

1 THOMAS C. HORNE, ESQ. (002951)  
2 2824 E. Mission Lane  
3 Phoenix, AZ 85028  
4 Phone: (602) 885-4959  
5 Email: tomhorne2824@gmail.com

6 Pro Per

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

9 THOMAS C. HORNE, )  
10 )  
11 Plaintiff, )  
12 vs. )  
13 )  
14 COMMITTEE FOR JUSTICE & )  
15 FAIRNESS; GANNETT SATELLITE )  
16 INFORMATION NETWORK, INC.; )  
17 NW COMMUNICATIONS, INC.; )  
18 MEREDITH CORP.; SCRIPPS MEDIA, )  
19 INC.; BELO CORP.; EVENING POST )  
20 PUBLISHING CO.; JOURNAL )  
21 BROADCAST GROUP; RAYCOM )  
22 MEDIA; JOHN DOES 1-100, AND XYZ )  
23 CORPORATIONS 1-100, )  
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NO. CV 2010-053307

NOTICE OF MOTION/  
Order to Show Cause

Defendants.

TO DEFENDANTS: COMMITTEE FOR JUSTICE & FAIRNESS; GANNETT SATELLITE INFORMATION NETWORK, INC.; NW COMMUNICATIONS, INC.; MEREDITH CORP.; SCRIPPS MEDIA, INC.; BELO CORP.; EVENING POST PUBLISHING CO.; JOURNAL BROADCAST GROUP; RAYCOM MEDIA; AND THEIR ATTORNEYS:

PLEASE TAKE NOTICE that on October 26, 2010, at 11:00 o'clock, or as soon after as counsel can be heard, Plaintiff will move the Court for a Temporary

Restraining Order requiring suspension of advertising that refers to the Plaintiff. *Defendants shall appear before the Court at that time and show cause as to why the relief requested by the Plaintiff should not be granted.*

*JHM*

*JM*

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A copy of Plaintiff's Application and related documents is ~~attached~~. *shall be served with this Order.*

DATED: October 25, 2010

*Judge of the Superior Court*

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Judge of the Superior Court

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**CERTIFICATION OF SERVICE**

A copy of this Order and the attached pleadings was served on Defendant or his attorney in the following manner:

Emailed to each defendant and/or their attorneys.

DATED: October 25, 2010

Hail Jackson

1 Thomas C. Horne (002951)  
2 2824 E. Mission Lane  
3 Phoenix, AZ 85028  
4 (602) 542-5460

5 Pro Per

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

8 THOMAS C. HORNE, ) NO:  
9 )  
10 Plaintiff, )  
11 )

CV2010-053307

12 vs. )

SUMMONS

13 COMMITTEE FOR JUSTICE & )  
14 FAIRNESS; GANNETT SATELLITE )  
15 INFORMATION NETWORK, INC.; )  
16 NW COMMUNICATIONS, INC.; )  
17 MEREDITH CORP.; SCRIPPS MEDIA, )  
18 INC.; BELO CORP.; EVENING POST )  
19 PUBLISHING CO.; JOURNAL )  
20 BROADCAST GROUP; RAYCOM )  
21 MEDIA; JOHN DOES 1-100, AND XYZ )  
22 CORPORATIONS 1-100, )

IF YOU WANT THE ADVICE OF A  
LAWYER, YOU MAY WISH TO CONTACT  
THE LAWYER REFERRAL SERVICE AT  
602-257-4434 OR ON-LINE AT  
[WWW.LAWYERFINDERS.ORG](http://WWW.LAWYERFINDERS.ORG). LRS IS  
SPONSORED BY THE MARICOPA  
COUNTY BAR ASSOCIATION

23 Defendants.

24 THE STATE OF ARIZONA TO THE DEFENDANT(S):

25 COMMITTEE FOR JUSTICE & FAIRNESS; GANNETT SATELLITE  
26 INFORMATION NETWORK, INC.; NW COMMUNICATIONS, INC.; MEREDITH  
27 CORP.; SCRIPPS MEDIA, INC.; BELO CORP.; EVENING POST PUBLISHING CO.;  
28 JOURNAL BROADCAST GROUP; RAYCOM MEDIA; JOHN DOES 1-100, AND  
XYZ CORPORATIONS 1-100

