

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS

5TH DIVISION DIVISION

FILED

ROSEY PERKINS and RHONDA COPPAK,
Individually and as Co-Administratrixes
and Personal Representatives of the
Estate of Martha Bull, deceased

2014 NOV 18 AM 8 13

RHONDA WHARTON, CLERK

PLAINTIFFS

BY slm DC

vs.

NO 23CV-14-862

MICHAEL MAGGIO,
Individually and In His Official Capacity;
MICHAEL MORTON; GILBERT BAKER;
and JOHN DOES 1-5

DEFENDANTS

COMPLAINT

Come Now Plaintiffs Rosey Perkins and Rhonda Coppak, Individually and as Co-Administratrixes and Personal Representatives of the Estate of Martha Bull, deceased, by and through the undersigned counsel, and for their Complaint against Defendants Michael Maggio, Individually and in his Official Capacity, Michael Morton, Gilbert Baker, and John Does 1-5 state as follows:

I. INTRODUCTION

1. Plaintiffs, individually and on behalf of the Estate of Martha Bull, deceased, bring this action against Defendants Maggio, Morton, and Baker because of Defendants' unlawful and tortious conduct resulting in judicial corruption as well as a deprivation of Plaintiffs' constitutional rights.

II. PARTIES

2. Plaintiffs Rosey Perkins and Rhonda Coppak are the Co-Administratrixes and Personal Representatives of the Estate of Martha Bull pursuant to an Order of the Perry County Circuit Court, Probate Division, filed on May 29, 2008, and evidenced by Letters of

Administration issued by the Circuit Clerk of the Perry County Circuit Court, Probate Division, a copy of which is attached hereto as *Exhibit A*.

- a. Plaintiff Rosey Perkins is a resident of Perry County, Arkansas.
- b. Plaintiff Rhonda Coppak is a resident of Perry County, Arkansas.
3. Defendant Michael Maggio is a resident of Faulkner County, Arkansas.
4. Defendant Michael Morton is a resident of Sebastian County, Arkansas.
5. Defendant Gilbert Baker is a resident of Faulkner County, Arkansas.
6. Defendants John Doe 1-5 are individuals, corporations, limited liability companies or other entities that may be co-conspirators with one or more of the Defendants, and/or were acting in concert with one or more of the Defendants in committing the unlawful and tortious conduct alleged herein. The identity of these parties is unknown at this time, but pursuant to ARK. CODE ANN. § 16-56-125 and the Affidavit attached hereto as *Exhibit B*, when the identities of these parties are discovered, this pleading will be appropriately amended by substituting the true names of Defendants John Doe 1-5.
7. Whenever the term “Defendants” is utilized within this suit, such term collectively refers to and includes all named Defendants in this lawsuit.

III. JURISDICTION & VENUE

8. This Court has jurisdiction over the parties and subject matter.
9. Venue is proper in this Court.

IV. FACTUAL ALLEGATIONS

10. Plaintiffs incorporate all of the allegations stated above as if fully set forth herein.
11. Defendant Maggio is a former circuit judge in the 20th Judicial Circuit, Second Division. As described herein, Defendant Maggio has engaged in tortious and egregious conduct

in his individual capacity as well as in his official capacity as a member of the judiciary.

12. Defendant Morton was at all relevant times the sole or substantial equity owner, president, chief executive officer, and a member of the governing boards and bodies of dozens of nursing homes, including Greenbrier Care Center, Inc. d/b/a Greenbrier Nursing and Rehabilitation Center, Briarwood Nursing and Rehabilitation Center, Inc., Sherwood Nursing and Rehabilitation Center, Inc., Quapaw Care and Rehabilitation Center LLC, and Nursing and Rehabilitation Center at Good Shepherd LLC. Defendant Morton owns these nursing home entities and manages them through his “administrative” entities, Central Arkansas Nursing Centers, Inc., Nursing Consultants, Inc., Greenbrier Nursing Property, Inc., and MSM Properties, Inc.

13. Defendant Baker is a former state senator, ex-chairman for the Arkansas Republican Party, and was a 2012 U.S. Senate candidate. Recently, until April 4, 2014, he was the Executive Assistant to the President of the University of Central Arkansas (“UCA”).

