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10 DEBORAH JOHNS

FILED  
Superior Court Of California,  
Sacramento  
05/10/2011  
amacias  
By \_\_\_\_\_, Deputy  
Case Number:  
34-2011-00103287

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SACRAMENTO  
13 UNLIMITED JURISIDICITION

Department  
Assignments  
Case Management 36  
Law and Motion 53  
Minors Compromise 24

14 DEBORAH JOHNS, an individual,

15 Plaintiff,

16 vs.

17 OUR COUNTRY DESERVES BETTER,  
18 PAC; MARK WILLIAMS, an individual;  
19 JOE WIERZBICKI, an individual; AMY  
20 KREMER, an individual; and DOES 1-  
21 10, inclusive,

22 Defendants.

Case No.:

COMPLAINT FOR DAMAGES FOR  
WRONGFUL TERMINATION OF  
EMPLOYMENT; CAL. GOV'T CODE  
VIOLATIONS; LABOR CODE  
VIOLATIONS; OTHER  
EMPLOYMENT-RELATED CLAIMS;  
DEFAMATION; CIVIL CODE  
VIOLATIONS

DEMAND FOR JURY TRIAL

BY FAX

23 Plaintiff DEBORAH JOHNS hereby submits her Complaint as follows:

24 PARTIES AND JURISDICTION

25 1. Plaintiff Deborah Johns ("Ms. Johns") at all times material hereto,  
26 resided in Roseville, California. At the pertinent times herein, Ms. Johns was  
27 employed by Defendant "Our Country Deserves Better" ("Our Country") in  
28 Sacramento, California.

2. Our Country is a political action committee that was formed in 2008 to  
oppose the election of then-presidential candidate, Barack Obama. Based in

1 Sacramento, California, Our Country is considered one of the largest conservative  
2 political action committees in the United States that prides itself on advocating the  
3 lowering of taxes, opposing bailouts, strong national defense, secure borders, and a  
4 sound energy policy.

5 3. Much of the capital funding of Our Country stems from Russo Marsh &  
6 Rogers ("Russo"), a Sacramento-based GOP consulting and public relations firm. In  
7 turn, Our Country has in some years, directed most of its funding back to Russo.

8 4. Russo also owns the organization Move America Forward ("Move  
9 America"), another conservative non-profit organization and political action committee  
10 that was formed in 2004 consisting primarily of pro-war California Republican  
11 activists, talk show hosts and staff members of Russo. Upon information and belief,  
12 Move America is also located in Sacramento, California.

13 5. Joe Wierzbicki ("Mr. Wierzbicki") is a principal of the firm Russo Marsh  
14 & Rogers. He is also the coordinator of the political action committee of Our Country  
15 and has associations with Move America Forward. He acted as the boss to both Ms.  
16 Johns and Mark Williams (Mr. Williams").

17 6. Mr. Williams worked for Our Country from approximately the summer of  
18 2008 until approximately March 2011. Like Ms. Johns, his job description included  
19 fundraising and attending speaking engagements on behalf of Our Country.

20 7. The Tea Party Express was launched in January 2009 as a project of the  
21 PAC, Our Country.

22 8. Ms. Johns is ignorant of the true names and capacities of Defendants  
23 sued herein as "Doe 1 through 10, inclusive" and, therefore, sues these Defendants by  
24 such fictitious names. Ms. Johns will amend this Complaint to allege their true  
25 names and capacities when ascertained. Ms. Johns is informed and believes, and on  
26 the basis of such information and belief alleges, that each of the fictitiously named  
27 Defendants is responsible in some manner for some or all of the occurrences alleged in  
28 this Complaint and that Ms. Johns' damages as herein alleged were proximately

1 caused by such Defendants.

2 **FACTS COMMON TO ALL CAUSES OF ACTION**

3 9. Ms. Johns joined the organization Move America in August 2004 and  
4 completed five national bus tours through the organization to support the troops  
5 during the Iraq War and to support President Bush with his re-election bid against  
6 John Kerry.

