

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

BENJAMIN D. SUAREZ  
6490 Friarsgate Dr NW,  
Canton, OH 44718

Plaintiff,

v.

THE HONORABLE SHERROD BROWN  
1301 East Ninth St., Suite 1710  
Cleveland, Ohio 44114

and at

713 Hart Senate Office Building  
Washington, DC 20510

and

FRIENDS OF SHERROD BROWN, INC.  
a/k/a FRIENDS OF SHERROD BROWN  
P.O. Box 15293  
Washington, D.C. 20003

and at

c/o Agent M LLC, Statutory Agent  
545 E. Town Street  
Columbus, Ohio 43215

Defendants.

CASE NO.

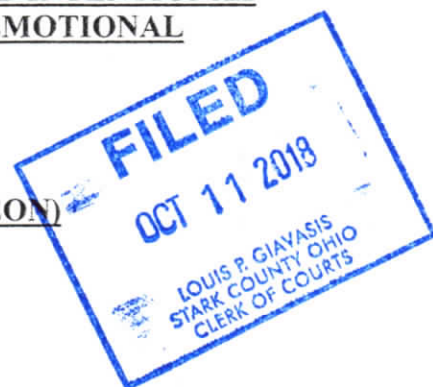
JUDGE:

COMPLAINT FOR DEFAMATION,  
FALSE LIGHT AND INTENTIONAL  
INFLICTION OF EMOTIONAL  
DISTRESS

(JURY DEMAND  
ENDORSED HEREON)

2018CV01984

Hartnett



Plaintiff, Benjamin Suarez ("Suarez"), for his Complaint against The Honorable Sherrod Brown ("Senator Brown") and Friends of Sherrod Brown, Inc. a/k/a Friends of Sherrod Brown ("FSB"), states and alleges as follows:

**PARTIES**

1. Suarez is a private citizen, lifelong resident of Stark County, Ohio, and the owner of Suarez Corporation Industries (“SCI”), a marketing and retail company founded and headquartered in Stark County, Ohio, since 1968, employing approximately 110 local residents.

2. Senator Brown is a member of the Democrat Party serving his first term as a United States Senator and his seat is being contested in the November 2018 election by Republican and United States Representative James Renacci (“Representative Renacci”).

3. FSB is Senator Brown’s re-election committee which, among other things, raises funds for Senator Brown’s re-election campaign and purchases advertising, such as campaign commercials, supporting Senator Brown’s re-election.

## **BACKGROUND**

### **Suarez’s Support of Representative Renacci and Opposition to Senator Brown.**

4. Suarez is a registered Republican and actively exercises his First Amendment rights of free speech, including by speaking out on national and local political issues that are important to his community and his business, and by supporting national and local political candidates.

5. Suarez has supported Representative Renacci’s candidacy for the United States House of Representatives and his present candidacy for the United States Senate.

6. In 2009, for example, a political action committee formed by Suarez called the U.S. Citizens Associations (“USCA”) purchased full-page advertisements in the Canton Repository and other newspapers advocating for the then-candidate Renacci and against the Democrat and then-incumbent U.S. Representative John Boccieri.

7. USCA's advertisements helped then-candidate Renacci raise hundreds of thousands of dollars and, ultimately, contributed to his victory over Mr. Boccieri in the 2010 election.

8. Suarez also supported Representative Renacci's re-election campaign for the 2012 election by asking for donations and supporting fundraising efforts. In the spring of 2011, \$100,000 was raised, \$90,000 of which was contributed by SCI employees and their families, and \$5,000 each was contributed by Suarez and his wife.

9. Representative Renacci is presently running against Senator Brown for his U.S. Senate seat.

10. Suarez historically has publicly advocated against Senator Brown's candidacy for the United States House of Representatives and the United States Senate, and has supported Senator's Brown's opponents in those contested elections.

11. In the present election contest between Representative Renacci and Senator Brown, Suarez has publicly advocated for Representative Renacci, made financial contributions to his campaign, and encouraged others to make financial contributions to his campaign, while publicly advocating against Senator Brown.