14. On May 7, 2013, the trial in the nursing home neglect lawsuit (the *Bull* case) against Greenbrier Nursing and Rehabilitation Center (“Greenbrier”), a nursing home owned by Defendant Morton, began in Faulkner County, Arkansas. Defendant Maggio was the presiding judge over that case.

15. Upon information and belief, during May of 2013, Defendant Maggio was moving forward with his political plans and desire to run for a seat on the Arkansas Court of Appeals. As part of this process, Defendant Maggio began soliciting campaign contributions and putting together a campaign committee. Such actions are, and were, independent of his role as a judge in the *Bull* case.

16. Upon information and belief, Defendant Baker recruited Defendant Maggio to run

for a seat on the Arkansas Court of Appeals and made sure that he had the financial resources necessary to do so.

17. In May of 2013, while the *Bull* trial was pending, Defendant Morton was contacted about giving money to political action committees (“PACs”).

- a. Defendant Baker is the person who requested that Defendant Morton support Defendant Maggio in the Court of Appeals race and Defendant Morton agreed to do so.
- b. The solicitation occurred when Defendant Morton “ran into” Defendant Baker at Brave New Restaurant in Little Rock, AR. At the time he asked Defendant Morton to support Defendant Maggio, Defendant Baker was with Linda Leigh Flanagin, the sole employee of Defendant Baker’s political consulting company, LRM Consulting, Inc.
- c. Defendant Baker requested that Defendant Morton make the checks out to PACs and Defendant Morton asked Defendant Baker to fax him the names of the PACs. Defendant Morton wrote the checks out to the names on the fax for the amounts listed by each name, he did not give more or less than the amount suggested by Defendant Baker.

18. On May 16, 2013, a Faulkner County jury returned a unanimous verdict in Plaintiffs’ favor in the *Bull* case. The jury found that damages should be awarded in the amount of \$5.2 million on three claims: ordinary negligence, medical negligence, and deprivation of Martha Bull’s statutory resident’s rights.

19. On or about May 17, 2013, at the end of the last regular legislative session, Defendant Baker reached out to a political consultant, Clint Reed, to inquire into whether Reed would help with Defendant Maggio's campaign.

20. In mid-May 2013, Defendant Maggio also reached out to Reed to see if he was interested in consulting on Defendant Maggio's campaign.

21. On or about May 17, 2013, Defendant Maggio reached a contract agreement with Reed for his forthcoming campaign for a seat on the Arkansas Court of Appeals.

22. On or about this same date, Reed met with Defendant Maggio and Defendant Baker to discuss, among other things, a budget of how much money it would take for Defendant Maggio to win an appeals court race (roughly \$100,000 - \$150,000).

23. On June 6, 2013, Defendant Maggio entered the judgment in favor of Plaintiffs Rosey Perkins and Rhonda Coppak, as Co-Administratrixes and Personal Representatives of the Estate of Martha Bull, deceased, against Greenbrier in the amount of \$5.2 million, plus interest and costs.

24. On June 17, 2013, Greenbrier filed a motion for new trial or remittitur asking, in part, for a reduction of the jury's verdict.

25. On June 27, 2013, Defendant Maggio announced his candidacy for a position on the Arkansas Court of Appeals. That election would take place in May 2014.

26. On July 8, 2013, Defendant Maggio heard the nursing home's plea for a new trial or a reduced judgment.

27. On that same date, July 8, 2013, campaign contributions totaling \$21,000 were made to seven PACs by Defendant Morton and businesses he owns. Defendant Morton had the PAC donations sent to Defendant Baker's Conway home.

28. At the time he signed and sent the checks to Defendant Baker, Defendant Morton knew that the PAC donations were intended for Defendant Maggio's campaign. Prior to these contributions, Defendant Morton had never donated to one of Defendant Maggio's campaigns.

29. On July 8, 2013, Defendant Morton also made an "anonymous" \$100,000 donation to the University of Central Arkansas Foundation. This donation also was sent to Defendant Baker, who had asked Defendant Morton to make the donation. Prior to this donation, Defendant Morton had never made a donation to UCA.

30. On July 9, 2013, Defendant Morton's checks were delivered to Defendant Baker's Conway home.

31. On July 10, 2013, just a few days after Defendant Morton's checks were delivered to Defendant Baker, Defendant Maggio granted Greenbrier's motion for remittitur, finding that the jury's award "shocked the court's conscience," and ordered the amount of damages to be reduced to \$1 million from the original verdict of \$5.2 million.

