

1 Eli Dalton-Webb
2 5009 E. Ironwood Circle
3 Sierra Vista, Arizona 85650
4 email: dw4az@proton.me
5 *Plaintiff*
6

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

8
9 **IN AND FOR THE COUNTY OF YAVAPAI**

<p>12 Eli Dalton-Webb, 13 14 Plaintiff 15 16 v. 17 18 CITY OF PRESCOTT, a municipal 19 corporation in Arizona, OFFICER 20 CARON (#517), OFFICER TRUJILLO, 21 SGT. GERLACH, LT. NOVAK, 22 OFFICER BRAMBILA, CHIEF 23 BONNEY, peace officers of the Prescott 24 Police Department, JOHN DOES I-X, 25 JANE DOES I-X, ABC 26 CORPORATIONS I-X, XYZ 27 PARTNERSHIPS I-X, UNKNOWN 28 ENTITIES I-X, 29 30 Defendants 31</p>	<p>Case No. Division: Civil Rights Violations; Article 2 § 6 of the Arizona Constitution; A.R.S. § 32- 1101.01; etc. RE: Initial Complaint</p>
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33 **INITIAL COMPLAINT**

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35 **ALLEGATION**

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38 Plaintiff hereby alleges as follows:

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40 **PARTIES, JURISDICTION, AND VENUE**

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42 1. Plaintiff, Mr. Dalton-Webb is a resident of Cochise County, Arizona.
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44 2. Defendant City of Prescott is a municipal corporation, incorporated under
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46 the laws of Arizona, with boundaries physically in the County of Yavapai.
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1 3. The acts complained herein took place in Yavapai County, Arizona.