**Suarez and SCI Charged with Violating  
Campaign Finance Laws, But They Are Acquitted.**

12. In or about 2013, Suarez and SCI were indicted for allegedly violating campaign finance laws ("Indictment"). The U.S. Government alleged that, in 2011, Suarez and SCI used SCI employees as conduits to make the \$90,000 in contributions to Representative Renacci's campaign in excess of legal limits and in violation of the prohibition on corporate contributions.

13. The U.S. Government plead and argued that Suarez and SCI made the contributions to improperly influence Representative Renacci to use his office to put a stop to

lawsuits filed by the State of California against Suarez and SCI relating to SCI's marketing activities there.

14. The Indictment was baseless. The evidence admitted at trial did not show that Suarez and SCI carried out any alleged scheme to violate campaign finance laws, or that Suarez and SCI carried out such a scheme in an effort to get Representative Renacci to take any action with respect to the California lawsuits..

15. In fact, the evidence admitted at trial demonstrated the exact opposite: that SCI employees and their families personally made the contributions to Representative Renacci's campaign; and there was no link between Suarez's and SCI's financial support for Representative Renacci and their contacts with Representative Renacci concerning the California lawsuits.

16. Suarez and SCI did contact Representative Renacci concerning the California lawsuits, but they also contacted numerous other elected officials, including, for example, Senator Robert Portman, Governor John Kasich, Secretary of State Jon Husted and other elected officials, to express concerns over the lawsuits filed against them and other Ohio constituents in California.

17. Moreover, Representative Renacci declined to intervene in the California lawsuits. He did not use his office to try to get any such lawsuits dropped.

18. Suarez and SCI were found not guilty (i.e. acquitted) on all charges relating to this alleged scheme to violate campaign finance laws and their alleged attempt to improperly influence Representative Renacci.

**Senator Brown and FSB attack and defame Suarez.**

19. Senator Brown, both personally and through his re-election committee, FSB, seeks to retaliate against Suarez for exercising his free speech rights, motivated by Saurez's history of support for Representative Renacci and his opposition to Senator Brown.

20. Senator Brown, both personally and through his re-election committee, FSB, seeks to smear Suarez, and to connect Suarez to Representative Renacci in an effort to win the 2018 election and retain his Senate seat.

21. Specifically, on or about August 16, 2018, Senator Brown and FSB published or caused to be published a false and defamatory campaign commercial about Suarez. The campaign commercial is presently running on television, including in Stark County, and it is posted on YouTube and on various media websites.

22. Against the backdrop of ominous music, sound effects and unflattering images, the narrator states:

A crooked businessman looking for help. A congressman looking for donations. Jim Renacci used his office to try to get a lawsuit dropped against Ben Suarez. Days later, Suarez sent Renacci \$100,000. Renacci claimed they didn't have a close relationship. But court records now show the two exchanged more than 40 calls surrounding the donations. Jim Renacci. He's always looked out for himself.

23. At the conclusion of the campaign commercial, Senator Brown himself states, "I'm Sherrod Brown, and I approve this message." The bottom of the screen reads, "Approved by Sherrod Brown. Paid for by Friends of Sherrod Brown."

24. Suarez is not a "crooked businessman," Representative Renacci did not use his office to try to get a lawsuit dismissed against Suarez, and Saurez did not send \$100,000 to Representative Renacci. These statements are false.

25. The campaign commercial as a whole falsely accuses Suarez of being a criminal who is guilty of bribing Representative Renacci with \$100,000 to use his office to get a lawsuit

against Suarez dismissed. It states Suarez is guilty of the very charges for which he was found to be innocent. Suarez's friends and business acquaintances have contacted Suarez concerning the campaign commercial's message in that regard.

26. Senator Brown and FSB clearly knew of the criminal trial against Suarez for allegedly trying to improperly influence Representative Renacci in relation to the California lawsuits, and they must have known that Suarez was fully acquitted of those charges.

27. Nonetheless, Senator Brown and FSB knowingly or with reckless disregard for the truth accused Suarez of being guilty of the very crime he was acquitted of, in an effort to retaliate against and smear Suarez.