7 10. In July 2008, Ms. Johns was asked to assist in the launching of Our  
8 Country, a Sacramento-based political action committee ("PAC"), by members of Move  
9 America. The purpose of this PAC was to assist John McCain and Sarah Palin to get  
10 elected. In large part, Ms. Johns was recognized for her ability to speak publicly; raise  
11 money; and generate a following by the media, every day citizens, veterans, and family  
12 members who had turned out for the bus tours orchestrated by Move America.

13 11. In January 2009, Ms. Johns began to earn \$1500/ month for working one  
14 day a week for Our Country. She was hired to be the Vice Chairperson of Our  
15 Country. Again, it was recognized that she had a large public following whose support  
16 she was able to rally. With Ms. Johns at the forefront, Our Country received name  
17 recognition. Her duties included sending out thank you notes and fundraising e-mails;  
18 and appearing on television, radio, speaking engagements across the country, and  
19 commercials. Her boss, Mr. Wierzbicki, promised to pay Ms. Johns 5% of the  
20 fundraising proceeds as a part of her compensation once \$1500/month had been raised.

21 12. Early in 2009, the Tea Party Movement was born. Ms. Johns and Mr.  
22 Wierzbicki attended a Sacramento Tea Party event on April 15, 2009. Ms. Johns  
23 spoke at this event and brainstormed with Mr. Wierzbicki thereafter about further  
24 fundraising efforts and plans.

25 13. After April 15, 2009, Ms. Johns began working for Our Country two to  
26 three days a week. Her salary increased to \$2500/month, but her job duties remained  
27 essentially the same. She understood that she would continue to get 5% of all  
28 fundraising proceeds.

1           14. Ms. Johns continued to send out fundraising e-mails, answer all e-mails,  
2 and make appearance live and on the air. Letters with Ms. Johns' name on it  
3 generated income. By contrast, letters, e-mails, and solicitations sent and signed  
4 solely by Mr. Williams, who was also working on raising money for the PAC,  
5 generated nearly nothing. Mr. Wierzbicki would often comment to Ms. Johns that  
6 people were drawn to her.

7           15. Our Country started a "project" known as the Tea Party Express  
8 sometime around May 2009. This was the first of approximately four such projects  
9 (named Tea Party Express I- IV).

10           16. By June 2009, Ms. Johns began working in the office full-time, earning  
11 \$4500/month. Ms. Johns was earning much less than she would normally have made  
12 working in the financial services industry; however, she put her other career on hold  
13 to dedicate all her time and energy to the Tea Party Express project, with the hopes  
14 that she would be fairly compensated by receiving 5% of the fundraising proceeds,  
15 which was still a part of her agreement with Our Country and the Tea Party Express.  
16 At that time, the Tea Party Express decided to launch its first national bus tour.

17           17. In or around June 2009, Ms. Johns played a key role in planning a  
18 fundraising dinner at Chops, a restaurant. Most of the guests who attended had  
19 responded to invitations that Ms. Johns sent out. The invitations were signed by both  
20 Ms. Johns and Mr. Williams, but 90% of the attendees came in response to personal  
21 telephone calls Ms. Johns made in follow-up. The remaining 10% were followers of  
22 Ms. Johns from her days with Move America Forward. Mr. Williams took no action to  
23 invite people to the fundraising event. Ms. Johns was never paid any of the proceeds  
24 from this fundraising event.

25           18. Ms. Johns inquired about receiving her 5% cut of the fundraising monies  
26 in or around June 2009. Mr. Wierzbicki responded that he was unable to pay her at  
27 that time. Ms. Johns made it clear that she needed the 5% soon to meet her personal  
28

1 financial obligations. Mr. Wierzbicki responded that he would "see what he could do."  
2 He gave Ms. Johns a \$2000 bonus and promised her "more to come."