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3 4. Plaintiff and relevant peace officers were physically present at all relevant
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5 times in the County of Yavapai during the relevant events.
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7 5. Jurisdiction and venue are proper in this court.
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9 **BACKGROUND**
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11 6. On 22 May 2024, at around 3:38PM, Officer Tanner Caron (#517) of the
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13 Prescott Police Department approached Plaintiff around 240 S Penn Ave, Prescott,
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15 AZ 86303, wanting to know what Plaintiff is doing.
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18 7. Plaintiff immediately asserted his 5th amendment right (and Article 2 § 10
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20 Arizona constitutional right) to not answer any questions and immediately asked
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22 Officer Caron if Plaintiff was being detained. Officer Caron failed to state that
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24 Plaintiff was being detained, and so Plaintiff immediately walked away.
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27 8. Officer Trujillo of the Prescott Police Department observed Officer Caron
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29 and Plaintiff from across the street and consulted with Officer Caron regarding the
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31 incident.
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33 9. Plaintiff only assumes the other peace officer of the Prescott Police
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35 Department's name is Officer Trujillo from public records. There was another peace
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37 officer that accompanied Officer Caron in a separate police vehicle. Plaintiff may
38
39 need to revise this defendant's name if Officer Trujillo is the wrong defendant.
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42 10. Upon knowledge and belief, Officer Trujillo actively knew about the
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44 situation and details of the situation and actively assisted Officer Caron.
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1 11. Officer Trujillo is liable in this civil action for failure to intervene as a
2 fellow peace officer.
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5 12. Upon information and belief, Lt. Novak, Officer Brambila, Chief Bonney
6 (hereinafter "Police Leaders") trained Officers Caron and Trujillo. Upon information
7 and belief, Defendant Police Leaders trained Officers Caron and Trujillo to take
8 criminal action against citizens for exercising commercial speech. Upon information
9 and belief, Defendant Police Leaders failed to train Officer Caron on how to do legal
10 research to do Officer Caron's job. Upon information and belief, Defendant Police
11 Leaders have actively created (and/or failed to correct) a police department that
12 violates law, ignores citizens when citizens correct their officers, has not trained its
13 officers on the Arizona Constitution, has misinformed its peace officers of business
14 regulations, instructed its peace officers to ignore state business regulations, and other
15 unlawful practices.
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29 13. Officer Caron stated to Plaintiff that neighbors were interviewed, neighbor
30 complaints were made, and investigations were conducted related to this incident.
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33 14. Officers Caron and Trujillo loosely followed Plaintiff and interviewed
34 neighbors as he went door-to-door, speaking with neighbors.
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37 15. Upon knowledge and belief, Officer Caron and Trujillo knew that Plaintiff
38 was going door-to-door, exercising commercial speech, and was selling roofs.
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41 16. Officers Caron and Trujillo continued to loosely follow Plaintiff from afar
42 and interview neighbors, causing Plaintiff to be nervous, making Plaintiff's customers
43 question why police were following Plaintiff and therefore repelling business from
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1 Plaintiff, causing Plaintiff's reputation with the residents on the Prescott streets to be
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3 tarnished, among other undesirable things, due to the police's loose presence and
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5 interviewing of neighbors. It was clear to residents that police were following
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7 Plaintiff.
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10 17. At around 4:00PM (hereinafter "4:00PM conversation"), with Officer
11 Caron's persistence, Plaintiff spoke with Officer Caron again, with Officer Caron
12 stating "If you're just looking for work and going door-to-door that's all I really
13 needed to hear", "that's our concern—is oh, he's looking for something to steal...If
14 it's more innocent than that, then that's great, then the police don't have to be
15 involved, but I don't want to disrupt your business by constantly following you
16 around", "I'm looking for actual criminals", "I am guessing that you are going to
17 need a permit to go door-to-door. I'm not here to enforce that right now."
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22 18. Plaintiff in his 4:00PM conversation stated that he felt harassed by police.
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26 19. Plaintiff was only having this 4:00PM conversation under duress because
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28 peace officers kept following Plaintiff, and Plaintiff felt immense pressure to
29
30 communicate with Defendant Officer Caron.
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34 20. Plaintiff had beyond an ordinary firmness with peace officers, as shown by
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36 his refusal to answer any questions, him stating that he felt harassed by police, him
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38 stating that he does not wish to make any confessions to police, and his first
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40 encounter with Officer Caron, stating (and his actions) that if he was not being
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42 detained that he is not voluntarily speaking with the peace officers and immediately
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44 walking away if he wasn't being detained. A person of ordinary firmness having their
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1 constitutional rights being chilled is the legal standard, and this situation exceeded
2 that standard.
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5 21. With the reasonable person being under duress from police, Plaintiff's
6 person was seized, his liberty was restricted, and his occupation (or "life" within the
7 meaning of Article 2 Section 4 of the Arizona Constitution) was taken by the peace
8 officers pressuring Plaintiff to speak with him in the 4:00PM conversation. This is a
9 violation of Article 2 Section 4 of the Arizona Constitution. Plaintiff asserts that
10 Article 2 Section 3 of the Arizona Constitution reincorporates the federal constitution.
11 Plaintiff's Fourth Amendment rights were taken from him through Article 2 Section 3
12 of the Arizona Constitution¹.
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22 22. Plaintiff and Officer Caron departed after the 4:00PM conversation.
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24 23. Officer Caron continued to loosely follow Plaintiff from afar after the
25 4:00PM conversation.
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28 24. At around 4:06PM (hereinafter "4:06PM conversation"), Officer Caron
29 approached Plaintiff again, this time disregarding virtually all statements from the
30 4:00PM conversation.
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35 25. Officer Caron stated to Plaintiff that Officer Caron spoke with Officer
36 Caron's sergeant. Officer Caron then stated that Plaintiff can't be doing what Plaintiff
37 was doing without a license. Officer Caron had used vague language and did not
38 whatsoever fully describe his conversation with his sergeant with Plaintiff. Officer
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44 1 Plaintiff does not make a direct federal claim. Plaintiff makes a state law claim by
45 invoking the federal Fourth Amendment through Article 2 Section 3 of the
46 Arizona Constitution.
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1 Caron did not state to Plaintiff which type of license Plaintiff needed or the municipal
2 law that requires Plaintiff to obtain a license. Upon information and belief, Sergeant
3 Gerlach actively knew the circumstances of this situation, and ordered Officer Caron
4 to take action against Plaintiff. As such, Sergeant Gerlach is responsible for failure to
5 intervene, and giving unlawful orders to Officer Caron, and other similar torts as a
6 supervisor over another peace officer.
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14 26. Officer Caron threatened to criminally charge Plaintiff for trespass if
15 Plaintiff continued to go door-to-door, entering people's property. It is extremely
16 unlikely that any of these Defendant Officers spoke to literally every neighbor on a
17 street and getting literally every neighbor to say that Plaintiff is specifically
18 trespassed from specifically their house. Upon information and belief, Officer Caron
19 received instructions from zero property owners to trespass Plaintiff. Officer Caron
20 has no authority to speak on behalf of residents in trespass matters without the
21 initiation of the residents in doing so. A.R.S. § 13-1502(B) requires that peace
22 officers "act[] at the request of the owner of the property" and does not allow for
23 officers to, sua sponte, determine trespass for private property. These properties were
24 owned by private parties and a peace officer cannot make overly broad commands,
25 assuming the desires of several individual property owners without even
26 communicating with them. The property owners, if they were parties to this case,
27 could claim that Officer Caron violated the takings clause of the federal constitution
28 (fifth amendment), Article 2 § 8 of the Arizona Constitution by depriving the
29 homeowners of privacy in their private affairs, Article 2 § 4 of the Arizona
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1 Constitution by controlling liberty and property of homeowners without authority of
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3 law, Article 2 § 17 of the Arizona Constitution by restricting their use of their own
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5 property without their permission.
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7 27. Officer Caron violated Article 2 § 5 of the Arizona Constitution by not
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9 allowing Plaintiff to assemble with residents. Plaintiff was going door-to-door,
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11 knocking on the door, to provoke people to answer their door. A fist striking a door is
12
13 covered under free speech under Article 2 § 6 of the Arizona Constitution and is an
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15 action to provoke the assembly of two people (the door knocker and the resident
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17 answering the door), and the walking to someone's door is the assembly of the same
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19 two people and is protected under Article 2 § 5 and Article 2 § 6 of the Arizona
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21 Constitution.
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24 28. Officer Caron threatened to criminally charge Plaintiff if he continued to
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26 go door-to-door.
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29 29. Plaintiff informed Officer Caron that Officer Caron had no jurisdiction
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31 over Plaintiff in the matter, specifically citing A.R.S. § 32-1101.01. Officer Caron
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33 refused to lookup the statute, reconsider his position, or give any credence to this
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35 information.
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38 30. It was after this 4:06PM conversation that Defendants' had a chilling effect
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40 on Plaintiff's constitutional rights when Plaintiff finally involuntarily and under
41
42 extreme duress gave up his right to commercial speech and his right to not be
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44 required to obtain any municipal licenses under A.R.S. § 32-1101.01. This paragraph
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1 shall not be construed as the Plaintiff admitting or agreeing that his constitutional
2 rights were not chilled before this 4:06PM conversation.
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5 **BACKGROUND WHAT PLAINTIFF WAS DOING**
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7 31. On 22 May 2024, Plaintiff was in the business of going door-to-door, for
8 the purpose of selling roofs. Plaintiff's task was to be the person to initially contact
9 customers by door knocking, assessing roof damage that is clearly visible from the
10 street, ask customers if they were the homeowner and were interested, collect contact
11 information, and schedule a time for an inspector to come back. The inspector would
12 usually come to the prospective customer's house later the same day. An inspector
13 would then arrive at the prospective customer's house, with a ladder, convene with
14 the prospective customer, explain the process, obtain consent to get on the roof, get
15 on the roof, take pictures, assess damage, reconvene with customer, and ask the
16 customer to enter into a contract if the prospective customer so chose. A sales
17 commission payment would be issued if the inspector had a customer sign a contract.
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31 32. On 22 May 2024, Plaintiff never left any prospective customers with any
32 physical objects whatsoever, not excluding business cards and flyers. Plaintiff did not
33 accept any payments and did not transport any physical merchandise. Plaintiff purely
34 used his oral speech (and physical body gestures) to perform his business. If
35 customers wanted a business card, Plaintiff would request the customer's phone
36 number and send the customer a text message with Plaintiff's information, because
37 Plaintiff did not give out business cards.
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1 33. Plaintiff was the salesman of a licensed contractor, within the meaning of
2 Chapter 10 of Title 32 of the Arizona Revised Statutes.
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5 34. Plaintiff had \$19.27 in his personal checking account and \$6.20 in savings
6 accounts, and \$7.91 in a business account (which technically isn't his). He was new
7 on this job, and this company took him from his home in Sierra Vista, Arizona, and
8 was taken almost 300 miles away from home², in Prescott, Arizona, a place he has
9 never been to in his life. He had no money coming in, except for the hope of getting
10 commissions and waiting 2-3 weeks for the commissions from his sales to come in.
11 He would receive zero compensation for his work if he didn't sell a roof. Without
12 police or government, he was under extreme duress to perform a job and get results.
13 He was also worried about paying for food because the roofing company was not
14 paying for all food expenses, and the money he had for food doesn't go far, especially
15 since he didn't have his own kitchen because he was away from home, and didn't
16 have his own transportation to get food. He was transported in the roofing company's
17 van and dropped off in neighborhoods. On 22 May 2024, Plaintiff felt homeless and
18 vulnerable—he had almost no money, he had no car (the company van left him), was
19 almost 300 miles away from home, started a job and had no income except for the
20 hope that commissions would come in in a few weeks, and the police were
21 threatening his livelihood and threatening to haul him off to jail. Plaintiff was paid for
22 results, and Plaintiff was afraid of not producing results for the roofing company
23 because the police were unlawfully interfering with his affairs.
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47 ² Plaintiff is not alleging kidnapping. This was a consensual arrangement.
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1 35. Plaintiff resisted speaking with police and went above and beyond an
2 ordinary firmness to pursue his right to commercial speech and pursuing the roofing
3 company's rights and privileges under Chapter 10 of Title 32 of the A.R.S., which
4 includes A.R.S. § 32-1101.01, which mandates that a municipality like the City of
5 Prescott has no jurisdiction over contractors in Arizona.
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11 LEGAL THEORIES

