

IN THE SUPERIOR COURT OF FULTON COUNTY

MESHA MAINOR,

Plaintiff,

Civil Action File No. 24CV004110

v.

FULTON COUNTY, FULTON COUNTY
ETHICS BOARD, FULTON COUNTY
DISTRICT ATTORNEY'S OFFICE, MARVIN
ARRINGTON, *individually and in his official
capacity as Fulton County Commissioner for
District 5*, FANI WILLIS, *individually and in
her official capacity as Fulton County District
Attorney*

Defendants.

[Jury Trial Demanded]

COMPLAINT

COMES NOW MESHA MAINOR, Plaintiff, by and through counsel of record to redress deprivations by Defendant, acting under color of state law, of certain rights secured to Plaintiff as alleged herein under the United States Constitution and 42 U.S.C. §1983, and asserts as follows:

I. JURISDICTION AND VENUE

This Court has personal jurisdiction over Defendants, and venue is proper.

II. THE PARTIES

1. Plaintiff Mesha Mainor resides in the State of Georgia and is subject to the jurisdiction of this Court.
2. Defendant Fulton County, Georgia is within the State of Georgia and is responsible for the funding and operation of the Fulton County Ethics' Board and is responsible for overseeing and managing the actions of Fulton County Commissioner Marvin Arrington. Defendant Fulton County may be served with process through Office of the County Attorney at 141 Pryor Street SW, Suite 4083, Atlanta, Georgia 30303, and is subject to the jurisdiction of this Court.

3. Defendant Fulton County Ethics' Board (hereinafter referred to as "Ethics Board") is a board created pursuant to a resolution of the Fulton County Board of Commissioners (Resolution No. 03-11531), adopted February 4, 2004, pursuant to the "Code of Ethics" for Fulton County. To the extent the Board of Ethics is a juridical entity, service may be made by service on any of the members. The Ethics Board is subject to the jurisdiction of this Court.
4. Defendant Fulton County District Attorney's Office (hereinafter referred to as the "DA's Office" or the "District Attorney's Office") is within the State of Georgia and is responsible to prosecuting felony crimes that occur with Fulton County, Georgia on behalf of the State of Georgia. The DA's Office may be served with process through the Office of the County Attorney at 141 Pryor Street SW, Suite 4083, Atlanta, Georgia 30303 and is subject to the jurisdiction of this Court.
5. Defendant Fulton County Commissioner Marvin Arrington (hereinafter referred to as "Commissioner") is responsible for the overseeing and governance of District 5 of Fulton County, Georgia. The Commissioner is also responsible for injuring Plaintiff, under the color of law, and was deliberately indifferent to her needs and violated her constitutional rights. Commissioner Arrington can be served through the Office of the County Attorney at 141 Pryor Street SW, Suite 4083, Atlanta, Georgia 30303 and is subject to the jurisdiction of this Court.
6. Defendant District Attorney Fani Willis (hereinafter referred to as "DA Willis") is responsible for the adjudication of felony cases committed in Fulton County, Georgia on behalf of the State of Georgia. DA Willis may be served with process through the Office of the County Attorney at 141 Pryor Street SW, Suite 4083, Atlanta, Georgia 30303 and is subject to the jurisdiction of this Court.
7. On November 3, 2021, Plaintiff gave ante litem notice to Fulton County, the Ethics Board, and Commissioner. On January 22, 2022, Plaintiff gave ante litem notices to DA Willis and the DA's Office. Plaintiff has complied with all conditions precedent to bringing this action.
8. Defendants above have waived any defense of sovereign immunity by the purchase of liability insurance or otherwise.

STATEMENT OF THE FACTS

A. Underlying Criminal Case in Which Plaintiff Mainor is the Victim

9. Plaintiff Mainor is a State Representative for the Georgia House of Representatives.
10. In 2019, Plaintiff Mainor ran a campaign for the elected seat she now holds.
11. In January 2019, Plaintiff Mainor hired Mr. Corwin Monson as a campaign volunteer.

