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SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

Edward Rawlinson,
Plaintiff;

v.

J & J Arizona, LLC, d/b/a Burger King
Restaurant – (Eloy, Arizona)
Defendant.

CASE NUMBER:

COMPLAINT
(BENCH TRIAL DEMANDED)

INTRODUCTION

1. This is a civil action seeking damages for fraudulent concealment and negligent misrepresentation under Arizona common law, arising from the unlawful actions of Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant. This Court has jurisdiction pursuant to the Arizona Constitution and A.R.S. § 12-123.

PARTIES

2. The Plaintiff, Edward Rawlinson, who is legally "disabled" via physical and psychological injuries and conditions due to a motor vehicle accident since February 3, 2015; is a "qualified individual with a disability," and he was declared "disabled" by the Social Security Administration: Office Of Disability Adjudication And Review in Charlotte, North Carolina on June 22, 2017, and considered "disabled" under sections 216(i) and 223(d) of the Social Security Act since February 3, 2015, resides at 20820 Torrence Chapel Rd, Cornelius, North Carolina 28031.

3. Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant, an Arizona limited liability company doing business as Burger King Restaurant at 5310 N. Sunland Gin Rd, Eloy, Arizona 85131, is subject to suit for fraudulent concealment and fraudulent misrepresentation under Arizona common law. J & J Arizona, LLC, d/b/a Burger King Restaurant, is liable for the actions of its employees, including Marius Olegar and Manuela Hernandez, acting within the scope of their employment, who breached a duty to disclose material facts to law enforcement.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to the Arizona Constitution and A.R.S. § 12-123, as the claims arise under Arizona common law for fraud.

5. Venue is proper in Pinal County Superior Court under A.R.S. § 12-401(4) because a substantial part of the events giving rise to the claims occurred at 5310 N. Sunland Gin Rd, Eloy, Arizona, within Pinal County.

FACTS

6. On or about February 23, 2023, Plaintiff Edward Rawlinson, was a patron at the Burger King Restaurant located at 5310 N. Sunland Gin Rd., Eloy, Arizona, stepped outside the side entrance. Plaintiff, who has physical and psychological disabilities, alleges that upon attempting to reenter the restaurant to retrieve his personal belongings, he was blocked and physically assaulted by Milton Ayers outside the side entrance door, resulting in new and aggravated injuries requiring emergency medical treatment.

7. The unprovoked assault by Milton Ayers on February 23, 2023, caused Plaintiff Edward Rawlinson to sustain multiple new and aggravated physical injuries, necessitating emergency medical treatment.

8. Following the physical assault by Milton Ayers on February 23, 2023, officers from the Eloy Police Department, acting under the authority of the City of Eloy and under color of state law, responded to the scene after a 911 call initiated by Milton Ayers. The call contained alleged misstatements and false accusations, raising the possibility of a premeditated setup. Upon arrival, Eloy Police Department officers made contact with Milton Ayers at the Petro Truck Stop located at 5235 N. Sunland Gin Rd., Eloy, AZ 85131, where Pinal County Sheriff's Office personnel were already engaged in a separate "high-risk" traffic stop and did not witness the initial assault on Plaintiff, Edward Rawlinson

9. On February 23, 2023, Marius Olegar falsely stated to law enforcement that the entire incident occurred inside the restaurant, despite not witnessing the altercation's start outside. Manuela Hernandez misrepresented that the Plaintiff had caused disturbances with patrons in the week prior, stating in the police report, "He was causing some disturbances with other store patrons, but not to the extent of the one which occurred today," without evidence to substantiate these claims.