12 COMMERCIAL SPEECH THEORY

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16 36. Article 2 Section 6 of the Arizona Constitution states: "Every person may
17 freely speak, write, and publish on all subjects, being responsible for the abuse of that
18 right.". This court should construe "may" to actually mean "shall", pursuant to Article
19 2 § 32 of the Arizona Constitution.
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24 37. Plaintiff asserts that "all subjects" from Article 2 § 6 includes commercial
25 speech, which includes orally speaking to customers about their roofs in an attempt to
26 make a profit from such conversation.
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31 38. In *Outdoor Sys., Inc. v. City of Mesa*, the federal court said "The Arizona
32 courts have yet to determine whether their state constitution's free speech provision
33 allows a distinction between commercial and noncommercial speech.". Although the
34 federal court decision has no binding authority over this court with respect to state
35 law (which this is a question of state law), Plaintiff hereby brings attention to this
36 issue now.
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44 39. In the same *Outdoor Sys., Inc. v. City of Mesa*, the litigants were arguing
45 over physical billboard signs. In this case, however, it is purely speech, unlike
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1 Outdoor Systems, because there are no physical objects involved. No speech can be
2
3 purer than aural speech, from a person's mouth to another person's ear in a
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5 conversation.
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7 40. Further breaking down Article 2 § 6, "freely" means freely. A municipal
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9 corporation cannot license or restrict speech because to do so means that it isn't
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11 "freely" as the constitution requires.
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13 41. From § 6, "all subjects" means "all subjects", not excluding commercial
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15 subjects or about people getting their roofs fixed.
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18 42. From § 6, "responsible" is a civil word. "guilty" is the criminal equivalent
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20 of "responsible". Even if Plaintiff was in the wrong, Defendants have no standing to
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22 take criminal actions against Plaintiff, not excluding threat of arrest, threat of jail, or
23
24 threat of criminal misdemeanor charges. At most, arguendo, Defendants could cite
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26 Plaintiff for a fine for a civil offense. This is not what happened. Defendants
27
28 threatened to take Plaintiff to jail and to criminally charge Plaintiff for exercising his
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30 right to free commercial speech. Defendants had no standing for using criminal
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32 remedies, but chose to do so any way.
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35 43. From § 6, the phrase "responsible for the abuse of that right" only provides
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37 for one type of responsibility, which is "the abuse of that right". Defendants must
38
39 have a reason to believe that Plaintiff "abused [the] right". The Constitution doesn't
40
41 say "pre-responsible for the pre-abuse of that right". It requires that a person actually
42
43 abuse the right, and the justice system respond to such abuse. Licensure laws are a
44
45 preemptive measure to punish persons before they commit torts or crimes.
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1 Preemptive laws against speech violates Article 2 § 6 of the Arizona Constitution and
2
3 violates basic principles of justice.
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5 44. Artists, when thinking of our courts, like to paint the symbol of the lady
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7 holding the balance—the perpetrator commits a tort/crime, and the
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9 plaintiff/prosecutor/court respond by imposing restitution requirements on the
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11 defendant in response, or in the artistic case, the perpetrator puts a weight on one
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13 side, and the justice system responds by putting weight on the other side. But with
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15 preemptive justice, like licensure laws, there is an imaginary victim that demands
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17 imaginary restitution, which puts an imbalance of justice towards themselves. The
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19 real victim in such preemptive justice scenario is the citizen, and the perpetrator is the
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21 government.
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24 45. The government must prove that there is an “abuse” of the right to free
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26 speech, pursuant to Article 2 § 6 of the Arizona Constitution.
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28 **OVERSTEPPING JURISDICTION THEORY**

