, Defendant State of Ohio was, under R.C. 2743.01, the state.
8. At all times relevant to this action, Defendant Ohio General Assembly was, under R.C. 109.36, an employer.

STATEMENT OF THE FACTS

9. On August 2, 2022, Plaintiff won the Democratic primary election for H.D. 21 and obtained the nomination to compete in the November-2023 H.D.-21 general-election contest as the Democratic Party nominee. Plaintiff obtained in the 2-Aug.-'22 primary in a field of three candidates approximately 57% of the vote.

10. On November 8, 2022, Plaintiff won the H.D.-21 general-election contest and obtained the right to represent in Defendant Ohio General Assembly H.D. 21.

Plaintiff set up outside his office a display of an Israeli flag.

11. On November 14, 2023, at or about 9:15 a.m., Plaintiff set up, with the help of Plaintiff's legislative aide at the time, in Plaintiff's Columbus state-rep office area a display of an Israeli flag.

12. Plaintiff intended the display as an expression, soon after the 2023 Hamas-led attack on Israel on October 7, 2023, of his support of Israel and of the Jewish constituents of the

House district that he represented. The district that he represented included, by some estimates, the largest population of Jewish Ohioans of any House district, including the City of Beachwood, a major center of the Ohio Jewish community.

Plaintiff's display was normal.

13. State reps typically use the area between the member's office and their aide's office to display items, like flags or posters, of significance to their districts.
14. The display in the office of national flags, including flags of nations other than the United States, is not prohibited in the workplace. For example, state reps display Ukrainian flags, and the legislative aide to Rep. Munira Abdullahi has displayed on the exterior of her office door, which is located next to the office of a Jewish state representative, the Palestinian national flag.

Mr. Plottner wrongly asked Plaintiff to remove from public view his display of the Israeli flag.

15. On the same date, at or about 9:35 a.m., Jordan Plottner, the chief of staff of the Caucus, called Plaintiff and asked if he could visit Plaintiff's office. Mr. Plottner arrived at Plaintiff's office and told him that he wanted Plaintiff to remove from the hallway the flag display and put it inside his office.

Mr. Plottner admitted that the Israeli flag symbolizes the Jewish religion.

16. On March 21, 2024, Mr. Plottner admitted while testifying at a deposition that the Israeli flag symbolizes the Jewish religion.

Plaintiff expressed opposition.

Plaintiff expressed opposition in person to Mr. Plottner; Mr. Plottner reiterated his request.

17. Plaintiff protested and asked Mr. Plottner why Mr. Plottner wanted him to move the flag. Mr. Plottner said that the display was not appropriate because of current events and

because of the proximity of the workstation areas of junior members of the staff of the Caucus who were unhappy with Israel.

18. Plaintiff protested again and said that anyone is welcome to discuss with him his views if they have a problem with the display. Mr. Plottner said that it would be unreasonable to proceed on that logic because of the “power difference” between Plaintiff and the junior members of the staff of the Caucus.
19. Mr. Plottner reiterated his request.
20. Plaintiff told Mr. Plottner that he disagreed with the request and thought that it was wrong but would nonetheless comply. Plaintiff also told Mr. Plottner that he was going to tell people about their interaction. Mr. Plottner said, “Okay,” and left. Plaintiff complied with Mr. Plottner’s request.

Plaintiff expressed opposition by recording and posting to social media a short video.

21. On the same date, at or about 9:45 a.m., Plaintiff recorded and posted to each of his social-media accounts a short video in which he described the interaction. Plaintiff stated in the video,

I just finished a conversation with the chief of staff of [the Caucus], the caucus to which I belong, about the flag of the State of Israel here, which I had displayed in the hallway with my other flags and posters, just like other state reps do all the time. The chief of staff asked me to bring the Israeli flag into my office, out of public view. I told him that I would comply with the request, but I told him that I didn’t agree with what he was asking me to do. I am proud to show my support publicly for Israel, proud to say that I love Israel, and I won’t stop doing that.

Plaintiff expressed opposition by drafting and requesting the publication to his House member webpage of a press release.

22. On the same date, at or about 10:14 a.m., in connection with the occurrence of the interaction with Mr. Plottner and posting of the video, Plaintiff, together with his aide, drafted and sent to David Meyers, the communications director of the Caucus, and the other members of the communications staff of the Caucus for immediate publication to Plaintiff's House member webpage a press release.

23. Plaintiff's press release was never published to his House member webpage.

24. On November 15, 2023, Plaintiff and his aide posted on the exterior of the door and wall of Plaintiff's Columbus office a few dozen Israeli hostage flyers.

Ms. Munira asked Plaintiff to delete his flag video.

25. On November 14, 2023, Ms. Munira asked Plaintiff by text message to delete his flag video. They had by text a discussion about Ms. Munira's request. Plaintiff told her that he was not going to delete the flag video.

Plaintiff and Ms. Munira had a brief conversation about Israel.

26. On November 15, 2023, just before at or about 12:53 p.m., Plaintiff was alone, eating lunch, in a Statehouse hearing room, waiting for a meeting of the Caucus to start at 1:00 p.m. in the same room.

27. At or about 12:53 p.m., Ms. Munira entered the hearing room. Plaintiff tried to start talking to her about a certain topic, but she interrupted him. She instead initiated a conversation about his Israeli-flag video, again urging him to delete it. Plaintiff did not want to debate that point again and told her that, but she persisted.

28. The discussion was vigorous, even heated. Each of Plaintiff and Ms. Munira raised her or his voice. He remained for the duration of the conversation where he was when she initiated the conversation, seated on the opposite side of the large hearing room from

her. He argued his position on the issue. He did not insult her or say anything ad hominem.

29. Plaintiff was willing to engage with Ms. Munira in a discussion on that topic because he and she agreed with each other about the broader issue. They were also the only two members of the General Assembly who had called for a ceasefire. They were at the time working together to introduce a ceasefire resolution.

30. Plaintiff was also willing to engage with Ms. Munira in a discussion on a controversial topic because he and she were friends. He served on the committee on which she served as ranking member. They were working together on a project that he had initiated: the formation of a House renters' caucus.

31. Plaintiff and Ms. Munira interacted for approximately four minutes, and then she left the room.

Ms. Munira admitted that she got extremely angry during the 15-Nov.-'23 discussion and accepted Plaintiff's apology.

32. On November 16, 2023, Ms. Munira admitted in a Twitter post that during the 15-Nov.-'23 discussion she got "extremely angry" and wanted to fight.

33. On November 17, 2023, Plaintiff apologized to Ms. Munira, and she accepted his apology. Ms. Munira texted him, "[I]ts okay, I forgive you..And I'm sorry all this happened on your bday. Happy belated birthday. Wish you the best."

Caucus leadership treated Plaintiff differently from how they treated Ms. Munira.

Caucus leadership dragged Plaintiff into an office and berated him for his interaction with Ms. Munira; they did not do the same to Ms. Munira.

34. On November 15, 2023, at or about 1:02 p.m., Dontavious Jarrells, the assistant leader of the Caucus, entered the hearing room, in which Plaintiff was still seated. Mr. Jarrells approached Plaintiff and directed him to come with him. Plaintiff followed Mr. Jarrells

out of the hearing room, across the hallway, into the House minority caucus leadership Statehouse office suite and into Mr. Jarrells's Statehouse office. Mr. Jarrells directed Plaintiff to sit, which he did. Rep. Terrence Upchurch entered the room.

35. Mr. Jarrells and Plaintiff had a conversation about the interaction that Plaintiff had just had with Ms. Munira. At some moment, Jessica Miranda, at the time the whip of the Caucus, entered the room and yelled at Plaintiff, and Plaintiff raised his voice at her in return. At some moment, Allison Russo, an Ohio state representative and the leader of the Caucus, stuck her head in the room and said to Plaintiff, "Fuck you." Ms. Russo confirmed that she said that.
36. None of them asked Plaintiff (a) to tell them who initiated the conversation, (b) if he even wanted to participate in the conversation, (c) if he told Ms. Munira that he did not want to have that conversation or (d) if she also raised her voice. None of them tried to obtain the full story.
37. Ms. Russo admitted that she (a) was not present during the Munira-Plaintiff conversation, (d) asked Ms. Munira for her side of the story and (c) did not ask Plaintiff for his side of the story.
38. The Caucus leadership did not drag Ms. Munira into an office and berate her for her interaction with Plaintiff. They did not do that even though (a) she confronted Plaintiff, (b) Plaintiff didn't want to talk about it and told her so, (c) she raised her voice and (d) she was, by her own admission, extremely angry and wanted to fight Plaintiff.
39. The Caucus leadership caused Plaintiff to feel extreme distress. Several of them escorted him into a small office room after his colleague, Ms. Munira, had just angrily confronted him. They didn't try to obtain the full story. They yelled at him. They cursed at him. They had been mistreating him for months. Plaintiff asked Mr. Upchurch if Mr.

Upchurch wanted to hit Plaintiff, and Mr. Upchurch shook his head “no.” Plaintiff then said to Mr. Upchurch, go ahead and hit me. Plaintiff did not mean it literally. Mr. Upchurch did not hit Plaintiff. Mr. Upchurch shook his head “no.” Plaintiff and Mr. Upchurch were approximately six feet away from each other. Plaintiff did not move toward Mr. Upchurch or anywhere else, and Mr. Upchurch did not move toward Plaintiff or anywhere else. Each of them stayed stationary. Neither Plaintiff nor Mr. Upchurch moved, and nobody hit anyone.

Caucus leadership with no cause called House sergeant-at-arms on Plaintiff; they did not do the same to Ms. Munira.

40. On the same date, no later than at or about 1:07 p.m., in the hallway, Mr. Plottner appears to have called the House Sergeant-at-Arms (the “SAA”). Two minutes later, two assistant House Sergeants-at-Arms (each, an “assistant SAA”) arrived in the hallway.
41. Mr. Plottner called the SAA on Plaintiff for no reason other than allegations re Plaintiff’s conduct in connection with the conversation between him and Ms. Munira
42. Again, that discussion was vigorous. But Plaintiff remained for the duration of the conversation where he was when Ms. Munira initiated the conversation, seated on the opposite side of a large hearing room from her.
43. Mr. Plottner had no cause to call the sergeants-at-arms on Plaintiff.
44. Caucus leadership did not call any SAs on Ms. Munira, even though (a) she confronted Plaintiff, (b) Plaintiff didn’t want to talk about it and told her so, (c) she raised her voice and (d) she was, by her own admission, extremely angry and wanted to fight Plaintiff.

Caucus leadership asked Plaintiff not to attend the Caucus meeting; they did not ask the same of Ms. Munira.

45. At or about 1:11 p.m., Ms. Miranda left Mr. Jarrells’s office, retrieved from the hearing room Plaintiff’s suit jacket and computer bag, re-entered the office and dumped on a

table Plaintiff's items. One of Ms. Miranda or Mr. Jarrells told Plaintiff that Caucus leadership was asking him to not attend the Caucus meeting that day. He said, "Okay," took his items, left Mr. Jarrells's office and went to his desk on the floor of the House chamber.

46. Plaintiff did not see on that day any sergeants-at-arms.

47. Caucus leadership did not ask Ms. Munira not to attend the Caucus meeting, even though (a) she confronted Plaintiff, (b) Plaintiff didn't want to talk about it and told her so, (c) she raised her voice and (d) she was, by her own admission, extremely angry and wanted to fight Plaintiff.

Defendants Russo and Plottner published the defamatory 16-Nov.-'23 memo and letter.

48. On November 16, 2023, Defendants Russo and Plottner published the Memorandum, dated "February 2023 – Current," to House Democratic Leadership re "[Plaintiff's] Hisotry [sic] of Hostile & Inappropriate Behavior." Each of Ms. Russo and Mr. Plottner claimed credit for writing the 16-Nov.-'23 memo.

49. On the same date, Defendants Russo and Plottner published a letter.

50. The 16-Nov.-'23 memo and letter included, among other defamatory and tortious content, multiple false statements that Plaintiff (a) was violent and dangerous, (b) threatened to commit acts of self-harm or suicide, (c) was mentally ill and (d) threatened, abused, harassed and intimidated staff members, other state legislators, constituents and other people.

51. With respect to the false statements described in clause (b) of the immediately preceding sentence, the 16-Nov.-'23 memo stated, for example, that Plaintiff said, "Just shoot me." This phrase is a commonly used expression of frustration. It is not a suicidal threat. It is,

verbatim, the title of a popular American situational-comedy television series that aired from 1997 to 2003 on a national commercial broadcast television network.

52. Plaintiff said, “Just shoot me,” during a meeting on September 20, 2023. He said the phrase as it is normally used in our language: as an expression of frustration. The 16-Nov.-’23 memo stated, falsely, that Plaintiff’s use of this common American English expression was “violent” and an example of an incident in which Plaintiff “threatened to take his own life or challenged others to kill him.”

53. Mr. Plottner himself engaged in similar expressions of frustration and gallows humor during his employment at the House.

54. The 16-Nov.-’23 memo also includes as an attachment an email by Dionna Herbert, the personnel officer (*i.e.*, the leader of human resources) of the Caucus. Ms. Herbert’s email further defames Plaintiff and accuses him, falsely, of violating—by staging the flag display and posting the video—House anti-discrimination policies.

55. The 16-Nov.-’23 memo also includes as an attachment an email, dated November 14, 2023, by Mr. Meyers that contains false statements (the “Meyers Defamation”) that further defame Plaintiff. The Meyers Defamation includes (i) Plaintiff committed continued erratic behavior towards House Minority communications staff, (ii) over the course of the last several months, Mr. Meyers and members of his team have been facing more and more encounters with Plaintiff where he has exemplified a pattern of erratic, aggressive and unbecoming behavior, including outbursts of anger, repeated phone calls or text messages with unreasonable requests, and moments of paranoia where he states that he is being targeted directly by the communications staff or indirectly by caucus leadership or even by outside actors, (iii) Plaintiff has displayed this behavior on several occasions the past several months, (iv) examples of Plaintiff’s behavior includes drafting

of the Trust Women's Act, House Commerce and Labor Committee/Ms. Wright confrontation, House Democratic Caucus Statement supporting Israel, Plaintiff's response to House Resolution 292 and the introduction of the Reproductive Care Act and (v) for the wellbeing of Mr. Meyers, Mr. Meyers's staff and other House staff members Plaintiff's unprofessional behavior must be officially recognized and prudentially addressed.

56. Mr. Meyers knew that the Meyers Defamation was false. For example, (a) during May 30 to November 14, 2023, Mr. Meyers told Plaintiff (i) not to apologize for contacting him when he was on vacation, (ii) that he was here for whatever Plaintiff needed, (iii) that it was all good that Plaintiff called him accidentally, (iv) that "24/7 service # is always active," (v) that there was no need to apologize interrupting a game and (vi) that November 14, 2023, was a "Nutty day at the Snakehouse," (b) the frequency of contact by Plaintiff to Mr. Meyers or members of Mr. Meyers's team were limited and only work-related.

They knew that the statements were false.

57. Ms. Russo and Mr. Plottner knew at the time of the publication of the 16-Nov.-'23 memo that the statements re suicide and violence, *e.g.*, were false. Several items of evidence prove that.