YOU ARE HEREBY SUMMONED and required to appear and defend, within the  
time applicable, in this action in this Court. If served within Arizona, you shall appear and  
defend within 20 days after the service of the Summons and Complaint upon you, exclusive  
of the day of service. If served out of the State of Arizona - whether by direct service, by

1 registered or certified mail, or by publication - you shall appear and defend within 30 days  
2 after the service of the Summons and Complaint upon you is complete, exclusive of the day  
3 of service. Where process is served upon the Arizona Director of Insurance as an insurer's  
4 attorney to receive service of legal process against it in this state, the insurer shall not be  
5 required to appear, answer or plead until expiration of 40 days after the date of such service  
6 upon the Director. Service by registered or certified mail without the State of Arizona is  
7 complete 30 days after the date of filing the receipt and affidavit of service with the Court.  
8 Service by publication is complete 30 days after the date of first publication. Direct service  
is complete when made. Service upon the Arizona Motor Vehicle Superintendent is  
complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's  
Return. **RCP 4; ARS § 20-222, 28-502, 28-503.**

9 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and defend  
10 within the time applicable, judgment by default may be rendered against you for the relief  
11 demanded in the Complaint.

12 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an  
13 Answer or proper response in writing with the Clerk of this Court, accompanied by the  
14 necessary filing fee, within the time required, and you are required to serve a copy of any  
Answer or response upon the Plaintiff's attorney. **RCP 10(d); ARS § 12-311; RCP 5.**

15 Requests for reasonable accommodation for persons with disabilities must be  
16 made to the division assigned to the case by parties at least three (3) judicial  
17 days in advance of a scheduled court proceeding.

18 **SIGNED AND SEALED this date:**

19 **COPY**  
OCT 21 2010



20 \_\_\_\_\_  
NICHOLE K. GARDNER, CLERK  
Clerk

21 By \_\_\_\_\_

22 Deputy Clerk

1 THOMAS C. HORNE, ESQ. (002951)  
2 2824 E. Mission Lane  
3 Phoenix, AZ 85028  
4 Phone: (602) 885-4959  
5 Email: tomhorne2824@gmail.com

COPY

OCT 21 2010



MARK J. JAMES, CLERK  
K. M. JAMES, CLERK

6 Pro Per

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

9 THOMAS C. HORNE, )  
10 ) Plaintiff, )  
11 vs. )  
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14 ) INFORMATION NETWORK, INC.; )  
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16 ) MEREDITH CORP.; SCRIPPS MEDIA, )  
17 ) INC.; BELO CORP.; EVENING POST )  
18 ) PUBLISHING CO.; JOURNAL )  
19 ) BROADCAST GROUP; RAYCOM )  
20 ) MEDIA; JOHN DOES 1-100, AND XYZ )  
21 ) CORPORATIONS 1-100, )  
22 ) Defendants. )

NO. CV2010-053307

**VERIFIED COMPLAINT**  
(Application for Injunction,  
Preliminary Injunction, and  
Temporary Restraining Order)

21 Thomas C. Horne, for his Complaint and Application for Injunction, Preliminary  
22 Injunction, and Temporary Restraining Order, alleges as follows:

23 1. Plaintiff ("Horne") is a resident of Maricopa County, Arizona. Defendant,  
24 The Committee for Justice and Fairness ("Committee"), is a political committee based in  
25 Washington, D.C.

26 2. The other-named Defendants are media outlets, and the fictiously-named  
27 Defendants are media outlets whose true names will be substituted when known.  
28

1           3.     Plaintiff is the Republican candidate for Attorney General in the general  
2 election to be held on November 2, 2010, eleven days from this date.

3  
4           4.     Beginning October 20, Defendant Committee began running ads against  
5 Plaintiff Horne. The Defendant Committee is not registered with the Secretary of State  
6 as required by statute, nor is Defendant making the required disclosures, required by  
7 Arizona statutes. Defendant is spending \$600,000 on these ads, which is more than three  
8 times the entire general election campaign budget for the Plaintiff. The ad states:

9  
10           Because they can't protect themselves, it's up to us to protect them. But as  
11 a state legislator, Tom Horne voted against tougher penalties for statutory.

12           And when students caught a teacher looking at child pornography on a  
13 school computer, Horne used his vote on the Board of Education to allow  
14 that teacher back in the classroom.

15           With all the dangers facing families today, tell Superintendent Horne to  
16 protect children, not people who harm them.

17           (Video: Tell Superintendent Tom Horne to protect children Call 602-542-  
18 5393.)

