

Person/Attorney Filing: Kevin M. Kasarjian
Mailing Address: 4343 E. Camelback Road, Suite 210
City, State, Zip Code: Phoenix, AZ 85018
Phone Number: (602)888-7870
E-Mail Address: kkasarjian@bfsolaw.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 020523, Issuing State: AZ

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

CAPA, LLC, DBA MERCEDES-BENZ OF

GILBERT

Plaintiff(s),

Case No. CV2023-004432

v.

Craig King

SUMMONS

Defendant(s).

To: Craig King

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

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

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *March 22, 2023*

JEFF FINE
Clerk of Superior Court

By: *YVETTE MORALEZ*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

1 Kevin M. Kasarjian, #020523
2 Anthony R. Napolitano, #034586
3 **Bergin, Frakes, Smalley & Oberholtzer, PLLC**
4 4343 East Camelback Road, Suite 210
5 Phoenix, Arizona 85018
6 Telephone: (602) 888-7855
7 Facsimile: (602) 888-7856
8 kkasarjian@bfsolaw.com
9 anapolitano@bfsolaw.com
10 *Attorneys for Plaintiff*

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

12 **IN THE COUNTY OF MARICOPA**

13 CAPA, LLC, dba MERCEDES-BENZ
14 OF GILBERT, an Arizona limited
15 liability company,

16 Plaintiff,

17 vs.

18 Craig King, an individual,

19 Defendant.

No. CV2023-004432

**COMPLAINT
(Defamation Per Se)**

(Tier 2)

20 For their complaint against the above-named defendant, plaintiff CAPA, LLC, dba
21 Mercedes-Benz of Gilbert (“MBG”) alleges as follows:

PARTIES AND JURISDICTION

22 1. MBG is an Arizona limited liability company, authorized to do and doing
23 business in the State of Arizona. MBG is a respected automobile dealership with a
24 reputation for honesty, business integrity, and excellent customer service.

25 2. Craig King (“King”) is an individual residing in Maricopa County, Arizona.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

3. The acts which form the basis for this action occurred in Maricopa County, Arizona.

4. Jurisdiction and venue are appropriate in this Court.

5. Pursuant to Ariz.R.Civ.P. 26.2, the characteristics of this case make it presumptively a Tier 2 case.

GENERAL ALLEGATIONS

6. On December 15, 2022, King brought his 2007 Mercedes S550 (the "Vehicle") to MBG for repairs.

7. King signed an intake repair order, dated December 15, 2022, in which he, among other things, agreed that MBG is not responsible for any loss or damage to the Vehicle or articles left in the Vehicle while in MBG's possession.

8. While the Vehicle was in for repairs, an apparent theft of the Vehicle occurred.

9. MBG investigated the apparent theft and worked with the Gilbert Police Department (Case #22-146737) and King in their investigations.

10. At the time of service, the odometer indicated the Vehicle had been driven 145,275 miles.

11. The fair market value of the Vehicle at the time of service was approximately \$8,000 to \$9,000.

12. On December 30, 2022, King sent MBG a demand letter concerning his Vehicle, in which he demanded that MBG pay him \$153,666, plus an unspecified amount for "rental reimbursement costs," related to the apparent theft of the Vehicle.

1 13. King also submitted a claim for the alleged theft of his vehicle to his insurance
2 company.

3 14. Upon information and belief, King's insurance company offered to pay him
4 \$8,606.43 for his Vehicle.

5 15. Upon information and belief, King refused to accept the offered payout from
6 his insurance company.
7

8 16. In the months since the incident, King initiated and has continued a defamatory
9 campaign against MBG across many social media channels and multiple online business
10 review websites.

11 17. On February 17, 2023, MBG, by and through its attorneys, sent King a
12 "Demand to Cease and Desist" letter.
13

14 18. King has failed and refused to comply with MBG's demand and has instead
15 persisted in a defamatory campaign against MBG.

16 **DETAILS OF THE DEFAMATORY CAMPAIGN**

17 19. As part of King's defamatory campaign, King has made multiple, public,
18 written statements to third parties on social media and business review websites that are
19 false, defamatory, and intended to cause financial loss to MBG.
20

21 20. King's statements are intended to harm MBG's reputation and business
22 relationships and to extort MBG into paying King a large amount of money.

23 21. Among other defamatory statements, King has made the following:

24 a. On January 2, 2023, King stated that the "[t]heft was an inside job."
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- b. On multiple Facebook pages, King posted, “Buyer beware! MB OF GILBERT, AZ will steal your Vehicle.”
- c. King posted the following comment on multiple social media and business review websites: “Look what they will send you then they either steal you [sic] car or damage it!” followed by an image of correspondence from MBG.
- d. King commented on social media and business review website posts referencing MBG with statements and/or images including “SCAM,” and “FRAUD ALERT.”
- e. On March 9, 2023, King posted a negative review on dealerrater.com that included the following false and defamatory statements: (1) “thievery going on at this dealer.”; (2) “This dealership stole my vehicle on 12/15/22.”; (3) “They are a complete fraud.”; and (4) “THIEVERY GOING ON HERE!”
- f. On March 20, 2023, King submitted another post on dealerrater.com that included the following false and defamatory statements: (1) “Your dealership failed to cooperate with the police investigation by not providing adequate video of your property where by 2007 S550 was being serviced.”; (2) “This is your scam, stolen car 2007 S550, no cameras, blame it on a trespasser, not responsible.”; and (3) “This thievery was done by an employee or an agent of an employee.”