3 19. In or around October or November 2009, Tea Party Express II, a second  
4 project under Our Country, was launched. Ms. Johns again sent out fundraising e-  
5 mails to solicit donations, and made live and on air appearances around the entire  
6 country to raise money. She also arranged many venues for speaking engagements.

7 20. In approximately August 2009, Ms. Johns began to complain to Mr.  
8 Wierzbicki about racially and religiously discriminatory and derogatory comments  
9 made by Mr. Williams. Specifically, Mr. Williams would call President Obama an  
10 "Indonesian Muslim welfare thug" amongst other comments. His discriminatory  
11 remarks about the race and religion of others were frequent and inappropriate and  
12 Ms. Johns regularly complained to Mr. Wierzbicki about them. Mr. Williams was still  
13 working for Our Country at the time when Ms. Johns complained to Mr. Wierzbicki  
14 about the comments Mr. Williams made. She continued to complain up until the time  
15 of her termination in December 2009. Mr. Wierzbicki responded by telling Ms. Johns  
16 that she was "not a team player." Ultimately, he decided to bar Ms. Johns from the  
17 office following her complaints, and refused to acknowledge, investigate or take action  
18 regarding the derogatory and discriminatory comments about people's race and  
19 religion Mark Williams made. Instead, Mr. Wierzbicki terminated Ms. Johns on  
20 December 8, 2009 in retaliation for the complaints she made about Mark Williams.

21 21. While Mr. Wierzbicki terminated Ms. Johns in part due to the complaints  
22 she made about Mark Williams, he also told her this is "not goodbye forever." In fact,  
23 Mr. Wierzbicki and Sal Russo of Russo, Marsh & Rogers, promised to help Ms. Johns  
24 secure new employment.

25 22. Following her termination, Ms. Johns was not paid the 5% proceeds from  
26 fundraising that had been promised to her. She specifically asked Mr. Wierzbicki and  
27 Sal Russo, of Russo, Marsh & Rodgers, the funding source for Our Country, for her 5%  
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1 proceeds. Mr. Wierzbicki refused to pay Ms. Johns and quickly escorted her to the exit  
2 of the building.

3 23. In January and February 2010, Ms. Johns asked Mr. Wierzbicki for her  
4 5% proceeds payment on two more occasions. Both times he stated that he would not  
5 pay her.

6 24. In or around January and February 2010, Mr. Wierzbicki continued to  
7 use Ms. Johns' name in fundraising e-mails; and sell calendars containing pictures of  
8 Ms. Johns, despite the fact that she had been terminated.

9 25. In or around February 2010, Mr. Wierzbicki invited Ms. Johns to work  
10 for Our Country again. Mr. Wierzbicki wanted Ms. Johns to accompany him on  
11 another bus tour with Our Country. Ms. Johns was to be compensated for this work.  
12 Around the same time, Mr. Wierzbicki had arranged an interview for Ms. Johns at  
13 Central Committee at the Capitol. After offering Ms. Johns employment and  
14 arranging the interview with Central Committee at the Capitol, however, Mr.  
15 Wierzbicki discovered that Ms. Johns was working for another employer, deemed Mr.  
16 Wierzbicki's "arch enemy."

17 26. Once Mr. Wierzbicki found out that Ms. Johns was working for his "arch  
18 enemy" on approximately February 28, 2010, he became enraged and informed Ms.  
19 Johns that she "[was] not going to get anything further from us." He also canceled Ms.  
20 Johns' interview with Central Committee at the Capitol.

21 27. In March 2010, the website for Our County contained links to YouTube  
22 videos depicting Ms. Johns. The website also continued to feature Ms. Johns on the  
23 "About Us" section.

24 28. It was only after February 2010 that Mr. Wierzbicki started to attack and  
25 discredit Ms. Johns publicly, claiming she was terminated "for cause."

