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**IN THE THIRD JUDICIAL DISTRICT COURT,  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

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ANDREW C. PETERSEN

Plaintiff,

vs.

CHUCK NEWTON and DOES 1-10,

Defendants.

**COMPLAINT  
(Tier 3)**

Case No. 150906906

Judge Paul G. Maughan

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**COMES NOW** Plaintiff Andrew C. Petersen by and through counsel, and hereby  
complains for causes of action, alleging as follows:

**PARTIES**

1. At all relevant times, Plaintiff Andrew C. Petersen was a resident of Salt Lake County, State of Utah.
2. At all relevant times, Defendant Chuck Newton was a resident of Salt Lake County, State of Utah.
3. Each of the Doe Defendants are liable in some manner, either by wrongful act,

omission, and negligence or otherwise, for the occurrences alleged and that the injuries alleged, in part or in whole, were legally caused by the conduct of the Doe Defendants.

4. At all material times, each of the Defendants were agents, servants, employers, employees, joint venturers, partners and/or alter egos of one or more of each of the remaining Defendants, and were at all times acting within the purpose and scope of such agency, servitude, joint venture, alter ego, partnership or employment, and with authority, consent approval and/or ratification of each of the remaining Defendants.

### **JURISDICTION & VENUE**

5. This action is of a civil nature and jurisdiction is conferred pursuant to Utah Code Ann. § 78A-5-102.

6. The causes of action and injuries giving rise to this Complaint occurred in Salt Lake County, State of Utah, and thus venue is appropriate in the above entitled court pursuant to Utah Code Ann. § 78B-3-307.

7. Although Plaintiff is still accruing damages, for purposes of discovery, he affirmatively alleges that he has suffered damages in excess of \$300,000, qualifying the above captioned matter for Tier 3 discovery.

### **GENERAL ALLEGATIONS**

8. Plaintiffs refer to and incorporates the preceding paragraphs as if fully set forth herein.

9. Plaintiff Andrew C. Petersen (“Petersen”) is owner, president, and chief executive officer of Honorable Campaigns, LLC, a Utah limited liability company that offers consulting services to employers and employees about workplace issues and management.

10. Honorable Campaigns, LLC’s central mission is to increase corporate

productivity through honest, forthright, and ethical business relations between employers and employees, and thus integrity is central to its business practices and profitability.

11. As owner, president, and chief executive officer of Honorable Campaigns, LLC, Plaintiff's personal integrity and reputation are critical to its success.

12. Over the summer of 2015, Plaintiff entered the race for South Jordan City Council, District 2.

13. Other candidates included Paul Bateman, Brad Marlor, and the incumbent seat-holder, Defendant Chuck Newton.

14. On August 11, 2105—the date of the primary election— at 8:05 p.m., Defendant Newton called Plaintiff and left a voicemail stating:

Hey Andrew, Chuck Newton. Just calling to touch base with you and see how it's going on the election and, um, just wanted to visit. If you get a chance, when you get a chance, give me a call: 801-557-0758. Thanks. Bye.

15. Later that night or early the next morning, the election results were tallied, and the official results indicated that both Plaintiff and Bateman failed to attain enough votes to be included on the ballot for the municipal general election.

16. On August 13, 2015, at 6:13 p.m., Plaintiff called Defendant Newton back at the number provided in the voicemail, and the two discussed the election results and a possible meeting.

17. The conversation was private, was not a public meeting, and was not privileged.

18. Later, at 7:12 p.m., Plaintiff called Defendant Newton again, and the two agreed to meet at Plaintiff's residence that evening at 8:00 p.m.

19. The conversation was private, was not a public meeting, and was not privileged.

20. Defendant Newton arrived at Plaintiff's residence, and the two discussed the

election.

21. During the conversation, Defendant Newton solicited Plaintiff's endorsement for the general election campaign.

22. At no time did Plaintiff ever offer Defendant Newton an endorsement, much less money or other consideration for any agreement whatsoever.

23. Plaintiff never offered Defendant Newton \$10,000 in exchange for withdrawing from the campaign or for any

24. The conversation at Plaintiff's residence was private, was not a public meeting, and was not privileged.

25. In a letter dated August 13, 2015, Defendant Newton wrote a letter addressed to "South Jordan City Officials" in which he stated that Plaintiff offered Defendant Newton "\$10,000 to run for mayor in two years, but drop out of the race for council now." The letter continued, stating that Newton "replied that it was illegal, as it was a bribe."

26. The letter further stated that during the alleged conversation, Mr. Peterson received a phone call from another candidate, Brad Marlor, and at that time, "[t]he thought occurred [to Defendant Newton] that it was a ruse and that Marlor might be behind the offer and be calling to see how the offer went." Defendant Newton then wrote, "[y]es, I have a suspicious mind but that's due to experience in politics in D.C., not because I'm inherently suspicious."

27. Upon information and belief, on or about the same date, Defendant Newton wrote an e-mail containing similar false, malicious and defamatory statements about Plaintiff, and transmitted it to various South Jordan City officials.

28. Upon information and belief, on or about the same date, Defendant Newton wrote a letter and/or email containing similar false, malicious and defamatory statements about

Plaintiff, and transmitted it to the Salt Lake County District Attorney's office.

29. Defendant Newton subsequently verbally made similar false, malicious and defamatory statements about Plaintiff to various media outlets. For instance:

- a. On September 22, 2015, KUTV.com published a story quoting Defendant Newton's statements that Plaintiff Peterson "offer[ed] [Newton] \$10,000 to drop out of the race," and that Plaintiff had done something "illegal."
- b. On September 22, 2015, the Salt Lake Tribune published an article reporting that Defendant Newton alleged that Mr. Peterson offered Defendant Newton \$10,000 in exchange for Defendant Newton's withdrawal from the South Jordan City Council race.
- c. On September 23, 2015, the Deseret News published an article in which Defendant Newton was quoted, furthering his false and defamatory statements about Plaintiff.