Defendants Russo and Plottner waited until the day on which they published their memo to use the emergency-contact information for Plaintiff.

58. On November 16, 2023, Mr. Jarrells called by phone the parents, Linn Forhan and Patricia O'Brien, of Plaintiff. He told them that Plaintiff was suicidal. (Plaintiff was not suicidal.) He told them that the 16-Nov.-'23 memo was, in that connection, being written and would be released, possibly as soon as that day, to the media. He promised that he

would let her know that the 16-Nov.-'23 memo had been released to the media and was available, and indeed he texted her later that day.

59. The next day, November 17, Mr. Jarrells called Ms. Forhan again. Ms. Forhan protested to Mr. Jarrells that the decision by the Caucus leadership team to tell the media that Plaintiff was suicidal was a bad decision. She told him that it was counter-productive on its own terms, because to publicly “out” a person who was genuinely suicidal could well be the thing that pushes the person to take his life.

60. Mr. Jarrells replied to Ms. Forhan that unfortunately he couldn’t control what his colleague, Ms. Russo, reported to the media.

61. Defendants Russo and Plottner had sought and obtained on or about October 12, 2023—more than a month earlier—from the Chief Information Officer of the House the contact information of the emergency contacts, Plaintiff’s parents, of Plaintiff. They did not use that information until November 16, the day when they published their memo. If a person was actually concerned about a suicide risk, then she would act immediately, not a month later when it would be politically convenient.

The last thing that you would do, if you thought that someone might do self-harm, is give to the media the person’s name and the allegation.

62. The actions on or about November 16, 2023, by Defendants Russo and Plottner in drafting and publishing the 16-Nov.-'23 memo as they did, and the subsequent, immediate distribution among members of the Ohio state-government and more general mainstream media corps of their memo show that Ms. Russo and Mr. Plottner knew that Plaintiff was never suicidal. As Ms. Forhan said on November 17 to Mr. Jarrells, the last thing that a person would do if she thought that another person might commit an act of self-harm or attempt suicide would be to give to the media that other person’s name and

allege that he is suicidal. Defendants Russo and Plottner never believed that Plaintiff was suicidal. Yet they stated, falsely, that he was. And, based on that, they stated further, falsely, that he was violent.

63. A person need not be an expert in mental health to know not to do what Ms. Russo and Mr. Plottner did to Plaintiff. But Ms. Russo holds multiple graduate degrees in health-related fields. Mr. Plottner claimed to have direct experience caring for a family member, his mother, who suffers from mental illness. Also, Defendants Russo and Plottner involved in their plot Mr. Jarrells. Mr. Jarrells worked for, in a non-clinical role, the Ohio Department of Mental Health & Addiction Services and holds himself out as a “counselor.”

The timing proves that Defendants Russo and Plottner knew that their statements were false.

64. Another point about timing: the date of the making by Plaintiff of the statement “just shoot me,” as mentioned in this section above, was September 20, 2023, almost two months before the time of the publication (and likely also the drafting) of the 16-Nov.-'23 memo. The false version of events as told by Ms. Russo and Mr. Plottner is: they observed Plaintiff make statements that caused them to believe that he was suicidal; then they did not do anything for two months; then they published to the media a memo calling him suicidal and violent.

65. Three weeks passed between (a) the last time when Defendants Russo and Plottner say that Plaintiff made any suicide-related comment, during the phone conversation on October 26, 2023, with Matt Smith, and (b) when they did anything about it, on November 16, 2023. And what they did do—publish their memo, publicly devastating

Plaintiff's good reputation—callously disregarded, according to their own story, Plaintiff's life.

66. Again, Defendants Russo and Plottner never believed that Plaintiff was suicidal or violent. They knew when they made statements to that effect that those statements were false.

Defendants Russo and Plottner rushed to throw together their defamatory memo so that they could quickly share it with press.

67. According to Mr. Plottner, Ms. Russo said at a meeting on or about November 14, 2023, at the Statehouse, “I need everyone to start documenting this because this is crazy. This is out of control. We have someone who is threatening suicide. . . . This could become dangerous and a liability if we don’t document this in some way.” Ms. Russo solicited the accounts attached to her 16-Nov.-’23 memo. They did not arise organically through any known or routine policy or complaint process.

68. These accounts were included as attachments to the 16-Nov.-’23 memo. Note that one of the accounts is dated November 17, 2023, the day after the date (November 16, 2023) of the publication by any media organization of an article covering the 16-Nov.-’23 memo. This indicates the rush with which Defendants Russo and Plottner were creating and publishing their defamatory material. They were distributing it before it was even completed. Defendant Plotter testified to their hurried speed.

The purpose of the 16-Nov.-’23 memo was, based on its contents, to disparage Plaintiff.

69. Another item of evidence is that the purpose of the publication of the 16-Nov.-’23 memo was, seemingly, to disparage Plaintiff. The memo’s body and attachments include many details that are inappropriate for inclusion in any Caucus or House disciplinary document. For example, three of the body pages and four of the solicited attachments

are dedicated to describing events in connection with Plaintiff's showing support for Israel by displaying an Israeli flag in his workspace (displaying flags and other items is a common practice by members). The memo states that Plaintiff "plan[ned] to pander to known pro-Israel opinions in his district" and accuses him of, again, "political pandering" and "manipulation."

Ms. Russo said, the day before publishing the memo, to Plaintiff "fuck you."

70. Additional evidence of ill will by Ms. Russo toward Plaintiff exists. On November 15, 2023, the day before she and Mr. Plottner published their memo, she said to Plaintiff in front of a group of people, "Fuck you, [Plaintiff]."
71. On March 29, 2024, Ms. Russo admitted enthusiastically while testifying at a deposition that she said it. Ms. Russo so admitted approximately 30 seconds after Plaintiff told her about Mallory McMaster (the best friend of Ms. Brent and a former president of the Cleveland Heights Democratic Club, a large, active club organization constituent of the County Party and based in a community that is geographically adjacent to the House district represented by Plaintiff) telling Plaintiff that she wanted to shoot him. The enthusiasm of the admission, in context, is even more bizarre and hostile.

Ms. Russo demonstrated additional ill will toward Plaintiff.

72. Ms. Russo also demonstrated over several months additional ill will toward Plaintiff. She did so by, *e.g.*, (a) publicly reprimanding him on May 30, 2023, (b) participating on June 27, 2023, together with Juanita Brent, an Ohio state representative and a member of the Caucus and as the executive vice chair of the County Party, in front of a fourth Democratic state rep, in making sexual jokes about Plaintiff, (c) removing him on July 7, 2023, from a committee-leadership position, (d) telling him in October 2023 in front of

Mr. Jarrells that if she had the power to fire him, then she would do so and (e) effectively removing him on November 16, 2023, without Caucus authorization, from the Caucus.

A blogger told Plaintiff the day before they published the 16-Nov.-'23 memo that Ms. Russo was extremely mad at Plaintiff.

73. Additional evidence of ill will by Ms. Russo toward Plaintiff exists. On November 15, 2023, the day before she and Mr. Plottner published their memo, D.J. Byrnes, a blogger who focuses on Ohio state politics, told Plaintiff by phone that the leadership of the Caucus was extremely mad at Plaintiff.

Mr. Plottner described, absurdly and falsely, the 16-Nov.-'23 memo as a “Hail Mary” to help Plaintiff get help.

74. On March 21, 2024, Mr. Plottner under oath (a) described, absurdly and falsely, the 16-Nov.-'23 memo as a Hail Mary “or a hope that [Plaintiff] get help” (b) stated that Caucus leadership only documented Plaintiff’s alleged “suicidal threats” after “it became apparent that it had reached a tipping point” and (c) suggested that the purpose of the 16-Nov.-'23 memo was, with respect to the alleged “suicidal threats,” to provide workplace safety.

75. Mr. Plottner answered, in response to the question, “Did you think that releasing to the press this memo was a good idea if a member was suicidal?” as follows:

No. I went to lengths, [A.] Russo also went to lengths, to ensure that, because we operate in a public environment, we weren’t documenting this until it became apparent that it had reached a tipping point. [Plaintiff] w[as] not responding reasonably to the concern that people expressed for [him], any resources people offered [him], and that’s when the documentation began as a “hail-Mary” or a hope that [he] get help if it came to that but also to protect the parties involved, to show that we were not negligent in our obligation to provide some semblance of workplace safety or at least awareness of issues that were playing out before our very eyes during a period of several months.

76. Again, the last thing that you would do if you thought that another person might commit an act of self-harm or attempt suicide would be to give to the media that other person's name and allege that he is suicidal. Plaintiff was not suicidal, and Defendants did not think that he was.

Mr. Plottner stated falsely that he was following Caucus or House policy when he drafted the 16-Nov.-'23 memo.

77. Mr. Plottner also testified falsely that he was following Caucus or House policy when he drafted the Nov-16 memo. He stated falsely, "It was the policy of documenting behavior to protect members and staff, ensure a safe and protective work environment."

Ms. Russo and Mr. Plottner lied under oath about the disclosure to the press of the 16-Nov.-'23 memo.

78. Each of Ms. Russo and Mr. Plottner lied under oath about how the members of the Ohio political press corps obtained copies of the 16-Nov.-'23 memo.

79. Ms. Russo testified as follows:

Q: To whom in the press was the 16-Nov.-'23 memo given?

A: I'm unsure.

Q: Did you draft the 16-Nov.-'23 memo with the intention of telling the press that it existed in releasing it to them?

A: No.

Q: Did you intend to keep it secret?

A: I knew that if it was in writing, it would become a public record, and there was the possibility that it could be requested through a public records request.

Q: Did Mr. Plottner tell any press to ask for it?

A: I don't know.

Q: Did Mr. Meyers?

A: I don't know.

Q: Did any other caucus staff member?

A: I don't know.

Q: Are you generally not aware of what your staff is doing in your name?

A: No, I wouldn't say that that is the case. I would say that in this case I don't know. I don't know the press -- they were

aware of the circumstances that had occurred in caucus[,] and they would likely be asking for information, and we had some discussion that that was a possibility, and I instructed the staff that if that happened, [then] they needed to have a conversation with our deputy legal counsel.

Q: Did you communicate with Morgan Trau about the letter dated November 16 last year that you sent to Plaintiff?

A: No, I did not communicate with Morgan Trau.

Q: Did you communicate with her about the memo?

A: No, I did not communicate with Morgan Trau about any of this.

80. Ms. Russo also testified:

Q: How did the 16-Nov.-'23 memo get leaked to the press?

A: I don't know what you mean by "leaked." Anything that is documented under our Ohio public-records law is subject to release.

Q: Who gave it to them?

A: I don't know. I imagine that as the news stories were breaking about the circumstance with you and [Ms. Munira] Actually, I'm trying to remember the order here. I think I had sent a memo to you, or an email to you, and the speaker had sent an email to you. As the press became aware of that, they likely made a request to our comms director, who then went through our legal counsel.

81. Mr. Plottner testified as follows:

Q: How did the press obtain a copy of the memo?

A: Through public-records request.

Q: Who gave the memo to the press?

A: [Acting caucus legal counsel] Cindy Peters."

Q: How did the press know to request the memo?

A: [T]he general awareness that permeated the Statehouse halls. . . . There was a general awareness that something was going on with you I think that it was known that something was going on with you.

Q: As a result of the general awareness, press were making public-records requests in connection with that?

A: Making inquiries. Yeah.

82. The way by which the press corps learned about the 16-Nov.-'23 memo is that Mr. Meyers sent proactively, unsolicited to Ms. Trau a copy of it, and *News 5 Cleveland* published, approximately two and a half hours later, an article written by her about it.

Mr. Plottner admitted that the 16-Nov.-'23 memo was not standard.

83. Mr. Plottner admitted that publishing the 16-Nov.-'23 memo was not a standard method of handling a complaint against a Caucus or staff member. He also admitted that complaints against Caucus members “from citizens, constituents, etc.” are frequent. He could not, however, remember any such complaint other than a complaint re a person whose assigned parking space was too small.

Mr. Plottner admitted that he has heard people other than Plaintiff use non-literal suicide expressions.

84. Mr. Plottner admitted that he has heard people other than Plaintiff use non-literal suicide expressions like “just shoot me” or “I’m going to jump out that window.”

Defendants Russo and Plottner said other things at depositions that tend to prove that they knew that the statements were false.

85. Ms. Russo and Mr. Plottner said things at depositions in the CSPO case (as herein defined) that tend to prove that they knew that the statements were false. For example, Ms. Russo lied under oath about House outside-counsel investigations. Defendants Russo and Plottner also admitted that Plaintiff is the only person whom they ever targeted in this way.

Mr. Meyers republished the 16-Nov.-'23 memo and letter.

86. On November 16, 2023, at or about 6:46 p.m., Mr. Meyers republished the 16-Nov.-'23 letter by sending it via text message to Mr. Tobias.

87. On the same date, *Cleveland.com* published an article, by Mr. Tobias, describing and quoting from the 16-Nov.-'23 letter.

88. On the same date, at or about 7:55 p.m., Mr. Meyers republished the 16-Nov.-'23 memo by sending it via text message to Ms. Trau.
89. On the same date, at or about 10:29 p.m., *News 5 Cleveland* published an article, by Ms. Trau, describing and quoting from the 16-Nov.-'23 memo. The 16-Nov.-'23 *News 5 Cleveland* article contained, for example, multiple false statements, quoting from the 16-Nov.-'23 memo, that Plaintiff committed or was alleged to have committed violent behavior. *News 5 Cleveland* republished those statements at fewest ten more times, in articles or videos published on November 17 (twice), 20 and 21 and December 15, 16 and 26, 2023, and January 3, March 15 and April 8, 2024.

Mr. Meyers corrected Ms. Trau re one issue; he did not correct anything else.

90. On November 17, 2023, Mr. Meyers asked Ms. Trau twice to change one issue in the 16-Nov.-'23 *News 5 Cleveland* article: false statements to the effect that Plaintiff had been removed from Democratic caucus. Mr. Meyers requested no other corrections.
91. During the later such text conversation, Mr. Meyers invited Ms. Trau to punch him. He texted her, "You have every right to punch me next week." He then told her, "Seriously. Walk up and slug me in the arm." To Plaintiff's knowledge, no one has written up a memo describing Mr. Meyers as violent or threatening self-harm, nor was he disciplined for these comments.

Further distribution of the defamation and tortious content was prompt and widespread.

92. Further distribution of the 16-Nov.-'23 memo and letter and their defamatory and tortious content was prompt and widespread. For example, more than 50 articles or videos published on or since November 16, 2023, including more than a dozen published on either November 16 or 17, 2023, by mainstream media organizations quote

from or describe it. Plaintiff's primary election opponent included quotations from the memo in campaign mailers against Plaintiff.

The publications damaged Plaintiff.