19           These ads are blatant violations of Arizona statutes.

20           5.     As set forth in the attached Affidavit of Thomas C. Horne, in the absence of  
21 a Temporary Restraining Order stopping the showing of television advertisements paid  
22 for by The Committee for Justice and Fairness, Plaintiff will suffer immediate and  
23 irreparable injury, loss, or damage, as those terms are used in Rule 65 A.R.C.P. The  
24 reason for this is that these illegal advertisements will improperly cause people to vote  
25 against him, for which there could be no possible monetary compensation.

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27  
28           6.     Therefore there is no adequate remedy at law.

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7. It is respectfully requested that bond be set in a nominal amount, as there is no possible injury to Defendant who is running ads that are illegal.

8. This verified application for Preliminary Injunction and Temporary Restraining Order is supported by the attached Affidavit of Thomas C. Horne, and by the attached Memorandum of Points and Authorities.

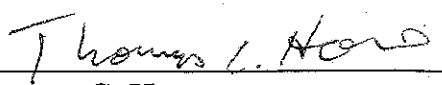
It is therefore respectfully requested that this Court issue its Temporary Restraining Order, Preliminary Injunction, and Injunction as follows:

i. A Temporary Restraining Order ordering that Defendant Committee for Justice and Fairness immediately suspending any advertising without complying with Arizona's laws, and that the Defendant media outlets not run the illegal ads, absent the registration and disclosure.

ii. That the Court issue its Preliminary and Permanent Injunction enjoining those matters set forth in paragraph I.

DATED this 21<sup>st</sup> day of October, 2010.

THOMAS C. HORNE, ESQ.

  
Thomas C. Horne  
Attorney for Plaintiff

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTS**

The facts of this case are set forth in the attached Affidavit of Thomas C. Horne as follows:

1. I am the Republican candidate for the office of Attorney General in the general election to be held on November 2, 2010, eleven days from this date.

2. Beginning yesterday, an organization called The Committee for Justice and Fairness began running television ads against me. An inquiry with the Secretary of State's office indicates that this Committee is not registered with the Secretary of State's office, in any capacity, which is a blatant violation of law. In addition, the ad does not make the disclosures required by Arizona statutes. Inquiries with television stations indicate that this Committee is spending \$600,000 on television ads against me, which is more than three times my entire campaign budget for the general election. The text of the ad is as follows:

Because they can't protect themselves, it's up to us to protect them. But as a state legislator, Tom Horne voted against tougher penalties for statutory rape.

And when students caught a teacher looking at child pornography on a school computer, Horne used his vote on the Board of Education to allow that teacher back in the classroom.

With all the dangers facing families today, tell Superintendent Horne to protect children, not people who harm them.

(Video: Tell Superintendent Tom Horne to protect children Call 602-542-5393.)



1 express advocacy. Subparagraph 1 does not apply, but subparagraph 2 does apply. It  
2 states as follows:

3 2. Making a general public communication, such as in a broadcast  
4 medium, newspaper, magazine, billboard, or direct mailer referring to one  
5 or more clearly identified candidates and targeted to the electorate of that  
6 candidate(s):

7 (A) That in context can have no reasonable meaning other than to advocate  
8 the election or defeat of the candidate(s), as evidenced by factors such as  
9 the presentation of the candidate(s) in a favorable or unfavorable light, the  
10 targeting, candidate(s) or opponents, or

11 (B) In the sixteen-week period immediately preceding a general election.

12 Under the first sentence in subparagraph 2, we have a general public  
13 communication in a broadcast medium that refers to a clearly identified candidate  
14 (Horne) and that is targeted to the electorate of that candidate (Arizona voters).

15 Under the definition in paragraph 2A, this advertisement, "in context," "can have  
16 no reasonable meaning other than to advocate the...defeat of the candidate, as evidenced  
17 by factors such as the presentation of the candidate in an...unfavorable light (here Horne  
18 is clearly presented in an unfavorable light):" the other factor is "the targeting, placement  
19 or timing of the communication" (the timing of the communication is within the twelve  
20 days prior to the election).

21 However, an analysis under subparagraph A is not even needed, because of the use  
22 of the word "or" between subparagraph A and B. B is satisfied because the ad is placed  
23 with the 16 week period immediately preceding a general election.

