

**EDWARD RAWLINSON
(PRO SE) PLAINTIFF**

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**IN THE SUPERIOR COURT OF THE STATE 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: CV202600961
(S1100CV202600961)**

**COMPLAINT
(JURY TRIAL DEMANDED)**

INTRODUCTION

1. This is a civil action seeking damages for (Fraudulent Concealment) and (Fraudulent Misrepresentation) under Arizona common law, arising from the unlawful actions of Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant - (Eloy, Arizona). This Court has jurisdiction pursuant to the Arizona Constitution and A.R.S. § 12-123. Plaintiff alleges damages in excess of \$300,000.00, qualifying this action as a Tier 3 case under Rule 26.2(c)(3) due to

complexity, multiple witnesses, electronic evidence, third-party involvement, and substantial non-economic harms.

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 - (Eloy, Arizona), 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 Oiegar and Manuela Hernandez, acting within the scope of their employment, who breached a duty to disclose material facts to law enforcement. Plaintiff asserts that a "Special Relationship Doctrine" existed between himself and the Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant under Arizona common law, as recognized in *Gipson v. Kasey*, 214 Ariz. 141 (2007), and *Quiroz v. ALCOA Inc.*, 243 Ariz. 560 (2018), because Plaintiff was a known, regular patron who had been eating at the restaurant frequently for several weeks prior to February 23, 2023, as acknowledged by Defendant's employee Manuela Hernandez in the police report — **(He was causing some disturbances with other store patrons, but not to the extent of the one which occurred today)**. This acknowledgment demonstrates Defendant's actual knowledge of and familiarity with Plaintiff as a repeat customer, elevating the otherwise arm's-length patron relationship to one implying trust and reliance, akin to common law special relationships such as tavern owner-patron or landowner-invitee (*Quiroz*, 243 Ariz. at 829). Burger King Restaurant's employee Manuela Hernandez provided no substantive proof to support the statement used in the Eloy Police Department's police report. This unsubstantiated claim constituted a partial disclosure that misled law enforcement by implying a pattern of disruptive

behavior attributable to Plaintiff (potentially linked to his disabilities), without any evidence to support it, thereby triggering a duty to correct or disclose the lack of basis under the "Special Facts Doctrine" and "Partial Disclosure Rule" (Restatement (Second) of Torts § 551(2)(b) (1977), adopted in Arizona; Wells Fargo Bank v. Arizona Laborers, 201 Ariz. 474, 498 (2002) (fraudulent concealment actionable where partial misleading statement creates duty to disclose full facts). Furthermore, under the "Special Facts Doctrine," Defendant had a duty to disclose essential facts within its superior knowledge—such as the (exculpatory) exterior surveillance video showing the altercation's outdoor origin and Plaintiff's self-defense, and the full context (or absence) of prior disturbances—rendering nondisclosure inherently unfair given Plaintiff's reasonable reliance on Defendant as a safe business invitee. Lerner v. DMB Realty, LLC, 234 Ariz. 397 (App. 2014). Furthermore, this duty is heightened by public policy derived from statutes, including Title III of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12181 et seq., which reflects a non-discrimination mandate for public accommodations toward qualified individuals with disabilities such as Plaintiff (declared disabled under the Social Security Act since February 3, 2015), and the Arizona Consumer Fraud Act (CFA), A.R.S. § 44-1521 et seq., which prohibits deceptive practices that harm consumers. Gipson v. Kasey, 214 Ariz. 141, 145 (2007) (public policy from statutes creates duties); Alhambra Sch. Dist. v. Superior Court, 165 Ariz. 38, 42 (1990) (statutes establish relationships giving rise to duties). Combined, these factors created a heightened duty of care and good faith dealing toward Plaintiff, including a duty not to mislead law enforcement through biased, incomplete, or fraudulent statements and omissions that solidified an erroneous probable cause determination, resulting in foreseeable non-economic harm such as wrongful arrest, prolonged detention, and exacerbated physical and psychological injuries.

