

1 Case No: CV1308115

2 Dept. No. 1

FILED

2013 AUG -2 AM 11:10

LINDA F. BURLING
WHITE PINE COUNTY CLERK

BY [Signature]
DEPUTY

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6 IN THE SEVENTH JUDICIAL DISTRICT COURT

7 STATE OF NEVADA, COUNTY OF WHITE PINE

8 ☪ ☪ ☪ ☪ ☪

9 JOHN LAMPROS,
PLAINTIFF,

COMPLAINT - CIVIL

10 vs.

11 CHERYL NORIEGA, JAMES
12 ADAMS, TIMOTHY MCGOWAN,
ELY JET CENTER, DOES 1
13 THROUGH 10, AND DOES INC., 1
14 THROUGH 10,
DEFENDANT.

15 COMES NOW JOHN LAMPROS, Plaintiff, who complains, by his counsel,

16 RICHARD W. SEARS, ESQ., who files this against the Defendants, alleging the following
17 claims for defamation.

18 GENERAL ALLEGATIONS

19 1. JOHN LAMPROS, Plaintiff, ("JOHN") is a resident of White Pine County,
20 Nevada, and has been so throughout all time periods relevant to this matter.

21 2. JAMES ADAMS, Defendant, is a resident of White Pine County, Nevada, and
22 has been so throughout all time periods relevant to this matter.

23 3. CHERYL NORIEGA, Defendant, is a resident of White Pine County, Nevada,
24 and has been so throughout all time periods relevant to this matter.

25 4. TIMOTHY MCGOWAN, Defendant, is a resident of White Pine County,

1 Nevada, and has been so throughout all time periods relevant to this matter.

2 5. ELY JET CENTER, Defendant, is a limited liability company doing business in
3 White Pine County, Nevada.

4 6. The true names of Defendants DOES I through X inclusive, and DOES,
5 Inc., I through X, whether individual, corporate, associate, or otherwise are unknown
6 to JOHN, who therefore sues each Defendant by fictitious names. JOHN is informed and
7 thereupon alleges that each of the Defendants designated herein as DOES or DOES,
8 Inc. is in some way responsible for the damages claimed by JOHN herein. JOHN will ask
9 *leave of this court to amend this complaint to insert the true names and capacities of*
10 Defendants DOES I through X, inclusive, when the identities have been ascertained, to
11 formulate appropriate allegations and to joint such Defendants in this action.

12 7. Upon information and belief, at all times relevant hereto, each of the
13 Defendants set forth herein was the principal, agent, employee, employer or co-
14 conspirator of each other, and at all relevant times were acting within the course and
15 scope of such relationship.

16 8. On or about July 15, 2013, Defendants published - orally and in writing -
17 defamatory statements, without any privilege to publish the statements, defaming
18 JOHN in his reputation.

19 9. JOHN was injured in his reputation in the community in which he resides,
20 and in the larger community in which he lives.

21 10. JOHN is a County Commissioner, duly serving the people of White Pine
22 County in conformance with his oath of office taken in December, 2010.

23 11. Defendants published defamatory statements about JOHN - by filing a
24 notice of intent to recall him from his elected office as County Commissioner that
25 contained demonstrably false statements of fact, intending to impute criminal acts to

1 him. It is a criminal act to file a notice of intent to recall a public official that contains
2 false statements of fact, so there is no privilege that attaches to the act of filing a notice
3 of intent to recall a public official.

4 12. Defendants - each of them - published the false statements with actual
5 malice or implied malice, knowing either that the statements were false, or with
6 reckless disregard to the truth or falsity of the factual statements.

7 13. Defendants falsely stated that JOHN was responsible for a "1.4 plus
8 million short fall in the White Pine County budget": This statement was false when
9 made.

10 14. Defendants falsely stated that JOHN was responsible for "reduced fund
11 balances leaving the county saddled with future debt loads beyond our means": This
12 statement was false when made.

13 15. Defendants falsely stated that JOHN was responsible for a "reckless and
14 completely unplanned attempt at replacing the County annex building, with known
15 problems, possibly with as much age and probably with as many problems as the
16 current structure, and again unknown cost to make the building useable, coupled
17 together with other unbudgeted, unplanned expenditures, . . .": This statement was
18 false when made.

19 16. Defendants falsely stated that JOHN is "exploding County spending by
20 mismanaging the County and forcing it into insolvency though continued
21 mismanagement": This statement was false when made.

22 I

23 DEFAMATION

24 17. JOHN incorporates the facts set forth in paragraphs 1 through 16 as
25 though fully set forth herein.

1 28. Defendants made the false allegations with actual malice.

2 29. Defendants knew or should have known that JOHN did not lead the
3 current budget into a "1.4+ million short fall not including building commitments": On
4 the contrary, the county had fund surpluses.

5 30. Defendants should have exercised reasonable diligence to determine the
6 truth and acted recklessly with regard to the truth as to whether or not Plaintiff was
7 responsible for a 1.4+ million dollar shortfall, before publishing false statements about
8 Plaintiff.

9 31. JOHN has been actually injured in his reputation in the community due to
10 the false statements by Defendants in an amount in excess of \$10,000.