32. On July 11, 2013, the Order reducing the judgment was filed with the Faulkner County Circuit Court Clerk.

33. On July 19, 2013, Defendant Morton's checks, each of which was dated July 8, 2013, were dropped off at Attorney Chris Stewart's office by either Defendant Baker himself or someone who worked for Defendant Baker's political consulting firm.

34. On July 31, 2013, Stewart registered 6 PACs: The Thomas Group PAC, the Citizens for Information Technology PAC, Conservative Persons In PAC, Judicial Reform PAC, Taxpayers for Change PAC, and Go Good Government PAC. On August 6, 2013, Stewart registered the D. Bruce Hawkins 2 PAC.

a. These PACs were registered by Stewart at the direction of his client,

Defendant Baker.

- b. Defendant Baker directed where the money was to go when the PACs started making contributions.
- c. These PACs were formed for the purpose of funneling money into Defendant Maggio's campaign.
- d. Almost all of the contributions to Defendant Maggio's campaign from these PACs can be traced back to Defendant Morton's July 8, 2013 checks. A majority of Defendant Maggio's campaign contributions came from these PACs. Defendant Baker or someone affiliated with him picked up the campaign contribution checks from Stewart and delivered them to Defendant Maggio's campaign.
- e. Defendant Baker also solicited campaign contributions for Defendant Maggio from Bruce Hawkins, who is a registered lobbyist and owner of a lobbying firm called DBH Management Consultants, and Stewart.

35. The PACs, which were created by Defendant Baker, were funded almost entirely by Defendant Morton and his nursing home entities.

36. All seven of the PACs funded by checks from Defendant Morton were registered by Stewart at the direction of Defendant Baker.

37. In December of 2013 and January 2014, these seven PACs made contributions almost exclusively to Defendant Maggio's campaign:

- a. **Citizens for Information Technology PAC:** Defendant Morton-owned Briarwood Nursing and Rehabilitation Center Inc. gave \$3,000 on July 8, 2013, to the PAC. This PAC gave Defendant Maggio's campaign \$1,450

on January 28, 2014.

- b. **Conservative Persons In PAC:** Defendant Morton gave \$3,000 on July 8, 2013, and was the sole donor to this PAC. The PAC donated \$500 to Defendant Maggio's campaign on December 31, 2013, and \$1,000 on January 28, 2014. No other candidate received funds from this PAC.
- c. **Go Good Government PAC:** Defendant Morton-owned Sherwood Nursing & Rehabilitation Center gave the PAC \$3,000 on July 8, 2013. The PAC gave Defendant Maggio's campaign \$2,000 on December 5, 2013, and another \$250 on January 28, 2014.
- d. **Judicial Reform PAC/Citizens for Judicial Reform:** Defendant Morton-owned Quapaw Care & Rehabilitation Center LLC in Hot Springs gave \$3,000 to the PAC on July 8, 2013. On December 31, 2013, the PAC gave \$500 to Defendant Maggio's campaign. No other contributions to the PAC or donations to other candidates were listed as of that date. On January 28, 2014, an additional donation of \$1,000 was made to Defendant Maggio's campaign.
- e. **Taxpayers for Change PAC:** Defendant Morton-owned Nursing & Rehabilitation Center at Good Shepherd LLC in Little Rock gave the PAC \$3,000 on July 8, 2013. On January 28, 2014, this PAC donated \$1,000 to Defendant Maggio's campaign.
- f. **Thomas Group In PAC:** Fort Smith-based MSM Properties Inc., which Defendant Morton owns, gave \$3,000 on July 8, 2013, and was the sole donor to this PAC. A donation in the amount of \$2,000 was made to

Defendant Maggio's campaign on December 5, 2013, and another in the amount of \$250 was made on January 28, 2014.

- g. **D. Bruce Hawkins 2 PAC:** On July 8, 2013, Defendant Morton-owned Central Arkansas Nursing Centers, Inc., which was originally a defendant in the *Bull* case but was dismissed by Defendant Maggio, gave \$3,000 to this PAC. A donation in the amount of \$3,000 was given to Defendant Maggio's campaign from this PAC.