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. The 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 reaggrieved 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 reaggrieved 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's officer(s) 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 Oiegar 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. Furthermore, Burger King Restaurant employee Manuela Hernandez provided no substantive proof of this statement, which was used in the Eloy Police Department report. This unsubstantiated and unsupported assertion constituted a partial disclosure that was misleading and false in implication, as it suggested a pattern of disruptive behavior by Plaintiff without any corroborating evidence, documentation, incident reports, witness statements, or other basis, thereby breaching any duty to disclose the absence of proof or to correct the misleading impression created (Restatement (Second) of Torts § 551(2)(b) (1977), adopted in

Arizona; Wells Fargo Bank v. Arizona Laborers, 201 Ariz. 474, 498 (2002) (partial misleading statement triggers duty to disclose full facts or to correct). Such misrepresentation directly contributed to the Eloy Police Department's reliance on incomplete and biased information in determining probable cause, as later acknowledged by Officer Samuel Martinez (see ¶13), and supports Plaintiff's claims of fraudulent misrepresentation and concealment against J & J Arizona, LLC, d/b/a Burger King Restaurant.

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 Plaintiff, Edward Rawlinson's initial detention on February 23, 2023, and throughout its duration, the Eloy Police Department relied on fraudulent and insufficient facts from employees and patrons of J & J Arizona, LLC, d/b/a Burger King Restaurant. 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), biasedly and negligently supported by J & J Arizona, LLC, d/b/a Burger King Restaurant and its 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. Additionally, in the 911 call initiated by Milton Ayers, Ayers explicitly referenced having a "meeting" with Burger King Restaurant's management prior to his arrival at the restaurant on

February 23, 2023. This statement raises a reasonable inference of premeditation and possible coordination between Milton Ayers and Defendant's management or employees, suggesting that the events leading to the assault and subsequent misrepresentations may have involved premeditated deception and fraud. Discovery is necessary to fully investigate and determine whether any such improper relationship, prior communications, or coordinated plan existed between Milton Ayers and Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant, including but not limited to review of communications records, employee depositions, and internal documents that could establish the extent of any collusion or intent to mislead law enforcement.

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, Edward Rawlinson 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 and patrons 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. Additionally, the interior and exterior surveillance videos clearly depict a pregnant female manager of the Burger King Restaurant who possessed relevant knowledge and facts about the altercation. After the assault occurred outside, then continued inside the restaurant, this manager was observed engaging in a conversation with Milton Ayers outside the premises while the Plaintiff peacefully left the scene. Explicitly and contrary to ordinary business norms and the duty of reasonable care owed to an injured patron, the pregnant manager failed to call 911 or summon emergency medical assistance despite the Plaintiff's obvious and serious visible injuries requiring immediate treatment. Furthermore, she left the restaurant premises shortly before law enforcement arrived to investigate and collect evidence at the Burger King Restaurant's location. Her deliberate absence at the critical time of the police response further exacerbated the circumstances that led to the Plaintiff's wrongful arrest, as it prevented officers from obtaining timely, direct, and complete information from a key witness and manager who had observed events both inside and outside the restaurant.

19. 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. However, this request was complicated by J & J Arizona, LLC, d/b/a Burger King Restaurant's employees fraudulently concealing the (exculpatory) exterior

surveillance footage from law enforcement on February 23, 2023. 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.

20. 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.

21. 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. The video depicted Plaintiff Edward Rawlinson acting in self-defense during the assault by Milton Ayers and J & J Arizona, LLC, d/b/a Burger King Restaurant's action(s) were within the scope of fraud through the concealment of facts and/or misrepresentation of information to mislead law enforcement during their investigation.

22. 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.

23. 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 J & J Arizona, LLC, d/b/a 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 worsened the Plaintiff's physical and psychological harm.

24. As a direct and foreseeable consequence of J & J Arizona, LLC, d/b/a 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.