12. Prior to working on Plaintiff Mainor's campaign together, Plaintiff Mainor and Monson were associates for several years and had many friends in common.
13. Monson assured Plaintiff Mainor that he could help her get elected to her desired position.
14. However, in February 2019, Plaintiff Mainor was forced to terminate Mr. Monson from his volunteer position after witnessing his unruly, belligerent behavior.
15. Mr. Monson began to stalk Plaintiff Mainor after she fired him.
16. Specifically, Monson would show up (uninvited) at campaign events, he joined Plaintiff's church, and he would even sit outside of her home.
17. Monson also called Plaintiff Mainor from several different numbers and left her several voicemails. Monson later turned these voicemails into a song.
18. Monson admitted that he was "in love" with Plaintiff Mainor, and he even showed up at her home once and proposed to her in front of her minor children.
19. Although Plaintiff Mainor and Monson had known each other for several years, they had never had a romantic relationship.
20. In June 2019, Mr. Monson was cited for criminal trespass after coming to Plaintiff Mainor's home and refusing to leave her property.
21. In August 2019, Plaintiff Mainor filed a Temporary Protective Order (TPO) against Mr. Monson. A judge granted Plaintiff Mainor the TPO against Mr. Monson.
22. In September 2019 and September 2020, Mr. Monson was arrested for violating the TPO.
23. In September 2020, the Fulton County District Attorney's Office (the "DA Office" or "District Attorney's Office") indicted Mr. Monson for aggravated stalking for violating Plaintiff Mainor's TPO. In January 2021, the DA Office indicted Mr. Monson for a second aggravated assault charge, of which Plaintiff Mainor was the victim. For the two cases, Monson was facing up to twenty years in prison.
24. On information and belief, Mr. Monson is a close friend and associate of Defendant Commissioner Arrington.
25. In October 2020, Mr. Monson hired Defendant Commissioner Arrington as his defense attorney in the September 2020 aggravated stalking case.

(1) Defendant Commissioner Arrington's Influence

26. An Assistant District Attorney (ADA) on Mr. Monson's case informed Plaintiff Mainor of the influence Defendant Commissioner Arrington wielded in the District Attorney Office.
27. Commissioner Arrington used his influence to circumvent the office policies of the District Attorney's office, including intimidating the ADAs by copying the District Attorney on emails, negotiating plea deals directly with the District Attorney instead of the ADAs, and demanding meetings with the District Attorney when ADAs refused to bend to his will.
28. Fulton County residents hire Commissioner Arrington as a defense attorney because of the power he is able to yield in the District Attorney's Office.
29. As a Fulton County Commissioner, Defendant Commissioner Arrington is responsible for managing, setting, and releasing the budget for the Fulton County District Attorney's Office.
30. For example, on July 14, 2021, DA Willis went before the Board of Commissioners (including Arrington) to request more money from Fulton County to hire more staff. During that meeting Arrington passionately advocated for money to be released to the DA's office. At one point during the meeting, Arrington states, "[F***] the lowest millage rate. I don't give a darn about the lowest millage rate. Where's the money that the DA's office needs?"
31. As a Fulton County Commissioner, Defendant Commissioner Arrington is also responsible for managing, setting, and releasing the budget for Fulton County Judges.
32. Although Defendant Commissioner Arrington has these duties, he also serves as a defense attorney for criminal defendants within Fulton County.
33. When Defendant Commissioner Arrington serves as a defense attorney in Fulton County, he is paid by criminal defendants for their defense.
34. From November 2020 through October 2021, Defendant Commissioner Arrington unduly influenced the criminal proceedings of both the aggravated stalking cases on behalf of Mr. Monson in the following ways:
35. First, Defendant Commissioner Arrington used his influence to broker a plea deal with then Fulton County District Attorney, Mr. Paul Howard.
 - (a) The plea deal the Defendant Commissioner Arrington negotiated with Mr. Howard was not presented to the Commissioner's opposing counsel, the Assistant District Attorney on the case.
 - (b) In pertinent part, the alleged plea deal would have allowed Mr. Monson to plead guilty to a misdemeanor, although he was charged with a violent felony.