10. Despite the Plaintiff, Edward Rawlinson's explanation that he was the victim of an unprovoked physical assault by Milton Ayers on February 23, 2023, and his assertion of no aggressive or unlawful conduct, the Eloy Police Department initiated and continued his detention based primarily on statements from Milton Ayers, Burger King Restaurant's employees Marius Oiegar and Manuela Hernandez, and an (Unidentified Witness); who was a Burger King Restaurant's

patron on February 23, 2023 and was only identified as wearing a Phoenix Suns hat and shirt. At the time of the initial detention and throughout its duration, the Eloy Police Department relied on fraudulent and insufficient facts from J & J Arizona, LLC, d/b/a Burger King Restaurant's employees and patrons on February 23, 2023. The officers' reliance on these fraudulent, biased and misleading statements, solidifies the Plaintiff's claims of (Fraudulent Concealment) and (Fraudulent Misrepresentation) on the part of J & J Arizona, LLC, d/b/a Burger King Restaurant.

11. The Eloy Police Department and its arresting officers lacked visual confirmation that the Plaintiff, Edward Rawlinson pulled or pointed his legally owned firearm at Milton Ayers on February 23, 2023. According to the police report, the Plaintiff's firearm was not found on his immediate possession at the time of detention but was found secured safely inside his backpack. The sole claim that the Plaintiff pulled or pointed a firearm came from Milton Ayers a patron at the Burger King Restaurant; the primary complainant, whose statements to 911 dispatch and responding officers were contradictory and false; and were within the scope of (Fraudulent Concealment) and (Fraudulent Misrepresentation), biasly and negligently supported by J & J Arizona, LLC, d/b/a Burger King Restaurant and their employees.

12. As a direct result of the aforementioned circumstances, the Plaintiff was arrested on February 23, 2023 and detained until May 20, 2023, based on the misleading statements from Milton Ayers, the (Unidentified Witness), and J & J Arizona, LLC, d/b/a Burger King Restaurant's employees, despite no visual confirmation that the Plaintiff pulled or pointed his legally owned firearm, which was found secured in his backpack.

13. On August 15, 2023, during a video conference related to the dismissed criminal case (CR202300611), Eloy Police Department's Arresting Officer Samuel Martinez acknowledged to the Plaintiff, Edward Rawlinson that, after reviewing the Burger King Restaurant's surveillance video from February 23, 2023, he could not visually confirm that the Plaintiff pulled or pointed his legally owned firearm at Milton Ayers. Officer Samuel Martinez further noted that the **(interior surveillance video's)** obscured vantage point prevented a clear determination of how the altercation began. He reaffirmed that the probable cause determination for the

Plaintiff's arrest relied primarily on Milton Ayers's allegations, Burger King Restaurant's (employee witness accounts) and statements from the (Unidentified Witness) who was a customer at the Burger King Restaurant at the time of the incident on February 23, 2023. This admission bolsters the Plaintiff's self-defense claim and undermines the basis for probable cause for his detention from February 23, 2023, through May 20, 2023, and supports his claims of (Fraudulent Concealment) and (Fraudulent Misrepresentation) against J & J Arizona, LLC, d/b/a Burger King Restaurant.

14. Plaintiff, Edward Rawlinson alleges that the misleading 911 call by Milton Ayers and the fraudulent actions of the Burger King Restaurant's employees on February 23, 2023, falsely claiming that the incident involved a firearm, led to the Eloy Police Department's erroneous probable cause determination, supporting his claims of (Fraudulent Concealment) and (Fraudulent Misrepresentation) against J & J Arizona, LLC, d/b/a Burger King Restaurant. Furthermore, employees of J & J Arizona, LLC, d/b/a Burger King Restaurant, fraudulently concealed the (exculpatory) exterior surveillance video evidence that would have shown the Plaintiff acting in self-defense outside the restaurant and misrepresented that the incident originated inside the restaurant. These actions alone contributed to the Plaintiff's prolonged detention, resulting in physical injuries, including a facial scar, head injuries, dental injuries, and emotional distress.

15. Following his arrest on February 23, 2023, Plaintiff, Edward Rawlinson was transported by ambulance to the Florence Anthem Hospital Emergency Center for treatment of injuries sustained during the assault by Milton Ayers. He was then taken to the Pinal County Adult Detention Center and booked in under multiple offenses, including carrying a weapon during a felony, aggravated assault, disorderly conduct, assault, and theft. All criminal charges against the Plaintiff were later dropped, and the case was dismissed on September 6, 2023, further indicating the absence of a sufficient legal basis for his initial arrest.