SPECIAL RELATIONSHIP DOCTRINE

(Facts Establish Expanded Duty For Defendant Beyond Physical Safety)

{Including Statutory Duties Under CFA And ADA Not To Discriminate}

[Not To Mislead Law Enforcement/Authorities In A Way That Harms The Plaintiff]

25. In this Arizona common law fraud case involving fraudulent concealment and misrepresentation, the facts described—drawn from the 911 audio, exterior surveillance video, and the sequence of events—demonstrate a coordinated effort by J & J Arizona, LLC, d/b/a Burger King Restaurant's employees and management to deceive law enforcement, which goes far beyond the standard premises liability duty of physical safety owed to patrons. These actions create a broader statutory duty under the Arizona Consumer Fraud Act (CFA, A.R.S. § 44-1521 et seq.) not to engage in deceptive practices or concealment in connection with consumer services, as well as under Title III of the Americans with Disabilities Act (ADA) — not to discriminate against a disabled patron like Plaintiff, Edward Rawlinson, a qualified individual with disabilities under SSDI. This expansion is warranted because the evidence suggests intentional malice and a setup, transforming the restaurant's role from a neutral business to an active participant in harming Plaintiff, Edward Rawlinson through misleading authorities, thereby breaching duties tied to public policy and consumer protection.

a. Baseline Premises Liability Duty And Its Limitations

i. Under Arizona law, as a business invitee (a patron like Edward Rawlinson who was on the premises to purchase food), the restaurant (J & J Arizona, LLC d/b/a Burger King Restaurant) owes a duty of reasonable care to maintain physical safety and protect from foreseeable harms. This "special relationship" in negligence contexts requires the business to address dangers on the property, such as preventing assaults or ensuring safe conditions. However, this duty is traditionally limited to physical hazards and does not automatically extend to post-incident obligations like full disclosure to authorities or preventing misleading statements that lead to non-physical harms (e.g., wrongful arrest and detention).

ii. The facts here, however, show the restaurant's involvement transcended passive negligence. The exterior surveillance video captures Marius Oiegar exiting his vehicle precisely as Milton Ayers arrives and parks illegally in a handicap spot—timing that suggests premeditation or coordination, especially since Marius Oiegar witnessed the illegal parking but did nothing. Milton Ayers's 911 statement about having a "meeting" with Burger King Restaurant's management prior to arriving further implies the restaurant was

complicit in a setup. After the assault, no employees or the manager called 911 despite the Plaintiff's obvious serious injuries (requiring emergency hospital treatment), breaching even the most basic duty of care for an injured invitee. Finally, the exterior surveillance video shows the manager conversing with Milton Ayers outside post-assault—possibly advising him on next steps—before avoiding law enforcement who arrived minutes later. This sequence indicates active concealment of pertinent facts (e.g., the true origin of the incident outside, Milton Ayers's illegal parking as potential motive, and exculpatory video details), which harmed the Plaintiff by leading to his arrest based on incomplete information.

iii. These actions elevate the case beyond physical safety, as Arizona courts have recognized that premises liability can intersect with intentional torts when a business's conduct creates or exacerbates harm. The failure to call 911 for an injured patron alone could support negligence, but the deceptive post-assault behavior suggests fraud, necessitating an expanded duty.

b. Statutory Duty Under The Arizona Consumer Fraud Act (CFA) Not To Deceive Or Conceal

i. The CFA imposes a broad statutory duty on businesses like the J & J Arizona, LLC, d/b/a Burger King Restaurant—a public accommodation providing consumer services (e.g., food sales)—to avoid "any deception, deceptive or unfair act or practice, fraud, false pretense, false promise, misrepresentation, or concealment" in connection with the sale of merchandise or services. This duty is not limited to advertising or sales but extends to deceptive practices that mislead consumers or third parties (like police) in ways that harm the consumer transaction. Arizona interprets the CFA broadly to protect consumers from unfair harm, even if not intentional, and allows private actions for damages.