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31 46. The City of Prescott lacked jurisdiction over Plaintiff in this matter,
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33 pursuant to A.R.S. § 32-1101.01, which states: “The legislature determines that the
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35 licensing of construction contractors is a proper state function. Cities, including
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37 charter cities, towns and counties shall not require licenses of any construction
38
39 contractors licensed by statute prior to the effective date of this section.”
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42 47. Further, the state has elected to regulate advertising, pursuant to A.R.S. §
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44 32-1165, further cementing the idea that the City of Prescott has no jurisdiction over
45
46 Plaintiff on matters related to advertising contracting.
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1 48. Plaintiff was using his commercial speech rights to bring business to a
2 licensed contractor. “Contractor” is within the meaning of Chapter 10 of Title 32 of
3 the Arizona Revised Statutes, basically meaning building or construction. Roofing is
4 a construction trade, which the Arizona Registrar of Contractors alleges they have
5 jurisdiction over, pursuant to Arizona Administrative Code R4-9-104, subsection B
6 (under the license code “CR-42 ROOFING”).
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13 49. Even if Plaintiff was a salesman of an unlicensed contractor, the City of
14 Prescott still has no jurisdiction over Plaintiff, as A.R.S. § 32-1101.01 provides for no
15 exception to relinquish its power to county and municipal government.
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20 50. One of the purposes of A.R.S. § 32-1101.01 is so that all these different
21 municipalities and counties don’t place a burden on contractors. If A.R.S. § 32-
22 1101.01 was not in place, contractors would have to check with each individual city
23 to see if they needed a license to conduct business in the city. It should be noted that
24 in the Phoenix metropolitan area, a person could cross the street and legally be in a
25 different municipality, and people in the trades very often work all over the place.
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Tradesmen are not office workers or warehouse workers—there isn’t a set office
location or warehouse that they specifically work at every day. Tradesmen could find
themselves working at multiple locations in a single day, even erratically traveling
throughout the state. This statute is extremely important to contractors, and that is
why the statute was put into place—was to deal with this kind of issue. It is also
imperative to any business to have sales. Without sales, there are no customers, and

1 without customers, a business cannot operate. To cut off the right of a company to sell
2
3 its products or services is to cut off a business's essential right to operate.
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5 51. Officer Caron was informed that he was in violation of A.R.S. § 32-
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7 1101.01, was read aloud the statute by Plaintiff, and was aware that Plaintiff was
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9 selling roofs, and continued to enforce a law that he wasn't even sure of which law he
10
11 was enforcing.
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13 **NO AUTHORITY TO REGULATE EFFECTS**

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16 52. State v. Stummer, 219 Ariz. 137, an Arizona Supreme Court case, sheds
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18 some light on the issue.
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20 53. From Stummer, "the challenger must demonstrate that the challenged
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22 provision interferes with the right to freely speak, write, or publish.". In this case
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24 before you, Officer Caron threatened to take criminal actions against Plaintiff if he
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26 continued to exercise his right to commercial speech and continued to go door-to-
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28 door, speaking with people and assembling with people. Mr. Dalton-Webb can
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30 demonstrate that Defendants interfered with his right to freely speak.
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33 54. From Stummer, "Once the challenger has shown that a...regulation affects
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35 free expression, the State bears the burden of demonstrating that the enacting body
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37 had a reasonable basis for believing that the speech singled out for regulation created
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39 secondary effects different from or greater than the effects of speech generally...and
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41 that the challenged regulation was designed to suppress those secondary effects, not
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43 to suppress the speech itself.". The City of Prescott has the burden of demonstrating
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45 that, with their municipal law that Plaintiff was allegedly required to possess a license
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1 for his activity, suppressed the secondary effects of selling roofs door-to-door. This
2 will be impossible for the Defendants to prove, because of A.R.S. § 32-1101.01
3 prohibiting the City of Prescott from suppressing the secondary effects. The City of
4 Prescott might argue to prevent theft. The Registrar of Contractors requires license
5 holders (1) to submit themselves to background checks; (2) put up a bond to protect
6 customers (\$4,250 being the lowest one, higher bonds are required for various
7 different license codes); (3) to participate in the Residential Recovery Fund which
8 customers can pull up to \$30,000 from and up to \$200,000 per license holder (or put
9 up a cash bond instead of participating in the recovery fund); and (3) to prominently
10 display their ROC number and to cooperate with complaints submitted to the R.O.C..
11 The City of Prescott might argue high-pressure sales tactics. There is already a right-
12 of-rescission law, pursuant to A.R.S. § 44-5002 which provides that when the
13 salesman leaves their door, they have 3 days to lookup the company, sleep on it, talk
14 to their spouse, and cancel the sale. The City of Prescott will not be able to overcome
15 secondary effects arguments.
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33 55. From Stummer, “In the second phase...for determining the constitutionality
34 of a content-based secondary effects regulation, the court must examine whether the
35 regulation protects substantial government interests and whether it significantly
36 reduces secondary effects without unduly interfering with protected speech.”. Again,
37 the government is prohibited from (1) preemptive justice regarding speech; (2) cannot
38 criminalize speech (only civil remedy); (3) cannot license speech (because then it
39 wouldn’t be “freely”).
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1 56. From Stummer, in the second phase (§27) test and in the third prong (§30),
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3 the regulation cannot unduly burden speech. In this case, Plaintiff did not have the
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5 means to pay the fee the City of Prescott imposes in exchange for the license
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7 allegedly required to go door-to-door to sell roofs, which is in violation of Article 2 §
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9 6, the principles set out in Stummer, and Article 2 § 13 of the Arizona Constitution
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11 because the fee imposed by the City of Prescott has no consideration for indigent
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13 persons. Article 2 § 13 of the Arizona Constitution has been used over and over again,
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15 requiring the government to accommodate indigent persons. The City of Prescott
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17 charges, pursuant to P.C.C. (“Prescott City Code”) 4-4-4, not less than \$60 with no
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19 consideration to indigent persons.
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22 57. From Stummer, “For the regulation to survive, its proponent must show
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24 that the government has a substantial interest, that the regulation significantly furthers
25
26 that interest, and that the challenged regulation does not unduly burden speech. To
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28 establish or disprove these prongs, the challenger and the proponent of the regulation
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30 may bring forth pre-and post-enactment evidence.”. Upon information and belief, the
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32 City of Prescott regulations on commercial speech have absolutely zero impact on
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34 secondary effects and this is an arbitrary regulation that does not accomplish anything
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36 legitimate. Plaintiff intends to find pre-and post-enactment evidence in discovery.
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40 **NO VIOLATION OF MUNICIPAL LAW**

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42 58. Let’s say for a moment that we ignore free speech and A.R.S. § 32-
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44 1101.01, and primarily focus on Prescott’s municipal law. Plaintiff did not violate any
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1 municipal law, and Officer Caron failed to state which municipal law Plaintiff was
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3 violating.