26 29. In approximately September or October 2010, Mr. Wierzbicki and Amy  
27 Kremer ("Ms. Kremer"), who had assumed Ms. Johns' position at Our Country,  
28 publicly stated that Ms. Johns was terminated "for cause." Ms. Kremer also

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1 announced that Ms. Johns had been terminated "for cause" to Alex Brandowski, a  
2 Politico news reporter, who released articles regarding Ms. Johns termination based  
3 on the information Ms. Kremer had provided to him.

4 30. On October 4, 2010, the Tea Party Express issued a Press Release stating  
5 that Ms. Johns was terminated "for cause." It further commented on "how bad" Ms.  
6 Johns was, and that she was "similarly fired from Combat Veterans for Congress."

7 31. In or about September or October 2010, Mr. Williams similarly publicly  
8 attacked Ms. Johns, claiming that her son with special needs is a drug addict and that  
9 Ms. Johns is guilty of child neglect and child abandonment, and drove her special  
10 needs son to do drugs. These comments caused Ms. Johns severe emotional distress.

11 **FIRST CAUSE OF ACTION**

12 **(Breach of Contract against Our Country)**

13 32. Ms. Johns repeats and re-alleges each and every averment contained in  
14 Paragraphs 1 through 31 above as if set forth here in full.

15 33. Our Country breached its employment agreement with Ms. Johns by  
16 failing to pay Ms. Johns 5% of fundraising proceeds promised to her by Mr. Wiezbicki  
17 for her employment from January 2009 until her termination in December 2009.

18 34. As a proximate result of Our Country's failure to pay Ms. Johns amounts  
19 promised to her, as alleged herein, Ms. Johns has suffered and continues to suffer  
20 damages in wage loss, and additional damages for severe emotional and physical  
21 distress, all of which will be proven at trial.

22 35. Our Country committed the acts alleged herein maliciously, fraudulently  
23 and oppressively, with the wrongful intention of injuring Ms. Johns, from an improper  
24 and evil motive amounting to malice, and in conscious disregard of Ms. John's rights.

25 WHEREFORE, Ms. Johns prays for judgment as hereinafter set forth.

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1           49.     The conduct described in this Complaint, including the subsequent  
2 causes of action, constitute retaliation, defamation, failure to provide wages, and  
3 wrongful termination in violation of public policy embodied in California's Fair  
4 Employment and Housing Act, codified in Cal. Gov't Code §§12940 *et seq.* and other  
5 California statutes.

6           50.     As a proximate result of Our Country's actions against Ms. Johns, as  
7 alleged herein, Ms. Johns has suffered and continues to suffer damages, wage loss,  
8 and additional damages for severe emotional and physical distress, all of which will be  
9 proven at trial.

10          51.     Our Country committed the acts alleged herein maliciously, fraudulently  
11 and oppressively, with the wrongful intention of injuring Plaintiff, from an improper  
12 and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights.

13                   WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

14                   **SIXTH CAUSE OF ACTION**

15                   **(Defamation- Per Se against Defendants Mark Williams, Joe  
16                   Wierzbicki, Amy Kremer, and Our Country)**

17          52.     Ms. Johns hereby incorporates and re-alleges all of the allegations of  
18 paragraphs 1 through 51 above as if fully set forth herein.

19          53.     In or about September or October 2010, Mr. Williams made statements  
20 about Ms. Johns' her capabilities as a mother, and her son that were false and  
21 damaging.

22          54.     In or about October 2010, Mr. Wierzbicki publicly aired that Ms. Johns  
23 was fired "for cause" despite assuring her in December 2009 that she would be brought  
24 back on board with Our Country again, inviting her to return to work for Our Country  
25 in February 2010, and securing an interview for her with Central Committee at the  
26 Capitol that he canceled upon discovering Ms. Johns' new affiliations with "the arch  
27 enemy."

28          55.     In or around October 2010, Ms. Kremer publicly announced that Ms.