ii. Here, the restaurant's deception—misrepresenting the incident's start inside (per employee statements), concealing exterior video evidence of the setup and Milton Ayers's actions, and the manager's avoidance of police—occurred "in connection with" Edward Rawlinson's patronage. As a regular patron (noted in the police report), the incident arose from his

consumer relationship with the business. The setup inference — Milton Ayers's meeting, timed arrival, illegal parking witnessed by Marius Oiegar and post-assault concealment (manager advising Milton Ayers - then evading police) misled authorities, leading to Edward Rawlinson's wrongful detention and injuries. This violates the CFA's prohibition on concealment of material facts, thereby creating a statutory duty independent of common law "special relationships." Courts have applied the CFA to business practices causing consumer harm beyond physical injury, such as deceptive handling of incidents. Thus, the duty expands to not misleading authorities in ways that directly harm a patron, as this deception undermined the fair provision of services.

c. Statutory Duty Under The ADA Title III Not To Discriminate Against A Disabled Patron

i. As a place of public accommodation under ADA Title III, Burger King Restaurant must not discriminate on the basis of disability in providing equal access and services. Edward Rawlinson, with SSDI-recognized physical and psychological disabilities, is protected; discrimination includes actions that deny benefits or subject him to unequal treatment. While Title III focuses on access, it prohibits practices that effectively discriminate, even indirectly.

ii. The facts suggest disability-based bias: Employees noted prior "disturbances" (possibly linked to Edward Rawlinson's medical conditions), yet facilitated a setup against him. Management and employees failed to call 911 for his injuries, concealing exculpatory evidence, and misleading police (leading to detention without accommodations) disproportionately harmed him as a disabled individual, violating the ADA's duty. This creates a statutory obligation not to mislead authorities in ways that exacerbate disability-related vulnerabilities, expanding beyond physical safety.

d. The Facts Demonstrate Malice And Harm, Defeating Defenses And Justifying Duty Expansion

i. These actions show malice (knowing falsity or recklessness), defeating qualified privilege for police reports. The setup (timed arrival, illegal parking, pre-meeting) and concealment (no 911 call — manager's advice to Milton

Ayers then evasion) — intentionally deceived police, causing Edward Rawlinson's arrest, injuries, and detention harms. Arizona public policy favors protecting consumers and disabled individuals from such fraud, justifying the expanded duties.

ii. In summation, the evidence the Plaintiff plans to submit during the discovery phase transforms the restaurant's duty from mere physical safety to statutory prohibitions on deception and discrimination, rendering the Defendant liable for fraudulently misleading authorities in a manner that harmed the Plaintiff.

CLAIMS FOR RELIEF:

COUNT ONE

(Fraudulent Concealment)

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

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

27. Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant – (Eloy, Arizona), its agents, servants, and employees including Marius Oiegar and Manuela Hernandez, fraudulently concealed material facts from law enforcement and Plaintiff, including but not limited to: (a) the (exculpatory) exterior surveillance video showing the altercation occurred outside the restaurant and Plaintiff acted in self-defense; (b) the full context or absence of evidence supporting prior "disturbances" by Plaintiff; and (c) the lack of any substantive proof for Manuela Hernandez's statement in the police report that, the Plaintiff, Edward Rawlinson had caused disturbances with patrons in the week prior (see ¶9, where Manuela Hernandez provided no substantive proof, incident reports, witness statements, or other evidence to substantiate her claim, rendering it a misleading partial disclosure).

28. Defendant had a duty to disclose these material facts under Arizona common law, arising from the special relationship with Plaintiff as a known, regular patron (¶3), the "Special Facts Doctrine" (superior/exclusive knowledge of video and incident details), and the "Partial Disclosure Rule" where misleading

partial statements trigger a duty to correct or disclose fully; Restatement (Second) of Torts § 551(2)(b); Wells Fargo Bank v. Arizona Laborers, 201 Ariz. 474, 498 (2002).

29. Defendant intentionally concealed or suppressed these facts with knowledge of their materiality and falsity (or reckless disregard), intending that law enforcement and others rely on the incomplete/misleading narrative to establish probable cause against Plaintiff.

30. 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.

31. 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, after becoming aware of their employees' statements, the Burger King Restaurant's management failed to contact law enforcement to either substantiate the allegations with evidence or to disclose the lack thereof—statements used to justify "probable cause" for the Plaintiff's arrest.

32. 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 June 1, 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.

33. 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.

34. Furthermore, J & J Arizona, LLC, d/b/a 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.

35. 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.