38. Under the Arkansas Code of Judicial Conduct, campaigns for judicial races may not start soliciting money for candidates more than 180 days before an election. However, Defendant Baker and other representatives of Defendant Maggio's campaign solicited monetary support from Defendant Morton to be put into PACs, which were set aside almost exclusively to donate to Defendant Maggio's campaign, sometime between the trial of the *Bull* case in May and the date the judgment-reduction issue was under consideration in July of 2013—almost a year in advance of the election.

39. Additionally, under ARK. CODE ANN. § 7-6-203(a), a candidate for public office may not accept campaign contributions in excess of two thousand dollars (\$2,000) per election from any person. However, Defendant Maggio's campaign accepted a contribution from the Thomas Group PAC for \$250, the Go Good Government PAC for \$250, and the D. Bruce Hawkins 2 PAC for \$1,000, after it had already accepted \$2,000 from each of these three PACs. These second contributions were in excess of the \$2,000 contribution limit.

40. This was the first election in which Defendant Morton contributed to a judicial campaign through PACs instead of just donating directly to the candidate. When asked about this discrepancy, Defendant Morton has stated that the people running Defendant Maggio's

campaign “wanted [him] to put them in PACs. [He] didn’t know why, and [he] didn’t ask.”

41. Further indicating the improper nature of these PACs is that the listed officers had no knowledge that their names were being used in the registration of these PACs. Some of the named officers later requested that their names be removed from all records associated with the PACs.

42. Moreover, upon information and belief, Defendant Maggio would have known about any contributions made to his campaign as his girlfriend at the time (now wife), Dawn Maggio nee Rivers, was one of the people overseeing the money his campaign received. Mrs. Maggio served as Defendant Maggio’s campaign spokesman on occasion, and she received campaign contributions and relayed information to the campaign treasurer, Luke Pruett.

43. Defendant Baker’s primary purpose for creating these PACs was to provide a means to funnel campaign contributions, *i.e.*, money, from Defendant Morton to Defendant Maggio prior to the 180-day time period for soliciting campaign contributions and contemporaneously with Defendant Maggio’s determination of the remittitur motion.

44. Defendant Baker solicited multiple checks from Defendant Morton upon the understanding that the money would be distributed to Defendant Maggio’s judicial campaign.

45. Upon information and belief, Defendant Maggio solicited campaign contributions from Defendant Morton, through Defendant Baker, in furtherance of his desire to collect money from the nursing home industry and obtain Defendant Morton’s financial backing in Defendant Maggio’s run for the Arkansas Court of Appeals.

46. Upon information and belief, Defendant Morton made the campaign contributions to the PACs with the intent that Defendant Maggio would favorably rule, or continue to favorably rule, in Defendant Morton’s favor in the *Bull* case.

47. Defendants' conduct and corruption of the judicial process ultimately deprived Plaintiffs of their constitutionally protected rights, including denying them the unanimous jury verdict and judgment of \$5.2 million in the *Bull* case.

48. On March 6, 2014, Defendant Maggio formally withdrew as a candidate for the Arkansas Court of Appeals.

49. On September 11, 2014, by order of the Arkansas Supreme Court, Defendant Maggio was removed from judicial office. *See Judicial Discipline & Disability Comm'n v. Maggio*, 2014 Ark. 366.

V. CAUSES OF ACTION

COUNT 1: ABUSE OF PUBLIC TRUST

50. Plaintiffs incorporate all of the allegations stated above as if fully set forth herein.

51. In Arkansas, pursuant to ARK. CODE ANN. § 5-52-101(a), a person commits the offense of abuse of public trust if the person engages in any of the following conduct:

- a. Solicits, accepts, or agrees to accept on behalf of any person, political party, or other organization any benefit from another person upon an agreement or understanding that the other person will or may be appointed a public servant or designated or nominated as a candidate for public office;
- b. Offers, confers, or agrees to confer any benefit and the receipt of the benefit is prohibited by this section;
- c. Solicits, accepts, or agrees to accept any benefit as compensation or consideration for having as a public servant given a decision, opinion, recommendation, or vote favorable to another or for having otherwise

exercised his or her discretion in favor of another; or

- d. Offers, confers or agrees to confer any benefit upon a public servant and the receipt of the benefit is prohibited by this section.