30. The Associated Press collected reports the allegations, which were then published and republished throughout nationwide media outlets, including the San Francisco Chronicle, the Houston Chronicle, and the Washington Times.

31. Defendant Newton's verbal and written statements about Plaintiff offering a "bribe," engaging in "illegal" conduct, and other similar allegations are false, were made recklessly and maliciously, and were intended to impeach Plaintiff's honesty, integrity, and reputation.

32. Defendant Newton's verbal and written statements have cast Plaintiff in a false light, impugned his integrity, damaged his reputation among voters and the public at large, have damaged his business relationships.

33. Defendant Newton's use of the words "bribe" and "illegal" in his verbal and written statements are false, misleading, defamatory, and paint Plaintiff in a false light.

34. As a result of Defendant Newton's verbal and written statements, Plaintiff has suffered, and is suffering, harm to his reputation, which is causing emotional distress and other general and special damages.

**FIRST CAUSE OF ACTION**  
**(Defamation: Slander and Libel)**

35. Plaintiff refers to and incorporates the preceding paragraphs as if fully set forth herein.

36. Defendant Newton made verbal statements alleging that Plaintiff attempted to bribe him were false and made with actual malice, *i.e.*, Defendant Newton intentionally made the statements, knowing that they were false, and with reckless disregard of whether they were true or false.

37. Defendant Newton wrote, printed, published, and disseminated false and maliciously defamatory statements that tended to impeach the honesty, integrity, virtue and reputation of Plaintiff, thereby exposing him to public hatred, contempt, and ridicule.

38. Defendant Newton knowingly made the false statements in an attempt to disparage Plaintiff and harm his reputation, and to advance Defendant Newton's own stature in the community and political ambitions.

39. As a sole, proximate, and foreseeable result of Defendant Newton's false and malicious statements, Plaintiff has been damaged in the estimation of the community and in present and future business relationships.

40. Plaintiff has sustained and continues to incur general, special, and other damages in an amount to be determined at trial.

**SECOND CAUSE OF ACTION**  
**(Defamation and Libel *Per Se*)**

41. Plaintiff refers to and incorporates the preceding paragraphs as if fully set forth herein.

42. Defendant Newton knowingly communicated, orally and in writing, information that he knew to be false, and which he knew would expose Plaintiff to public hatred, contempt, and ridicule, in violation of Utah Code Ann. § 76-9-404.

43. Defendant Newton willfully, intentionally, and with a malicious intent to injure Plaintiff, stated, conveyed, delivered, and/or transmitted false and libelous statements concerning Plaintiff to reporters and/or agents of television stations, newspapers, periodicals, and other serial for publication, in violation of Utah Code Ann. § 76-9-509.

44. Defendant Newton knowingly made the false statements in an attempt to disparage Plaintiff and harm his reputation, and to advance Defendant Newton's own stature in the community and political ambitions.

45. As a sole, proximate, and foreseeable result of Defendant Newton's false and malicious statements, Plaintiff has been damaged in the estimation of the community and in present and future business relationships.

46. Plaintiff has sustained and continues to incur general, special, and other damages in an amount to be determined at trial.

**THIRD CAUSE OF ACTION**  
**(Preliminary and Permanent Injunction)**

47. Plaintiff refers to and incorporates the preceding paragraphs as if fully set forth herein

48. Plaintiff has been injured by Defendant Newton's violations of Plaintiff's privacy rights, and violations of public order and decency.

49. Defendants' actions as set forth in this Complaint have and will continue to result in immediate and irreparable injury to Plaintiff, including but not limited to exposing Plaintiff to public hatred, contempt, and ridicule; impeachment of Plaintiff's honesty, integrity, virtue and reputation; loss of prospective business relations; etc., and absent an injunction, Plaintiff will continue to suffer irreparable harm.

50. By their nature, the harms to Plaintiff are not quantifiable in money damages, and are irreparable.

51. The actual and threatened harm to Plaintiff outweighs any potential damage the requested injunctive relief might cause to Defendant Newton.

52. Injunctive relief will not be adverse to the public interest.

53. There is a substantial likelihood that Plaintiff will prevail on the merits of his other causes of action, and at minimum, there are serious issues on the merits will be the subject of further litigation.

54. Plaintiff is entitled to temporary and permanent injunctive relief.

**WHEREFORE**, Plaintiff prays for a judgment against Defendants in an amount to be determined by the trier of fact for the following damages:

- (a) For special and general damages to be determined by the trier of fact, but in no case less than \$300,000;



- (b) For punitive damages in accordance with Utah law, including but not limited to Utah Code Ann. §78B-8-201(1)(a);
- (c) For exemplary damages pursuant to Utah Code Ann. § 76-9-406;
- (d) For exemplary damages pursuant to Utah Code Ann. § 45-3-4;
- (e) For an Order enjoining Defendant from making further false, malicious, and defamatory statements about Plaintiff;
- (b) For pre and post judgment interest on all damages pursuant to Utah law;
- (c) For costs and attorney fees to the extent allowed by law; and
- (d) For such other relief as the Court deems appropriate.

DATED this 28th day of September, 2015.

**RYAN M. SPRINGER, PLLC**

/s/ Ryan M. Springer  
RYAN M. SPRINGER  
*Attorneys for Plaintiffs*

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c/o Ryan M. Springer  
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