93. The defamatory and tortious statements set forth in the 16-Nov.-'23 memo and letter damaged Plaintiff. As a result of the republication by mainstream media organizations of the false statements that Plaintiff was violent, the main client of Plaintiff's law firm and Plaintiff's client-referral service each terminated its business relationship with Plaintiff. Plaintiff suffered damage to his personal and professional relationships with many friends and associates.
94. During November 17 to 20, 2023, each of (a) an ad-hoc group of more than two dozen elected officials and active Democrats in the House district that Plaintiff represented and (b) multiple important local organizations, including the Cleveland branch of the N.A.A.C.P. and the Cuyahoga Democratic Women's Caucus, published a statement calling for the removal of Plaintiff from his state-representative position. In each case, the statement included language based on the statements set forth in the 16-Nov.-'23 memo and letter.
95. Plaintiff lost on March 19, 2024, the Democratic primary election in which he was seeking to obtain re-election to his state-representative position. He obtained in that election in a field of three candidates approximately 12% of the vote. He had obtained in the Democratic primary election on August 2, 2022, approximately a year and a half earlier, in a field of three candidates approximately 57% of the vote.
96. On March 26, 2024, Ms. McMaster testified at a deposition that the 16-Nov.-'23 memo (a) was really important background information for how unhinged and how dangerous Plaintiff was and (b) really outlined the severity of how dangerous Plaintiff was. As

discussed below, Ms. McMaster, at least in part based on the 16-Nov.-'23 memo, defamed and intentionally inflicted emotional distress on Plaintiff, including (i) making extreme and outrageous communications to Plaintiff, including telling Plaintiff that she wanted an excuse to shoot him, (ii) trying to have Plaintiff involuntarily committed, (iii) endangered Plaintiff by urging David Brock, chair of the County Party, to show to local law enforcement a copy of the 16-Nov.-'23 memo to alert them to the “suicide by cop threat” posed by Plaintiff, (iv) participated in maliciously prosecuting and making false alarms about Plaintiff and (v) tried to get Plaintiff expelled from the Cuyahoga County Democratic Party (the “County Party”).

Ms. Russo effectively removed Plaintiff, without Caucus authorization, from the Caucus; she did not do the same to Ms. Munira

97. On November 16, 2023, Ms. Russo effectively removed, without Caucus authorization, all the rights, benefits and privileges of Plaintiff's membership status in the Caucus by (a) asking Jason Stephens, the speaker of the House, to remove Plaintiff's legislative aide and his office, (b) removing him from his remaining committee and board assignments, (c) prohibiting him from contacting any staff member of the Caucus and (d) removing him, via Ms. Miranda, from the Signal messaging-app group direct-message conversation for Caucus members.

98. Ms. Russo did not impose on Ms. Munira any similar consequences, even though (a) she confronted Plaintiff, (b) Plaintiff didn't want to talk about it and told her so, (c) she raised her voice and (d) she was, by her own admission, extremely angry and wanted to fight Plaintiff.

Defendants claimed that Caucus leadership generally investigates complaints but admitted that they did not investigate the Munira-Plaintiff conversation.

99. Ms. Russo admitted that she did not investigate the 15-Nov.-'23 Munira-Plaintiff conversation. She did not do so, even though Mr. Plottner admitted that in general the Caucus leadership investigates complaints against Caucus or staff members. Mr. Plottner admitted that these investigations include talking to the parties involved. Ms. Russo admitted that, with respect to the Munira-Plaintiff conversation, she did not obtain Plaintiff's side of the story. If she had done so, then she likely would have learned that Ms. Munira was crying because (a) she was angry and (b) she couldn't "fight who she wants to fight."

Ms. Russo defamed and tortiously injured Plaintiff because of his race and sex.

100. Ms. Russo defamed and tortiously injured Plaintiff because of his race and sex. The 16-Nov.-'23 memo makes express reference to the race and sex of each of Ms. Wright and Ms. Munira, in each case noting that she is a Black woman.

Ms. Russo disclaimed responsibility for the removal of Plaintiff's aide and stated, absurdly, that she had no alternative but to remove his Caucus privileges.

101. On March 29, 2024, Ms. Russo stated under oath, absurdly, that she had no alternative but to remove his Caucus privileges. She also disclaimed responsibility for the removal of Plaintiff's legislative aide and moving his office.

Mr. Plottner expressed hostility toward Plaintiff's facial hair.

102. Sometime during January to May 2023, Mr. Plottner told Plaintiff that he thought that Plaintiff should shave his facial hair. Mr. Plottner told Plaintiff words to the effect of, "I'll take you outside and shave you myself."

Ms. Russo excluded Plaintiff from receiving at least some Caucus communications.

103. On November 7, 2024, Ms. Russo sent to the members of the Caucus an email, informing them that Mr. Plottner would as of no later than November 25, 2024, leave the position of chief of staff of the Caucus.

104. Notwithstanding Plaintiff's status as a member of the Caucus, Ms. Russo did not include Plaintiff as a recipient of her 7-Nov.-'24 email.

Mr. Stephens defamed and imposed on Plaintiff criminal-like consequences; he did not do the same to Ms. Munira

105. On November 17, 2023, Mr. Stephens published a letter (the "17-Nov.-'23 Stephens Letter") that included statements (the "17-Nov.-'23 Stephens Letter Defamation") defamatory or otherwise tortiously injurious to Plaintiff.

106. The 17-Nov.-'23 Stephens Letter Defamation included statements that (a) Ms. Russo and staff of the Caucus presented Mr. Stephens with allegations that Plaintiff's conduct created a reasonable apprehension of violent conduct, (b) the allegations and concerns re Plaintiff were serious and implicated the safety and wellness of House members and staff and (c) an obligation to maintain a workplace that complies with all state and federal laws required Mr. Stephens to permit Ms. Russo to reassign Plaintiff's legislative aide.

107. The 17-Nov.-'23 Stephens Letter also (a) granted Ms. Russo's request and removed his legislative aide and office, (b) disabled his Statehouse badge access, (c) asked David Yost, the Ohio Attorney General (the "A.G."), to appoint outside counsel to Mr. Stephens to perform a workplace investigation and (d) directed the SAAs to "to implement certain measures during the pendency of the investigation" and Plaintiff to contact the SAA to obtain further directions regarding (i) how he could access state facilities and (ii) other applicable security measures. With respect to the items described in clause (a) of the foregoing sentence, Mr. Stephens did so in violation of a House rule,

passed on January 24, 2024 (“House Rule 20(c)”), by the House, that expressly prohibited the speaker from eliminating the office of a member without the member’s consent and removing a member’s staff without the member’s acquiescence.

108. Mr. Stephens also changed the assigned seating on the House chamber floor to move away from Plaintiff’s desk two women state representatives who had been seated next to Plaintiff since the start of the two-year-long session in January 2023. This further promoted the false message that Plaintiff was a danger to women.

109. Mr. Stephens treated Plaintiff like a violent, dangerous criminal.

110. On the same date, Mr. Stephens also materially reduced Plaintiff’s parking privileges. He did so in violation of House Rule 20(c), which expressly prohibited the speaker from eliminating parking privileges without the member’s consent.

111. Mr. Stephens did not impose on Ms. Munira any similar consequences, even though (a) she confronted Plaintiff, (b) Plaintiff didn’t want to talk about it and told her so, (c) she raised her voice and (d) she was, by her own admission, extremely angry and wanted to fight Plaintiff.

Messrs. Russo, Stephens and Stanek wrongly denied Plaintiff control of his House member webpage.

112. On February 3, 2024, Plaintiff asked Mr. Meyers how he could post to his official House member webpage any new content. On the same date, Mr. Meyers directed Plaintiff to send any such material to Kurt McDowell at Legislative Information Services, which manages information technology for the General Assembly.

113. On April 25, 2024, Plaintiff sent to Mr. McDowell a press release and asked him to publish it promptly to his House member webpage. The release was titled “[Plaintiff] Calls on Brent to Resign” and called on Ms. Brent to resign immediately from her

positions as state representative and executive vice chair of the Cuyahoga County Democratic Party.

114. Note that Ms. Brent published on November 21, 2023, on her House member webpage a press release titled “Rep. Brent Files Civil Protection Order Against Rep. [Plaintiff].”

115. On July 15, 2024, Plaintiff sent to Mr. McDowell another press release and asked him to publish it promptly to his House member webpage. The release described the recent sending by Plaintiff to Mr. Stephens of a letter informing him that Cleveland police are investigating Ms. Brent for committing multiple acts of perjury. It included no “overtly political material unrelated to” his state-rep duties. The release was not so published.

116. On each of July 17 and September 16, 2024, Plaintiff called Mr. McDowell and emailed him again, asking about the status of his 15-Jul.-’24 request.

117. On September 18, 2024, Mr. McDowell told Plaintiff that his request was denied “pursuant to House Rules.” Plaintiff asked him which rule. He received no reply.

Ms. Russo prevented the Caucus from holding a vote to restore Plaintiff to full status and mitigate damage to him; the Caucus negligently supervised and retained Ms. Russo.

Plaintiff distributed to the Caucus a memo rebutting, point-by-point, the 16-Nov.-’23 and stating that he sought restoration and mitigation.

118. On December 11, 2023, Plaintiff sent to the members of the Caucus an email. It stated,

Almost a month has passed since I was effectively kicked out of the caucus. I continue to seek . . . restoration of the benefits of inclusion as a full member of the caucus. Please find attached my response to [Defendant] Russo’s allegations against me. I hope that it will set the record straight and allows you to have full information as we proceed.

119. Attached to Plaintiff's 11-Dec.-'23 email was a memo, dated December 11, 2023, by Plaintiff. Plaintiff's 11-Dec.-'23 memo addressed, point by point, the contents of the 16-Nov.-'23 memo, identifying and discussing the many false and misleading statements contained therein. It stated (a) that Plaintiff sought (i) the restoration to him of all privileges, including (w) reassigning to him his former committee and board assignments, including his ranking assignment, (x) the reassignment to him of his former legislative aide and former 10th-floor office, (y) ending the P.M. Matter (as herein defined) and (z) reactivating his badge access and (ii) correction of the record by Ms. Russo and (b) that the damage done to him was substantial and ongoing.

The chief prosecutor of the City of Cleveland vindicated Plaintiff.

120. During January 2 through 4, 2024, multiple mainstream media organizations, including at fewest two based in Cuyahoga County, published articles covering the decisions by the chief prosecutor of the City of Cleveland, because of the lack of evidence to support the allegations against Plaintiff, (a) to decline to charge Plaintiff in connection with the false police reports by Ms. Brent and (b) to close the investigation in connection therewith.

Plaintiff requested an in-person audience with the Caucus to discuss restoration and mitigation; Caucus leadership threatened to throw him out of the meeting.

121. On January 9, 2024, Plaintiff sent to Ms. Russo, copying the rest of Caucus leadership, including Ms. Miranda and Mr. Jarrells, an email. The email (a) noted that Plaintiff had asked already twice to be restored to full-member status and that the Caucus leadership had so far ignored his requests, (b) requested an in-person audience with the Caucus to discuss the restoration to full-member status of him, including restoring his legislative rights and privileges, (c) noted the outrageousness of the

defamation of him and that Ms. Russo had declined to request that the A.G. appoint to him outside counsel in the CSPO case (as defined below) and (d) asked Ms. Russo to confirm that discussion of the restoration would appear on the agenda of the Caucus meeting scheduled to occur the following day.

122. On the same date, Plaintiff forwarded to the non-leadership Caucus members, to apprise them of his efforts to obtain restoration, his 9-Jan.-'24 email.
123. On the same date, Mr. Jarrells replied-all, in relevant part,

We will not hold time on the agenda for your proposed discussion tomorrow. . . .

Should you seek to raise your discussion, you will be asked to stop. Should you insist and cause disruption, you will be asked to leave. Should you refuse and continue to disrupt, we will ask that you be escorted out of the caucus room.

124. On the same date, Plaintiff forwarded to the non-leadership Caucus members Mr. Jarrells's reply email. Plaintiff wrote in the body of email:

Colleagues,
Please find below the response that I just received from caucus leadership. To paraphrase: "No, and if you try to talk about this matter, then we will throw you out." No mention of scheduling a discussion at a future time.
Is this acceptable? I just want to keep you informed of what's happening.

Plaintiff tried again; Ms. Russo shut him down.

125. On January 24, 2024, Plaintiff attended in a room at the office of a labor union a day-long Caucus retreat. The office building is located four blocks away from the Statehouse. From the outset of the retreat, Plaintiff noticed that an assistant SAA was seated just outside the door of the room. The presence of the assistant SAA struck Plaintiff as wrong. The SAAs work for the House Speaker, who was at the time not a

member of the Caucus. The retreat program speakers were discussing sensitive Caucus information.

126. Plaintiff suspected that Mr. Stephens had directed, at the request of Defendants Russo and Plottner, the presence of the assistant SAA to further treat Plaintiff like a violent criminal.

127. During the retreat, when the program was between items, Plaintiff tried to address the Caucus members in attendance. He wanted to (a) alert the Caucus to the presence of the assistant SAA, which infringed on the integrity of the Caucus, and (b) ask them for a vote to remove the restrictions imposed by Ms. Russo and Stephens. Plaintiff communicated the message about the presence of the assistant SAA. Ms. Russo stood and told him loudly to sit down. Plaintiff stopped talking and sat down. The program continued.

128. At the end of the retreat, Plaintiff tried again to address the Caucus. He waited, standing by the side of the front of the room, until Ms. Russo finished giving concluding remarks. He asked Ms. Russo if he could address the Caucus. She said words to the effect of, “No, you may not,” told the Caucus to leave and left the room. Plaintiff tried to speak to the group anyway. He told them that Ms. Russo had defamed and humiliated him and that he was seeking to obtain restoration of his privileges as a Caucus member.

Ms. Russo admitted that Caucus members asked about Plaintiff's situation, that she promised to them a full briefing, told them that she stood by her decision.

129. On March 29, 2024, Ms. Russo stated while testifying, in answering the question “Did you ever brief the caucus about [the 16-Nov.-’23 memo]?” as follows: “[T]here were questions about it that came up during a meeting. I didn’t give a full briefing. I said

that there would be an opportunity later on to give a full briefing[] but let them know very clearly that I stood by my decision.”

130. There never was, as far as Plaintiff knows, any such briefing.

Plaintiff tried, without success, with the new Caucus whip.

131. On April 10, 2024, the House Democratic caucus elected as its new whip Rep. Dani Isaacsohn.

132. On April 24, 2024, Mr. Isaacsohn was sworn in as the new caucus whip.

133. On the same date, Plaintiff initiated with Mr. Isaacsohn efforts to obtain the removal of the restrictions that Defendants Russo and Stephens had imposed in November 2023 on him.

134. For more than a month, Plaintiff pursued those efforts. They included Plaintiff asking that Ms. Russo either (a) restore him to full status and lift all restrictions or (b) give him a hearing before the Caucus and let the group decide. The efforts came to nothing. Mr. Isaacsohn told Plaintiff that the answer, with respect to each of his requests, was “No.”

135. Plaintiff also asked that Mr. Isaacsohn permit him to access again the Signal messaging-app group direct-message conversation for the Caucus members. Mr. Isaacsohn returned to Plaintiff, again, an answer of no. Plaintiff asked Mr. Isaacsohn to give to him an explanation for the denial of his request. Mr. Isaacsohn never gave to Plaintiff any such explanation.

Plaintiff distributed to the Caucus a resolution to restore him to full status.

136. On June 12, 2024, at or about 10:51 a.m., Plaintiff sent to the Caucus an email that included a short resolution. It included four short “whereas” clauses and one resolution clause: “THEREFORE, BE IT RESOLVED, that Rep. [Plaintiff] is restored to full

status and all restrictions are lifted.” His email noted that (a) he was coming to them then because the Caucus leadership had failed to hold, as they promised to do, a hearing on the matter and (b) he had tried multiple times to work through appropriate channels before bringing it to the full caucus.

137. During the next hour, Plaintiff called each caucus member, including Ms. Russo, told them either by phone or text message that he planned to make a motion during meeting at 1:00 p.m. that day of the Caucus that the Caucus pass his resolution and asked for their favorable vote.

138. On the same date, from at or about 1:00 p.m. to at or about 2:00 p.m., the Caucus met. During the meeting, Plaintiff decided to wait until the next caucus meeting two weeks later to make his motion.

Plaintiff moved for a vote on his resolution; Ms. Russo said falsely that the Caucus rules prohibited his motion, told him to sit down and be quiet.

139. On June 26, 2024, from at or about 10:00 a.m. to at or about 11:00 a.m., the Caucus met in a Statehouse hearing room. The meeting was the final caucus meeting before the House was expected to break for more than four months, until after the November general elections.

140. On the same date, at or about 10:40 a.m., while the whip of the Caucus was between agenda items, Plaintiff stood in the hearing room. He said words to the effect of, “Whip Isaacsohn, I would like to make a motion. I move that the caucus pass the resolution that I distributed two weeks ago to restore me to full status.”

141. Ms. Russo stood; the whip stepped away from the lectern; and Ms. Russo stepped to the lectern.

142. Ms. Russo said falsely that the rules of the Caucus did not permit Plaintiff's motion and that it was out of order. Plaintiff protested. He said that no such rule prevented a quick vote on his motion. He said that they could do it right then and there by a show of raised hands, that it would take no more than a minute. He said that his 120,000 constituents had been deprived of full representation for more than six months. Ms. Russo told him to sit down and be quiet.

143. The whip returned to the lectern and addressed the next agenda item.

144. The Caucus never voted on Plaintiff's resolution, and as of the next day the House went on break for more than four months.

145. No caucus rule prohibited the Caucus from voting on June 26, 2024, on Plaintiff's resolution. Ms. Russo's statement to that effect was false.

146. At all times relevant to this action, Ms. Russo served, in her capacity as the leader of the Caucus, at the pleasure of the Caucus and may have been removed at any time by the Caucus from that position.

147. Many members of the Caucus expressed support to Plaintiff, but the Caucus as an organization failed to address the tortious mistreatment by Ms. Russo of Plaintiff.

Ms. Russo started mistreating Plaintiff no later than May 2023; at the time when she defamed him in November 2023, she had been mistreating him for months.

148. On or about January 23, 2023, Ms. Russo assigned to Plaintiff his standing House committee assignments for the 135th session of the Ohio General Assembly, scheduled to start at the start of January 1, 2023, and end at the end of December 31, 2024. The assignments included an assignment to serve on the House Government Oversight Committee as the ranking minority member. A ranking-member assignment is a valuable leadership position that includes additional responsibilities and an increase in salary.

149. On or about February 18, 2023, Plaintiff drove from Greater Cleveland to Youngstown, Ohio, and delivered to the home of a fellow Democratic state representative a carload of bottled water in support of the recovery efforts from the East Palestine, Ohio, train derailment. That trip was, Plaintiff suspects, the moment when Ms. Russo started to sour on him.

Ms. Russo publicly reprimanded and removed Plaintiff from his committee leadership position over nothing.

Plaintiff and Ms. Wright had a civil discussion about a bill.

150. On May 23, 2023, Plaintiff had a brief interaction with Ladosha Wright, a visitor at the Ohio Statehouse who had testified that day in opposition to a bill that Plaintiff co-sponsored. Ms. Brent initiated the interaction between Plaintiff and Ms. Wright and was present for its duration.

151. Plaintiff and Ms. Wright discussed for approximately five minutes the bill in question. They disagreed with each other, and he was in a hurry, but the discussion was civil. They shook hands at the end of the conversation.

Ms. Wright sent a letter about the 23-May-'23 interaction.

152. On or about May 25, 2023, Ms. Wright sent via email to Ms. Russo and several other Ohio state representatives (though not Plaintiff) a letter about the 23-May-'23 interaction.

153. On the same date, Mr. Plottner called Plaintiff and told him about Ms. Wright's letter. Mr. Plottner asked Plaintiff what happened. Plaintiff told Mr. Plottner that (a) he and Ms. Wright had a brief discussion about a bill and (b) they disagreed with each other, and he was in a hurry, but the discussion was civil.

154. Mr. Plottner sent to Plaintiff a copy of Ms. Wright's letter. Mr. Plottner told Plaintiff that (a) Ms. Wright's letter made Plaintiff look bad, (b) mainstream media organizations would surely learn about the letter and publish one or more articles about it and (c) Ms. Russo was considering, as a result, removing Plaintiff from the Oversight Committee ranking-member leadership position. Mr. Plottner suggested that Plaintiff draft a public statement of apology and directed him to call Ms. Russo.

155. On the same date, Plaintiff called Ms. Russo. Ms. Russo reiterated to Plaintiff the messages that Mr. Plottner had communicated on that day to him. Ms. Russo told Plaintiff that Mr. Brock had agreed to host sometime soon a meeting at which Plaintiff could apologize in person to Ms. Wright. Ms. Russo suggested that Plaintiff call Ms. Brent.

156. On the same date, Plaintiff called Ms. Brent. He apologized for the 23-May-'23 interaction. Ms. Brent replied, "It's okay." He told her that Ms. Russo was considering removing him from the Oversight Committee ranking-member position. Ms. Brent expressed surprise.

157. On the same date, Plaintiff talked again by phone with Mr. Plottner. Plaintiff told Mr. Plottner to speak to Ms. Brent if he or anyone else had any questions about his conduct in connection with the 23-May-'23 interaction. Plaintiff said that because (a) Ms. Brent witnessed the 23-May-'23 interaction and (b) based on the conversation that day between Ms. Brent and Plaintiff, she seemed supportive of him. Mr. Plottner expressed skepticism about the sincerity of Ms. Brent's supportive statements to Plaintiff. He told Plaintiff that Ms. Brent was saying one thing to Plaintiff and saying different things to other people. Mr. Plottner told Plaintiff that during more than one conversation, indicating that Plaintiff should not trust Ms. Brent.

Mr. Plottner pushed Plaintiff to make in his public apology statement express reference to Plaintiff's race and sex.

158. On May 27, 2023, Plaintiff sent to Mr. Plottner a draft apology statement that Plaintiff had drafted. Plaintiff's draft statement did not include any express reference to his race or sex.

159. On the same date, Mr. Plottner sent to Plaintiff a revised draft statement for Plaintiff to consider publishing instead. Mr. Plottner's revised draft rewrote Plaintiff's initial draft and included the statement, "I . . . lost sight of my privilege and power as a white, male lawmaker."

160. Mr. Plottner also sent to Plaintiff a draft statement that Ms. Russo was considering publishing in response to Ms. Wright's letter. The draft Russo statement included the statement, "I value Ms. Wright's input on historic racial injustices in Ohio law." To be clear, the 23-May-'23 discussion between Plaintiff and Ms. Wright was not about historic racial injustices. It was about cosmetology licensure requirements of general application.

161. On the same date, Plaintiff communicated again to Mr. Plottner his preference that the statement exclude any express reference to his own race and sex. Mr. Plottner reiterated to Plaintiff that he thought that Plaintiff needed to include it. In the end, Plaintiff followed Mr. Plottner's direction.

162. On the same date, Plaintiff published to his personal and campaign Facebook pages an apology statement. The statement incorporated more or less all of Mr. Plottner's draft, including the statement, "I lost sight of my privilege and power as a white, male lawmaker."

Mr. Plottner admitted that he pushed Plaintiff to make express reference to Plaintiff's race and sex.

163. On March 21, 2024, Mr. Plottner admitted under oath that he drafted the apology statement that Plaintiff published and pushed Plaintiff to make express reference to Plaintiff's race and sex.

Ms. Russo publicly reprimanded Plaintiff, said that she “ordered” him to complete implicit-bias training and meet with Ms. Wright.

164. On May 30, 2023, Ms. Russo sent to Ms. Wright an email in which she reprimanded Plaintiff. The email states, “I will require [Plaintiff] to complete implicit bias training.” It continues, “I expect Democratic members of the House to conduct themselves with civility, thoughtfulness, and respect for the people we serve. [Plaintiff] fell short of that standard in his interaction with you.”

165. On the same date, *Cleveland.com* published an article covering the 30-May-'23 Russo email. The article stated that Ms. Russo “reprimanded [Plaintiff] over his treatment of [Ms. Wright] at the Statehouse.” It also stated falsely that Ms. Russo “ordered [Plaintiff] . . . to undergo implicit bias training and to meet with [L.] Wright[] and local community leaders.” (Ms. Russo did not order Plaintiff to do anything.)

Ms. Russo handled differently another, similar case.

166. On April 1, 2024, at a contempt hearing for Ms. Russo in the CSPO case, she disclosed the identity of a member, other than Plaintiff, of the Caucus whom she asked to complete implicit-bias training. In that other case, Ms. Russo did not publicly reprimand the member or say that she ordered them to do anything.

Plaintiff and Ms. Wright met in person and agreed to work together; she later endorsed his reelection campaign.

167. On June 1, 2023, in Cleveland, Plaintiff participated in a meeting with Ms. Wright and Mr. Brock. During the meeting, Plaintiff apologized to Ms. Wright, listened to her and invited her to work together on legislation to promote beautician-related education

in Ohio. Ms. Wright accepted Plaintiff's apology and his invitation and extended to him an invitation to attend and participate in events in connection with an "Afro hair" summit in July 2023 organized by her salon.

168. Shortly after the end of the meeting, Mr. Brock told Plaintiff that he thought that the meeting had gone about as well as anyone could have hoped. Shortly thereafter, Ms. Wright recorded a selfie video with Plaintiff in the frame in which she said, "We are good."

169. In February 2024, Ms. Wright and Plaintiff co-hosted a press conference promoting the introduction of the legislation that they worked on together. Ms. Wright endorsed Plaintiff's reelection campaign.

Ms. Russo declined initially to remove Plaintiff from the committee-leadership position.

170. On June 1, 2023, after the meeting between Plaintiff and Ms. Wright, Mr. Plottner called Plaintiff. He told Plaintiff that Ms. Russo would have Plaintiff complete implicit-bias training but did not plan to remove him from the ranking-member position.

171. During the conversation, Mr. Plottner told Plaintiff what Ms. Russo planned to say if any members of the media inquired about the absence, beyond the public reprimand, of additional punishment by her of him. Mr. Plottner said that Ms. Russo planned to say that the allegations, even if taken to be true, by Ms. Wright against Plaintiff did not rise to the level of behavior hostile toward Statehouse visitors exhibited on a regular basis by certain members of the House Republican caucus.

Plaintiff knocked on Ms. Brent's door.

172. On June 26, 2023, at approximately 7:40 p.m., Plaintiff knocked on the door of the residence of Ms. Brent. He wanted to talk with Ms. Brent to clear the air. He suspected,

based on an apprehension since early June by him of a negative feeling from her, that she felt animus toward him in connection with the 23-May-'23 interaction. He wanted to ask her what he could do to repair relations with her. Ms. Brent wasn't home, and Plaintiff left.

Ms. Brent emailed about the door-knock.

173. On the same date, Ms. Brent sent to Plaintiff, copying Ms. Russo, the other members of the Caucus leadership team and Mr. Brock, an email. In Ms. Brent's email, she expressed annoyance that Plaintiff visited her home without advanced notice. Ms. Brent also asked in her email that Plaintiff reveal the identity of a person who had told Plaintiff a rumor that Ms. Brent was recruiting a primary opponent to run against Plaintiff.

Ms. Brent suggested that she may have sent her email because of Plaintiff's race and sex.

174. Ms. Brent suggested that she may sent her email because of Plaintiff's race and sex.

175. Months later, Perez & Morris, LLC ("Perez Morris"), stated, at least in part falsely, in a report re the 26-Jun.-'23 door-knock, "[Plaintiff] did not park at [Defendant] Brent's house, instead parking down the street and walking to her house, which prompted a[] neighbor to . . . reach out to [Defendant] Brent to ensure [that] she was safe, because it was . . . unusual for a White male to be walking through the neighborhood and approaching [Defendant] Brent's house after dark." (Plaintiff knocked on Ms. Brent's door at approximately 7:40 p.m., more than an hour before sunset on that day.)

176. The list of names of people whom Perez Morris identified in the report that they interviewed in connection therewith appears to include only Ms. Brent who could have spoken to any facts in connection with the 26-Jun.-'23 door-knock. Presumably, Ms. Brent made to Perez Morris the express reference to Plaintiff's race and sex.

Ms. Russo organized a meeting re Ms. Brent's email.

177. On June 26, 2023, at or about 10:11 p.m., Plaintiff and Ms. Russo spoke by phone. She asked him to attend in the morning the next day a meeting with Ms. Brent to discuss Ms. Brent's email.

178. On June 27, 2023, Plaintiff attended and participated, together with Defendants Russo and Brent and Phil Robinson, another Democratic Ohio state representative, in a meeting. Defendants Russo and Brent told Plaintiff that he should not have visited Ms. Brent's home without giving advanced notice. Plaintiff apologized to Ms. Brent. Ms. Brent reiterated her demand that Plaintiff to reveal the identity of a person who had told Plaintiff a rumor that Ms. Brent was recruiting a primary opponent to run against Plaintiff. Ms. Russo ended the meeting with no further action agreed.

The 27-Jun.-'23 meeting was absurd.

179. The 27-Jun.-'23 meeting was absurd for multiple reasons. First, knocking doors is the lifeblood of Democratic politics. That Defendants Brent and Russo, two preeminent Democratic leaders, attacked Plaintiff for knocking a door makes no sense. Second, during the meeting Ms. Brent focused on the identity of the rumor-teller, not on any fear that she felt for her safety because of Plaintiff knocking her door. Third, during the meeting each of Defendants Brent and Russo made a bawdy, sexual remark to Plaintiff.

Mr. Brock told Plaintiff that Ms. Russo had it out for him.

180. On or about July 5, 2023, Mr. Brock and Plaintiff spoke by phone. Mr. Brock told Plaintiff that Mr. Brock had participated recently in a meeting via teleconference with Ms. Russo and another senior leader in Ohio Democratic politics. Mr. Brock told Plaintiff that he was a topic of conversation during the teleconference meeting and said, "All I can say is that it's not too early for you to start raising money."

181. Months later, Mr. Brock and Plaintiff spoke again by phone. Plaintiff reminded Mr. Brock of their 5-Jul.-'23 conversation and thanked him for warning him about Ms. Russo and the other senior leader. Mr. Brock clarified to Plaintiff that during the teleconference meeting to which he made reference during the 5-Jul.-'23 conversation, it seemed to him that only Ms. Russo, not the other senior leader, had it out for Plaintiff.

Ms. Russo removed Plaintiff from the committee-leadership position.

182. On July 7, 2023, Ms. Russo called Plaintiff and told him that she planned to remove him from the Oversight Committee ranking-member position. She said that she was doing so, as she suggested falsely that Plaintiff understood and even perhaps had agreed—which he did not and had not—on a delay because of his conduct in the 23-May-'23 interaction.