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5 59. Prescott City Code (“P.C.C.”) 4-4-1 defines “PEDDLER” as “Any person,
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7 whether a resident of the City of Prescott or not, who goes from house to house, from
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9 place to place, or from street to street, conveying or transporting goods, wares or
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11 merchandise or offering or exposing the same for sale, or making sales and delivering
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13 articles to purchasers.”.

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16 60. Plaintiff was not a “PEDDLER” because he had zero physical objects that
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18 he was giving to prospective customers—not even a business card.

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20 61. P.C.C. 4-4-1 defines “SOLICITOR” as “Any person, whether a resident of
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22 the City of Prescott or not, who goes from house to house, from place to place, or
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24 from street to street, soliciting or taking or attempting to take orders for sale of goods,
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26 wares or merchandise, including magazines, books, periodicals, or personal property
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28 of any nature whatsoever for future delivery, or for services to be performed in the
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30 future, whether or not such individual has, carries or exposes for sale a sample of the
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32 subject of such order or whether or not he is collecting advance payments on such
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34 orders. Such definition includes any person who, for himself, or for another person,
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36 hires, leases, uses or occupies any approved building, structure, room in hotels or
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38 motels, shops or other approved structures within the City for the primary purpose of
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40 exhibiting samples and taking orders for future delivery.”. Plaintiff did not fit this
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42 definition.
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46 **MUNICIPAL LAW GOES AGAINST PUBLIC POLICY**
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1 62. The Prescott municipal code seeks to violate already established public
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3 policy. These Prescott municipal laws appear to assume that salesmen ask for
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5 immediate payment in exchange for immediately releasing products or services.
6
7 A.R.S. § 44-5002 make it impractical to ask for immediate payment for immediate
8
9 rendering of products or services, because customers have a 3-day right of rescission.
10

11 63. The inspector (not the Plaintiff) would kindly ask the customer to
12
13 voluntarily sign a contract, and the company complied with A.R.S. § 44-5002 by
14
15 including the 3-day right-of-rescission in the contract as well as often times in the
16
17 inspector's sales pitch. The customer often wouldn't even have to pay anything for
18
19 several weeks.
20

21 64. What it appears is that the Prescott municipal code solves a problem that
22
23 has already been solved at the state level, but does it a more violent way. At least state
24
25 law provides requirements for people to comply with, but Prescott municipal code
26
27 seeks to force people to pay for and obtain a license, and wait for a license to be
28
29 approved, in addition to compliance. It appears that Prescott municipal code seeks to
30
31 nullify A.R.S. § 44-5002 by allowing salesmen to exchange money for
32
33 product/service immediately and bypass this 3-day right of rescission.
34
35
36

37
38 **LACK OF KNOWLEDGE TO PLAINTIFF**

39 65. Plaintiff has never been to Prescott, Arizona in his life. He is unfamiliar
40
41 with the local laws of Prescott and has never had any interaction with Prescott
42
43 regulatory agencies or Prescott police whatsoever.
44
45
46
47
48

1 66. A reasonable person would read Article 2 § 6 of the Arizona Constitution,
2
3 read A.R.S. § 32-1101.01, and assume it be legal to knock on all doors for the sale of
4
5 roofs for the entire State of Arizona, everywhere. There should be no expectation for
6
7 persons to automatically know that it would be illegal to knock on doors without a
8
9 specific municipal license in a specific municipality. Plaintiff asserts that the
10
11 expectation, in this case, is that activities are expected to be legal unless specifically
12
13 informed otherwise.
14

15 67. Defendants violated Plaintiff's due process rights under Article 2 § 4 of the
16
17 Arizona Constitution by threatening to take him to jail without notifying him of
18
19 which municipal law he was allegedly violating, when the expectation, as asserted
20
21 above, is that his activities are legal. The Defendants took Plaintiff's life (occupation)
22
23 and liberty BEFORE giving Plaintiff due process, which is a violation of Article 2 § 4
24
25 of the Arizona Constitution. Plaintiff asserts, in this case, that "due process" includes
26
27 the peace officers informing Plaintiff of his alleged violation, and providing the
28
29 actual municipal law and code section number, and the consequences of violating the
30
31 municipal law. After Plaintiff specifically asked Officer Caron questions regarding his
32
33 alleged violations, Officer Caron had virtually zero answers to give Plaintiff on the
34
35 matter.
36
37
38

39 68. Additionally, P.C.C. 4-4-16 provides for the penalty for peddling/soliciting
40
41 without a license. P.C.C. 4-4-16 abdicates and refers to P.C.C. 1-3-1. P.C.C., which is
42
43 their "GENERAL PENALTY" provision.
44
45
46
47
48

1 69. Prescott’s own code, under P.C.C. 1-3-1(A), requires, in addition to
2
3 actually committing the crime, that the government’s burden of proof “shall require
4
5 the unlawful act or failure to act was done in a manner which the evidence shows to
6
7 have been ‘intentionally,’ ‘knowingly,’ or ‘recklessly,’ as defined in A.R.S. Title 13,
8
9 Chapter 1.”
10

11 70. Prescott’s own municipal code does not permit its own government to
12
13 criminalize actions based on simply doing the actions. It requires above and beyond
14
15 evidence, including “intentionally”, “knowingly”, and “recklessly”.
16
17

18 71. Plaintiff did not “intentionally” engage in unlawful acts, “knowingly”
19
20 engage in unlawful acts, or “recklessly” engage in reckless acts. “Recklessly”,
21
22 pursuant to A.R.S. § 13-105(10)(c), requires “risk”. Plaintiff put no “risk” to anyone
23
24 in Prescott on 22 May 2024.
25