16. While detained at the Pinal County Adult Detention Center, Plaintiff, Edward Rawlinson, due to his documented physical disabilities, stress disorder, and depression-related issues, required specific accommodations, including medical care and dietary adjustments, to address his medical conditions. However, staff members of the Pinal County Sheriff's Office, denied the Plaintiff reasonable

accommodations. Specifically, the Plaintiff was deprived of necessary medication and dietary accommodations for his medical needs due to the Detention Center's staff member(s) refusal to provide requested accommodations, stemming from deficient policies and practices. Additionally, the Plaintiff was denied accessible (Detention Center Housing) for his mobility impairments and communication assistance, such as mental health support, necessary for his psychological well-being, due to the facility's inadequate policies and practices. The Plaintiff asserts none of these injuries and damages would have occurred if not for the (Fraudulent Concealment) and (Fraudulent Misrepresentation) of J & J Arizona, LLC, d/b/a Burger King Restaurant.

17. The unidentified witness, a Burger King Restaurant's patron, provided a false account to law enforcement, approaching from the Burger King Restaurant to the nearby Petro Truck Stop (5235 N. Sunland Gin Rd, Eloy, AZ 85131), where officers were assessing the incident and determining probable cause, further suggesting a coordinated effort with Defendant's employees to mislead law enforcement.

18. Defendant's employees failed to promptly contact 911 despite the Plaintiff's visible serious injuries (bleeding facial scar, head injuries), delaying emergency response and proper investigation. This failure, combined with the concealment of the exterior footage and fraudulent statements, impeded law enforcement's ability to ascertain the truth, leading to the Plaintiff's arrest on February 23, 2023.

18. While detained at the Pinal County Adult Detention Center, on or about April 7, 2023, at 4:27 PM, the Plaintiff, Edward Rawlinson's defense counsel, Brian Bohan, in connection with the dismissed criminal case (CR202300611), requested the "exterior" Burger King Restaurant surveillance video, which the Eloy Police Department should have been able to review on February 23, 2023 to establish probable cause and which depicted the Plaintiff acting in self-defense. Instead, J & J Arizona, LLC, d/b/a Burger King Restaurant's employees fraudulently concealed the (exculpatory) exterior surveillance footage from law enforcement. This failure to disclose the (exculpatory) "exterior" Burger King Restaurant's surveillance video, led to the Plaintiff's wrongful arrest and prolonged the Plaintiff's false imprisonment and exacerbated his unsafe detention conditions, including exposure to inmate threats and denial of medical accommodations, until his release on May

20, 2023, and these damages were a direct result of the ((Fraudulent Concealment) and (Fraudulent Misrepresentation) of J & J Arizona, LLC, d/b/a Burger King Restaurant.

19. J & J Arizona, LLC, d/b/a Burger King Restaurant's fraudulent actions, including the coordinated setup with their patrons and the fraudulent concealment of evidence, caused the Plaintiff significant harm, including physical injuries (facial scar, head injuries, dental damage), emotional distress (exacerbated stress disorder and depression), reputational damage, economic losses (loss of a business contract), and medical expenses.

20. On or about February 23, 2023, following the incident at the Burger King Restaurant located at 5310 N. Sunland Gin Rd., Eloy, Arizona 85131, Defendant J&J Arizona, LLC, d/b/a Burger King Restaurant, through its employees, possessed or had access to critical (exculpatory) exterior surveillance video evidence from the restaurant's exterior video camera, which depicted the Plaintiff, Edward Rawlinson acting in self-defense during the assault by Milton Ayers.

