

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

**JOHN COYNE FOR U.S. SENATE; and)
JOHN F. COYNE, III, CANDIDATE,)
and ALL OTHERS WITH SIMILAR)
COMPLAINTS,)**

Plaintiffs,)

vs.)

**DEMOCRATIC PARTY OF GEORGIA)
and DUBOSE PORTER, ITS CHAIRMAN,)
and ALL COMPANIES AND JOHN DOES)
TO BE NAMED WHO HAVE TAKEN)
PART IN THE CAUSES FOR THIS)
ACTION TO BE FILED,)**

Defendants.)

CIVIL ACTION FILE
2016CV275155

NO. _____

PLAINTIFFS VERIFIED COMPLAINT FOR DAMAGES BASED ON BREACH OF
GOOD FAITH AND FAIR DEALING AND NUMEROUS WRONGFUL ACTS

COMES NOW, Plaintiffs John Coyne for U.S. Senate, his Committee, and John F. Coyne, III, Candidate and files this Complaint for Damages Based on Breach of Good Faith Dealing and Numerous Wrongful Acts on behalf of the above-styled cause of action regarding claims for damages and equitable relief by the Court.

I.

The Plaintiff, John F. Coyne, III, is an individual and the Candidate who resides at 560 Owens Farm Road, Alpharetta, Georgia 30004-3797. By filing this Complaint, Plaintiff is subject to the jurisdiction and venue of this Court.

II.

John Coyne for U.S. Senate is a Committee for the purpose of seeking the Office of U.S. Senate from the State of Georgia in the election year 2016. The address of this Committee is P.O. Box 32, Alpharetta, Georgia 30009-0032 and the principle office of this Committee is located at 560 Owens Farm Road, Alpharetta, Georgia 30004-3797, the residence of the Candidate. By filing this Complaint, the Plaintiffs are subject to the jurisdiction and venue of this Court.

III.

The Defendant, Democratic Party of Georgia, Inc. referred to as the "Party", is a Georgia non-profit company that has its place of business at 501 Pulliam Street, Suite 400, Atlanta, Georgia 30312, where the Defendant can be served with process.

IV.

The Defendant, Chairman DuBose Porter of the Democratic Party of Georgia, Inc., has his office at the Party's place of business at 501 Pulliam Street, Suite 400, Atlanta, Georgia 30312, where this Defendant can be served with process.

V.

On the Georgia Secretary of State's business website, Mr. DuBose Porter is listed as the Registered Agent for the Democratic Party of Georgia, Inc.

VI.

These Defendants are subject to the jurisdiction of this Court, the Superior Court of Fulton County.

VII.

This is an action against the jointly liable Defendants and the venue is proper at this time.

STATEMENT OF FACTS

I.

On January 5, 2016, candidate John F. Coyne, III filed his Federal Election Commission Statement of Candidacy for U.S. Senate for the State of Georgia.

II.

On that day, the Democratic Party of Georgia was sent a copy of that Statement of Candidacy along with a cover letter regarding the filing.

III.

During the time period from February 15, 2016 through and including March 6, 2016, the Secretary of State's website advertised the week for all candidates, Federal, State, and County, to file the proper paperwork and qualification fee during the week of March 7, 2016 through March 11, 2016.

IV.

Democratic candidates were to pay their fee to the Democratic Party of Georgia and Republicans were to pay their fee to the Republican Party of Georgia.

V.

On the morning of March 7, 2016, James Knox of Evans, Georgia, a suburb of Augusta, Georgia, filed his paperwork along with the payment of **Five Thousand Two Hundred Twenty Dollars (\$5,220.00)** at the Georgia State Capitol with the Democratic Party of Georgia. He was then listed as a Candidate for U.S. Senate as a Democrat on the Georgia Secretary of State's Qualified Candidates for Election 2016 listing.

VI.