26 72. Plaintiff’s rights to due process, under Article 2 § 4 of the Arizona
27
28 Constitution were violated, as well as P.C.C. 1-3-1, as Prescott’s city code requires
29
30 mens rea before a municipal crime is a crime, therefore, no crime was committed, and
31
32 when Officer Caron was specifically asked, he didn’t even know which law Plaintiff
33
34 was violating. If a peace officer, whose full-time job it is to know the laws and their
35
36 city, does not even know the municipal law, how can an out-of-county person be
37
38 expected to know or even follow the law? A plain reading of Article 2 § 6 of the
39
40 Arizona Constitution and A.R.S. § 32-1101.01 gives a person a reasonable
41
42 expectation that their activities are legal. A municipality’s niche law making it a
43
44
45
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48

1 crime would require that an Arizona citizen be afforded the common decency of
2
3 being properly notified of which law he is violating.
4

5 **MUNICIPAL LAW VIOLATES EQUAL PROTECTIONS**
6

7 73. Article 2 § 13 of the Arizona Constitution provides for indigent persons to
8
9 not be treated unfairly by government.
10

11 74. P.C.C. 4-4-4 requires fees in exchange for a license, adding up to a
12
13 minimum of \$60. There is no provision in the Prescott municipal code for indigent
14
15 applications to receive a license. As stated above, Plaintiff, on 22 May 2024, had
16
17 \$19.27 in his personal checking account and \$6.20 in savings accounts, and \$7.91 in
18
19 a business account (which technically isn't his). Even if Plaintiff paid literally all of
20
21 his liquid cash for a license, it still would be insufficient to pay for a license. Let
22
23 alone, Plaintiff still needs food and other basic needs.
24
25

26 75. Plaintiff has a compelling interest in making a basic living. If anyone were
27
28 to observe the basic laws of nature, God created human beings to work. People and
29
30 societies need to work if they wish to eat food, drink water, have housing, or have
31
32 anything nice. Plaintiff asserts that he has a right, endowed to him by his Creator, to
33
34 work, and this is a right that is not given to him by a government. The government's
35
36 purpose is to protect rights that people already have. Human beings have the right and
37
38 necessity to work, before, after, and regardless of the existence of the City of
39
40 Prescott.
41
42

43 76. Because of Plaintiff's compelling interest and right to work, Defendant
44
45 City must justify why they would disparage indigent applicants in favor of applicants
46
47
48

1 that can pay. This violates Article 2 § 13 of the Arizona Constitution. Additionally,
2
3 this violates Article 2 § 6 of the Arizona Constitution, because the City of Prescott is
4
5 favoring commercial speech of those who can pay the application fee over those who
6
7 cannot, violating the “all subjects” clause.
8

9
10 **LAWS OF NATURE PROVIDE FOR THE RIGHT TO WORK**

11 77. In this state, people have a right to vote, firearms, to speak, to only have
12
13 property taken away from them under “due process”, among other rights. It should be
14
15 noted that many people in Arizona do not exercise their right to vote, firearms, and
16
17 political speech. It goes without citation that, at many dinner tables, it is uncouth to
18
19 speak about politics, showing that people are completely able to live their entire lives
20
21 without the right to political speech. But it is preposterous to expect a man to go his
22
23 whole life without exercising his right to work. Very few people even attempt this
24
25 because it is so detrimental to them if they did.
26
27

28
29 78. The 9th amendment³ to the federal Constitution and Article 2 § 33 of the
30
31 Arizona Constitution state that there are rights that Plaintiff has that are not explicitly
32
33 in the constitution.
34

35 79. Article 2 § 2 of the Arizona Constitution give credence to natural rights
36
37 arguments. Plaintiff has the power, endowed by his Creator, to work. This is
38
39 regardless of government, and predates and postdates government. To ask a person
40
41 NOT to work is to ask a person to go against his nature. The asking of people not to
42
43

44
45 _____
46 3 The federal constitution is reincorporated into the Arizona Constitution by Article
47 2 § 3. This should not be construed as a direct federal claim.
48

1 work is not a power to be given to the government, and violates Article 2 § 2 of the
2
3 Arizona Constitution.

4
5 80. Plaintiff cannot think of any more basic occupations than using his mouth
6
7 to conduct a business.

8
9
10 81. Plaintiff hereby points to the Arizona Constitution's preamble, points to
11
12 natural law, points to the fact that Plaintiff has rights that are not expressly in the
13
14 constitution (Article 2 § 33), points to the fact that Plaintiff and his fellow citizens
15
16 have sovereignty that the government derives its powers from, points to the fact that
17
18 certain powers the government cannot derive from its governed, and asserts that the
19
20 best source to understand the laws of nature and human rights is the Holy Bible⁴, as it
21
22 gives teachings of how our Creator has designed our universe and how to understand
23
24 the laws of nature.

25
26
27 82. In Genesis 1:26, the Creator has commanded and designed mankind to
28
29 have dominion all the earth.

30
31 83. In Genesis 1:26, the Creator has commanded mankind to be fruitful and
32
33 subdue the earth, and have dominion over the earth.

34
35 84. In Genesis 2:15, the Creator designed mankind to work.

36
37 85. In Exodus 20:9 and Deuteronomy 5:13, the Creator commanded mankind
38
39 to work.

40
41
42 86. In Proverbs 6:10-11, it explains how poverty works—it is a lack of people
43
44 working and lack of production.

45
46 _____
47 4 Plaintiff uses English Standard Version hereinafter, except as noted.
48

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87. In Colossians 3:23, gives the idea that the right and obligation to work is not under the permission or for the government.

88. In Ephesians 4:28, that even criminals have the right to work, and that one of the purposes of work is to give to others. The government, in this case, seeks to punish Plaintiff for working, but seeks to force people to pay taxes, so that the needy can receive help, with programs such as the Department of Economic Security. This violates the basic laws of nature—The People are supposed to be productive, so that the needy can receive help, but the government seeks for people to be unproductive, but continues to expect the needy to be helped.

89. In 1 Thessalonians 4:11, confirms the command to work.

90. In 2 Thessalonians 3:10-12, the seriousness of not working—you either work, or do not eat. This is a very basic principle, if a society is unproductive, there will be no food, and a society will starve.

91. In 1 Timothy 5:8⁵, that it is immoral for a person not to work.

92. In Titus 3:14, a command to work, and use our talents, so that people are not unfruitful.

93. In 2 Timothy 2:6, that the purpose of working is not so that it can be taxed.

94. In Matthew 25:14-30, that human beings are given talents, human being are morally obligated to use the talents (ie work), and that our Creator delights in those that have produced.