28. Political speech is at the core of the First Amendment of the United States Constitution. It is the most protected form of speech, guaranteeing citizens the right to speak about political candidates, the political process, and the issues that are important to them.

29. Suarez is a private citizen who proudly exercises his right to free speech as guaranteed and encouraged by the First Amendment.

30. Perhaps society has accepted political candidates attacking the character of their opposing political candidates. Political candidates are seeking positions of trust within our government, and they willingly thrust their character into the public debate.

31. However, it is unacceptable for a political candidate to unlawfully attack a private citizen who has done nothing more than participate in the political debate and exercise his free speech rights guaranteed by the First Amendment.

#### **COUNT I DEFAMATION**

32. Plaintiff incorporates by reference the allegations above.

33. The campaign commercial is defamatory *per se* as it falsely accuses Suarez of criminal conduct and it reflects upon him in such a manner as to cause him to be ridiculed, hated, and held in contempt, and in a manner that has injured him personally and in their business.

34. The campaign commercial is defamatory *per quod*, as it falsely insinuates that Suarez is a criminal who is guilty of attempting to bribe Representative Renacci with \$100,000 to use his office to try to get a lawsuit against Suarez dismissed.

35. The campaign commercial accuses Suarez of being guilty of the very charges for which he was acquitted.

36. Senator Brown and FSB published or caused to be published without privilege the false and defamatory statements with knowledge that they were false, or with reckless disregard of the statements' falsity.

37. Senator Brown and FSB published or caused to be published the statements motivated by hatred, ill will and the spirit of revenge, due to Suarez's history of supporting Representative Renacci and opposition to Senator Brown.

38. Senator Brown and FSB further intended to smear Suarez, and to associate Representative Renacci with Suarez in an effort to gain a political advantage in the election.

39. As a result of Senator Brown and FSB's false and defamatory statements, Suarez has suffered damages including, but not limited to, reputational damage, humiliation, mental anguish and suffering, damage to standing in the community, lost income, expenses to refute the false and defamatory statements, and other general and special damages in excess of \$25,000.

## **COUNT II FALSE LIGHT**

40. Plaintiff incorporates by reference the allegations above.

41. Senator Brown and FSB, by publishing or causing the publication of the campaign commercial, placed Suarez before the public in a false light, namely, by causing the public to believe that Suarez is an unscrupulous businessman who bribed Representative Renacci with \$100,000 to use his office to try to get a lawsuit against Suarez dismissed.

42. The false light cast upon Suarez would be highly offensive to any reasonable person.

43. As a result of Senator Brown and FSB's casting of Suarez in a false light, he has suffered damages including, but not limited to, reputational damage, humiliation, mental anguish and suffering, damage to standing in the community, lost income, expenses to refute the false and defamatory statements, and other general and special damages in excess of \$25,000.

### **COUNT III INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

44. Plaintiff incorporates by reference the allegations above.

45. Senator Brown and FSB, through their false and defamatory campaign commercial, intended to cause emotional distress to Suarez, or knew or should have known that the campaign commercial would result in serious emotional distress to Suarez.

46. Senator Brown and FSB's conduct in attacking a private citizen with a false campaign commercial is so extreme and outrageous as to go beyond all possible bounds of decency and is such that it can be considered as utterly intolerable in a civilized community.

47. The mental anguish suffered by Suarez is serious and of a nature that no reasonable man could be expected to endure it.

48. As a result of Senator Brown and FSB's intentional infliction of emotional distress upon Suarez, he is entitled to compensatory damages in excess of \$25,000.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:



- A. For an award of compensatory damages, including general and special damages, in an amount in excess of \$25,000;
- B. For an award of punitive damages and litigation expenses, including reasonable attorneys' fees;
- C. For pre- and post-judgment interest and court costs; and
- D. For such further relief as the Court deems equitable and just.

Respectfully submitted,

By: \_\_\_\_\_

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Counsel for Plaintiff

**JURY DEMAND**

Plaintiff hereby demands a jury by trial of the maximum number of jurors allowed on all facts and issues so triable in this case pursuant to Civil Rule 38(B).

By: \_\_\_\_\_

Attorney for Plaintiff