24 It is therefore clear that registration of this political committee was required and  
25 the disclosures in the ad were also required, and the committee complied with neither  
26 requirement. This is a blatant violation of Arizona law.

27 In addition, the fact that the ad is intended to cause the "defeat of any candidate" is  
28 evident from the following:

According to the IRS website (<http://forms.irs.gov/politicalOrgsSearch/search>) the  
Committee for Justice and Fairness is registered as a 527 group. Their reports (available

1 online) indicate that all of the \$2,035,000 the group has received in contributions came  
2 from the Democratic Attorneys General Association.

3  
4 The Democratic Attorneys General Association is itself a 527 group whose  
5 purpose is to "Support Democratic candidates for offices of state Attorney General." (see  
6 Form 8871, question #12, filed 1/24/03, available on IRS website).

7  
8 Sources of funds to the Democratic Attorneys General Association include labor  
9 unions such as the SEIU, which is currently boycotting Arizona over Senate Bill 1070,  
10 UFCW, and IBEW.

11  
12 The Committee for Justice and Fairness' Form 990 filed with the IRS (also  
13 available online) states this as their purpose:

14 The Committee for Justice and Fairness is a nonprofit organization  
15 operated for the purpose of accepting donations in order to make  
16 disbursements for an exempt purpose within the meaning of section 527 of  
17 the Internal Revenue Code of 1986, as amended (the "Code") to indirectly  
18 influence the selection, nomination, election, or appointment of individuals  
19 to state or local public office. All references to sections of the Code  
20 include the corresponding provision of any subsequent federal tax law.

21 In some recent cases, the Arizona Appellate Courts have indicated, for technical  
22 violations of campaign laws, statutory fines, rather than injunctions, should be the  
23 remedy. However, where the violation is blatant, and has a major impact on the outcome  
24 of the election, the availability of injunctive relief in election cases is well established.

25 In *McComish v. Brewer*, 2010 WL 2292213 (D.Ariz. Jan. 1010), the U.Sd. District  
26 Court for the District of Arizona enjoined the use of matching funds in Arizona's Clean  
27 Elections system, and this was affirmed by the United States Supreme Court.

28 The burden to be met in obtaining a Preliminary Injunction or a Temporary  
Restraining Order is as follows:

1 The critical element in this analysis is the relative hardship to the parties.  
2 Justice v. Nat'l Collegiate Athletic Ass'n, 577 F.Supp. 356, 363 (D.Ariz.  
3 1983). To meet this burden, the moving party may establish either 1)  
4 probable success on the merits and the possibility of irreparable injury; or  
5 2) the presence of serious questions and 'the balance of hardships tip  
6 sharply' in his favor. (Emphasis added.)

7 Plaintiff should be able to succeed here by either measure. Under the first  
8 measure, probable success on the merits exists because this is a blatant violation of  
9 Arizona election law requiring registration of political committees and disclosure in  
10 political advertisements. The possibility of irreparable injury is here because Plaintiff  
11 could lose the election due to the effect on voters of this illegal expenditure which is  
12 more than three times the Plaintiff's entire general election budget.

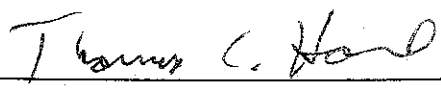
13 Under the second test, there is a serious question presented here because of the  
14 enormity of the campaign expenditure. The balance of hardships are sharply in favor of  
15 the Plaintiff because the Defendant has no legitimate interest in running advertisements  
16 that are blatant violations of Arizona's campaign laws.

17 This test is an either or test so an injunction should issue if either one of the two  
18 factors is satisfied by the Plaintiff.

19 It is therefore respectfully requested that the Court issue its Temporary Restraining  
20 Order in the form attached.

21 Respectfully submitted this 21st day of October, 2010

22 THOMAS C. HORNE, ESQ.

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Thomas C. Horne



COPY

OCT 21 2010



PHOENIX, ARIZONA CLERK  
K. J. KEE  
COUNTY CLERK

1 THOMAS C. HORNE, ESQ. (002951)  
2 2824 E. Mission Lane  
3 Phoenix, AZ 85028  
4 Phone: (602) 542-5660  
5 Email: tomhorne2824@gmail.com

6 Pro Per

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

9 THOMAS C. HORNE )

NO.