- (c) The referenced plea deal contravened District Attorney's office policies.
- (d) Specifically, the District Attorney's Office policy was to only offer misdemeanor pleas in place of felonies only in extraordinary circumstances.
- (e) Additionally, the District Attorney's Office policy was to punish repeat violent criminal offenders to the full extent of the law.
- (f) Furthermore, one of the District Attorney's Office policy goals was to lower the occurrence of Domestic Violence against women in Fulton County, Georgia.
- (g) Domestic Violence against women includes the offense of Aggravated Stalking.
- (h) Mr. Monson has a prior criminal history, including a prior Aggravated Assault charge, which was subsequently reduced to a misdemeanor in a negotiated plea.

36. Second, Defendant Commissioner Arrington is heard on jail calls with Mr. Monson conspiring to cause the sitting judge on the criminal case, Judge Kelly Lee Ellerbe, to be removed.

- (a) Defendant Commissioner Arrington encouraged Mr. Monson to file a fraudulent complaint against Judge Kelly Lee Ellerbe.
- (b) According to Defendant Commissioner Arrington, Judge Ellerbe needed to be removed from Monson's case because it was likely she would reject the misdemeanor plea he had negotiated with Paul Howard.
 - (i) Commissioner Arrington states, "The problem is the f---cking judge . . ." in reference to Judge Ellerbe.
 - (ii) Judge Ellerbe was the only problem because Commissioner Arrington admits he can, "get the DA to agree to a misdemeanor plea . . ."
- (c) After filing a fraudulent complaint against Judge Kelly Lee Ellerbe, Mr. Monson temporarily had criminal proceedings held before different judges, including Judge Adams.
- (d) On information and belief, Defendant Commissioner Arrington has a personal relationship with Judge Adams.
- (e) On information and belief, Defendant Commissioner Arrington used his influence to have ex-parte meetings with Judge Adams.
- (f) Prior Assistant District Attorneys (ADAs) on Monson's case informed Plaintiff Mainor that Judge Adams' engagement with Monson and Arrington during a hearing was unlike her typical demeanor, as she was deferential to them and allowed outbursts from them both.

37. Third, on jail calls between Commissioner Arrington and Monson, Commissioner Arrington agrees to use his influence to get Monson a favorable outcome.

- (a) Commissioner Arrington states that he will use his father's (Marvin Arrington Sr., a former Fulton County superior court judge) influence to sway the proceedings.

(b) Defendant Commissioner Arrington also insinuates that his position as Commissioner will result in a favorable result for Mr. Monson.

38. Fourth, during jail calls, Defendant Commissioner Arrington admits to telling Fani Willis, who was the District Attorney-elect at the time, about the case with Mr. Monson in advance of her being sworn in.

(a) The Commissioner states that he wants Ms. Willis to know that “that bitch is crazy”, which is a reference to Plaintiff Mainor.

(b) Therefore, Commissioner Arrington used his influence to bias Ms. Willis against Plaintiff Mainor.

39. Fifth, during these same jail calls, Commissioner Arrington encouraged Monson’s wife, Ms. Alesha Monson, to harass Plaintiff Mainor. Plaintiff Mainor later sought a protective order against Ms. Monson.

40. After the referenced jail calls were publicly released in December 2020, Defendant Commissioner Arrington resigned as Mr. Monson’s attorney.

41. In January 2021, District Attorney Madam Fani Willis was sworn in as the Fulton County District Attorney. As the top prosecuting official in Fulton County, DA Willis became responsible for the adjudication of Monson’s criminal cases.

(2) DA Willis Drops the Ball - Negotiated Plea for Monson

42. Although Defendant Commissioner Arrington stepped down as Mr. Monson’s criminal attorney, he continued to wield influence over the criminal case, namely, he maintained that Mr. Paul Howard offered Mr. Monson a plea deal consisting of the alleged felony being reduced to a misdemeanor.