On the morning of March 8, 2016, Cheryl Copeland of Hiram, Georgia in Paulding County filed her paperwork along with the payment of **Five Thousand Two Hundred Twenty Dollars (\$5,220.00)** at the Georgia State Capitol with the Democratic Party of Georgia. She was then listed as a Candidate for U.S. Senate as a Democrat on the Georgia Secretary of State's Qualified Candidates for Election 2016 listing.

VII.

On the afternoon of March 8, 2016, John F. Coyne, III of Alpharetta, Georgia filed his paperwork along with the payment of **Five Thousand Two Hundred Twenty Dollars (\$5,220.00)** at the Georgia State Capitol with the Democratic Party of Georgia. He was then listed as a Candidate for U.S. Senate as a Democrat on the Georgia Secretary of State's Qualified Candidates for Election 2016 listing.

VIII.

On March 9, 2016, an article was written by Greg Bluestein in the Atlanta Journal Constitution newspaper ("AJC") stating that the Georgia Democratic Party had chosen a candidate for U.S. Senate that they were supporting. The article states he is a Financial Wealth Manager, James Barksdale, a person who has no previous political experience, having never been active in the political system. It stated he was on the Board of the Carter Foundation and had acquired great personal wealth which could help finance his campaign.

IX.

At 4:00 p.m. on Thursday afternoon of March 10, 2016, Atlantan James Barksdale, along with Jason Carter (Grandson of Former President Jimmy Carter) and Stacey Y. Abrams, House Minority Leader for the Georgia General Assembly and State Representative for the 89th House

District, accompanied Mr. Barksdale to file his paperwork along with his **Five Thousand Two Hundred Twenty Dollars (\$5,220.00)** at the Georgia State Capitol with the Democratic Party of Georgia. He was then listed as a Candidate for U.S. Senate as a Democrat on the Georgia Secretary of State's Qualified Candidates for Election 2016 listing.

X.

Since March 8, 2016, and his time of qualifying on March 10, 2016, James Barksdale and the members of the Georgia Democratic Party and its Board knew, without any doubt, that three other candidates had qualified to run in the May 24, 2016 Primary along with the November 8, 2016 General Election by the nominee.

XI.

On March 11, 2016, the day after Mr. Barksdale qualified to run for U.S. Senate, he gave a loan to his campaign, Jim Barksdale for Senate, in the amount of **One Hundred Thousand Dollars (\$100,000.00)**, which he stated the source was "Personal Funds". On March 14, 2016 a second article was written by Greg Bluestein of the AJC titled "Dem's Senate Hopeful Start Run".

XII.

On March 18, 2016, eight (8) days after Mr. Barksdale qualified to run for U.S. Senate, his Committee made a payment to the Democratic Party of Georgia for **Ten Thousand Dollars (\$10,000.00)** and declared this disbursement for "Event Tickets".

XIII.

On March 23, 2016, eleven (11) days after Mr. Barksdale loaned his campaign **One Hundred Thousand Dollars (\$100,000.00)**, he made another loan to his Committee Jim

Barksdale for Senate in the amount of **Three Hundred Thousand Dollars (\$300,000.00)** which he stated the source was again "Personal Funds".

XIV.

On March 30, 2016 the Committee Jim Barksdale for Senate made another disbursement to the Democratic Party of Georgia for **Seven Thousand Five Hundred Dollars (\$7,500.00)** and declared this disbursement was for "Voter File Access".

XV.

On March 31, 2016, the final days of the quarter for Federal Election Committee filing, Mr. Barksdale made two (2) separate loans to the Committee Jim Barksdale for Senate. The first loan on that day was for **Two Hundred Thousand Dollars (\$200,000.00)** and the second loan to the Committee Jim Barksdale for Senate was in the amount of **Five Hundred Thousand Dollars (\$500,000.00)**. The source of both of these loans was declared from "Personal Funds". His total loans to the Committee Jim Barksdale for Senate through March 31, 2016 FEC filing is \$1.1 million dollars.