CV2010-053307

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Plaintiff, )

AFFIDAVIT OF  
THOMAS C. HORNE

vs. )

COMMITTEE FOR JUSTICE &  
FAIRNESS; GANNETT SATELLITE  
INFORMATION NETWORK, INC.;  
NW COMMUNICATIONS, INC.;  
MEREDITH CORP.; SCRIPPS MEDIA,  
INC.; BELO CORP. EVENING POST  
PUBLISHING CO.; JOURNAL  
BROADCAST GROUP; RAYCOM  
MEDIA; JOHN DOES 1-100, AND XYZ  
CORPORATIONS 1-100, )

Defendants. )

Thomas C. Horne, being duly sworn, deposes and says:

1. I am the Republican candidate for the office of Attorney General in the general election to be held on November 2, 2010, eleven days from this date.

2. Beginning yesterday, an organization called The Committee for Justice and Fairness began running television ads against me. An inquiry with the Secretary of State's office indicates that this Committee is not registered with the Secretary of State's

1 office, in any capacity, which is a blatant violation of law. In addition, the ad does not  
2 make the disclosures required by Arizona statutes. Inquiries with television stations  
3 indicate that this Committee is spending \$600,000 on television ads against me, which is  
4 more than three times my entire campaign budget for the general election. The text of the  
5 ad is as follows:  
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7  
8 Because they can't protect themselves, it's up to us to protect them. But as  
9 a state legislator, Tom Horne voted against tougher penalties for statutory  
10 rape.

11 And when students caught a teacher looking at child pornography on a  
12 school computer, Horne used his vote on the Board of Education to allow  
13 that teacher back in the classroom.

14 With all the dangers facing families today, tell Superintendent Horne to  
15 protect children, not people who harm them.

16 (Video: Tell Superintendent Tom Horne to protect children Call 602-542-  
17 5393.)

18 3. While untruth is not a basis for this legal action, I point out that this  
19 advertisement is a big lie. For example, in Maricopa County Sheriff's report DR No.: 02-  
20 02137, dated January 18, 2002, the Sheriff finds that the computer at issue to which the  
21 teacher at issue had access (but others might also have had access) was examined, and the  
22 Sheriff "did not find images depicting child pornography." Contrary to the impression  
23 created by the ad, I am strongly and intensely opposed to pornography, pedophilia, and  
24 statutory rape.  
25

26 4. Our research indicates that the source of contributions to the Committee for  
27 Justice and Fairness, as well as the stated purpose given to the Internal Revenue Service  
28 by the Committee for Justice and Fairness, clearly indicate their purpose to elect

1 Democrat Attorney General candidates and to oppose Republican Attorney General  
2 candidates. This research is as follows:  
3

4 According to the IRS website <http://forms.irs.gov/politicalOrgsSearch/search>) the  
5 Committee for Justice and Fairness is registered as a 527 group. Their reports (available  
6 online) indicate that all of the \$2,035,000 the group has received in contributions came  
7 from the Democratic Attorneys General Association.  
8

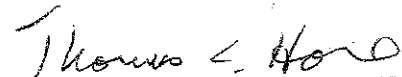
9 The Democratic Attorneys General Association is itself a 527 group whose  
10 purpose is to "Support Democratic candidates for offices of state Attorney General." (see  
11 Form 8871, question #12, filed 1/24/03, available on IRS website).  
12

13 Sources of funds to the Democratic Attorneys General Association include labor  
14 unions such as the SEIU, which is currently boycotting Arizona over Senate Bill 1070,  
15 UFCW, and IBEW.  
16

17 The Committee for Justice and Fairness' Form 990 filed with the IRS (also  
18 available online) states this as their purpose:  
19

20 The Committee for Justice and Fairness is a nonprofit organization  
21 operated for the purpose of accepting donations in order to make  
22 disbursements for an exempt purpose within the meaning of section 527 of  
23 the Internal Revenue Code of 1986, as amended (the "Code") to indirectly  
24 influence the selection, nomination, election, or appointment of individuals  
25 to state or local public office. All references to sections of the Code  
26 include the corresponding provision of any subsequent federal tax law.

27 DATED this 21st day of October, 2010.  
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Thomas C. Horne

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STATE OF ARIZONA            )  
  )ss.:  
COUNTY OF MARICOPA        )

SUBSCRIBED AND SWORN to by Thomas C. Horne, personally known to me,  
and who executed this document on this 21st day of October, 2010.

  
\_\_\_\_\_  
Notary Public

My commission expires:

