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11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 * * *

14 AARON MANFREDI)
15 Plaintiff,)
16 v.)
17 THOMAS FOUGERE)
18 Defendant)

19 CASE NO.: A-18-777957-C

20 DEPT. NO.: Department 20

21 **COMPLAINT**

22 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

23 Plaintiff AARON MANFREDI, by and through his attorney, Mitchell Posin,
24 Esq. of the Law Offices of Mitchell Posin, Chtd, for his causes of action against the
25 Defendants, and each of them, hereby alleges as follows:

26 1. Plaintiff at all times herein mentioned was a resident of Las Vegas, Clark
27 County Nevada.

28 2. Upon information and belief, Defendant, THOMAS FOUGERE is a
resident of Las Vegas, Clark County Nevada.

FIRST CAUSE OF ACTION:

DEFAMATION

3. Plaintiff hereby re-alleges and incorporates by reference all the facts and
allegations contained in paragraphs one and two above.

1 4. Plaintiff alleges that Defendant defamed him in that Defendant did publish,
2 without privilege, defamatory statements regarding him, as more fully laid out in
3 Exhibit A, attached hereto, to a third party without the consent or knowledge of
4 Plaintiff; that there existed fault amounting at least to negligence on the part of the
5 publisher; and that the statements were actionable irrespective of special harm, or
6 alternatively that there existed special harm caused by the publication.

7 5. Plaintiff alleges that the statements were defamatory in that they would tend
8 to lower the subject in the estimation of the community, excite derogatory opinions
9 about the subject, and hold the subject up to contempt.

10 6. Defendant is guilty of defamation because (1) the statements contain one
11 or more "false statements of fact," see Pegasus v. Reno Newspapers, Inc., 118 Nev.
12 706, 714, 57 P.3d 82, 87 (2002), including but not limited to the claim that Plaintiff
13 "*Paid Himself \$65 Per Hour For "Volunteer Work" From Contributions;*" (2)
14 Defendant made an unprivileged publication to a third person by placing the false and
15 defamatory information on his website; (3) Defendant was at fault, amounting to at
16 least negligence in that he knew or should have known that the information was false;
17 and (4) there exist actual or presumed damages because the defamatory
18 communication imputes Plaintiff's lack of fitness for trade, business, or profession,
19 and tends to injure him in his business, and is therefore deemed defamation per se,
20 and damages are presumed. Clark County School Dist. v. Virtual Education Software,
21 Inc., 213 P.3d 496 (Nev. 08/06/2009).

22 SECOND CAUSE OF ACTION:

23 WILLFUL TRANSMISSION OF LIBELOUS INFORMATION

24 7. Plaintiff hereby re-alleges and incorporates by reference all the facts and
25 allegations contained in paragraphs one through eight above.

26 8. Plaintiff alleges that Defendant did willfully state, deliver or transmit by
27 any means whatever to any manager, editor, publisher, reporter or other employee
28 of a publisher of any newspaper, magazine, publication, periodical or serial any

1 statement concerning any person or corporation which, if published therein, would
2 be a libel, in violation of NRS 200.550, to wit by placing the defamatory
3 information on his website during an election contest between Defendant and
4 Plaintiff.

5 WHEREFORE, Plaintiff expressly reserving the right to amend this
6 complaint at the time of trial of the actions herein to include all items of damages
7 not yet ascertained, hereby pray for damages against Defendants, and each of them
8 as follows:

- 9 1.For general damages and special damages in an amount in excess of
10 \$10,000;
- 11 2.For punitive damages in accordance with proof at the time of trial;
- 12 3.For costs of suit herein incurred including reasonable attorneys' fees;
- 13 4.Prejudgement interest at the legal rate; and
- 14 5.For further relief as may appear just to the Court.

15
16 DATED this 16 day of July, 2018.

17 Respectfully submitted,
18 Law Offices of Mitchell Posin, Chtd.

19 By: /s/ Mitchell Posin
20 MITCHELL L. POSIN, ESQ.
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22 410 S Rampart Blvd., Suite 390
23 Las Vegas, Nevada 89145
24 Attorneys for Plaintiffs
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Exhibit A

1 Question: Can Public Administrator Candidate Aaron Manfredi Be Considered A "Volunteer"
2 While He Paid Himself \$65 Per Hour For "Volunteer Work" From Contributions?

3 While the non-profit experience that Aaron Manfredi claims is certainly commendable, it is
4 important to understand that a non-profit corporation is still a business -- which enjoys special
5 tax-exempt status. While Mr. Manfredi touts his "volunteer" work, an individual that operates a
6 non-profit corporation is not necessarily a "volunteer", which is defined by Dictionary.com as "a
7 person who performs a service willingly and without pay."

8 The business name of the non-profit on which Mr. Manfredi serves as Executive Director is The
9 Achievement Academy, Inc. It is registered as a 501(c)(3) tax-exempt non-profit corporation. In
10 order to comply with Federal regulations that apply to such organizations, annual tax filings are
11 required to be open for public inspection.

12 The website Propublica.org makes such filings for all non-profit corporations easy to access via
13 its Nonprofit Explorer to research tax exempt organizations. As a result, The Achievement
14 Academy Inc's annual filings from 2008 to the most recently available filing of 2016 can be
15 accessed here:

16 <https://projects.propublica.org/nonprofits/organizations/392058202>

17 Regarding Manfredi's "volunteer" work, you will see in the most recently available filing for his
18 non-profit (available here):

19 [https://projects.propublica.org/nonprofits/organizations/392058202/201741089349200619/IRS99
20 0EZ](https://projects.propublica.org/nonprofits/organizations/392058202/201741089349200619/IRS990EZ)

21 that he paid himself a salary of \$23,700 from contributions for the fiscal year ending August
22 2016 while declaring that he devoted only 7 hours per week to this organization. On an
23 annualized basis that works out to \$65/hour -- not bad for "volunteer" work!! It's especially
24 amazing when you consider that this organization LOST \$4,636 for the year. In fact, it looks as if
25 this organization lost money every year since he assumed his position as Executive Director. If
26 you look at earlier filings by The Achievement Academy Inc, you will see that Manfredi's
27 predecessor Barbara Lauver declared that she devoted 40 hours a week to the non-profit while
28 declaring that she received no compensation -- maybe Manfredi should consider doing the same.
If he had actually volunteered his 7 hours a week without compensation, rather than LOSING
\$4,636 for the year, the organization could have MADE \$19,064. That difference could have
gone a long way to help the people that The Achievement Academy Inc purportedly supports.
This is especially disappointing when you consider that all of The Achievement Academy Inc's
revenue came from contributions.