52. Abuse of public trust is a Class D felony. ARK. CODE ANN. § 5-52-101(c).

53. Defendant Morton engaged in conduct which constitutes the offense of abuse of public trust. This unlawful conduct includes, but is not limited to, the following:

- a. Defendant Morton agreed to confer a benefit, *e.g.*, campaign contributions, upon Defendant Maggio, the receipt of which was compensation or consideration for Defendant Maggio's decision, opinion, recommendation, vote, or exercise of discretion as a judge.
- b. Defendant Morton conferred a benefit, *e.g.*, campaign contributions, the receipt of which was compensation or consideration for Defendant Maggio's decision, opinion, recommendation, vote or exercise of discretion as a judge.

54. Defendant Baker engaged in conduct which constitutes the offense of abuse of public trust. This unlawful conduct includes, but is not limited to, the following:

- a. Defendant Baker offered a benefit, the receipt of which was compensation or consideration for Defendant Maggio's decision, opinion, recommendation, voting, or exercising discretion as a judge.
- b. Defendant Baker agreed to confer a benefit, *e.g.*, campaign contributions, upon Defendant Maggio, the receipt of which was compensation or consideration for Defendant Maggio's decision, opinion, recommendation, vote, or exercise of discretion as a judge.

- c. Defendant Baker conferred a benefit, *e.g.*, campaign contributions, upon Defendant Maggio, the receipt of which was compensation or consideration for Defendant Maggio's decision, opinion, recommendation, vote, or exercise of discretion as a judge.

55. Defendant Maggio engaged in conduct which constitutes the offense of abuse of public trust. This unlawful conduct includes, but is not limited to, the following:

- a. Defendant Maggio, as a public servant, solicited a benefit, *e.g.*, campaign contributions, as compensation or consideration for giving a decision, an opinion or recommendation, voting, or exercising discretion in favor of Defendant Morton's nursing home and rehabilitation center Greenbrier.
- b. Defendant Maggio, as a public servant, accepted a benefit, *e.g.*, campaign contributions, as compensation or consideration for giving a decision, an opinion or recommendation, voting, or exercising discretion in favor of Defendant Morton's nursing home and rehabilitation Center Greenbrier.
- c. Defendant Maggio, as a public servant, solicited a benefit, *e.g.*, campaign contributions, as compensation or consideration for giving a decision, an opinion or recommendation, voting, or exercising discretion in favor of tort reform and limitations on damage awards in civil suits.
- d. Defendant Maggio, as a public servant, accepted a benefit, *e.g.*, campaign contributions, as compensation or consideration for giving a decision, an opinion or recommendation, voting, or exercising discretion in favor of tort reform and limitations on damage awards in civil suits.
- e. Defendant Maggio solicited campaign contributions from Defendant

Morton, through Defendant Baker, in furtherance of his desire to collect money from the nursing home industry and obtain that industry's support in his run for the Arkansas Court of Appeals.

56. As described herein, Defendant Morton, Baker, and Maggio have engaged in conspiratorial and unlawful conduct which constitutes an abuse of public trust, a Class D felony.

57. As a result of Defendants' felonious conduct, Plaintiffs have been injured and suffered damages, as described herein.

58. Pursuant to ARK. CODE ANN. § 16-118-107(a)(1), Plaintiffs are entitled to recover for the damages they sustained as a result of Defendant Morton, Defendant Maggio and Defendant Baker's abuse of public trust.

59. Further, because Defendants' conduct was motivated by financial and political gain and involved a reckless and callous indifference to the laws of this State, punitive damages should be awarded to punish Defendants and deter them and others from engaging in similar conduct.

COUNT 2 : BREACH OF FIDUCIARY DUTY

60. Plaintiffs incorporate all of the allegations stated above as if fully set forth herein.

61. At all times relevant to the matters complained of herein, Defendant Maggio was a sitting circuit judge and, therefore, a fiduciary relationship existed between Defendant Maggio and Plaintiffs (as citizens of Arkansas).

62. Defendant Maggio owed Plaintiffs a fiduciary duty as follows:

- a. Defendant Maggio had a duty to uphold and promote the independence, integrity and impartiality of the judiciary;
- b. Defendant Maggio had a duty to avoid impropriety and the appearance of

impropriety;

- c. Defendant Maggio had a duty to conduct his personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office; and
- d. Defendant Maggio had a duty not to engage in political or campaign activity that is inconsistent with the independence, integrity, or the impartiality of the judiciary.