21. On February 23, 2023, employees of J & J Arizona, LLC, d/b/a Burger King Restaurant, including Marius Oiegar, were in a position to provide accurate and complete information to the Eloy Police Department regarding the incident involving Plaintiff, Edward Rawlinson at the Burger King Restaurant located at 5310 N. Sunland Gin Rd., Eloy, Arizona 85131. This included the ability to promptly contact 911 Emergency Services with truthful details about the circumstances of the incident and to provide access to the (exculpatory) surveillance footage from the restaurant's exterior video camera, which showed the Plaintiff acting in self-defense during the assault by Milton Ayers.

22. On February 23, 2023, following the assault on Plaintiff, Edward Rawlinson by Milton Ayers at the Burger King Restaurant located at 5310 N. Sunland Gin Rd., Eloy, Arizona, employees of J & J Arizona, LLC, d/b/a Burger King Restaurant, including Marius Oiegar, provided misleading statements to the Eloy Police Department and withheld (exculpatory) information. Despite a duty to provide accurate information, Marius Oiegar failed to inform officers that he did not witness the start of the altercation, which occurred outside the restaurant, and falsely stated that the entire incident took place inside. Additionally, employee

Manuela Hernandez misrepresented to law enforcement, as noted in the police report, that the Plaintiff had caused disturbances with patrons in the week prior to February 23, 2023, stating, "He was causing some disturbances with other store patrons, but not to the extent of the one which occurred today." These misrepresentations, combined with reliance on statements from an unverified, unidentified witness, misled law enforcement into believing probable cause existed for Plaintiff's detention. Furthermore, Burger King Restaurant's employees failed to disclose that the "exterior" Burger King Restaurant's surveillance video, which depicted the Plaintiff acting in self-defense, would clarify the altercation's origin, contributing to the Plaintiff's prolonged detention and exacerbating his documented stress disorder, depression, and emotional distress. Additionally, the failure of Burger King Restaurant's employees to promptly contact 911 emergency services, despite the Plaintiff's visible serious injuries, including bleeding from a facial scar and head injuries, delayed the police response, constituting (Fraudulent Concealment) and (Fraudulent Misrepresentation) and worsening Plaintiff's physical and psychological harm.

23. As a direct and foreseeable consequence of Burger King Restaurant's (Fraudulent Concealment) and (Fraudulent Misrepresentation) of their employees, including misleading statements by Marius Oiegar and Manuela Hernandez; and failure to disclose the (exculpatory) exterior surveillance footage, the Eloy Police Department's investigation was impeded. This fraud contributed to the Plaintiff's prolonged detention without probable cause, exacerbating his physical injuries, including but not limited to a facial scar and head injuries, and emotional distress, including worsening his stress disorder.

CLAIMS FOR RELIEF:

COUNT ONE

(Fraudulent Concealment)

(Against J & J Arizona, LLC, d/b/a Burger King Restaurant)

24. The Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

25. Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona), its agents, servants, and employees, had a duty to truthfully and accurately cooperate with law enforcement investigations concerning incidents occurring on its property and not to mislead investigators, not to ignore contradictory evidence despite any bias attitudes or conceal material facts from those impacted by events on their premises.

26. Upon information and belief, Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona) its agents, servants, or employees, with the intent to deceive or mislead, actively suppressed, destroyed, or failed to preserve crucial (exculpatory) investigative information - including but not limited to the contents of the 911 call, which highlight Milton Ayers's statement(s) about a (prearranged meeting) with Burger King Restaurant's management, that suggest a possible coordinated setup at the restaurant, and other relevant information regarding the February 23, 2023, incident. Specifically, despite the Plaintiff being clearly injured during the assault by Milton Ayers on their premises, Burger King Restaurant's management and employees failed to timely contact (911 Emergency Services) or otherwise report the assault to law enforcement and appropriate emergency services, thereby delaying proper intervention, emergency medical services and law enforcement investigation. This initial concerning delay, concealed the full scope of the incident from immediate official investigative scrutiny and suggests that J & J Arizona, LLC, d/b/a Burger King Restaurant may be hiding direct involvement in the events of February 23, 2023.