XVI.

On March 14, 2016 and April 14, 2016, two additional articles appeared in the AJC. The first article was written by Tamar Hallerman and the second article was written by the Political Insider Jim Galloway. Both of these articles restated that the Democratic Party was backing their hand cherry picked Senatorial Candidate, James Barksdale.

XVII.

Every article written by the AJC to date only refers to the other three candidates as less known and unexperienced giving them no more recognition at all.

XVIII.

John Coyne and James Barksdale met at the "Needles in a Haystack" candidate forum in N. Fulton County at East Roswell Area Park on Saturday, April 23rd. Mr. Coyne saw Mr. Barksdale under the pavilion where the event took place and went over to introduce himself. Mr. Coyne had been to over 25 events or gatherings and had never seen him, other than his quick stop at Six Feet Under in Atlanta.

After a casual introduction by Mr. Coyne and his wife to Mr. Barksdale and his son William, Mr. Coyne politely asked Mr. Barksdale why he was running for Senate and who initiated the idea of him running. Mr. Barksdale told Mr. Coyne that the Democratic Party had come to see him five days before he qualified, stated to him that they did not have a candidate to run against Johnny Isakson, and would he consider doing so. Barksdale stated that the next day, a group of the Party leaders met with him at the Democratic Party of Georgia's office to vet him as a candidate. Four days later, Thursday, March 10, 2016 at 4:00 p.m., Mr. Barksdale filed his paperwork and FEC Statement of Candidacy, which was received by FedEx that same day.

Mr. Coyne's response to Mr. Barksdale's comment was that the Party had lied to him. The Party was aware on January 5, 2016 that Mr. Coyne had filed his Statement of Candidacy on that day and the Party had been sent a copy of that filing. Mr. Coyne stated to Mr. Barksdale that he was well known for his 2006 run against Cynthia McKinney and Hank Johnson.

On March 8, 2016 after the close of filing my qualification with the Secretary of State, the Democratic Party knew they had three other candidates, all who had previously sent their FEC Statement of Candidacy to Washington, DC and to the Party. So why did they pursue Mr. Barksdale? Mr. Barksdale tactfully stated that maybe the Party just didn't like me (Mr. Coyne). Mr. Coyne's response was, "Well, Mr. Barksdale, considering I filed the proper paperwork to

run for Chairman of the Democratic Party of Georgia to bring a newcomer to the head of the Mike Berlon debacle and stop the Party from going back again to Dubose Porter, I could see why they don't care for me. Their response to my filing for Democratic Party of Georgia Chairman was that I needed 36 Committee Chair signatures on my petition". It's clear their rules protect themselves in that matter.

XIX.

On April 29, 2016, two new articles appeared in the AJC. The first article was written by Greg Bluestein which states "*a virtual unknown to Georgia's political world, the Democratic Party's handpicked favorite to topple Isakson has said nary a word to the media and kept a low profile*". The second article written by Tamar Hallerman and Greg Bluestein is titled "*Barksdale digs into own wallet for Senate race*", subtitled "*Democrat has collected little campaign cash*". Again, these articles reference Barksdale as the Party's handpicked favorite.

XX.

On April 30, 2016, the Democratic Party of Georgia held a State Committee meeting and it was attended by the Democratic Party leaders from every Democratic County Party in the State of Georgia. At 11:00 a.m., the Party introduced their choice for U.S. Senate, Candidate James (Jim) Barksdale to which he addressed the group for less than 10 minutes. This meeting was held at the Macon Marriott City Center Hotel. This meeting was to elect five National Committee members. Mr. Barksdale had several staff members assisting him on introduction to these individuals from every county in the State, Georgia's Democratic Party Leaders.

XXI.