36. **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 concealment 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 (Fraudulent Concealment) 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 Concealment) 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.

37. (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, failure to reveal (exculpatory) surveillance evidence and employee statements previously unknown to the Plaintiff.

38. 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, law enforcement relied on the misleading and insufficient information (including the unsubstantiated statement in ¶9), leading to Plaintiff's erroneous arrest, detention from February 23, 2023, to May 20, 2023, and 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 past professional contracts and damage to present professional contracts; past and future medical expenses; and punitive damages due to the intentional withholding of (exculpatory) evidence critical to the Plaintiff's defense.

39. Defendant's conduct was willful and malicious, justifying punitive damages.

COUNT TWO

(Fraudulent Misrepresentation)

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

40. 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 Two 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.

41. Defendant, through its employees including Marius Oiegar and Manuela Hernandez, made fraudulent misrepresentations to law enforcement, including but not limited to: (a) Marius Oiegar's false statement that the entire incident occurred inside the restaurant (§9); and (b) Manuela Hernandez's misrepresentation that Plaintiff had caused disturbances with patrons in the week prior, as stated in the police report — **(He was causing some disturbances with other store patrons, but not to the extent of the one which occurred today)** — (§9), where Manuela Hernandez provided no substantive proof to this statement that was used in the Eloy Police Department's police report—no incident reports, witness statements, documentation, or other evidence existed to support it, rendering the statement false, misleading, and material.

42. These representations were false and fraudulent, influencing probable cause and portraying Plaintiff as the aggressor. They were made with knowledge of their falsity or reckless disregard and with intent that law enforcement rely on them to detain or arrest Plaintiff.

43. Plaintiff was ignorant of the falsity at the time, and law enforcement (as the foreseeable recipient) justifiably relied on the misrepresentations, leading to Plaintiff's wrongful arrest and detention (§10–13, Officer Samuel Martinez admission in §13 confirming reliance on these statements/video concealment).

44. **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.

45. 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.

46. **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.

47. 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.

48. 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 (Fraudulent 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.

49. (Count Two) constitutes a single claim for (Fraudulent Misrepresentation), based on the failure of Defendant J & J Arizona, LLC, d/b/a Burger King

Restaurant to truthfully and accurately cooperate with law enforcement investigations concerning incidents occurring on its property, misrepresentations involving investigations of surveillance evidence and failure to exercise reasonable care in the preservation and disclosure of information relevant to such investigations.

50. **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 past professional contracts and damage to present professional contracts; and past and future medical expenses.

51. Defendant's conduct was willful and malicious, justifying punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Edward Rawlinson respectfully prays for the following relief against Defendant J & J Arizona, LLC, d/b/a Burger King Restaurant:

52. **Compensatory Damages:** An award of "Compensatory Damages" in an amount to be proven at trial, but not less than \$300,000.00 and that will exceed \$300,000.00, qualifying this case as a "Tier 3" action under Rule 26.2(c)(3) due to; physical injuries (including but not limited to a permanent facial scar, head injuries, dental damage, and reaggrieved disabilities), emotional distress—(exacerbated stress disorder and depression), 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 associated with his self-owned business asset: "Southside Recordz ~ (THE CONGLOMERATE)" — {including but not limited to loss of past professional contracts and damage to present professional contracts}, past and future medical expenses, and the reduced value of personal income-generating assets, and other non-economic damages resulting from the wrongful arrest, prolonged detention, and denial of

accommodations;

53. **Punitive Damages:** An award of punitive damages in an amount to be determined at trial, as permitted by law, to punish Defendant's willful, malicious, and reckless fraudulent conduct and to deter similar actions;

54. **Costs of suit, including filing fees, service of process, and any other recoverable costs under Arizona Rules of Civil Procedure Rule 54;** and

55. **Further Relief:** Such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable pursuant to Arizona Rules of Civil Procedure Rule 38 and the Arizona Constitution, Article 2, § 23. Plaintiff requests that this matter be set for jury trial at the earliest available date.

RESPECTFULLY SUBMITTED this 5th day of March, 2026.

By 

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