183. Ms. Russo's explanation confused Plaintiff. Mr. Plottner had told him on June 2, 2023, that Ms. Russo had decided against removing him and even gave him an explanation why not: the allegations, even if taken to be true, by Ms. Wright against Plaintiff did not rise to the level of behavior hostile toward Statehouse visitors exhibited on a regular basis by certain members of the House Republican caucus.

Ms. Russo later admitted that the reason she removed Plaintiff from the committee-leadership position was because of his race and sex and suggested, absurdly, that so removing was the only thing she could do.

184. On March 21, 2024, Ms. Russo admitted while under oath at a deposition that the reason she removed Plaintiff from the committee-leadership position was because of his race and sex. She also suggested, absurdly, that removing Plaintiff from the ranking position was the only thing she could do. The suggestion was absurd because Ms. Russo had no cause to punish Plaintiff. Doing nothing was the right thing.

185. Removing Plaintiff from his committee leadership position, as Ms. Russo did, hurt him badly. It reduced his salary and singled him out as one of the only members of the Caucus without a committee leadership assignment.

Not long before Ms. Russo removed Plaintiff from the ranking position, she praised his performance in the role.

186. On or about May 24, 2023, at a meeting of the Caucus, Ms. Russo praised Plaintiff in front of the Caucus for his performance as ranking member of the Oversight Committee. Mr. Plottner admitted that she did so.

Ms. Russo further intentionally inflicted emotional distress on Plaintiff.

187. On September 20, 2023, Plaintiff participated at the request of Ms. Miranda, at the direction of Ms. Russo, in a meeting. The focus of the meeting was a disagreement between an advocate and Plaintiff, two members of a community to which neither Ms. Miranda nor Ms. Russo belongs, about an issue that affected the advocate and Plaintiff as members of that community. The issue affected Plaintiff on a personal level. The involvement by Ms. Russo in the matter distressed and offended Plaintiff. Ms. Russo never should have directed Ms. Miranda to organize the 20-Sep.-'23 meeting.

Ms. Brent sued to obtain a CSPO against Plaintiff; the court dismissed her allegations.

188. On November 20, 2023, Ms. Brent filed (case no. 2023 CV 988870, the “CSPO case”) with the Cuyahoga County Common Pleas Court a petition for a civil stalking protection order (the “CSPO Petition”) against Plaintiff. Ms. McMaster helped Ms. Brent draft and file the CSPO Petition.

189. On November 21, 2023, the court granted in the CSPO case a Civil Stalking Protection Order *Ex Parte* (the “*Ex Parte* CSP Order”) against Plaintiff.

190. On or about On November 27, 2023, Plaintiff received in the CSPO case service of process.

191. On November 30, 2023, Plaintiff delivered to Julie Pfeiffer, the Section Chief of the Constitutional Offices Section of the Office of the A.G., an email asking that the A.G. represent and defend him in the CSPO case. On the same date, Ms. Pfeiffer sent to Plaintiff an email acknowledging receipt of the request.

192. Plaintiff made his request 14 additional times, almost all of which were in writing. The request submissions included nine submissions made during the eight days immediately after Plaintiff received service of process, in a proceeding that lasted approximately four and a half months.

193. J. Shawn Busken, director of outside counsel in the office of the A.G., denied to Plaintiff representation and defense in the CSPO case.

194. Mr. Busken so denied at the direction of Mr. Yost, who so directed at the request of Kevin Stanek (chief legal counsel to the House, as controlled by Mr. Stephens, in his capacity as speaker of the House), who so requested at the direction of Mr. Stephens, who so directed at the request of Ms. Russo.

195. Ohio law required Mr. Yost to represent and defend Plaintiff in the CSPO case. The denial by Mr. Yost to Plaintiff of representation and defense in the CSPO case was illegal.

196. Messrs. Busken, Stanek, Stephens and Russo participated in the illegal denial to Plaintiff of representation and defense by the A.G. in the CSPO case.

197. Meanwhile, on or about November 27, 2023, Mr. Busken granted to Ms. Brent representation and prosecution of her requests in the CSPO case.

198. Mr. Busken maintained until no earlier than June 4, 2024, through the conclusion, including post-merits motion practice, of the CSPO case the representation and prosecution of the requests by Ms. Brent in the CSPO case.

199. Mr. Busken so granted and maintained at the direction of Mr. Yost, who so directed at the request of Mr. Stanek, who so requested at the direction of Mr. Stephens, who so directed at the request of Ms. Russo.

200. No Ohio law permitted Mr. Yost to represent and prosecute Ms. Brent's requests in the CSPO case. The grant and maintenance by Mr. Yost to Ms. Brent of representation and prosecution of her requests in the CSPO case was illegal.

201. Defendants Busken, Stanek, Stephens and Russo participated in the illegal grant and maintenance to Ms. Brent of representation and prosecution by the A.G. of her requests in the CSPO case.

202. On April 10, 2024, the court filed an Order ruling in favor of Plaintiff, denying the requests set forth in the CSPO Petition and vacating the *Ex Parte* CSP Order. The 10-Apr.-'24 Order stated, "There is absolutely no basis for a protection order. This case has no merit. [Plaintiff] is her[e]by exonerated."

203. With respect to each allegation alleged by Ms. Brent in the CSPO Petition, the 10-Apr.-'23 Order either (a) found that (i) the event was nothing, (ii) the event was innocuous, (iii) Ms. Brent was a bystander witnessing an incredibly brief encounter, (iv) Ms. Brent was misconstruing the event or (v) the event was irrelevant or (b) made no finding that the event happened.

Ms. Brent lacked probable cause to file the CSPO case.

204. Ms. Brent knowingly made in the second half of each of Paragraphs 7 and 8 of the CSPO Petition under oath multiple false statements (the “False Petition Statements”) that could have affected the course or outcome of the CSPO case.

205. The False Petition Statements in Paragraph 7 of the CSPO Petition were as follows:

Since the initial inappropriate interactions, [Plaintiff] has continued to contact me via text and phone call - despite me telling him emphatically that I do not want to hear from him. These contacts have been happening outside of our working relationship, outside of working hours, and when I am not in Columbus.

206. Plaintiff never was asked not to contact Ms. Brent. To the contrary, Ms. Brent invited Plaintiff twice during September 2023 to text her, in each case by texting to him a text message that said, “Text me.” In October 2023, she sent him a text message thanking him for a message that he sent her of photos of her speaking on the floor of the House chamber. In June and November 2023, Ms. Brent even complained that Plaintiff had not contacted her directly.

207. In any event, Plaintiff barely contacted Ms. Brent at all. The last time that he called her was in September 2023. His phone and text records prove this. Each communication by Plaintiff to Ms. Brent related to political or government activities or activities otherwise in connection with the Ohio General Assembly or the Ohio or Cuyahoga County Democratic Party organization.

208. Also, to be clear, communications among state representatives occur routinely outside of typical working hours and when they are not in Columbus. That is not evidence of menacing or stalking.

209. At trial in the CSPO case, Ms. Brent (a) presented no evidence that Plaintiff called or texted her outside of their working relationship, (b) suggested while testifying that (i) his contacts of her were few and work-related and (ii) she never told him not to contact her

and (c) suggested falsely, absurdly that she told him not to contact her by using body language.

210. At Ms. Brent's deposition in the CSPO case, she also suggested that she never told Plaintiff not to contact her.

211. In Ms. Brent's responses to Plaintiff's written discovery requests in the CSPO case, she (a) admitted that she had no document showing any contact by him that was not related to government or political activity, (b) suggested again that she never told him not to contact her, (c) admitted that she had no document showing that he called or texted after she allegedly told him not to contact her, (d) suggested that he never made any text or phone call outside of their working relationship, (e) suggested that his contacts were not recent and (f) admitted that contacts with other state reps when she is not in Columbus are routine.

212. The False Petition Statements in Paragraph 8 of the CSPO Petition were as follows:

[Plaintiff] has tried to entice others to contact me on his behalf. He contacted several people. [O]ne in particular is Cuyahoga County Democratic Party Chairman Dave Brock. Over the past week, he contacted Mr. Brock on three occasions asking to meet with me or asking for my schedule. The contacts happened on 11/16/23, and twice on 11/19/23.

213. Plaintiff did not attempt to "entice" anyone. And he did not try to get Ms. Brent's schedule to locate her as the petition implies. He did speak to Mr. Brock, the chair of Plaintiff's home county party, about comments made by Ms. Brent, who serves as the vice chair, to a reporter about Plaintiff. Mr. Brock called Plaintiff, and he called Mr. Brock.

214. At trial, Ms. Brent presented no evidence, including omitting to allege in her own testimony, that Plaintiff tried to entice anyone to contact her.

215. Mr. Brock confirmed while testifying that (a) Plaintiff only ever expressed to Mr. Brock that he hoped to speak with Ms. Brent and (b) Plaintiff never asked him for help in doing that.

216. In the absence of the False Petition Statements, the CSPO Petition contained only allegations re (a) two interactions that occurred during business hours and on the grounds of the Statehouse with respect to which Ms. Brent was a bystander, which interactions the court described, respectively, as “nothing” and “[Ms. Brent] is once again . . . a bystander,” (b) a meeting that occurred during business hours and on the grounds of the Statehouse among state representatives, which the court described as “an innocuous meeting to discuss an innocuous event,” (c) a visit in the early evening on a weekday in June 2023 to Ms. Brent’s home by Plaintiff to try to discuss with her political and government business, and she was not home, and he left, which visit the court described as “nothing,” (d) three short videos posted by Plaintiff to his social-media accounts in which he apologized to Ms. Brent, which the court described as “Ms. Brent was misconstruing those videos . . . [Plaintiff] expressed remorse and essentially asked for forgiveness in the videos,” and (e) a tweet in which Plaintiff asked the lieutenant governor about deer-hunting, which the court described as “irrelevant.”

217. In the absence of the False Petition Statements, the CSPO Petition lacked probable cause.

Ms. Brent perverted the CSPO case to accomplish an ulterior purpose for which it was not designed: to stop Plaintiff from influencing the public “narrative.”

218. Ms. Brent testified on direct examination at trial, while describing her feelings about a short video published by Plaintiff on which she relied in asking the court to grant her

CSPO Petition, “[Plaintiff] made something . . . more private . . . into something very public, because he’s trying to . . . shake [*sic*] the narrative.”

219. The court in the CSPO case noted Ms. Brent’s testimony in its opinion: “Ms. Brent was bothered by the fact that the videos were not physically sent to her. She only learned of them from other people. She felt that the ‘videos were for the public’ and that [Plaintiff] was trying to shape the narrative.”

220. On cross-examination, in response to a question asking what Ms. Brent meant by saying that she thought that Plaintiff was posting the videos to “shake the narrative,” she suggested that she wanted him to communicate to her directly, instead of communicating publicly, the message in the video. Throughout Ms. Brent’s testimony on direct examination and in her deposition testimony, she made statements to similar effect, that she wanted Plaintiff to communicate to her directly, instead of communicating publicly, the messages in the videos that he published.

221. Ms. Brent testified on direct examination at trial, “I felt like these videos that [Plaintiff] was putting up, they weren’t for me, they were for the public.” She noted as evidence in support of that claim that Plaintiff did not “tag” any of her social-media accounts in the posts that he published that included the videos. She noted that “[A]ll of my social medias [*sic*] are public and you can tag me on social media, and I say that for a reason, because some people you cannot tag on social media.”

222. Ms. Brent also testified on cross-examination at trial, in answering a question re if she observed that when she made a remark that Plaintiff looked uncomfortable, “[Plaintiff] w[as] looking down the entire time and . . . wouldn’t look at me in the eye. And I even said it . . . when I was looking at [Plaintiff], Why won’t you look at me in the eye? . . . [W]hen I came to talk to [Plaintiff] face-to-face, [he] would not look at me in my

eye.” Ms. Brent testified further that she preferred that Plaintiff look at her in the eye, “Just like now, yes.” Plaintiff is a neurodivergent person and, like other neurodivergent people, often does not during conversation make eye contact. Ms. Brent again demonstrated a desire that Plaintiff act more directly toward her, contrary to the purpose for which a CSPO case is designed. Ms. Brent testified at her deposition in the CSPO case to similar effect.

223. On March 26, 2024, Ms. McMaster testified at a deposition to similar effect. With respect to Plaintiff’s first apology video, Ms. McMaster (a) stated falsely that Plaintiff insisted that he did nothing wrong to Ms. Brent, (b) stated that Plaintiff turned the tables on Ms. Brent, (c) stated falsely that Plaintiff blamed Ms. Brent for feeling bad, (d) stated falsely that Plaintiff justified his actions, (e) stated falsely that Plaintiff did not take responsibility for anything that he did, (f) stated that the video was public in an uncomfortable way, (g) stated that Plaintiff dragged everybody into a private interaction between Plaintiff and Ms. Brent, trying to get people to gang up on Ms. Brent and (h) stated that Black women don’t have a lot of power over white men in the political spectrum. Ms. McMaster also described Plaintiff’s apology videos as publicly embarrassing Ms. Brent. Ms. McMaster also stated to the effect that the most dangerous kind of person that exists is an embarrassed person.

224. Ms. Brent perverted the CSPO case to accomplish an ulterior purpose for which it was not designed.

Ms. Brent made false police reports against Plaintiff, perjured herself and falsified, thus damaging Plaintiff.

225. On each of November 20 and 21, 2023, Ms. Brent reported (the “False Alarms”) to the Cleveland Division of Police (the “CDP”) multiple incidents, knowing that such

incidents did not occur. Ms. McMaster helped Ms. Brent make the 20-Nov.-'23 report.

Mr. Brock helped Ms. Brent make the 21-Nov.-'23 report.

226. The False Alarms included reports that (a) Plaintiff left an envelope for Ms. Brent on her property, (b) Ms. Brent had video surveillance of Plaintiff approaching her home on November 20, 2023, (c) Plaintiff caused problems with at fewest 11 other state or local officials, (d) Plaintiff love-bombed Ms. Brent by sending her blue flowers, (e) Plaintiff was calling people trying to locate Ms. Brent, (f) Plaintiff has targeted 11 other women, (g) during the brief 26-Jun.-'23 visit to Ms. Brent's house by Plaintiff, Plaintiff said, "I just really want to talk to [Ms. Brent]. Can you ask her to come to the door so I can talk to her," (h) Plaintiff had been coming to Ms. Brent's office and trying to talk to her at other places, (i) every time Ms. Brent would see Plaintiff she told him that she didn't walk to talk about the circumstance that he wanted to talk about, (j) re the 26-Jun.-'23 visit, Ms. Brent told Plaintiff that she didn't want to sit down and talk to him, (k) re Ms. Brent, Plaintiff was very persistent, continuously showing up to her office, showing up to different places, wanting to talk to her, and her continuously refusing, not to want to engage with him at all, (l) the security detail said that Plaintiff showed up to Ms. Brent's home on November 21, 2023, and (m) Plaintiff is calling people, asking people where Ms. Brent is, showing up to her home unexpectedly, when she has told him that she don't want to talk to him at this point. These statements are all false.