On May 7, 2016, the day after the taping of the Atlanta Press Club's debate forum, the staff writers from the Atlanta Journal Constitution ("AJC") presented two new articles by Tamar

Hallerman, Aaron Gould Sheinin, and Greg Bluestein. The first article was broad based and showed a picture of the three Democratic candidates preparing for the on-stage taping. The second article by Tamar Hallerman showed a picture of Jim Barksdale reviewing his notes prior to the debate. The article proceeds in script "*The Georgia Democratic Party backed candidate hoping to unseat Republican U.S. Senator Johnny Isakson vowed to champion policies that help middle class and low income Americans in his first televised debate since joining the race, nearly two months ago. Jim Barksdale is a political novice ...*".

COUNT I.

BREACH OF GOOD FAITH AND FAIR DEALING

1.

The Plaintiffs have shown in their statement of facts that they have complied with all the requirements set forth by the Secretary of State and the Democratic Party of Georgia by filing and declaring John F. Coyne, III's candidacy for U.S. Senate by the receipt of his payment for this qualification and monies paid to the Democratic Party of Georgia, whereby a binding contract and agreement was in place and understood by all parties.

2.

By their actions, the Defendants have committed the unlawful act of breach of good faith and fair dealing pursuant to O.C.G.A. § 11-1-203.

3.

In 1980 the Supreme Court of Georgia in *Brack v. Brownlee*, 24 Ga. 381, 820 (273 S.E. 2d (1480) held that "(e)very contract imposes upon each party a duty of good faith and fair dealing in its performance and enforcement. With rare exception, the Supreme Court and our Court have since that time consistently applied this overarching principle in construing contracts

governed by Georgia Law”, *Hunting Aircraft Inc. v. Peachtree City Airport Authority*, 281 Ga. App. 450 (2006).

4.

The statement of facts have shown that the Defendants have repeatedly breached their duty of good faith and fair dealing with the Plaintiff from March 2016 to the present and continue to violate this rule of law with their own and their directed actions.

5.

The Plaintiffs have been injured by these foregoing breaches of the duty of good faith and fair dealing by all of the Defendants in this complaint and all companies and Joe Does to be named and who have taken part in the causes for this action to be filed.

COUNT II.

BREACH OF CONTRACT

6.

Plaintiffs incorporate by specific reference thereto and repleads and realleges in relevant part Paragraphs 1-5 as if fully alleged over again hereunder.

7.

Plaintiff hereby seeks judgement against the Defendants for breach of contract for the Plaintiff met and satisfied all requirements and conditions precedent regarding his declaring and filing that John F. Coyne, III is a Candidate for U.S. Senate and the Democratic Party of Georgia received **Five Thousand Two Hundred Twenty Two Dollars (\$5,220.00)** fee to bind that contract.

8.

The Defendants have breached that contract by their actions listed in the statement of facts, along with other acts yet to be determined.

9.

Plaintiffs have been damaged and injured by the Defendants' breaches of contract as set out herein.

COUNT III.

CONSPIRACY TO COMMIT FRAUD

10.

Plaintiffs incorporate by specific reference thereto and repleads and realleges in relevant part Paragraphs 1-9 as if fully alleged over again hereunder.

11.

The Defendants, the Democratic Party of Georgia, its Chairman DuBose Porter, and all companies and John Does to be named who have taken part in the causes for this action to be filed have committed conspiracy to commit fraud against the Plaintiffs John Coyne for U.S. Senate and John F. Coyne, III, Candidate and all others with similar complaints pursuant to O.C.G.A. §§ 16-4-8 and 23-251.

12.

By the numerous actions, and with the understanding of Plaintiffs Verified Complaint for Damages based on breach of good faith and fair dealing and numerous wrongful acts, it is perfectly clear that many individuals were involved in discussion, agreements, and certain representation or misrepresentation that they are all liable for their actions. Therefore, the act of conspiracy to commit fraud is justified in this complaint.

COUNT IV.

FRAUD

13.

Plaintiffs incorporate by specific reference thereto and repleads and realleges in relevant part Paragraphs 1-12 as if fully alleged over again hereunder.