1 Johns was terminated "for cause." The statement was made directly to reporter, Alex  
2 Brandowski of Politico, who then contacted Ms. Johns. An article was published by  
3 Mr. Brandowski stating that Ms. Johns was terminated "for cause."

4 56. Ms. Kremer and Mr. Wierzbicki were all working for Our Country when  
5 these statements were made. Mr. Williams continued to receive payment from Our  
6 Country through September 2010, as well.

7 57. As a proximate result of the actions of Mr. Williams, Ms. Kremer, and  
8 Mr. Wierzbicki, the reputation and professional and/or occupational prospects of Ms.  
9 Johns have been harmed. Ms. Johns has additional damages for severe emotional  
10 and physical distress as a result of these actions as well.

11 58. Mr. Williams, Ms. Kremer, and Mr. Wierzbicki committed the acts  
12 alleged herein maliciously, oppressively, and fraudulently, with the intent to cause  
13 injury to Ms. Johns.

14 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

15 **SEVENTH CAUSE OF ACTION**

16 **(Defamation- Per Quod- against Joe Wierzbicki, Mark Williams, Amy  
17 Kremer, and Our Country)**

18 59. Ms. Johns hereby incorporates and re-alleges all of the allegations of  
19 paragraphs 1 through 58 above as if fully set forth herein.

20 60. Mark Williams made statements about Ms. Johns, her capabilities as a  
21 mother, and her son that were false and damaging in or around September or October  
22 2010.

23 61. Mr. Wierzbicki and Ms. Kremer both falsely publicly stated in or around  
24 October 2010 that Ms. Johns was terminated "for cause."

25 62. As a proximate result of the actions and statements of Mr. Williams, Ms.  
26 Kremer, and Mr. Wierzbicki, the reputation and professional and/or occupational  
27 prospects of Ms. Johns have been harmed. Further, the statements of Mr. Williams,  
28 Ms. Kremer, and Mr. Wierzbicki caused Ms. Johns to be exposed to hatred, contempt,

1 ridicule and shame, thereby discouraging others from associating with her. Ms. Johns  
2 has additional damages for severe emotional and physical distress as a result of these  
3 actions as well.

4 63. Mr. Williams, Ms. Kremer, and Mr. Wierzbicki failed to use reasonable  
5 care to determine the truth or falsity of the statements they made.

6 64. Rather, Mr. Williams, Ms. Kremer, and Mr. Wierzbicki committed the  
7 acts alleged herein maliciously, oppressively, and fraudulently, with the intent to  
8 cause injury to Ms. Johns.

9 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

10 **SEVENTH CAUSE OF ACTION**

11 **(Retaliation in Violation of Cal. Gov't Code Section 12940 *et seq.* against Our**  
12 **Country)**

13 65. Ms. Johns hereby incorporates and re-alleges all of the allegations of  
14 paragraphs 1 through 64 above as if fully set forth herein.

15 66. In December 2009, Ms. Johns complained about derogatory and  
16 discriminatory comments regarding race and religion made by Mr. Williams.  
17 Thereafter, Mr. Wierzbicki discharged Ms. Johns. Her complaints about  
18 discriminatory comments were a motivating factor in terminating her and she was  
19 thereafter told she was not a "team player."

20 67. As a proximate result of Our Country's discriminatory actions against  
21 Ms. Johns, as alleged herein, Ms. Johns has suffered and continues to suffer damages,  
22 in wage loss, and additional damages for severe emotional and physical distress, all of  
23 which will be proven at trial.

24 68. Our Country committed the acts alleged herein maliciously, fraudulently  
25 and oppressively, with the wrongful intention of injuring Ms. Johns, from an improper  
26 and evil motive amounting to malice, and in conscious disregard of Ms. Johns' rights.

27 WHEREFORE, Plaintiff prays for judgment as hereinafter set forth.

28 //