43. Mr. Monson’s succeeding counsel repeatedly referenced this plea deal in subsequent court proceedings against the State.

44. Mr. Monson’s subsequent counsel argued that the District Attorney’s office should stand behind this alleged plea deal even after Ms. Fani Willis assumed her position as the Fulton County District Attorney.

45. Although Monson ultimately was not offered the misdemeanor plea deal, DA Willis did dismiss one of his aggravated stalking cases. On the remaining aggravated stalking case, DA Willis offered Monson a plea of 3 years, to serve 1 in prison, the balance on probation, with credit for the time he had already served.

46. Plaintiff Mainor was not informed of the plea deal extended to Mr. Monson prior to him accepting, which is a violation of the Georgia Crime Victims Bill of Rights, O.C.G.A. §17-

17-1, *et seq.* (also known as “Marsy’s Law”), which provides individuals who are victims of certain crimes specific rights.

47. Additionally, Plaintiff Mainor did not approve of the negotiated plea deal extended to Mr. Monson.
48. Marsy’s Law applies to victims of Aggravated Stalking. O.C.G.A. §17-17-1, *et seq.*
49. In September 2021, Mr. Monson pled no contest to Aggravated Stalking. He received credit for the time he had already served.
50. Mr. Monson’s plea deal was not appropriate according to Ms. Willis’ interoffice policies or her stated priority of protecting women. Ms. Willis, by her own words created the “first” domestic violence unit in Fulton County.
51. Additionally, the negotiated plea Ms. Willis offered Mr. Monson did not align with the Office’s sentencing guidelines.
52. On information and belief, it is not the District Attorney’s Office policy to offer a one-year jail sentence to a criminal defendant being charged with a violent crime when that defendant has a prior violent history.
53. Furthermore, Mr. Monson’s shortened probation sentence was not consistent with the Office’s policy of recommending a longer probation sentence to men convicted of domestic violence, in an effort to protect women longer.
54. DA Willis and the DA Office failed to properly investigate the aggravated stalking charges against Mr. Monson. Specifically, they failed to interview a single person who had witnessed Monson’s behavior toward Plaintiff Mainor.
55. Representatives from the DA’s Office made fraudulent representations in court in favor of Monson.

(3) Plaintiff Mainor’s Disparate Treatment as a Victim

56. Due to Defendant Commissioner Arrington’s interference in the underlying criminal case, Plaintiff Mainor has experienced disparate treatment under the law as a victim.
57. Furthermore, due to DA Willis’ bias towards Mr. Arrington, Plaintiff Mainor has experienced disparate treatment under the law as a victim.
58. Plaintiff Mainor has been forced to advocate for herself and her safety, although that is the District Attorney’s role. Specifically, Plaintiff Mainor took the following actions:

- (a) In August 2020, Plaintiff Mainor was forced to notify United States Department of Justice's Office on Violence Against Women (OVW) due to the District Attorney's Office failure to properly prosecute Monson's case at its inception.
 - (b) In October 2020, Plaintiff Mainor called Monson's bail company to inform them that he had violated his bond conditions by being re-arrested. Judge Ellerbe later revoked Defendant's bond.
 - (c) On October 21, 2020, Plaintiff Mainor filed a Bar Complaint with the State Bar of Georgia, alleging that Defendant Commissioner Arrington uses his elected position to sway deals as a criminal defense attorney.
 - (d) On October 24, 2020, Plaintiff Mainor filed an ethics complaint against Commissioner Arrington, alleging that he had violated several ethics rules during the adjudication of the State's case against Monson. (*See* Paragraph 69).
59. Plaintiff Mainor had to attend more than ten hearings from October 2020 through September 24, 2021, regarding the adjudication of the criminal case against Mr. Monson, in part due to Defendant Commissioner Arrington's several attempts to circumvent and influence the criminal justice process.
60. Plaintiff Mainor also had six different ADAs on her case. The last ADA, who took Monson's plea, was ADA Yolanda Mack. According to Fulton County Deputy District Attorney Jill Hollander, the "bouncing around" of Plaintiff Mainor's case was unusual.
61. The Fulton County District Attorney's office and DA Willis favored Defendant Commissioner Arrington and Monson in the criminal proceedings, although Plaintiff Mainor was the victim.
62. Plaintiff Mainor has suffered severe financial and emotional damages due to Defendant Commissioner Arrington's involvement in the adjudication of Mr. Monson's case.
63. Plaintiff Mainor has suffered severe financial and emotional damages due to DA Willis' failure to properly prosecute Mr. Monson.
64. Defendant Commissioner Arrington was operating under the color of law when he caused Plaintiff Mainor these injuries.
65. Defendant DA Willis was operating under the color of law when she caused Plaintiff Mainor injuries.
66. Defendant Commissioner Arrington was deliberately indifferent to Plaintiff Mainor's needs and violated her constitutional rights.

67. Defendant DA Willis was deliberately indifferent to Plaintiff Mainor's needs and violated her constitutional rights.

B. Fulton County Ethics Board Complaint

68. In October 2020, Plaintiff Mainor filed a complaint against Defendant Commissioner Arrington with the Fulton County Ethics Board.

69. In part, Plaintiff Mainor made several allegations against the Commissioner stemming from the improper use of his political office for financial gain. Plaintiff Mainor compiled all these violations into a formal ethics complaint (the "Ethics Complaint"), which she submitted to the Ethics Board.

70. Specifically, Plaintiff Mainor cited more than thirty Fulton County Code of Ethics violations committed by Defendant Commissioner Arrington.

71. In December 2020, Carrie Foster, Secretary of the Board, contacted Plaintiff Mainor and informed her that the Board would be considering three of the violations she had alleged against the Commissioner.

72. In March 2021, the Board failed to follow proper procedure while adjudicating the ethics complaint Plaintiff Mainor filed against Defendant Commissioner Arrington.

73. Specifically, Secretary Foster informed Ms. Mainor that the Board was conducting an informal hearing to decide whether Commissioner Arrington had violated any ethics rule, and that attorneys could not be present. However, during the hearing, Mr. Arrington was present with his attorney.

74. Additionally, the Board refused to hear the jail calls between Commissioner Arrington and Monson, although Plaintiff Mainor's allegations were directly supported by the jail calls.

75. The Board cited attorney-client privilege as the reason it refused to hear the jail calls, although there was a third party on the jail calls with Commissioner Arrington and Monson.

76. Furthermore, the Board failed to seek a judicial ruling as to whether attorney client privilege pertained to the jail calls.

77. In March 2021, the Board closed Plaintiff Mainor's ethics complaint without holding Defendant Commissioner Arrington accountable.

C. Monson's Release From Jail

78. In November 2021, Monson was released from jail.

79. Monson immediately began stalking Plaintiff Mainor again.
80. As a condition of his probation, Monson was ordered to have no contact (directly or indirectly) with the named victim, Mesha Mainor.
81. After being released from prison, Monson began showing up to events hosted by Plaintiff Mainor's friends and neighbors.
82. On November 18, 2021, Plaintiff Mainor ran into Monson as she was exiting a gas station near her home. The gas station is a few hundred feet from Ms. Mainor's home.
83. On November 18, 2021, Plaintiff Mainor informed the District's Attorney's office of this incident. Neither ADA Mack nor DA Willis took action against Mr. Monson.
84. On December 10, 2021, Monson attempted to enter the Coverdell Legislative Office Building, the legislative building where Plaintiff Mainor works.
85. Capitol Police stopped Monson from entering the building, due to him being on the "do not enter" list.
86. Monson informed the Capitol Police that the State Campaign Ethics Office had instructed him to come in person to the building to testify.
87. Mr. John Cusack, the Chief Counsel of the State Campaign Ethics Office, stated that Monson was not contacted nor instructed to testify.
88. On December 13, 2021, Investigator Brian Hill of the Atlanta Police Department began an investigation into whether Monson violated the temporary restraining order Plaintiff Mainor has against him by entering the building where she works.
89. As part of his investigation, Investigator Hill watched body camera footage from the Capitol Police and interviewed witnesses.
90. Investigator Hill concluded that Monson had in fact violated the TRO by entering the Coverdell Legislative Office.
91. Investigator Hill was prepared to pursue charges against Monson due to this incident, however the DA Office refused to prosecute Monson's violation, making a warrant futile.
92. Specifically, ADA Yolanda Mack states that, "It doesn't appear that his [Monson's] intentions were to violate the order but simply give testimony on his ethics complaint against you. He didn't have any contact with you directly or indirectly."