14.

Defendants have committed fraud against the Plaintiffs pursuant to O.C.G.A. §§ 51-6-1, 23-2-51, and 23-2-52.

15.

Plaintiffs have shown the Court through the Defendants actions that fraud has been committed and the fraudulent acts were completed with the intent to damage and injury to the Plaintiff.

COUNT V.

FRAUD BY DECEPTION

16.

Plaintiffs incorporate by specific reference thereto and repleads and realleges in relevant part Paragraphs 1-15 as if fully alleged over again hereunder.

17.

The Plaintiff relied on the material representation by the Defendants.

18.

The Plaintiffs have shown in their statement of facts that they have complied with all the requirements set forth by the Secretary of State and the Democratic Party of Georgia by filing and declaring John F. Coyne, III's candidacy for U.S. Senate by the receipt of his payment for

this qualification and monies paid to the Democratic Party of Georgia, whereby a binding contract and agreement was in place and understood by all parties.

19.

The Defendants have committed the act of fraud by deception by their accepting Plaintiffs' payment of **Five Thousand Two Hundred Twenty Dollars (\$5,220.00)** for the qualifying fee and, at the same time, having agreements with James Barksdale as their Candidate giving them their entire support over all other candidates for the primary race for U.S. Senate as a Democrat.

COUNT VI.

TORTIOUS INTERFERENCE WITH THE ELECTION PROCESS

20.

Plaintiffs incorporate by specific reference thereto and repleads and realleges in relevant part Paragraphs 1-19 as if fully alleged over again hereunder.

21.

Defendants are liable to the Plaintiffs for tortuous interference with the election process as the Defendants have knowingly and intentionally interfered and negatively impacted the Plaintiffs' process to be elected to the Office of the U.S. Senate.

22.

Defendants, through their actions, have clearly caused the Plaintiffs great difficulty in their process of securing the support and fundraising needed to be elected. Plaintiffs' statement of facts have shown that through Defendants' statements to the press, media and numerous public representations that James Barksdale is their choice for the U.S. Senate and they are backing his candidacy alone from others and request that all voters support their choice.

23.

Defendants' actions can only be construed or found to be intentional as this created a debacle and a drastic situation arose solely from and out of Defendants' conduct and actions against the Plaintiffs.

24.

Being that the Defendants have made no corrective actions for the damages caused to the Plaintiffs and, with the knowledge that Defendants were informed as to their numerous wrongdoings, Plaintiffs' belief is that the claim of tortious interference is just.

COUNT VII.

COLLUSION BY THE DEFENDANTS

25.

Plaintiffs incorporate by specific reference thereto and repleads and realleges in relevant part Paragraphs 1-24 as if fully alleged over again hereunder.

26.

Barron's Law Dictionary defines "Collusion" as "the making of an agreement with another for the purpose of perpetrating a fraud or engaging in illegal activity or legal activity while having an illegal end in mind".

27.

With the understanding that many different individuals were a party to the agreement, meetings, correspondence and discussions with Mr. Barksdale to have him file the proper paperwork and pay his **Five Thousand Two Hundred Twenty Dollars (\$5,220.00)** fee, these parties were knowingly colluding against the other candidates for U.S. Senate for the Democratic Party's nomination and the Plaintiffs.

28.

That the Plaintiffs' damages arising and resulting from the Defendants' actions of:

- A. Breach of Duty and Good Faith and Fair Dealing;
- B. Breach of Contract;
- C. Conspiracy to Commit Fraud;
- D. Fraud;
- E. Fraud by Deception;
- F. Tortious Interference with the Election Process; and
- G. Collusion by the Defendants.

These damages are not fully and finally determined, and such damages are believed and could exceed **Five Million Dollars (\$5,000,000.00)**.

COUNT VIII.

PUNITIVE DAMAGES

29.