227. On November 21, 2023, immediately after Defendants Brent and Brock finished making the 21-Nov.-'23 false police report against Plaintiff, they discussed Plaintiff. She said, in a sarcastic tone, in response to a remark by Mr. Brock, "Somebody wants to give [Plaintiff] 'due process?'" In making that statement, she used air quotes and immediately rolled her eyes.

228. On and after February 20, 2024, Ms. Brent knowingly made (the “Written Discovery Perjury”) under oath in responses to written discovery requests by Plaintiff in the CSPO case multiple false statements that could have affected the course or outcome of the CSPO case.

229. The Written Discovery Perjury included statements that (a) Ms. Brent did not tell police officers that Plaintiff left a letter at her home, (b) Ms. Brent never alleged that Plaintiff left a letter at her home, (c) Ms. Brent had video surveillance that showed Plaintiff approaching her home on or about November 20, 2023, (d) Ms. Brent viewed on her computer video that showed Plaintiff approaching her home on or about November 20, 2023, after she was informed by her cousin that Plaintiff had been at Ms. Brent’s home, (e) Ms. Brent viewed on her home computer video that showed a vehicle driven by Plaintiff passing slowly by her home on November 20, 2023, after a member of her security detail informed her of that occurrence, (f) shortly after the end of the 15-Nov.-’23 Munira-Plaintiff conversation, when Ms. Brent returned to Statehouse Hearing Room 121, Ms. Munira ran into Ms. Brent’s arms, (g) Ms. Brent entered with all her body Statehouse Hearing Room 121 during the 15-Nov.-’23 Munira-Plaintiff conversation, (h) Ms. Brent saw more than ten seconds of the 15-Nov.-’23 Munira-Plaintiff conversation, (i) Ms. Brent looked into Statehouse Hearing Room 121 for more than ten seconds from the hallway outside of the room during the 15-Nov.-’23 Munira-Plaintiff conversation, (j) Ms. Brent told Plaintiff not to contact her, (k) Plaintiff and his parents were, with respect to an event on September 10, 2023, at a venue in Lakewood organized by the Cleveland Stonewall Democrats organization, in a long line of people waiting to take photographs with Ms. Brent, (l) no one provided any input with respect to the contents of the CSPO Petition, (m) Ms. Brent was not aware of any request that

she produce anything in relation to the police reports that she filed against Plaintiff, (n) in connection with the filing of the 21-Nov.-'23 CDP report, law enforcement did not ask Ms. Brent to produce the video surveillance that showed Plaintiff approaching her home on November 20, 2023, or a copy thereof, (o) in connection with the filing of the Nov.-21 CDP report, law enforcement did not ask Ms. Brent to produce the letter that Plaintiff left on her property or a copy thereof, (p) in connection with the filing of the Nov.-20 and Nov.-21 CDP reports, law enforcement did not investigate, (q) it is not true that, except for the week-long period in September when Plaintiff was trying to organize a group letter, Plaintiff has sent to Ms. Brent a text message no more than four times, ever, (r) it is not true that each communication by Plaintiff to Ms. Brent was related to political or government activities or activities otherwise in connection with the Ohio General Assembly or the Ohio or Cuyahoga County Democratic Party organization, (s) Ms. Brent does not have access to records that reflect Plaintiff's Signal use, (t) Ms. Brent does not know if Plaintiff has sent to Ms. Brent a Signal message since April 2023, (u) Ms. Brent does not know if Plaintiff has sent to Ms. Brent a Signal message more than four times, ever, (v) in connection with Ms. Brent service as an officer of the County Party and as a state representative she asks people on a regular basis to knock doors and (w) the Executive Vice Chair position is not the second-highest-ranking officer position of the Cuyahoga County Democratic Party. These statements are all false.

230. On March 1, 2024, Ms. Brent knowingly made (the "Deposition Perjury") under oath at a deposition in the CSPO case multiple false statements that could have affected the course or outcome of the CSPO case.

231. The Deposition Perjury included statements that (a) Ms. Brent never stated that Plaintiff left a package at her house, (b) Ms. Brent never said that Plaintiff left a package

or anything like that, (c) Ms. Brent never said that Plaintiff left a letter at her house, (d) Ms. Brent never said that Plaintiff left a paper at her house, (e) shortly after the 15-Nov.-'23 Munira-Plaintiff conversation, Ms. Brent did not talk with Ms. Munira, (f) shortly after the 15-Nov.-'23 Munira-Plaintiff conversation, Ms. Munira wasn't talking at all, (g) shortly after the 15-Nov.-'23 Munira-Plaintiff conversation, Ms. Munira was crying very hard, (g) shortly after the 15-Nov.-'23 Munira-Plaintiff Munira conversation, Andrew DiPalma did not interact with Ms. Brent, (h) shortly after the 15-Nov.-'23 Munira-Plaintiff conversation, the only person who was hugging Ms. Munira was Ms. Brent, (i) shortly after the 15-Nov.-'23 Munira-Plaintiff conversation, Ms. Munira ran out of Statehouse Hearing Room 121, and she came and embraced Ms. Brent, (j) during the 15-Nov.-'23 Munira-Plaintiff conversation, Ms. Brent may have looked into Room 121 for more than a minute, (k) during the 15-Nov.-'23 Munira-Plaintiff conversation, Ms. Brent may have looked into Room 121 for more than 10 minutes, (l) during the 15-Nov.-'23 Munira-Plaintiff conversation, Ms. Brent may have looked into Room 121 for more than an hour and one minute, (m) Ms. Brent told Plaintiff multiple times not to contact her, (n) Ms. Brent told Plaintiff in-person not to contact her, (o) Ms. McMaster was involved with none of the allegations in the CSPO petition and (p) Ms. McMaster was not directly involved with the CSPO case. These statements are all false.

232. On April 5, 2024, the Cuyahoga Court held the full CSPO hearing.
233. On the same date, during the full CSPO hearing, Ms. Brent knowingly made (the “Trial Perjury” and, together with the False Petition Statements, the Written Discovery Perjury and the Deposition Perjury, the “Perjury”) under oath multiple false statements that could have affected the course or outcome of the CSPO case.

234. The Trial Perjury included statements that (a) Ms. Brent never implied that Plaintiff left a letter to the police, (b) there was a letter that was left on Ms. Brent's property, but Ms. Brent did not mention that when she was making the police report against Plaintiff, (c) Ms. Brent did not bring up the letter to the police when Ms. Brent did her police report, (d) Ms. Brent tried to correct Ms. McMaster when Ms. Brent heard Ms. McMaster tell the police that Plaintiff left a letter on Ms. Brent's property, (e) the police officer put the letter allegation in the report even though Ms. Brent did not say it, (f) Ms. Brent did not say the letter allegation to the police officer, (g) Ms. Brent didn't know that the police officer was going to put the letter allegation in the report because Ms. Brent was only giving him her statement and Ms. McMaster just happened to be sitting in the room, (h) Ms. McMaster made the statement “[Plaintiff] left a letter for [Ms. Brent] on her property,” (i) Ms. Brent did not make any allegations in the police report about Plaintiff leaving a letter at Ms. Brent's home, (j) it's not true that in connection with the filing of that police report Ms. Brent told law enforcement that Plaintiff left a letter on her property, (k) Ms. Brent did not make the statement “[Plaintiff] left a letter for [Ms. Brent] on her property,” (l) Ms. Brent never said that she saw Plaintiff stop by her house, just it was secondhand information, (m) Ms. Brent never alleged that Plaintiff drove by her house on November 21, 2023, (n) the only thing that Ms. Brent said re the allegation that Plaintiff drove by her house on November 21, 2023, was what her security team told her, (o) re whether Ms. Brent ever instructed Plaintiff about contacting her, Ms. Brent told Plaintiff when she saw him in person that she didn't want to be around him, (p) Ms. Brent used body language to tell Plaintiff not to contact her, (q) re a photograph of Ms. Brent, Plaintiff and Plaintiff's parents at the 10-Sep.-'23 Stonewall event, it was a line of people who were taking pictures with Ms. Brent, because she received the Democrat of

the Year award, it was a processional line of people, and everybody that wanted a picture, she took a picture with Plaintiff and Plaintiff's parents and (r) the 10-Sep.-'23 Stonewall event, there was a receiving line of people who were congratulating Ms. Brent, and when Ms. Brent saw Plaintiff's parents at the event, they came and they congratulated her on it, and she had very small-talk with them and they moved on their way, the next person came. These statements are all false.

235. The malicious prosecution and abuse of process re the CSPO case, the False Alarms and Perjury damaged Plaintiff. Mainstream media organizations published content that quoted from or described statements contained therein; Plaintiff lost the main client of his law practice; he lost access to his law-client referral service; he lost his primary election; the chair of the department of the university where Plaintiff had been doing adjunct-teaching met with his co-teacher to discuss Plaintiff and, despite positive student reviews, did not offer Plaintiff to return to continue teaching; and Plaintiff spent almost \$60,000.00 out of pocket and almost 800 hours of his own time (during a period when Plaintiff was also trying to campaign for re-election) in connection with litigating the CSPO case.

Ms. Brent defamed Plaintiff.

236. On or about November 16, 2023, Ms. Brent communicated to Mr. Tobias false statements (the "16-Nov.-'23 Brent Defamation") stating or implying that (a) Plaintiff is mentally ill and (b) the 26-Jun.-'23 visit to Ms. Brent's home by Plaintiff was inappropriate.

237. Sometime between November 20, 2023, and March 15, 2024, Ms. Brent communicated to Sarah Perez, an employee of Perez Morris and as the leader at Perez

Morris in connection with the completion of the P.M. Matter certain false statements (the “Brent P.M. Defamation”).

238. The Brent P.M. Defamation included statements that (a) during the 23-May-'23 Wright-Plaintiff interaction, (i) Plaintiff's conduct was erratic and jittery from the start of the interaction, (ii) Plaintiff's interaction with Ms. Wright was inappropriate and aggressive, (iii) Plaintiff placed his finger close to Ms. Wright's face while gesturing, (iv) Plaintiff communicated in an aggressive tone, (v) Plaintiff stood within a foot of Ms. Wright, (vi) Plaintiff used condescending language, (vii) Plaintiff asserted that he is a trained Yale lawyer and knew better than Ms. Wright and that his position as an elected official gave him better grounds to make these decisions, (viii) Ms. Brent interrupted the interaction and (ix) the event did not involve Ms. Brent directly, (b) re the brief 26-Jun.-'23 visit to Ms. Brent's house by Plaintiff, (i) Plaintiff's parking prompted a neighbor of Ms. Brent's to contact Ms. Brent to ensure that she was safe, (ii) Plaintiff approached Ms. Brent's house after dark, (iii) Plaintiff yelled through the glass to Yolanda Bayless, the housemate and cousin of Ms. Brent, that he was trying to talk to Ms. Brent but that she was non-responsive, (iv) Plaintiff asked to be let in so that he and Ms. Brent could talk, (v) Ms. Bayless perceived Plaintiff's behavior] as unusual, threatening, and aggressive, and made her fearful to leave the house, (vi) Ms. Bayless did not answer the door, (vii) Plaintiff stayed for several minutes, banging on the door, yelling through the glass and pacing the length of the top stair outside of the door, (viii) Plaintiff had made several attempts to have a discussion with Ms. Brent before that evening, which she had declined, (ix) Ms. Brent believed that her express declination to meet with Plaintiff communicated a boundary that she was not going to be further involved in him resolving the consequences of his behavior towards Ms. Wright, (xi) Plaintiff coming to

Ms. Brent's house was unacceptable to Ms. Brent, personally and professionally, (xii) Plaintiff came to Ms. Brent personal property after dark and (xiii) Ms. Brent perceived Plaintiff's actions as personally threatening towards her and her cousin. These statements are all false.

239. On or about November 21, 2023, Ms. Brent published to her House member webpage a press release that contained several false statements (the "Brent Release Defamation").

240. The Brent Release Defamation included statements that (a) the court took the necessary step of approving a Civil Protection Order that Ms. Brent filed Monday against Plaintiff, (b) Plaintiff's tone, demeanor, and choice of words in each of three short videos posted to social media left Ms. Brent feeling concerned for her safety, (c) during November 18 to 20, 2023, Plaintiff reached out to several local political leaders asking with urgency if they knew Ms. Brent's whereabouts and how he could contact her, behavior that, again, left her concerned for my safety and (d) considering Plaintiff's invasive behavior, as well as past instances with him that left Ms. Brent unnerved, she felt that it was in the best interest of her safety to file a temporary restraining order. These statements are all false.

241. On or about April 11, 2024, Ms. Brent communicated to Ms. Trau false statements (the "11-Apr.-'24 Brent Defamation" and, together with the False Alarms, 16-Nov.-'23 Brent Defamation, the Brent P.M. Defamation and the Brent Release Defamation, the "Brent Defamation").

242. The 11-Apr.-'24 Brent Defamation included statements that (a) re the allegations in the 12-Nov.-'23 police report re a letter and video surveillance, (i) Ms. Brent was never the one who said there was a note or video and (ii) the police did not miswrite, it was just

someone other than Ms. Brent who said the allegations, (b) the 27-Jun.-'23 meeting wasn't innocuous because Ms. Brent had already told Plaintiff repeatedly that she didn't want to speak with him, (c) there was no type of justification for Plaintiff to show up to Ms. Brent's home in the evening — that is not safe at all for someone to unexpectedly show up to a colleague's home, banging at their door for no apparent reason and (d) re the brief 26-Jun.-'23 visit to Ms. Brent's house by Plaintiff: if you tell somebody that you don't want to be around them, and they decide to show up to your home — that is wrong. These statements are all false.

243. Mainstream media organizations republished much of the Brent Defamation.
244. Ms. Brent published the Brent Defamation with reckless disregard of the truth if not knowledge of the falsity of each statement.
245. The publication by Ms. Brent of the Brent Defamation reflected injuriously on Plaintiff's reputation, exposed him to public hatred, contempt, ridicule, shame and disgrace and affected Plaintiff adversely in his trade, business and profession.

Several Ohio officers and employees defamed Plaintiff in connection with the P.M. Matter.

246. On or about November 17, 2023, Mr. Stanek sent to Amy Ita, the chief of the employment law section in the office of the A.G., copying Mr. Busken and Brittney Colvin, the chief of staff of Mr. Stephens, an email that contained false statements (the "17-Nov.-'23 Stanek Defamation") defamatory or otherwise tortiously injurious to Plaintiff.
247. The 17-Nov.-'23 Stanek Defamation included (a) there are multiple complaints made against Plaintiff regarding harassment, threatening conduct and the creation of a hostile work environment, (b) in light of the number of alleged incidents and the nature of the

allegations constituting a potential threat to the safety of House employees and the public, Mr. Stephens requests that Mr. Yost appoint a special counsel to investigate and (c) to ensure the protection of House staff and members, Mr. Stanek advised Mr. Stephens to relocate Plaintiff's office to a more isolated and controlled area and to modify Plaintiff's access to the office building.

248. On or about November 20, 2023, Perez Morris and the A.G. entered into an agreement (the "P.M.-A.G. Agreement"), under which Perez Morris agreed to complete a matter (the "P.M. Matter"), the subject of which was Plaintiff, in exchange for compensation, financial or otherwise.