63. Defendant Maggio breached his fiduciary duty.

64. Upon information and belief, the conduct which constituted a breach of Defendant Maggio's fiduciary duty did not incur in the furtherance or in the performance any judicial function, and includes, but is not limited to,

- a. Soliciting campaign contributions from Defendant Morton, outside of the 180-day window for accepting campaign contributions in judicial races;
- b. Texting or otherwise communicating with Defendant Baker about his judicial campaign and other matters while sitting on the bench during the *Bull* trial and post-trial proceedings;
- c. Failing to comply with the law of Arkansas, including ARK. CODE ANN. § 5-52-101 and the Arkansas Code of Judicial Conduct;
- d. Engaging in improper conduct, which would create in reasonable minds a perception of impropriety;
- e. Allowing political, financial and other personal interests to influence his judgment; and
- f. Failing to comply with the rules applicable to committees for judicial

campaigns.

65. Defendant Maggio's breach of fiduciary duty was a proximate cause of Plaintiffs' damages, as described herein.

66. Defendants Baker and Morton were co-conspirators of Defendant Maggio's breach of fiduciary duty.

**COUNT 3: VIOLATION OF ARKANSAS CIVIL RIGHTS ACT
AGAINST DEFENDANTS BAKER AND MORTON**

67. Plaintiffs incorporate all of the allegations stated above as if fully set forth herein.

68. The Arkansas Civil Rights Act, specifically ARK. CODE ANN. § 16-123-105, provides that "[e]very person, who under color of any statute ordinance, regulation, custom, or usage of this state or any of its political subdivisions subjects, or causes to be subjected, any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Arkansas Constitution shall be liable to the party injured in an action in circuit court for legal and equitable relief or other proper redress."

69. Acting under the color of law, including but not limited to actions taken pursuant to the powers granted by the Amendment 80 of the Arkansas Constitution, the Arkansas Rules of Judicial Conduct, and the common law grant of the judicial authority of remittitur, Defendants deprived Plaintiffs of their constitutionally protected rights, privileges and immunities secured by the Arkansas Constitution, and engaged in conduct aimed at fulfilling this purpose, conduct which includes but is not limited to, :

- a. Conspiring to unlawfully reduce an unanimous jury verdict in Plaintiffs' favor;
- b. Conspiring to unlawfully deprive Plaintiffs of a \$5.2 million judgment;
- c. Violating due process of law;

- d. Engaging in unlawful and/or willful conduct which infringed upon and deprived Plaintiffs of their right to a fair and impartial tribunal;
- e. Engaging in unlawful and/or willful conduct in violation of Plaintiff's right to a jury trial.

70. In so acting, Defendants deprived Plaintiffs of a number of their constitutionally protected rights, including their right to due process, the right to a fair and impartial tribunal, the right to a jury trial, and a right to obtain redress for wrongs. *See, e.g.*, ARK. CONST., Art. 2 §2; ARK. CONST., Art. 2, §7; ARK. CONST. Art. 2, § 13.

71. Further, in failing to recuse himself from consideration of the remittitur issue due to his direct, personal, substantial, pecuniary interest in the case, Defendant Maggio (and his co-conspirators) deprived Plaintiffs of their due process rights.

72. As described herein, Defendant Morton, Baker, and Maggio have engaged in conspiratorial and unlawful conduct by depriving Plaintiffs of their constitutional rights in violation of the Arkansas Civil Rights Act.

73. Plaintiffs seeks compensation for damages caused by overt acts done and caused to be done pursuant to a conspiracy to which Defendants were parties, and who conspired for the purpose of impeding, hindering, obstructing, and defeating the due course of justice in the State of Arkansas, with intent to deny Plaintiffs, as citizens of the United States and Arkansas, due process and their constitutionally protected right to a jury trial and a fair, impartial tribunal.

74. Defendants, as conspirators, did and caused to be done acts under the color of law which subjected Plaintiffs to the deprivation of rights, privileges and immunities secured to them by the Arkansas Constitution and laws, by reason whereof Defendants Morton and Baker became liable to Plaintiffs as injured parties.