11 32. JOHN has been required to retain counsel to prosecute this action and is
12 entitled to attorney fees and costs of suit.

13 33. JOHN has been damaged in an amount in excess of \$10,000 in special
14 damages.

15 34. Defendants' statements were willful and malicious when published and,
16 as a result thereof, the Court should assess punitive damages against the Defendants in
17 the sum in excess of \$10,000, or an amount that may be proved at trial.

18 III

19 DEFAMATION

20 35. JOHN incorporates the facts set forth in paragraphs 1 through 34 as
21 though fully set forth herein.

22 36. JOHN was injured in his reputation in Nevada by false statements
23 claiming he was the leader of acts and was responsible for "reduced fund balances
24 leaving the county saddled with future debt loads beyond our means."

25 37. Defendants made the false allegations with actual malice.

1 with other unbudgeted, unplanned expenditures . . .": This statement was false when
2 made.

3 46. Defendants made the false allegations with actual malice.

4 47. Defendants knew or should have known that Plaintiff was not
5 responsible for an unplanned and reckless replacement of the county annex building
6 with unknown and unbudgeted costs to make a newer building useable.

7 48. Defendants should have exercised reasonable diligence to determine the
8 truth - but instead, acted recklessly with regard to the truth as to whether or not JOHN
9 was responsible for the allegations in the prior paragraph, before publishing false
10 statements about him.

11 49. JOHN has been actually injured in his reputation in the community due to
12 the false statements by Defendants in an amount in excess of \$10,000.

13 50. JOHN has been required to retain counsel to prosecute this action, and is
14 entitled to attorney fees and costs of suit.

15 51. JOHN has been damaged in an amount in excess of \$10,000 in special
16 damages.

17 52. Defendants' statements were willful and malicious when published, and -
18 as a result thereof - the Court should assess punitive damages against the Defendants
19 in the sum in excess if \$10,000, or an amount that may be proved at trial.

20 V

21 DEFAMATION

22 53. JOHN incorporates the facts set forth in paragraphs 1 through 52 as
23 though fully set forth herein.

24 54. JOHN was injured in his reputation in Nevada by false statements
25 claiming he was the "leader of acts forcing the county into insolvency through his

1 mismanagement."

2 55. Defendants made the false allegations with actual malice.

3 56. Defendants should have exercised reasonable diligence to determine the
4 truth, but instead, acted recklessly with regard to the truth as to whether or not JOHN
5 was responsible for acts forcing the county back into insolvency through continued
6 mismanagement, before publishing false statements about him.

7 57. JOHN has been actually injured in his reputation in the community due to
8 the false statements by Defendants in an amount in excess of \$10,000.

9 58. JOHN has been required to retain counsel to prosecute this action, and is
10 entitled to attorney fees and costs of suit.

11 59. JOHN has been damaged in an amount in excess of \$10,000 in special
12 damages.

13 60. Defendants' statements were willful and malicious when published and
14 as a result thereof, the Court should assess punitive damages against the Defendants in
15 the sum in excess if \$10,000, or an amount that may be proved at trial.

16
17 WHEREFORE, based upon the foregoing facts, JOHN prays for the following relief:

18 A. For judgment against the Defendants, each and every one of them, jointly and
19 severally, for each count of defamation as alleged in the foregoing Complaint;

20 B. For general damages in excess of \$10,000 for each count in the Complaint;

21 C. For special damages in excess of \$10,000 for each count in the Complaint;

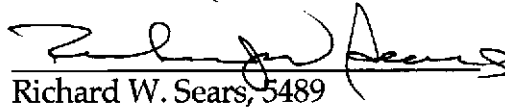
22 D. For punitive and exemplary damages in excess of \$10,000 for each count in the
23 Complaint;

24 E. For reasonable attorneys fees and costs of suit for each count as alleged in the
25 Complaint.

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F. For such other and further relief as to the court seems just and proper.

DATED this 1st day of August, 2013.



Richard W. Sears, 5489
1330 Aultman Blvd.,
Ely, Nevada 89301
775.289.3366


SEARS LAW FIRM, LTD.
RICHARD W. SEARS
1330AULTMAN STREET • ELY, NEVADA 89301

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VERIFICATION

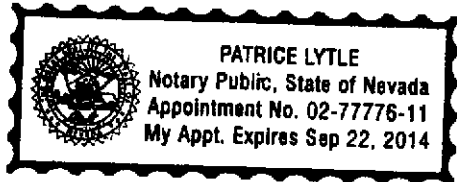
I, JOHN LAMPROS, being first duly sworn, upon oath deposes and says:

That he is the Plaintiff in the above-entitled matter; that he has read the within and foregoing Complaint and knows the contents thereof; that the same is true to his knowledge, except for those matters therein stated on information and belief, and as to those matters, he believes them to be true.


JOHN LAMPROS

Subscribed and Sworn to before me
this 29 day of July, 2013.


Notary Public




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AFFIRMATION

This complaint does not contain the Social Security Number of any person.

DATED this 1st day of August, 2013.



Richard W. Sears, 5489
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Ely, Nevada 89301
775.289.3366