249. Each of Defendants Busken and Juan Perez, an employee of Perez Morris, caused the A.G. or, as applicable, Perez Morris to enter into the P.M.-A.G. Agreement.

250. Mr. Busken so caused at the direction of Mr. Yost, who so directed at the request of Mr. Stanek, who so requested at the direction of Mr. Stephens, who so directed at the request of Ms. Russo.

251. On or about the same date, November 20, 2023, Mr. Yost published false statements defamatory or otherwise tortiously injurious to Plaintiff. Such statements included (a) Perez Morris had been appointed special counsel to investigate Plaintiff and (b) re Plaintiff, very serious allegations about hostile work environment had been raised. The publications reflected injuriously on Plaintiff's reputation, exposed him to public hatred, contempt, ridicule, shame and disgrace and affected Plaintiff adversely in his trade, business and profession.

252. On January 4, 2024, Plaintiff sent to Mr. Stephens via email a letter. The letter noted that (a) Mr. Stephens wrote in his 17-Nov.-'23 letter that the immediate commencement of an investigation with respect to Plaintiff was warranted and (b) more than a month

and a half had passed, (c) Mr. Stephens's 17-Nov.-'23 letter omitted to include a complaint, (d) Plaintiff had not received any complaint, any description or explanation thereof or any basic details about the alleged investigation. The letter also (i) requested that Mr. Stephens (x) clarify publicly that there was no workplace investigation of Plaintiff, noting that the announcement of an investigation is harmful in and of itself, and (y) rescind the imposition on Plaintiff of each measure set forth in Mr. Stephens's 17-Nov.-'23 letter and each measure imposed on him since and (ii) noted the determination by the chief prosecutor of the City of Cleveland that certain allegations against Plaintiff were unsubstantiated.

253. On the same date, Plaintiff forwarded via email to the members of the Caucus, to apprise them of developments in connection with his situation, his 4-Jan.-'23 email and letter to Mr. Stephens.

254. On January 9, 2024, Ms. Perez sent to Plaintiff an email. The email stated, “[W]e have been engaged by the Ohio Attorney General’s Office to investigate some concerns regarding your conduct,” and asked to for an in-person meeting.

255. On January 16, 2024, Plaintiff sent to Ms. Perez an email. The email noted (a) that the delay of almost two months called into question the legitimacy of her alleged investigation, (b) the convenient timing of the sending of Ms. Perez’s email, given Plaintiff’s 4-Jan.-’24 email calling out Mr. Stephens for casting the pall of “investigation” over Plaintiff without doing one, (c) that Plaintiff would not meet with Ms. Perez unless she provided in writing satisfactory answers to certain questions, which Plaintiff set forth, about the alleged investigation. Plaintiff’s questions were based on best practices for workplace investigations as produced by the Association for Workplace

Investigations because he had not been given basic information about the purported investigation.

256. On January 18, 2024, Ms. Perez sent to Plaintiff an email. The email (a) stated that the process itself was confidential and (b) omitted (i) to identify the persons or conduct that she was “investigating,” (ii) to provide any information re who complained, what the complaint was and what violations of any rule or policy were alleged to have occurred and (iii) to include any explanation re why she did not contact the respondent—supposedly Plaintiff, although she did not specify that either—until after almost two months had passed.

257. On January 19, 2024, Plaintiff sent to Ms. Perez an email. The email stated that (a) Ms. Perez’s 18-Jan.-’23 email failed to meet the minimum requirement of a legitimate workplace investigation, even omitting to specify the conduct at issue after she failed to contact Plaintiff for almost two months, and (b) Plaintiff would not participate in a sham “investigation.”

258. On the same date, Plaintiff forwarded to the members of the Caucus, to apprise them of developments in connection with his situation, his 19-Jan.-’23 email. The email-forward also (a) reminded them that he had shared with them his 4-Jan.-’23 email and letter to Mr. Stephens, (b) told them that he would not participate in a sham “investigation,” (c) noted that Ms. Perez refused to identify the persons or conduct that she was “investigating” and omitted to include any explanation re why she did not contact the respondent—supposedly Plaintiff, although she did not specify that either—until two months had passed and (d) asserted that the conduct of the P.M. Matter is not appropriate.

259. On March 5, 2024, Ms. Perez sent to Plaintiff an email. The email (a) stated that she was about to close her investigation and finalize her report and (b) invited Plaintiff again to participate.

260. On the same date, Plaintiff sent to Ms. Perez an email. The email (a) reiterated that Plaintiff would not participate in a sham “investigation” in which she had declared, unbelievably, the process itself to be confidential and provided him no information on who complained, what the complaint was and what violations of any rule or policy are alleged, (b) noted the absurdity that Mr. Yost was denying, in violation of the law, to Plaintiff legal representation in the CSPO case, yet she expected Plaintiff to subject himself to a sham process that she was conducting for Mr. Yost’s office, (c) noted that the publication of the written product of the P.M. Matter was timed to occur right before the primary election, in which he was competing for reelection, on March 19, 2024.

261. On or about March 15, 2024, Ms. Perez published a report (the “P.M. Report”), titled “Report of Investigation: The Ohio House of Representatives Conduct of Representative [Plaintiff],” containing statements (the “P.M. Defamation”) that were false and defamatory or otherwise tortiously injurious to Plaintiff.

262. The P.M. Defamation included false statements that (a) Perez Morris’s objectives in connection with the P.M. Matter centered on investigating allegations of violent behavior and interactions by Plaintiff with staff and members of the Caucus, constituents, stakeholders and other third parties, (b) witness interviews corroborated the occurrence of each of the events outlined in the 16-Nov.-’23 memo, including the documentation attached thereto, (c) during Perez Morris’s independent interviews with the witnesses, corroborating statements supporting the facts outlined in the 16-Nov.-’23 memo,

including the documentation attached thereto, were heard, (d) Plaintiff committed an escalating pattern of disruptive, abnormal, and threatening behavior that impacted each of the witnesses' ability to focus on and perform their own jobs, (e) Plaintiff's behavior was causing disruption to staff and members' ability to perform their own roles and was affecting the Caucus' relationship with key stakeholders, (f) when Plaintiff's pattern of behavior was brought to his attention, Mr. Stephens had an obligation under the House Rules to take action, (g) Plaintiff made threats of violence, (h) Plaintiff posed a credible risk of escalating to violence or violent conduct, (i) Plaintiff made threats of suicide and self-harm and (j) in response to the investigation by Perez Morris of allegations of violent behavior and interactions by Plaintiff with staff and members of the Caucus, constituents, stakeholders and other third parties, (i) accounts of Plaintiff's behavior as documented in the 16-Nov.-'23 memo, including the documentation attached thereto, were independently corroborated by witnesses, (ii) each of the instances of conduct raised in the 16-Nov.-'23 memo, including the documentation attached thereto, was independently corroborated by witnesses, (iii) the actions taken by Defendants Russo and Stephens were warranted in light of the allegations raised by members, staff and stakeholders and within the scope of constitutional authority, (iv) the actions taken by House leadership were warranted and within the scope of authority and (v) the proper protocols were followed for actions against Plaintiff in light of the allegations. These statements are all false.

263. The P.M. Report (a) contains in the section titled "Factual and Investigative Summary" at fewest six instances of a description of an event or events that diverges from the description of the same event or events as set forth in the 16-Nov.-'23 memo, (b) does not include in the "Factual and Investigative Summary" express mention of any

of at fewest 19 false statements in the body of the 16-Nov.-'23 memo and (c) states that Ms. Perez did not in connection with the production of the P.M. Report interview any of nine authors of the 11 documents attached to the 16-Nov.-'23 memo, which documents contain many statements that the persons whom Ms. Perez did so interview could not have corroborated. Each statement set forth in clauses (b), (c), (j) and (k) of the immediately preceding paragraph must be false.

264. Defendants S. Perez, J. Perez, Busken, Yost, Stanek, Stephens and Russo (the “P.M.-Defamation Defendants”) participated in the publication of the P.M. Report.

265. The P.M.-Defamation Defendants published the P.M. Defamation with at minimum reckless disregard of the truth of the statements.

266. Multiple mainstream media organizations republished much of the P.M. Defamation. The republishers included statements included in an article, published on April 5, 2024, by *Cleveland.com*. The title of the article was the following false statement, based on the P.M. Defamation: “[Plaintiff’s] . . . ‘violent behavior’ justified his legislative punishments, state investigation concludes.” The article included the following false statement, also based on the P.M. Defamation: “[N]umerous witnesses corroborated accusations of [Plaintiff’s] . . . ‘violent behavior’ during the past year.”

267. The publication by the P.M.-Defamation Defendants of the P.M. Defamation reflected injuriously on Plaintiff’s reputation, exposed him to public hatred, contempt, ridicule, shame and disgrace and affected Plaintiff adversely in his trade, business and profession.

Ms. Russo and the other P.M.-Defamation Defendants stated falsely that Plaintiff behaved violently.

268. The P.M. Report includes in a footnote a definition of the word “violence” or the phrase “violent conduct”: “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.” The P.M. Report states that definition is from the National Institute of Health and World Health Organization.

269. The P.M. Report definition differs from the definition each (a) as set forth in, *e.g.*, the Oxford English Dictionary and (b) as stated by Mr. Plottner during a deposition. But Plaintiff was never violent under any definition, and nothing in the P.M. Report shows otherwise. Yet the P.M. Report concluded falsely that (i) Plaintiff’s violent behavior justified his legislative punishments and (ii) numerous witnesses corroborated accusations of Plaintiff’s violent behavior.

270. On March 29, 2024, while testifying at a deposition Ms. Russo was asked where the P.M. Report says that Plaintiff was violent. In response, she cited the interaction on November 15, 2023, between Plaintiff and Mr. Upchurch.

271. Plaintiff’s conduct in the 15-Nov.-’23 interaction between him and Mr. Upchurch was not characterized by the doing of deliberate harm or damage carried out or accomplished by using physical violence. (Applying the definition set forth in the Oxford English Dictionary.) Plaintiff did not touch anyone. His conduct was not violent. Even the P.M. Report’s definition does not apply to the 15-Nov.-’23 interaction between Plaintiff and Mr. Upchurch. In that interaction, Plaintiff neither used nor threatened to use physical force or power, and nobody alleged to the contrary.

272. On the same date, at Ms. Russo’s deposition, the deposition-taker (a) noted that the P.M. Report states, with respect to the 15-Nov.-’23 interaction between Plaintiff and Mr.

Upchurch, that there were concerns that it “could” turn physical but that the P.M. Report definition required a “high likelihood” of resulting in injury and (b) asked Ms. Russo if saying that something could happen means the same thing saying that it has a high likelihood of happening. She answered in the affirmative.

273. To be clear, saying that something could happen is not the same as saying that there is a high likelihood that it will happen. If you roll five 20-sided die, you could roll five “6”s. You could. But it is not highly likely to happen. That roll—or any particular roll of five 20-sided die—is likely to happen only once in 3.2 million rolls. A chance of one in 3.2 million is not a high likelihood. You could win the lottery if you buy one ticket, or ten thousand tickets. You could. But there is not a high likelihood that you will win, even if you buy ten thousand. A Democrat could win an election for statewide office in Ohio. She could. But there is not a high likelihood that she will.

274. Nothing violent was ever going to happen on November 15, 2023. Caucus leadership caused Plaintiff to feel extreme distress. Several of them escorted him into a small office room after his colleague, Ms. Munira, had just angrily confronted him. They didn’t try to obtain the full story. They yelled at him. They cursed at him. They had been mistreating him for months. Plaintiff and Mr. Upchurch were six feet away from each other. Neither Plaintiff nor Mr. Upchurch moved. Plaintiff expressed frustration with and distress over the pain that they were causing him.

275. Plaintiff has never in his life been in a physical fight. He has not thrown a punch, ever. He is peaceful, not violent. The statements by the P.M.-Defamation Defendants to the contrary are a defamatory lie.

Defendants Stephens and Russo published (1) republications of certain of the P.M.-Defamation and (2) additional defamation of Plaintiff.

276. On March 22, 2024, Mr. Stephens published a letter that contained false statements (the “22-Mar.-’24 Stephens Defamation”) defamatory or otherwise tortiously injurious to Plaintiff. The 22-Mar.-’24 Stephens Defamation included (a) on November 17, 2023, Mr. Stephens notified Plaintiff via letter of the commencement of an investigation into allegations that his conduct towards members and staff of the Caucus created a reasonable apprehension of violent conduct, (b) the allegations to be investigated were set forth in a letter transmitted to Plaintiff by Ms. Russo on November 16, 2023, as well as a memo sent by Ms. Russo to the Caucus members detailing Plaintiff’s conduct over the preceding several months, (c) the alleged behavior described in the 16-Nov.-’23 memo was independently corroborated by witnesses, (d) the actions taken by Mr. Stephens were permissible and appropriate under the constitutional authority bestowed to the Speaker and consistent with the Rules of the House for the 135th General Assembly, (e) the protocols established in the 17-Nov.-’23 Stephens letter regarding Plaintiff’s access to the Statehouse and Riffe Center were proper and warranted, (f) the P.M. Report documented that Plaintiff has refused to comply with the protocols established in the 17-Nov.-’23 Stephens letter and in fact engaged in inappropriate behavior directed toward the SAA, (g) it is necessary and appropriate to maintain the currently applicable protocols established in the 17-Nov.-’23 Stephens letter for the remainder of Plaintiff’s term, (h) these measures are necessary to protect House employees and preserve order and decorum, (i) the P.M. Report may detail, with respect to Plaintiff, mental-health issues and (j) Plaintiff may wish to receive information about accessing services to address mental-health issues. These statements are false or imply something false about Plaintiff.

277. During a four-year-long period from 2016 to 2020, a person who served at all times relevant to this action as a state legislator working closely with Mr. Stephens suffered, according to a book published on June 30, 2021, written by a 40-year Ohio political lobbyist, from suicidal depression. During that period, (a) such person called the lobbyist many times, including in connection with a suicide attempt, (b) the lobbyist worked with the person serving at the time as the chief of staff to the Ohio Governor to direct the Ohio Highway Patrol to locate and ensure the safety of such person and (c) each of the president of the Ohio Senate and the House speaker at the time and the members of each of their senior staffs knew about the calls between the lobbyist and such person. To Plaintiff's knowledge, such person was not disciplined for any alleged suicidality. Mr. Stephens knew about the alleged suicidality of such person and promoted such person and treated such person with sensitivity, yet he treated Plaintiff differently in light of similar allegations.

278. Mr. Stephens published the 22-Mar.-'24 Stephens Defamation with at minimum reckless disregard of the truth of the statements.

279. On March 27, 2024, Ms. Russo published a letter that contained false statements, the falsity of which Ms. Russo either knew or recklessly disregarded, defamatory or otherwise tortiously injurious to Plaintiff, including that the P.M. Report confirmed the truthfulness of the facts that Ms. Russo outlined in the 16-Nov.-'23 memo.

280. The publications on March 22 and 27, 2024, by Defendants Stephens and Russo reflected injuriously on Plaintiff's reputation, exposed him to public hatred, contempt, ridicule, shame and disgrace and affected Plaintiff adversely in his trade, business and profession.

Mr. Busken defamed Plaintiff.