5 “But if anyone does not provide for his own, and especially for those of his household, he has denied the faith and is worse than an unbeliever.” from New American Standard Bible

1 95. The USA federal Supreme Court, in Butchers' Union Slaughter-House &
2
3 Live-Stock Landing Co. v. Crescent City Live-Stock Landing & Slaughter-House
4
5 Co., 111 U.S. 746 has written about this:
6

7 The right to follow any of the common occupations of life is an
8
9 inalienable right
10

11 and also saying:
12

13 It has been well said that, "The property which every man has in his
14
15 own labor, as it is the original foundation of all other property, so it is
16
17 the most sacred and inviolable. The patrimony of the poor man lies in
18
19 the strength and dexterity of his own hands, and to hinder his
20
21 employing this strength and dexterity in what manner he thinks proper,
22
23 without injury to his neighbor, is a plain violation of this most sacred
24
25 property. It is a manifest encroachment upon the just liberty both of the
26
27 workman and of those who might be disposed to employ him. As it
28
29 hinders the one from working at what he thinks proper, so it hinders the
30
31 others from employing whom they think proper." Adam Smith's Wealth
32
33 of Nations, Bk. I. Chap. 10.
34
35
36

37 96. The government is harming mankind with its business regulations. You
38
39 have to work for the privilege to work. It is a catch-22 on a very core right. Plaintiff
40
41 told Officer Caron, and will tell anyone this—the judge, people at the grocery store,
42
43 and anyone when the topic comes up—“the government is in the business of
44
45 preventing people from working”. The governments in Arizona have evil agendas
46
47
48

1 they are pushing, to cause people to act contrary to the nature their Creator made
2
3 them for. Plaintiff dares anyone to explain to their children that “work is a privilege”
4
5 and that “if you don’t have the privilege of working, you should not work”. A right
6
7 cannot be bought or sold. Clearly, the City of Prescott, through their actions, treat
8
9 work as a privilege, because privileges can be sold. The ability to work in the City of
10
11 Prescott, in this case, is up for sale for \$60 and those who choose to work and not pay
12
13 the \$60 shall be imprisoned for 6 months and fined \$2,500.
14

15
16 97. These are not mere philosophical arguments that have no relevance to law.
17
18 Again, the 9th amendment to the USA federal Constitution⁶ and Article 2 § 33 of the
19
20 Arizona Constitution state that there are rights not specifically enumerated to The
21
22 People. The Arizona Constitution’s preamble, Article 2 § 2 and Article 2 § 33 of the
23
24 Arizona Constitution give credence to natural rights.
25

26 **FEDERAL CONSTITUTION REINCORPORATED**

27
28
29 98. Nothing in this complaint shall be construed as any direct federal claims.
30
31 Plaintiff asserts that Article 2 § 3 of the Arizona Constitution reincorporates the
32
33 federal constitution. Any claim that appears to be a federal constitutional claim shall
34
35 be construed as a state claim, where the federal constitution is used through Article 2
36
37 § 3 of the Arizona Constitution. Should one of these Article 2 § 3 Arizona
38
39 Constitution claims fail, then the underlying federal constitution claim fails.
40

41 **BURDEN TO TRAVEL TO COURT**

42
43
44 _____
45 6 Not a direct federal claim. Article 2 § 3 of the Arizona Constitution reincorporates
46 the federal constitution. Plaintiff makes a 9th amendment claim through Article 2
47 § 3 of the Arizona Constitution.
48

1 99. Plaintiff resides at 5009 E. Ironwood Circle, Sierra Vista, Arizona 85650.

2
3 100. The courthouse at 120 South Cortez Street, Prescott, AZ 86303 is a 291
4
5 mile drive away from Plaintiff's residence.
6

7 101. The courthouse at 2840 N Commonwealth Drive, Camp Verde, AZ 86322
8
9 is a 284 mile drive away from Plaintiff's residence.
10

11 102. Both drives go through Phoenix metro (which may require driving
12
13 through busy and unpredictable Phoenix traffic) and can take up to an estimated 5
14
15 hours 40 minutes, excluding any gas station, restroom, meal, and other breaks, and
16
17 would easily take 12 hours of Plaintiff's day to come to court and return home.
18
19

20 103. Plaintiff requests compassion from this Court with respect to the burden
21
22 of physically arriving to the courthouse.
23

24 **SUMMARY**

25
26 104. In summary, the Plaintiff was going door-to-door, selling roofs, which is
27
28 protected under Article 2 § 5 and Article 2 § 6 of the Arizona Constitution, Plaintiff
29
30 was not required to obtain a license pursuant to A.R.S. § 32-1101.01, and the police
31
32 threatened to criminally cite and imprison Plaintiff if he continued to go door-to-door
33
34 selling roofs. Defendants violated the law.
35
36

37 105. It is extremely important that this Court consider the non-monetary relief
38
39 requested, including declaratory and injunctive relief, in addition to the monetary
40
41 relief requested, as this lawsuit is primarily focused on clarifying important legal
42
43 issues. This problem is likely to happen again, and in other cities and jurisdictions.
44
45
46
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1 106. Further, it is extremely important that the Court consider (1) the right of
2
3 contractors; but also (2) the broader right of the right to work; and (3) the broader law
4
5 of commercial speech and door-to-door solicitation outside of contracting. It would
6
7 be unfortunate for the Plaintiff to win against the evils of government regarding
8
9 contractors, but fail to win against the evils of government regarding anything outside
10
11 of contracting (like going door-to-door selling products).
12

13 **REQUEST FOR RELIEF**

14
15
16 Plaintiff hereby requests the following relief:
17

18 **DECLARATORY RELIEF:**

19
20 107. Declaring that “commercial speech” is protected under Article 2 § 6 of
21
22 the Arizona Constitution.
23

24 108. Declaring that criminal actions from government for noncompliance with
25
26 any law regarding speech is a violation of Article 2 § 6 of the Arizona Constitution, as
27
28 Article 2 § 6 of the Arizona Constitution only allows civil remedies.
29