75. In connection therewith, Defendant Maggio acted as an officer of the State of Arkansas under color of its laws, rules and regulations. Those conspirators who were not officials of the State of Arkansas, including but not limited to Defendants Morton and Baker, willfully, materially and physically participated in said conspiracy, and in all the overt acts done pursuant to the conspiracy, and have joined in and adopted the conspiracy as their own.

76. As a result of Defendants' violation of the Arkansas Civil Rights Act, Plaintiffs are entitled to compensatory and equitable damages from Defendants Morton and Baker. Further, because Defendants' conduct was motivated by financial and political gain and involved a reckless or callous indifference to Plaintiffs' constitutionally protected rights, punitive damages should be awarded to punish Defendants Morton and Baker and deter them and others from engaging in similar conduct.

COUNT 4: CIVIL CONSPIRACY

77. Plaintiffs incorporate all of the allegations stated above as if fully set forth herein.

78. Defendants have engaged in a civil conspiracy in that at least two or more of the Defendants acted in concert to accomplish a purpose that is unlawful or oppressive, or to accomplish some purpose that is not in itself unlawful, oppressive, or immorally, but by unlawful, oppressive or immoral means, to the injury of Plaintiffs.

- a. Defendants knowingly conspired to funnel money into Defendant Maggio's judicial campaign, actions and conduct which they knew or should have known would violate public trust and damage Plaintiffs.
- b. Defendants knowingly engaged in a conspiracy or course of conduct to deprive Plaintiffs' of their property (*i.e.*, a \$5.2 million judgment) without due process of the law and other constitutionally protected rights.

79. Defendants engaged in a concert of action for the accomplishment of criminal abuse of public trust and the unlawful deprivation of Plaintiffs constitutional rights.

80. Upon information and belief, Defendants shared the same objectives in furtherance of the conspiracy.

81. Each Defendant substantially assisted and/or actively participated in the unlawful and tortious conduct alleged herein, including but not limited to the criminal abuse of public trust, breach of fiduciary duty, and the deprivation of Plaintiffs' rights in violation of the Arkansas Civil Rights Act.

82. Defendant Maggio willfully committed, caused to be done, or participated in one or more overt acts to accomplish and/or promote the conspirators' criminal abuse of public trust and deprivation of Plaintiffs' constitutional rights.

83. Defendant Morton willfully committed, caused to be done, or participated in one or more overt acts to accomplish and/or promote the conspirators' criminal abuse of public trust and deprivation of Plaintiffs' constitutional rights.

84. Defendant Baker willfully committed, caused to be done, or participated in one or more overt acts to accomplish and/or promote the conspirators' criminal abuse of public trust and deprivation of Plaintiffs' constitutional rights.

85. Upon information and belief, in entering into the conspiracy, Defendants Morton and Baker intended to reduce the jury verdict and judgment in the *Bull* case to the Plaintiffs' detriment.

86. As a result of the conspiracy, Plaintiffs sustained damages, as described herein.

87. Defendants intentionally conspired to accomplish an unlawful purpose at Plaintiffs' expense, thereby justifying an award of punitive damages.

COUNT 5: ACTING IN CONCERT

88. Plaintiffs incorporate all of the allegations stated above as if fully set forth herein.

89. Under ARK. CODE ANN. § 16-55-205(a), a party is responsible for the fault of another person or entity or for payment of the proportionate share of another person or entity if both the party and the other person or entity were acting in concert or if the other person or entity was acting as an agent or servant of the party.

90. Upon information and belief, at all times relevant herein, Defendants were acting in concert with each other.

91. Upon information and belief, Defendants consciously agreed to pursue a common plan or design to commit the unlawful and intentional tortious conduct alleged herein.

92. Plaintiffs seek damages from Defendant Maggio on the basis that he acted in concert with Defendant Baker and/or Defendant Morton.

93. Plaintiffs seek damages from Defendant Morton on the basis that he acted in concert with Defendant Baker and/or Defendant Maggio.

94. Plaintiffs seek damages from Defendant Baker on the basis that he acted in concert with Defendant Morton and/or Defendant Maggio.

VI. PRAYER FOR RELIEF

95. Plaintiffs incorporate all of the allegations stated above as if fully set forth herein.

96. Plaintiffs request a trial by jury on all issues.

97. As a direct and proximate result of Defendants' actions, individually and collectively, Plaintiffs and the Estate of Martha Bull suffered damages exceeding that required for federal diversity jurisdiction and are entitled to compensation therefore, to be determined by a jury.