281. On or about December 23, 2023, Mr. Busken communicated to Mr. Tobias the following statements (the “Busken Defamation”) re Plaintiff’s request that the A.G. represent and defend him in the CSPO case: (a) “We don’t view menacing and stalking as within [Plaintiff’s] official job duties as a member of the state legislature” and (b) “Every workplace harasser doesn’t get a taxpayer-funded attorney.”

282. On December 23, 2023, *Cleveland.com* published an article, by Mr. Tobias, that contained the Busken Defamation.

283. The law required, in connection with Plaintiff’s request for representation and defense in the CSPO case, the A.G. to investigate the facts. If Defendants Busken and Yost had done so, then they would have known, as the court in the CSPO case found, that there was no basis for a protection order and the CSPO case had no merit. Instead, Mr. Busken at minimum recklessly disregarded the truth and told the world that Plaintiff was a guilty perpetrator.

284. The publication by Mr. Busken of the Busken Defamation, which implied falsely that Plaintiff is a potentially violent criminal, reflected injuriously on Plaintiff’s reputation, exposed him to public hatred, contempt, ridicule, shame and disgrace and affected Plaintiff adversely in his trade, business and profession.

CLAIMS

Count I: Violation of the State of Ohio’s Common-Law Prohibition of Defamation *Per Se* **(Money Damages)**

285. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

286. With respect to each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens, (a) the Defendant made no fewer than one false

statement of fact, (b) each such statement was defamatory on its face, (c) each statement was published, (d) Plaintiff suffered injury as a proximate result of each publication and (e) the Defendant acted with at minimum reckless disregard of the truth or falsity of each statement.

287. Each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens violated the common-law prohibition of defamation *per se*.

288. In violating the common-law prohibition of defamation *per se*, each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

289. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens of the common-law prohibition of defamation *per se*.

290. Due to Messrs. Russo's, Brent's, Plottner's, Meyers's, J. Perez's, S. Perez's, Busken's, Yost's, Stanek's and Stephens's actions, as more fully described above, in violation of the common-law prohibition of defamation *per se*, Plaintiff suffered damages for which he seeks to recover from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages.

Count II: Violation of the State of Ohio's Common-Law Prohibition of Defamation *Per*

Quod (Money Damages)

291. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

292. With respect to each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens, (a) the Defendant made no fewer than one false

statement of fact, (b) each such statement was defamatory by innuendo, (c) each statement was published, (d) Plaintiff suffered injury as a proximate result of each publication and (e) the Defendant acted with at minimum reckless disregard of the truth or falsity of each statement.

293. Each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens violated the common-law prohibition of defamation *per quod*.

294. In violating the common-law prohibition of defamation *per se*, each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

295. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Defendants Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens of the common-law prohibition of defamation *per quod*.

296. Due to Messrs. Russo's, Brent's, Plottner's, Meyers's, J. Perez's, S. Perez's, Busken's, Yost's, Stanek's and Stephens's actions, as more fully described above, in violation of the common-law prohibition of defamation *per quod*, Plaintiff suffered damages for which he seeks to recover from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages.

Count III: Violation of the State of Ohio's Common-Law Prohibition of False-Light

Invasion of Privacy (Money Damages)

297. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

298. With respect to each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens, (a) the Defendant gave publicity to a matter

concerning Plaintiff that placed Plaintiff before the public in a false light, (b) the false light in which Plaintiff was placed would be highly offensive to a reasonable person and (c) the Defendant had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which Plaintiff would be placed.

299. Each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens violated the common-law prohibition of false light-invasion of privacy.

300. In violating the common-law prohibition of false light-invasion of privacy, each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

301. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Defendants Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens of the common-law prohibition of false light-invasion of privacy.

302. Due to Messrs. Russo's, Brent's, Plottner's, Meyers's, J. Perez's, S. Perez's, Busken's, Yost's, Stanek's and Stephens's actions, as more fully described above, in violation of the common-law prohibition of false light-invasion of privacy, Plaintiff suffered damages for which he seeks to recover from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages.

Count IV: Violation of the State of Ohio's Common-Law Prohibition of Malicious Civil Prosecution (Money Damages)

303. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

304. (a) The institution of the CSPO case against Plaintiff by Ms. Brent was malicious, (b) probable cause for filing the CSPO case lacked, (c) the termination of the CSPO case was in Plaintiff's favor and (d) Plaintiff's person or property was during the course of the CSPO case seized. Each of Messrs. Russo, Stephens, Stanek, Busken and Yost participated in the conduct described in the immediately preceding sentence.

305. Each of Messrs. Brent, Russo, Stephens, Stanek, Busken and Yost violated the common-law prohibition of malicious civil prosecution.

306. In violating the common-law prohibition of malicious civil prosecution, each of Messrs. Brent, Russo, Stephens, Stanek, Busken and Yost (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her-or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

307. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Defendants Brent, Russo, Stephens, Stanek, Busken and Yost of the common-law prohibition of malicious civil prosecution.

308. Due to Messrs. Brent's, Russo's, Stephens's, Stanek's, Busken's and Yost's actions, as more fully described above, in violation of the common-law prohibition of malicious civil prosecution, Plaintiff suffered damages for which he seeks to recover from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages.

Count V: Violation of the State of Ohio's Common-Law Prohibition of Abuse of Process

(Money Damages)

309. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

310. (a) Ms. Brent set in motion in proper form and with probable cause the CSPO case, (b) Ms. Brent perverted the CSPO case to attempt to accomplish an ulterior purpose for which it was not designed and (c) direct damage to Plaintiff resulted from the wrongful use of process. Each of Messrs. Russo, Stephens, Stanek, Busken and Yost participated in the conduct described in the immediately preceding sentence.

311. Each of Messrs. Brent, Russo, Stephens, Stanek, Busken and Yost violated the common-law prohibition of abuse of process.

312. In violating the common-law prohibition of abuse of process, each of Messrs. Brent, Russo, Stephens, Stanek, Busken and Yost (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

313. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Defendants Brent, Russo, Stephens, Stanek, Busken and Yost of the common-law prohibition of abuse of process.

314. Due to Messrs. Brent's, Russo's, Stephens's, Stanek's, Busken's and Yost's actions, as more fully described above, in violation of the common-law prohibition of abuse of process, Plaintiff suffered damages for which he seeks to recover from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages.

Count VI: the State of Ohio's Civil Liability for Criminal Acts under R.C. 2307.60,

Incorporating 2921.11 (Prohibition of Perjury) (Money Damages)

315. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

316. Ms. Brent knowingly made no fewer than one false statement under oath or affirmation, or knowingly swore or affirmed the truth of a false statement previously made, when the statement could have affected the course or outcome of the CSPO case.

317. Ms. Brent violated R.C. 2921.11.

318. Each of Messrs. Russo, Stephens, Stanek, Busken and Yost aided and abetted the violation by Ms. Brent of R.C. 2921.11.

319. In violating R.C. 2921.11, Ms. Brent (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

320. In aiding and abetting the violation by Ms. Brent of R.C. 2921.11, Messrs. Russo, Stephens, Stanek, Yost and Busken (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

321. Plaintiff was injured in person or property by the violation by Ms. Brent, as aided and abetted by Messrs. Russo, Stephens, Stanek, Busken and Yost, of R.C. 2921.11.

322. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Messrs. Brent, Russo, Stephens, Stanek, Busken and Yost of R.C. 2921.11.

323. Due to Messrs. Brent's, Russo's, Stephens's, Stanek's, Busken's and Yost's actions, as more fully described above, in violation of R.C. 2921.11, Plaintiff suffered damages for which Plaintiff seeks to recover from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages, including punitive and exemplary damages and the costs, including attorney's fees, of maintaining this action.

Count VII: the State of Ohio's Civil Liability for Criminal Acts under R.C. 2307.60,

Incorporating 2921.13 (Prohibition of Falsification) (Money Damages)

324. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

325. Ms. Brent knowingly made no fewer than one false statement under oath or affirmation, or knowingly swore or affirmed the truth of a false statement previously

made, when the statement was made (a) in an official proceeding, (b) with purpose to incriminate another or (c) with purpose to mislead a public official in performing the public official's official function.

326. Ms. Brent violated R.C. 2921.13.

327. Each of Messrs. Russo, Stephens, Stanek, Busken and Yost aided and abetted the violation by Ms. Brent of R.C. 2921.13.

328. In violating R.C. 2921.13, Ms. Brent (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

329. In aiding and abetting the violation by Ms. Brent of R.C. 2921.13, Messrs. Russo, Stephens, Stanek, Yost and Busken (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

330. Plaintiff was injured in person or property by the violation by Ms. Brent, as aided and abetted by Messrs. Russo, Stephens, Stanek, Busken and Yost, of R.C. 2921.13.

331. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Messrs. Brent, Russo, Stephens, Stanek, Busken and Yost of R.C. 2921.13.

332. Due to Messrs. Brent's, Russo's, Stephens's, Stanek's, Busken's and Yost's actions, as more fully described above, in violation of R.C. 2921.13, Plaintiff suffered damages for which Plaintiff seeks to recover, jointly and severally, from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages, including punitive and exemplary damages and the costs, including attorney's fees, of maintaining this action.

Count VIII: the State of Ohio's Civil Liability for Criminal Acts under R.C. 2307.60,

Incorporating 2917.32 (Prohibition of Making False Alarms) (Money Damages)

333. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

334. Ms. Brent reported to a law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

335. Ms. Brent violated R.C. 2917.32.

336. In violating R.C. 2917.32, Ms. Brent (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

337. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Ms. Brent of R.C. 2917.32.

338. Plaintiff was injured in person or property by the violation by Ms. Brent of R.C. 2917.32.

339. Due to Ms. Brent's actions, as more fully described above, in violation of R.C. 2917.32, Plaintiff suffered damages for which Plaintiff seeks to recover from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages, including punitive and exemplary damages and the costs, including attorney's fees, of maintaining this action.

Count IX: Violation of the State of Ohio's Common-Law Prohibition of Intentional

Infliction of Emotional Distress (Money Damages)

340. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

341. Each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek, Stephens and Brock by extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to Plaintiff.

342. Each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek, Stephens and Brock violated the common-law prohibition of intentional infliction of emotional distress.

343. In violating the common-law prohibition of intentional infliction of emotional distress, each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

344. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens of the common-law prohibition of intentional infliction of emotional distress.

345. Due to each of Messrs. Russo's, Brent's, Plottner's, Meyers's, J. Perez's, S. Perez's, Busken's, Yost's, Stanek's and Stephens's actions, as more fully described above, in violation of the common-law prohibition of intentional infliction of emotional distress, Plaintiff suffered damages for which he seeks to recover from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages.

Count X: Violation of the Federal Enforcement Act of 1871 (Breach of 42 U.S.C. 1983, Money

Damages)

346. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

347. Plaintiff is a citizen of the United States.

348. Each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens, under color of any statute, ordinance, regulation, custom, or usage,

of the State of Ohio subjected, or caused to be subjected, Plaintiff to the deprivation of one or more rights, privileges or immunities secured by the U.S. Constitution and laws.

349. Each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens violated 42 U.S.C. 1983.

350. In violating 42 U.S.C. 1983, each of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek and Stephens (a) acted with malicious purpose, in bad faith or in a wanton or reckless manner and (b) acted, or believed her- or, as applicable, himself to have acted, at least in part, in the interests of Defendant State of Ohio.

351. Defendant State of Ohio is under *respondeat superior* vicariously liable for the violations by Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Yost and Stephens of 42 U.S.C. 1983.

352. Due to Messrs. Russo's, Brent's, Plottner's, Meyers's, J. Perez's, S. Perez's, Busken's, Yost's, Stanek's and Stephens's actions, as more fully described above, in violation of 42 U.S.C. 1983, Plaintiff suffered damages for which he seeks to recover from Defendant State of Ohio in an amount more than \$25,000.00 that equals the amount of all damages.

Count XI: Violation of the State of Ohio's Duty to Defend a State Officer or Employee in Civil Action (Breach of R.C. 109.361, Money Damages)

353. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

354. Plaintiff did not act manifestly outside the scope of his position as a state representative.

355. Messrs. Yost and Busken had under R.C. 109.361 a duty to represent and defend Plaintiff in the CSPO case.

356. Messrs. Yost and Busken violated R.C. 109.361.

357. Due to Messrs. Yost's and Busken's actions, as more fully described above, in violation of R.C. 109.361, Plaintiff suffered damages for which he seeks to recover under R.C. 109.364 from Defendant Ohio General Assembly in an amount more than \$25,000.00 that equals the amount of the expenses (including but not limited to the payment of court costs, attorney's fees, investigative costs, and expert witness fees) incurred by Plaintiff in providing his own defense in the CSPO case and in bringing this action.

PRAYER FOR RELIEF

Plaintiff respectfully moves this Honorable Court for judgment for Plaintiff jointly and severally against Defendants at Defendants' cost as follows:

358. With respect to Count I, judgment for Plaintiff in an amount more than \$25,000.00;
359. With respect to Count II, judgment for Plaintiff in an amount more than \$25,000.00;
360. With respect to Count III, judgment for Plaintiff in an amount more than \$25,000.00;
361. With respect to Count IV, judgment for Plaintiff in an amount more than \$25,000.00;
362. With respect to Count V, judgment for Plaintiff in an amount more than \$25,000.00;
363. With respect to Count VI, judgment for Plaintiff in an amount more than \$25,000.00;
364. With respect to Count VII, judgment for Plaintiff in an amount more than \$25,000.00;
365. With respect to Count VIII, judgment for Plaintiff in an amount more than \$25,000.00;

366. With respect to Count IX, judgment for Plaintiff in an amount more than \$25,000.00;

367. With respect to Count X, judgment for Plaintiff in an amount more than \$25,000.00;

368. With respect to Count XI, judgment for Plaintiff in an amount more than \$25,000.00;

369. A declaratory judgment stating that, with respect to the conduct alleged herein, (a) none of Messrs. Russo, Brent, Plottner, Meyers, J. Perez, S. Perez, Busken, Yost, Stanek or Stephens nor Perez Morris is entitled to personal immunity under R.C. 9.86 and (b) the courts of common pleas have jurisdiction over any civil action related thereto; and to order any other relief as this Court sees fit in this case.

Date: November 13, 2024

Respectfully submitted,

/s/ Elliot P. Forhan
Elliot P. Forhan (Ohio bar no.: 0099490)
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Lyndhurst, Ohio 44124
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Plaintiff Elliot Forhan

STATE OF OHIO

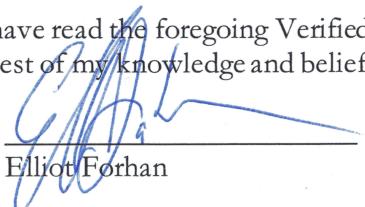
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VERIFICATION

COUNTY OF CUYAHOGA

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I, Elliot Forhan, being first duly sworn according to law, state that I have read the foregoing Verified Complaint and affirm that the factual statement therein is true to the best of my knowledge and belief.


Elliot Forhan

NOTARY PUBLIC

SWORN TO, BEFORE ME, and subscribed in my presence this 13th day of November, 2024.



MATTHEW FRY
Notary Public
State of Ohio
My Comm. Expires
July 17, 2027


NOTARY PUBLIC