30 109. Declaring Officer Caron’s actions are in violation of A.R.S. § 32-1101.01
31
32 for exerting force upon Plaintiff when Officer Caron had no jurisdiction over Plaintiff
33
34 in the matter.
35
36

37 110. Declaring Officer Caron’s actions are in violation of Article 2 § 4 and
38
39 P.C.C. 1-3-1 for failure to properly and fully inform Plaintiff of the alleged municipal
40
41 crime Plaintiff allegedly committed.
42

43 111. Declaring Officer Caron’s actions are in violation of Article 2 § 5 for
44
45 violating Plaintiff’s right to assemble with persons at their door.
46
47
48

1 112. Declaring Officer Caron's actions are in violation of Article 2 § 6 for
2 prohibiting and chilling Plaintiff's right to free commercial speech.
3

4
5 113. Declaring Officer Caron's actions are in violation of Article 2 § 6 for
6 threatening to take criminal action against Plaintiff, violating the "responsible"
7 clause, only providing for civil, not criminal, remedy.
8

9
10
11 114. Declaring P.C.C. 4-4-16 unconstitutional, as "Misdemeanor" from P.C.C.
12 4-4-16 is in direct conflict with "responsible" from Article 2 § 6 of the Arizona
13 Constitution, as Article 2 § 6 prohibits criminal remedies.
14
15

16
17
18 115. Declaring P.C.C. 4-4-4 unconstitutional, on its face, as it provides no
19 deferral or waiver of costs to indigent persons, violating Article 2 § 13 of the Arizona
20 Constitution.
21
22

23
24
25 116. Declaring P.C.C. 4-4-4 unconstitutional, as applied to Plaintiff and the
26 facts and circumstances, as it provides no deferral or waiver of costs to indigent
27 persons, violating Article 2 § 13 of the Arizona Constitution.
28

29
30
31 117. Declaring that Officer Trujillo failed to intervene.
32

33
34 118. Declaring that Sergeant Gerlach gave (an) unlawful/illegal order(s) to
35 Officer Caron.
36

37
38 119. Declaring that Lt. Novak, Officer Brambila, and Chief Bonney to have
39 failed to properly train peace officers on the Arizona Constitution, business
40 regulations, state law, how to do legal research, and other things they are required to
41 do to prepare their peace officers to lawfully do their jobs.
42
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1 120. Any other declaratory relief as is just, proper, or equitable under the facts
2
3 and circumstances of this case.
4

5
6
7 **INJUNCTIVE RELIEF:**
8

9 121. Prohibiting the City of Prescott, and all its employees, agents, and
10
11 officers, from enforcing any laws related to prohibiting people from walking door-to-
12
13 door.
14

15 122. Prohibiting the City of Prescott, and all its employees, agents, and
16
17 officers, from enforcing any laws related to commercial speech.
18

19 123. Prohibiting the City of Prescott, all its employees, agents, and officers,
20
21 from interfering with contractors, within the meaning of A.R.S. § 32-1101.01.
22
23

24 124. Requiring the City of Prescott, if chapter 4-4 of P.C.C. is constitutional at
25
26 all, to provide for indigent persons to obtain licenses.
27

28 125. Requiring all peace officers of the Prescott police department to be
29
30 trained on Article 2 § 6 of the Arizona Constitution.
31
32

33 126. Requiring all peace officers of the Prescott police department to be
34
35 trained on A.R.S. § 32-1101.01.
36

37 127. Requiring Officer Caron and Officer Trujillo to be trained on Article 2 § 6
38
39 of the Arizona Constitution.
40

41 128. Requiring Officer Caron and Officer Trujillo to be trained on A.R.S. §
42
43 32-1101.01.
44
45
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1 129. Requiring Officer Trujillo to be trained on intervening when a fellow
2
3 officer commits an unlawful act.
4

5 130. Requiring all peace officers of the Prescott police department, that, when
6
7 peace officers are enforcing municipal law, and the citizen asks which municipal law
8
9 they are violating, that such peace officers lookup such municipal law and provide the
10
11 municipal law code section that such citizen is allegedly in violation of, pursuant to
12
13 Article 2 § 4 of the Arizona Constitution and P.C.C. 1-3-1(A).
14

15 131. Requiring Officer Caron to be trained on the differences between a civil
16
17 offense and a criminal offense.
18

19 132. Requiring Sgt. Gerlach to be trained on how to give lawful orders and
20
21 advice to his subordinates and how to do legal research.
22
23

24 133. Requiring Lt. Novak, Officer Brambila, and Chief Bonney to be trained
25
26 and educated on the Arizona Constitution, A.R.S. § 32-1101.01, business regulations,
27
28 and to train their subordinates on the same.
29

30 134. Injunctive relief against Defendants, to stop future violations from
31
32 occurring, and any other injunctive relief as is just, proper, or equitable under the
33
34 facts and circumstances of this case.
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40 **MONETARY RELIEF:**

41 135. Monetary relief, paid by Defendants, for various damages incurred to
42
43 Plaintiff, not excluding compensatory damages, nominal damages, any applicable
44
45 statutory damages, and punitive damages to discourage Defendants from continuing
46
47
48

1 such violations, and any other monetary relief as is just, proper, or equitable under the
2 facts and circumstances of this case.
3

4
5 136. Attorney's fees, any other legal costs, and any other costs associated with
6 this civil action.
7

8
9 137. Any other monetary relief as is just, proper, or equitable under the facts
10 and circumstances of this case.
11

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16 **OTHER RELIEF:**

17
18 138. Awarding the Plaintiff any and all other relief as is just, proper, or
19 equitable under the facts and circumstances of this case.
20

21
22
23
24 **E-MAIL PREFERRED METHOD**

25
26 Plaintiff requests from this Court, the clerk of this Court, and Parties, to send
27 pleadings, filings, documents, and all correspondence related to this matter via e-mail
28 to dw4az@proton.me .
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VERIFICATION

I, Eli Dalton-Webb, have read the foregoing Complaint and am familiar with the facts and circumstances as alleged therein, and hereby state, under penalty of perjury, that the allegations contained therein are true and correct to the best of my knowledge, information, and belief.

Dated this 21st day of April, 2025,

/s/ 

Eli Dalton-Webb