27. Furthermore, Burger King Restaurant's employee, Manuela Hernandez, falsely told the Eloy Police Department—(whose statement was included in the police report)—that the Plaintiff, in the week leading up to February 23, 2023, "was causing some disturbances with other store patrons; but not to the extent of the one which occurred today." This false statement, coupled with the Eloy Police Department's reliance on the (Unidentified Witness) who was also a patron at the Burger King Restaurant at the time of the assault, indicates there was a coordinated effort to mislead law enforcement on February 23, 2023. This also constituted the

(Fraudulent Concealment) of facts, shielded law enforcement's understanding of the true sequence of events and fabricated false "probable cause" for the Plaintiff's arrest, detention and subsequent prosecution. Additionally, when the Burger King Restaurant's management later became aware of the statement(s) of their employees, they failed to contact law enforcement to either provide substantive information to prove the allegations made by their employees or to inform law enforcement that they had no such information or evidence to substantiate these claims and statements, which were used to justify "probable cause" for the Plaintiff's arrest.

28. This (Fraudulent Concealment) directly impacted the integrity of the initial investigation and prosecution, and thereby prevented the Plaintiff, from reasonably discovering the full extent of the circumstances surrounding the incident on J & J Arizona, LLC, d/b/a Burger King Restaurant's premises and its causal link to his injuries and damages, including his false imprisonment, and prolonged criminal proceedings until such time as portions of this concealed evidence became known through the protracted criminal discovery process related to (Criminal Case - CR202300611) or (post-release investigation) after September 6, 2023. This active suppression and misleading conduct, including the false statement by Manuela Hernandez and the withholding of exculpatory evidence by Marius Oiegar, as well as the failure to timely report the assault to (911 Emergency Services) despite the Plaintiff's visible injuries, directly contributed to the Eloy Police Department's erroneous determination of "probable cause" for the Plaintiff's arrest. The (Fraudulent Concealment) allowed law enforcement to primarily rely on biased and misleading statements from Milton Ayers and an "Unidentified Witness" without corroborating video evidence, which directly challenges the notion whether there was sufficient "probable cause" for the arrest and detention of the Plaintiff on February 23, 2023.

29. Specifically, Defendant Burger King Restaurant, through its employees, including Marius Oiegar, provided misleading and incomplete statements to the Eloy Police Department, actively withholding crucial (exculpatory) investigative information. Marius Oiegar failed to inform law enforcement that he did not witness the initial start of the physical attack by Milton Ayers, and that the initial altercation occurred outside the restaurant. In fact, Marius Oiegar falsely represented that the entire incident occurred inside the restaurant.

30. Furthermore, Burger King Restaurant's employees, including Marius Oiegar, neglected to inform the Eloy Police Department that their "exterior" surveillance footage would contain the initial start of the altercation, evidence that would have proven the Plaintiff's innocence regarding the alleged "brandishing" of a firearm and the lack of "probable cause" for his arrest.

i. Emphasized Impact On Probable Cause: This active suppression and misleading conduct directly contributed to the Eloy Police Department's erroneous determination of "probable cause" for the Plaintiff's arrest.

ii. Connected To The "Unidentified Witness" And Milton Ayers's Statements: The (Fraudulent Concealment) allowed law enforcement to primarily rely on biased and misleading statements from Milton Ayers and the "Unidentified Witness" without corroborating video evidence, which directly challenged the existence of sufficient "probable cause" for the arrest.

31. But for the Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona) and their (Fraudulent Concealment) of these material facts and critical evidence, the Plaintiff would have earlier discovered the full basis for his claims against J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona) and/or the full extent of the constitutional violations stemming from the initial incident, thereby tolling the applicable statute of limitations for said claims until such discovery could reasonably be made.

32. (Count One) constitutes a single claim for (Fraudulent Concealment), based on a failure by Defendant Burger King Restaurant to reveal material facts that impacted events on their premises, until such time as [May 20, 2023] when the Plaintiff made bond and criminal discovery disclosed the contents of the 911 call and employee statements previously unknown to the Plaintiff.