Plaintiffs incorporate by specific reference thereto and repleads and realleges in relevant part Paragraphs 1-28 as if fully alleged over again hereunder.

30.

Pursuant to O.C.G.A. §§ 16-14-4 and 16-14-6, Plaintiffs should be awarded punitive damages.

31.

The Defendants are liable to the Plaintiffs for punitive damages as determined by the enlightened conscience of an impartial jury from the Defendants' conduct listed in this complaint.

32.

Plaintiffs advances that the Defendants in an intentional manner such that an award of punitive damages is appropriate in this case.

33.

There is clear and convincing evidence that the actions of the Defendants demonstrate willful misconduct, malice, fraud, unwontedness, oppression, and an entire want of care as will raise a presumption of conscious indifference to the consequences of the Defendants' orchestrated and fraudulent actions directed at the Plaintiffs.

34.

Defendants acted with specific intent to cause harm to the Plaintiffs.

35.

Punitive damages should be awarded in this case to punish the Defendants and deter and insure that such conduct is not repeated. Punitive damages in this case should be unlimited.

COUNT IX

ATTORNEY'S FEES AND COSTS

36.

Plaintiffs incorporate by specific reference thereto and repleads and realleges in relevant part Paragraphs 1-35 as if fully alleged over again hereunder.

37.

The conduct of the Defendants described herein give a rise to the claim of attorney's fees under Georgia law, specifically O.C.G.A. § 13-6-11 as the Defendants have acted in bad faith and have cause the Plaintiffs unnecessary trouble and expense such that the plaintiffs are entitled to the recovery of attorney's fees associated with the bringing and proceeding in this action.

38.

Plaintiffs are entitled to be reimbursed of all paid costs of this litigation.

39.

Plaintiffs incorporate by specific reference thereto and repleads and realleges in relevant part Paragraphs 1-38 as if fully alleged over again hereunder.

COUNT X.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray for relief against the Defendants, along with each of them jointly and severally, or in the alternative as follows:

- A. That process and Defendants be served with process according to law;
- B. That Plaintiffs are awarded a trial by jury;
- C. That Plaintiffs recover from Defendants' actual compensatory and punitive damages in an amount shown by evidence and determined an award by an enlightened jury of the Plaintiff's peers; and
- D. That this Court grant judgment against the Defendants for the following actions:
 - (i) Count I. -Breach of Duty of Good Faith and Fair Dealing pursuant to O.C.G.A. § 11-1-203;
 - (ii) Count II. - Breach of Contract;
 - (iii) Count III. - Conspiracy to Commit Fraud pursuant to O.C.G.A. §§ 16-4-8 and 23-2-51;
 - (iv) Count IV. – Fraud pursuant to O.C.G.A. §§ 51-6-1, 12-2-51, and 23-2-52;
 - (v) Count V. – Fraud by Deception;
 - (vi) Count VI. – Tortious Interference with the Election Process;
 - (vii) Count VII. – Collusion by the Defendants;

(viii) Count VIII. – Punitive Damages; and

(ix) Count IX. – Attorney’s Fees and Costs.

E. That the Court grant the Plaintiffs each and every claim alleged in Plaintiffs’ complaint;

F. That the Defendants be held liable, jointly and severally, for damages to Plaintiffs;

G. That the Plaintiffs should receive any further relief that this Honorable Court finds just and equitable under the circumstances.

Dated: May 12, 2016.

Respectfully submitted,



JOHN F. COYNE, III,
INDIVIDUALLY, AND AS A CANDIDATE
Plaintiff, Pro Se



JOHN COYNE FOR U.S. SENATE
COMMITTEE
Plaintiff, Pro Se

John F. Coyne, III
560 Owens Farm Road
Alpharetta, Georgia 30004-3797
(678) 933-5857

John Coyne for U.S. Senate
P.O. Box 32
Alpharetta, Georgia 30009-0032
(678) 933-5857