93. Again, ADA Mack and DA Willis refused to take action against Mr. Monson.

FIRST CLAIM FOR RELIEF

Intentional Infliction of Emotional Distress

Against Defendant Commissioner Arrington, in his individual and official capacities, and Fani Willis, in her individual and official capacities, and the District Attorney's Office

94. Plaintiff Mainor realleges and incorporates by reference all proceeding paragraphs of this Complaint.

95. Under Georgia law, intentional infliction of emotional distress requires a showing of four elements:

- (a) The defendant's conduct was intentional or reckless,
- (b) The conduct was extreme or outrageous,
- (c) The conduct caused emotional distress, and
- (d) The emotional distress was severe.

Clark v. Arras, 212 Ga. App. 695, 696 (1994).

96. Defendant Commissioner Arrington intentionally used his public service position to disrupt the criminal proceedings against Mr. Monson.

97. Defendant Commissioner Arrington intentionally circumvented the proper policy and procedure of the Fulton County District Attorney's office.

98. Defendant Commissioner Arrington intentionally used his political power to intimidate Plaintiff Mainor.

99. Defendant Commissioner Arrington intentionally had ex-parte communications with Judge Kimberly Adams, who was briefly assigned to Monson's aggravated stalking case.

100. Defendant Commissioner Arrington's behavior was reckless due to the nature of the charges against Mr. Monson and considering Mr. Monson's prior criminal activity.

101. Defendant Commissioner Arrington's behavior caused Plaintiff Mainor severe emotional distress, including:

- (a) Plaintiff Mainor suffering public humiliation by the release jail calls in which she is called names;
- (b) Plaintiff Mainor fearing for her life due to being threatened via jail calls;

- (c) Plaintiff Mainor fearing for her life due to Monson's threatening presence and constant stalking;
 - (d) Plaintiff Mainor having to move more than three times in one year, out of fear for her and her children's lives;
 - (e) Plaintiff Mainor suffering from severe anxiety and depression to the point where she was forced to withdraw from her doctoral studies and from working and forced to take medication.
 - (f) Plaintiff Mainor experiencing the strain and trauma of her children living in fear.
102. Defendant Commissioner Arrington's actions caused Plaintiff Mainor to experience intense feelings of intimidation, humiliation, embarrassment, concern and fright for her physical health and safety, and extreme outrage, which caused Plaintiff Mainor to experience, and continue to experience, severe emotional distress.
103. Plaintiff Mainor has been injured by the actions of Defendant Commissioner Arrington and Plaintiff Mainor is entitled to damages, including an award of reasonable attorney's fees and costs of litigation, in an amount to be proven at trial.
104. Defendant DA Willis intentionally used her political power to dismiss a legitimate legal claim against Monson.
105. Defendant DA Willis intentionally offered Monson a plea deal that contravened Plaintiff Mainor's interests.
106. Defendant DA Willis intentionally showed deference to Commissioner Arrington and his client/associate Monson to the detriment of Plaintiff Mainor.
107. Defendant DA Willis intentionally instructed her ADAs to compromise and advocate on behalf of Monson.
108. Defendant DA Willis intentionally failed to prosecute the probation violations against Monson.
109. Defendant DA Willis intentionally turned a blind eye to the biased relationships between Commissioner Arrington and Superior Court judges.
110. Defendant DA Willis intentionally failed to recuse herself from Monson's case despite Commissioner Arrington informing her about the case and Plaintiff Mainor prior to her taking office.
111. Defendant DA Willis' behavior caused Plaintiff Mainor severe emotional distress, including:

- (a) Plaintiff Mainor fearing for her life due to Monson being prematurely released from prison;
- (b) Plaintiff Mainor having to move more than three times in one year, out of fear for her and her children's lives;
- (c) Plaintiff Mainor suffering from severe anxiety and depression to the point where she was forced to withdraw from her doctoral studies and from working and forced to take medication.
- (d) Plaintiff Mainor experiencing the strain and trauma of her children living in fear.

112. Defendant DA Willis' behavior was reckless due to the nature of the charges against Monson and his prior criminal history.

113. Defendant DA Willis' actions caused Plaintiff Mainor to experience intense feelings of intimidation, humiliation, embarrassment, concern and fright for her physical health and safety, and extreme outrage, which caused Plaintiff Mainor to experience, and continue to experience, severe emotional distress.

114. Plaintiff Mainor has been injured by the actions of Defendant DA Willis and Plaintiff Mainor is entitled to damages, including an award of reasonable attorney's fees and costs of litigation, in an amount to be proven at trial.

115. Defendant DA Office intentionally failed to advocate on behalf of Plaintiff Mainor during court proceedings.

116. Defendant DA Office intentionally violated Marsy's law by failing to contact Plaintiff Mainor before it offered Monson a plea deal.

117. Defendant DA Office intentionally violated Marsy's law by refusing to consider Plaintiff Mainor's objection to the plea it offered Monson.

118. Defendant DA Office intentionally failed to investigate the claims against Monson.

119. Defendant DA Office's behavior caused Plaintiff Mainor severe emotional distress, including:

- (a) Plaintiff Mainor fearing for her life due to Monson being prematurely released from prison;
- (b) Plaintiff Mainor having to move more than three times in one year, out of fear for her and her children's lives;
- (c) Plaintiff Mainor suffering from severe anxiety and depression to the point where she was forced to withdraw from her doctoral studies and from working and forced to take medication.

(d) Plaintiff Mainor experiencing the strain and trauma of her children living in fear.

120. Defendant DA Office's behavior was reckless due to the nature of the charges against Monson and his prior criminal history.

121. Defendant DA Office's actions caused Plaintiff Mainor to experience intense feelings of intimidation, humiliation, embarrassment, concern and fright for her physical health and safety, and extreme outrage, which caused Plaintiff Mainor to experience, and continue to experience, severe emotional distress.

122. Plaintiff Mainor has been injured by the actions of Defendant DA Office and Plaintiff Mainor is entitled to damages, including an award of reasonable attorney's fees and costs of litigation, in an amount to be proven at trial.

THIRD CLAIM FOR RELIEF

Racketeer Influence and Corrupt Organization (RICO) Practices in Violation of O.C.G.A. §16-14-4

Against Defendants Commissioner Marvin Arrington, in his personal and professional capacities, Fani Willis, in her personal and professional capacities, and the Fulton County Ethics Board

123. Plaintiff Mainor realleges and incorporates by reference all proceeding paragraphs of this Complaint.

124. This claim is brought pursuant to O.C.G.A §16-14-4, which states:

- a. It shall be unlawful for any person, through a pattern of racketeering activity or proceeds derived therefrom, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise, real property, or personal property of any nature, including money.
- b. It shall be unlawful for any person employed by or associated with any enterprise to conduct or participate in, directly or indirectly, such enterprise through a pattern of racketeering activity.
- c. It shall be unlawful for any person to conspire or endeavor to violate any of the provisions of subsection (a) or (b) of this Code section. A person violates this subsection when:
 1. He or she together with one or more persons conspires to violate any of the provisions of subsection (a) or (b) of this Code section and any one or more of such persons commits any overt act to effect the object of the conspiracy; or
 2. He or she endeavors to violate any of the provisions of subsection (a) or (b) of this Code section and commits any overt act to effect the object of the endeavor.

125. Defendant Commissioner Arrington engaged in a pattern of racketeering behavior by:

- a. Tampering with evidence in violation of O.C.G.A §16-10-94;
- b. Influencing witnesses in violation of O.C.G.A. §16-10-93;

- c. False statements and writings against public officers in violation of O.C.G.A. §16-10-20;
- d. Bribery in violation of O.C.G.A. §16-10-2;
- e. Intimidation of a court officer in violation of O.C.G.A. §16-10-97; and
- f. Obstruction of justice.

126. Defendant Commissioner Arrington tampered with evidence by speaking with DA Willis about the case before she was sworn in.

127. Defendant Commissioner Arrington influenced witnesses by encouraging Monson to file a false claim against sitting Judge Kelly Ellerbe.

128. Defendant Commissioner Arrington made false statements when he filed fraudulent motions when he was Monson's defense attorney.

129. Defendant Commissioner Arrington commits bribery when he releases money to the District Attorney's Office in exchange for preferential treatment when he is working as a criminal defense attorney.

130. Defendant Commissioner Arrington committed intimidation of a court officer when he negotiated with former District Attorney Paul Howard and current District Attorney Fani Willis instead of the ADAs who were assigned to Monson's case.

131. Defendant Commissioner Arrington obstructed justice when he had ex parte conversations with judges and when he discussed Monson's case with DA Willis prior to her being sworn in as the District Attorney.

132. These offenses committed by Defendant Commissioner Arrington were not committed as an occasional practice but are part of a systematic and ongoing pattern over at least the last five years within the legal system of Fulton County, Georgia. This pattern has been concealed through a scheme of subterfuge and intimidation by Defendant Commissioner Arrington inflicted on the citizens of Fulton County, Georgia.

133. Defendant Ethics Board conspired with Defendant Commissioner Arrington to engage in a pattern of racketeering activity by prematurely closing out the ethics complaint against him brought by Plaintiff Mainor.

134. Defendant DA Willis engaged in a pattern of racketeering behavior by:

- a. Bribery in violation of O.C.G.A. §16-10-2; and
- b. Obstruction of justice.

135. DA Willis engaged in bribery when she gave Commissioner Arrington and Monson, his client, preferential treatment under the law.

136. DA Willis obstructed justice when she failed to properly investigate the criminal case(s) against Monson, offered him a plea deal that was inconsistent with office policies, and failed to prosecute his probation violations.

137. This claim is also brought pursuant to O.C.G.A. §16-14-6, which provides a civil action remedy for any person aggrieved from violations of O.C.G.A. §16-14-4. This statute also provides injured parties with a cause of action for three times the actual damages sustained, and where appropriate, punitive damages. Such an injured party shall also be entitled to recover attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mainor respectfully requests that this Court enter a judgment against Defendants, granting Plaintiff Mainor the following relief:

1. The entry of judgment in favor of the plaintiff on each and every cause of action and grant:
 - (a) Compensatory and consequential damages, including damages for emotional distress, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;
 - (b) Economic losses on all claims allowed by law;
 - (c) Special damages in an amount to be determined at trial;
 - (d) Punitive damages on all claims allowed by law against individual Defendants and in an amount to be determined at trial;
 - (e) Attorney's fees and costs associated with this action under 42 U.S.C. §1988, including expert witness fees, on all claims allowed by law; and
 - (f) Pre- and post-judgment interest at the lawful rate.
2. Such other relief as the Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff Mainor demands a trial by jury on all issues that are so triable.

Dated: February 23, 2024

Respectfully submitted,

/s/Kianna Chennault

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