33. As a direct and proximate result of Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant's (Fraudulent Concealment) of (exculpatory) evidence, including "exterior" surveillance footage showing the Plaintiff acting in self-defense during the February 23, 2023, incident, the Plaintiff suffered and continues to suffer significant damages. These damages include physical injuries, such as a

facial scar, head injuries, and dental injuries; emotional distress, including exacerbated stress disorder and depression; damage to reputation; economic losses, including loss of a business contract; past and future medical expenses; and punitive damages due to the intentional withholding of (exculpatory) evidence critical to the Plaintiff's defense.

COUNT TWO

(Fraudulent Misrepresentation)

(Against J & J Arizona, LLC, d/b/a Burger King Restaurant – Eloy, Arizona)

34. The Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein and, in the alternative to Count One (Fraudulent Concealment), **the Plaintiff brings this Count Seven for (Fraudulent Misrepresentation)** based on Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant's failure to exercise reasonable care in making representations or omissions to law enforcement regarding the February 23, 2023, incident.

35. **Duty to Avoid Misrepresentation:** At all relevant times, Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona), by and through its agents, servants, and employees, owed a duty to exercise reasonable care in communicating accurate and complete information to law enforcement authorities regarding incidents occurring on its premises. Defendant had a duty not to supply false, incomplete, or misleading information in circumstances where it was foreseeable that law enforcement would rely on such information in making decisions affecting the rights and liberty of individuals, including the Plaintiff, and to:

- i. Truthfully and accurately cooperate with law enforcement investigations concerning incidents occurring on its property;
- ii. Exercise reasonable care in the preservation of all relevant information pertaining to such investigations;

iii. Exercise reasonable care in the full and complete disclosure of information relevant to such investigations;

iv. Exercise reasonable care in promptly and accurately reporting emergency incidents, particularly those involving physical assaults and visible injuries, to emergency services.

36. Breach of Duty – (Fraudulent Misrepresentations) to Law Enforcement:

Upon information and belief, Burger King Restaurant, through its agents and employees, breached this duty by negligently providing incomplete, misleading, or otherwise inaccurate information to the Eloy Police Department during their investigation of the February 23, 2023, incident involving the Plaintiff. These misrepresentations include, but are not limited to:

a. **Employee Witness Misstatement(s):** Allowing or failing to correct the representation that Burger King Restaurant's employee Marius Oiegar witnessed the start of the physical altercation, when in fact the incident had already begun outside the restaurant premises by the time he noticed the incident inside the restaurant.

b. **Surveillance Evidence Misrepresentation or Omission:** Failing to disclose the existence and relevance of "exterior" surveillance footage, which could have shown the actual origin and nature of the physical altercation, including the Plaintiff's lack of wrongdoing and the absence of any firearm brandishing.

c. **Incomplete Statement(s) of Employee Manuela Hernandez:** Neglecting to provide or failing to clarify a vague and ambiguous statement attributed to employee Manuela Hernandez suggesting that the Plaintiff had a history of causing disturbances without context or detail, and failing to disclose the limited and non-threatening nature of prior incidents. Additionally, when the Burger King Restaurant's management later became aware of this statement, they failed to contact law enforcement to either provide substantive information to prove the allegations made by Manuela Hernandez or to inform law enforcement that they had no such information and/or evidence

to substantiate these comments, which were used to justify "probable cause" for the Plaintiff's arrest.

d. 911 Call Context Omitted: Failing to disclose or clarify the circumstances surrounding the (main complainant), Milton Ayers, who also called 911, and claimed he had a "prearranged meeting" with Burger King Restaurant's management, which could suggest the incident was coordinated or orchestrated in a manner relevant to falsely establish "probable cause" against the Plaintiff.

e. Endorsing an Unverified Witness Account: Permitting law enforcement to rely upon a purported "Unidentified Witness" without verifying the individual's identity, credibility, or actual knowledge of the event, despite the significant impact that his statement(s) had on the "probable cause" determination for the Plaintiff's arrest.

f. Failure to Timely Report Assault and Injury to 911: Despite the Plaintiff suffering visible serious injuries, including bleeding from a facial scar and head injuries, during the February 23, 2023, assault by Milton Ayers on Burger King Restaurant's premises, Burger King Restaurant's management and employees negligently failed to promptly contact 911 emergency services or timely report the assault to law enforcement. This failure caused a delay and misdirected law enforcement assets, contributing to the Plaintiff's prolonged detention without "probable cause" and exacerbating his physical and psychological injuries.