1 22. Upon information and belief, King has also enlisted friends and/or associates of
2 his to post false and defamatory reviews of MBG, despite never having visited or having
3 any interactions with MBG.

4 23. King's actions have turned other, bona fide prospective customers away from
5 doing business with MBG.

6 24. One such customer, Vanessa Tate, recorded King's role in her decision to not
7 bring her business to MBG when she commented on a post by King, "I was looking to
8 purchase a Mercedes Benz but, after seeing they stole a customer's vehicle and the poor
9 customer service they have been cited for. I will not be purchasing from this dealership."

10 25. King's defamatory statements have caused loss of profit to MBG.

11 26. King's defamatory accusations that the apparent theft was an "inside job" are
12 unfounded and not supported by any evidence.
13

14 27. King's statements are false, defamatory, and were published with the intent to
15 cause financial loss to MBG.
16

17 28. MBG has suffered damages as a direct and proximate result of King's
18 defamatory statements.

19 29. King's statements are damaging to MBG's reputation, business integrity, and
20 business relationships and expectancies.
21

22 30. The statements King made on social media and business review sites, including
23 but not limited to those listed above, about MBG ("King's Statements") are defamatory.

24 31. King's Statements are of the type and nature that tend to injure MBG's
25 profession, trade or business and are therefore defamatory per se.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

32. King's Statements were unprivileged publications to a third party.

33. King knew that King's Statements were false when he made them.

34. MBG has been damaged by King's Statements.

35. MBG is entitled to recover actual and presumed damages for loss of reputation and loss of revenue, among other things, as a result of King's defamatory statements in an amount to be determined at trial, but no less than \$200,000.

36. King, in making the false and defamatory statements, acted with oppression, fraud, malice and in conscious disregard of the truth so as to justify an award of punitive damages against King in an amount to be determined at trial, but no less than \$100,000.

WHEREFORE, Plaintiffs demand the following relief:

A. That the Court enter judgment in favor of MBG and against King on all claims alleged herein;

B. That the Court enter judgment in favor of MBG and against King for actual and presumed damages for loss of reputation and loss of revenue, among other things, as a result of King's defamatory statements in an amount to be determined at trial, but no less than \$200,000;

C. That the Court enter judgment in favor of MBG and against King for costs in this litigation;

D. That the Court order King to immediately delete and withdraw any and all statements King has published, on all social media or elsewhere, and that King refrain from publishing or causing others to publish any additional false and defamatory statements concerning MBG;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. That the Court enter a permanent injunction prohibiting King from publishing or causing others to publish any false and defamatory statements concerning MBG;

F. That the Court enter a permanent injunction barring King from MBG's premises;

G. That MBG be granted such other and further relief as the Court deems just and proper.

DATED this 22nd day of March, 2023.

Bergin, Frakes, Smalley & Oberholtzer, PLLC

/s/ Kevin M. Kasarjian
Kevin M. Kasarjian
Anthony R. Napolitano
4343 East Camelback Road, Suite 210
Phoenix, Arizona 85018
Attorneys for Plaintiff

Person/Attorney Filing: Kevin M. Kasarjian
Mailing Address: 4343 E. Camelback Road, Suite 210
City, State, Zip Code: Phoenix, AZ 85018
Phone Number: (602)888-7870
E-Mail Address: kkasarjian@bfsolaw.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 020523, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

CAPA, LLC, DBA MERCEDES-BENZ OF

GILBERT

Plaintiff(s),

Case No. CV2023-004432

v.

Craig King

Defendant(s).

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Kevin M. Kasarjian /s/
Plaintiff/Attorney for Plaintiff

**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Clerk of the Superior Court
*** Electronically Filed ***
Y. Moralez, Deputy
3/22/2023 2:56:51 PM
Filing ID 15713936

Plaintiff's Attorneys:

Kevin M. Kasarjian - Primary Attorney
Bar Number: 020523, issuing State: AZ
Law Firm: Bergin, Frakes, Smalley & Oberholtzer, PLLC
4343 E. Camelback Road, Suite 210
Phoenix, AZ 85018
Telephone Number: (602)888-7870
Email address: kkasarjian@bfsolaw.com

CV2023-004432

Anthony R. Napolitano
Bar Number: 034586, issuing State: AZ
Law Firm: Bergin, Frakes, Smalley & Oberholtzer, PLLC
Telephone Number: (602)848-5449

Plaintiff:

CAPA, LLC, DBA MERCEDES-BENZ OF GILBERT
3455 S Gilbert
Gilbert, AZ 85297

Defendant:

Craig King
7760 S Stuart Ave
Gilbert, AZ 85298

Discovery Tier t2

Case Category: Other Civil Case Categories
Case Subcategory: Defamation Per Se