98. As a direct and proximate result of Defendants' actions, as described herein, Plaintiffs are entitled to legal and equitable relief.

99. As a direct and proximate result of Defendants' conduct, Plaintiffs are entitled to recover costs and attorneys' fees under ARK. CODE ANN. §16-118-107(a)(3), ARK. CODE ANN. §16-123-105, ARK. R. CIV. P. 54, and all other applicable laws.

100. Defendants have engaged in willful and wanton conduct; therefore, Plaintiffs pray for a joint and several judgment against Defendants for punitive damages in amount necessary and sufficient to deter and punish Defendants for their intentional, willful, and malicious conduct.

101. Plaintiffs pray for pre-judgment, post-judgment interest, and for all other relief to which Plaintiffs are entitled by Arkansas law.

102. Plaintiffs specifically reserve the right to amend or supplement this pleading liberally as provided by the Rules of Civil Procedure.

WHEREFORE, Plaintiffs pray for a joint and several judgment against Defendants, for the relief sought herein, for costs and attorneys' fees, for pre-judgment and post-judgment interest, and for any and all other relief to which Plaintiffs may be entitled.

Respectfully submitted,

**ROSEY PERKINS and RHONDA COPPAK,
Individually and as Co-Administratrixes and
Personal Representatives of the Estate of Martha
Bull, deceased**

By:



Thomas G. Buchanan (AR# 2003037)

Angela S. Cole (AR# 2013162)

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Attorneys for Plaintiffs

IN THE CIRCUIT COURT OF PERRY COUNTY, ARKANSAS
PROBATE DIVISION
TWELFTH DIVISION

IN THE MATTER OF THE ESTATE OF
MARTHA L. BULL, DECEASED

Case No: PR 2008-159



LETTERS OF ADMINISTRATION

Rosey Perkins, whose address is:
41 Holland Lane, Houston, AR 72070; and

Rhonda Coppak, who address is:
67 Piney Road, Bigelow, AR 72016

Having been appointed and qualified as Co-Administratrixes of the Estate of Martha Bull, deceased, who died on or about April 7, 2008, are hereby authorized to act as Co-Administratrixes for and in behalf of the estate and to take possession of the estate's property as authorized by law.

ISSUED this 29 day of May, 2008.

BARBARA L. LOVELL, Circuit Clerk

BY: Patricia May, Deputy Clerk

(SEAL)



IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
_____ DIVISION

**ROSEY PERKINS and RHONDA COPPAK,
Individually and as Co-Administratrixes
and Personal Representatives of the
Estate of Martha Bull, deceased**

PLAINTIFFS

vs.

NO. _____

**MICHAEL MAGGIO,
Individually and In His Official Capacity;
MICHAEL MORTON; GILBERT BAKER;
and JOHN DOES 1-5**

DEFENDANTS

AFFIDAVIT

COMES NOW the undersigned who, after being duly sworn, solemnly swears that the following facts and information are true and correct to the best of my knowledge and belief:


1. I am one of the attorneys who represent the Plaintiffs in the above-captioned case.
 2. Defendants John Doe 1-5 are individuals, corporations, limited liability companies or other entities that may be co-conspirators with of one or more of the Defendants, and/or were acting in concert with one or more of the Defendants in committing the unlawful and tortious conduct alleged herein. The identity of these parties is unknown at this time, but pursuant to ARK. CODE ANN. § 16-56-125, when the identities of these parties are discovered, this pleading will be appropriately amended by substituting the true names of Defendants John Doe 1-5.
 3. After diligent inquiry, I do not know the identities of Defendants John Doe 1-5.
- In addition, neither co-counsel for Plaintiffs nor my clients know the identities of Defendants John Doe 1-5.



4. Upon determining the identity of the unknown parties, I will timely amend the Complaint by substituting the true names of Defendants John Doe 1-5.

5. This Affidavit is filed in accordance with Ark. Code Ann. § 16-56-125.

FURTHER AFFIANT SAITH NOT.


Thomas G. Buchanan

VERIFICATION

STATE OF ARKANSAS)
) ss.
COUNTY OF PULASKI)

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 17th day of November, 2014.


Notary Public

My Commission Expires:

2/1/2014