37. Reliance and Foreseeability: It was reasonably foreseeable that law enforcement would rely on the information provided by Burger King Restaurant's employees to formulate "probable cause" for arrests, detentions, and prosecutions related to incidents occurring on its premises. Law enforcement did, in fact, rely on these misrepresentations or omissions when arresting and detaining the Plaintiff and pursuing criminal charges against him.

38. Causation and Harm: As a direct and proximate result of Burger King

Restaurant's (Fraudulent Misrepresentations) and omissions, the Plaintiff was subjected to unlawful detention and false imprisonment on February 23, 2023, suffered extended unsafe detention until his bond release on May 20, 2023, and endured ongoing malicious prosecution until charges were dismissed on September 6, 2023. The misrepresentations and omissions materially contributed to the false establishment of "probable cause" and the denial of the Plaintiff's liberty, resulting in significant economic and non-economic damages.

39. Delayed Discovery and Tolling of Statute of Limitations: The Plaintiff could not have reasonably discovered the full extent and significance of Burger King Restaurant's misrepresentations and omissions until information surfaced through post-release investigation and criminal discovery, including interviews and reviews of surveillance evidence and police reports, which began in earnest after the Plaintiff's bond release on May 20, 2023.

Therefore:

- i. Under the discovery rule, the Plaintiff's claim for (Negligent Misrepresentation) did not accrue until after May 20, 2023, when the concealed or misrepresented facts became reasonably knowable to the Plaintiff;
- ii. Conversely, Burger King Restaurant's (Fraudulent Misrepresentation) constitutes grounds for equitable tolling of any applicable statute of limitations, and the Defendant is estopped from asserting a time bar to this claim until the point of the Plaintiff's reasonable discovery.

40. (Count Two) constitutes a single claim for (Fraudulent Misrepresentation), based on the failure of Defendant Burger King Restaurant to truthfully and accurately cooperate with law enforcement investigations concerning incidents occurring on its property, and to exercise reasonable care in the preservation and disclosure of information relevant to such investigations.

41. **Damages:** As a direct and proximate result of Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant's (Fraudulent Misrepresentation) to law enforcement regarding the February 23, 2023, incident, the Plaintiff has suffered and continues to suffer significant damages, including but not limited to physical injuries such as a facial scar, head injuries, and dental injuries; emotional distress, including exacerbated stress disorder and depression; damage to reputation; economic losses, including the loss of a business contract; and past and future medical expenses.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for judgment against Defendant as follows:

42. **Compensatory Damages:** An award of \$225,000.00 (Two Hundred Twenty-Five Thousand Dollars And Zero Cents) in compensatory damages at trial, for emotional distress, physical pain and suffering, loss of liberty, reputational harm, and economic damages - (financial losses) stemming from the Plaintiff's lost earnings, including but not limited to the diminished value and lost earning capacity of the Plaintiff's professional opportunities, and the reduced value of personal income-generating assets.

43. **Punitive Damages:** An award of punitive damages in an amount to be determined by court, as permitted by law, for the willful, malicious, or reckless conduct of the Defendant.

44. **Costs and Attorney Fees;**

45. **Further Relief:** For such other and further relief as the Court deems just and proper.

DEMAND FOR BENCH TRIAL

WHEREFORE, Plaintiff waives the right to a trial by jury and requests the Court to hear and decide all issues of fact and law against the Defendant for compensatory damages, punitive damages, and court costs.

Dated: 12/05/2025

Respectfully submitted,

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