

1 Bradley A. Burns (#030508)
bburns@dickinsonwright.com
2 Amanda E. Newman (#032462)
anewman@dickinsonwright.com
3 Adin J. Tarr (#037878)
atarr@dickinsonwright.com
4 **DICKINSON WRIGHT PLLC**
1850 North Central Avenue, Suite 1400
5 Phoenix, Arizona 85004-4568
Phone: (602) 285-5000
6 Fax: (844) 670-6009
Firm Email: courtdocs@dickinsonwright.com
7 *Attorneys for Plaintiff*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10
11 SIMONE GOLD, M.D., both in her
individual capacity and as a director on
12 behalf of Free Speech Foundation d/b/a
America’s Frontline Doctors, an Arizona
13 nonprofit corporation,

14 Plaintiff,

15 v.

16 JOSEPH “JOEY” GILBERT, an individual;
JURGEN MATTHESIUS, an individual;
17 RICHARD MACK, an individual; and
FREE SPEECH FOUNDATION d/b/a
18 AMERICA’S FRONTLINE DOCTORS, an
Arizona nonprofit corporation, in a
19 derivative capacity,

20 Defendants.

Case No. CV2022-015525

VERIFIED COMPLAINT

**(Declaratory Judgment, Judicial
Removal of Directors, Injunctive
Relief)**

**(Commercial Court Assignment
Requested)**

21 Plaintiff Dr. Simone Gold (“Gold” or “Plaintiff”) alleges as follows for her Verified
22 Complaint, filed both in her individual capacity and derivatively on behalf of Free Speech
23 Foundation d/b/a America’s Frontline Doctors (“AFLDS”), against Defendants Joseph
24 “Joey” Gilbert (“Gilbert”), Jurgen Matthesius (“Matthesius”), and Richard Mack
25 (“Mack”) (collectively, “Defendants”), as well as nominal Defendant AFLDS. This is a

1 derivative action brought by Gold on behalf of AFLDS, pursuant to A.R.S. § 10-3630 *et*
2 *seq.*, against AFLDS (as a nominal defendant in a derivative capacity) and against certain
3 directors of AFLDS.

4 INTRODUCTION

5 1. This lawsuit arises from Gilbert’s ultra vires acts and unauthorized seizure
6 of a nonprofit organization founded and run by Dr. Simone Gold. Gilbert is an attorney in
7 Nevada, and he is a member of the AFLDS Board of Directors. He convinced AFLDS to
8 deposit \$1.1 million dollars with him without disclosing a conflict of interest. After Gold
9 demanded a return of the money, and she discovered and sought investigation into
10 Gilbert’s other frauds — he also likely pilfered at least tens of thousands of dollars from
11 the nonprofit, and possibly more — and his other acts to the nonprofit’s detriment, Gilbert
12 launched a power grab of the company, in an attempt to both retaliate against Gold and
13 obfuscate his crimes and wrongdoing.

14 2. Gilbert has purported to fire half a dozen key employees, including Gold.
15 He has threatened other employees. He has spread lies about Gold. He has continued to
16 misuse the nonprofit, including misappropriating the \$1.1 million deposited with his law
17 firm’s trust account, despite his agreement to return the money.

18 3. Mack and Matthesius have supported, facilitated, and/or permitted Gilbert’s
19 malfeasance and ultra vires power grab, and Mack has engaged in his own financial misuse
20 of the company.

21 4. The nonprofit depends for its success on the continued control and
22 association of Gold, who is its figurehead and spokesperson, and who is vital to
23 fundraising efforts. If Defendants’ conduct continues, the nonprofit’s future will be
24 compromised.

JURISDICTIONAL ALLEGATIONS

1
2 5. Plaintiff Gold is a Florida resident. She is the founder of AFLDS and is a
3 member of its Board of Directors, the Chairman of the Board, and the President of the
4 company.

5 6. Defendant Gilbert is, on information and belief, a resident of Nevada.
6 Gilbert is a member of the Board of Directors of AFLDS and is AFLDS' former Director
7 of Strategy.

8 7. Defendant Matthesius is, on information and belief, a resident of California.
9 Matthesius is a member of the Board of Directors of AFLDS.

10 8. Defendant Mack is, on information and belief, a resident of Arizona. Mack
11 is a member of the Board of Directors of AFLDS.

12 9. Nominal Defendant ALFDS is an Arizona nonprofit corporation with its
13 principal place of business in Naples, Florida.

14 10. This is a derivative action, brought pursuant to A.R.S. § 10-3630 *et seq.*,
15 related to AFLDS, an Arizona nonprofit corporation.

16 11. This action concerns the individual Defendants' misuse of an Arizona
17 nonprofit corporation. Plaintiff seeks a declaration establishing the directors of that
18 corporation, as well as injunctive relief and removal of directors who have misused that
19 corporation.

20 12. Jurisdiction and venue are proper in this Court.

21 13. Inter alia, in rem jurisdiction exists because this action involves ownership
22 and control of an Arizona nonprofit corporation.

23 14. Plaintiff seeks relief that qualifies for standard discovery as described for
24 Tier 2, pursuant to Arizona Rule of Civil Procedure 26.2(c)(3).

1 **FACTUAL BACKGROUND**

2 **A. Formation and Purpose of AFLDS**

3 15. Gold is both a medical doctor (an experienced emergency physician) and a
4 lawyer. She founded AFLDS as an Arizona nonprofit corporation in June 2020.

5 16. AFLDS’s mission and work includes advocating for medical and healthcare
6 issues, combatting media censorship of medical-related information, and supporting
7 medical freedom and civil liberties around healthcare issues. AFLDS offers an array of
8 online content related to those issues.

9 17. Since its formation, AFLDS has been successful in raising funds for its
10 mission and work. Gold, in particular, has raised more than \$25 million in donations for
11 the organization since its formation.

12 18. More than 2,000 medical professionals have associated with AFLDS,
13 referring to themselves as “America’s Frontline Doctors.”

14 19. AFLDS has amassed more than 1 million subscribers to its online content
15 in the two years that it has existed.

16 20. AFLDS’ success is built on the personality of Gold, who rose to public
17 prominence in 2020 as a critic of the response to the COVID-19 pandemic.

18 21. Gold is the “face” of AFLDS.

19 22. Gold frequently engages in public speaking on topics related to AFLDS’
20 mission and work.

21 23. Indeed, multiple substantial donors to AFLDS, including one who donated
22 \$5 million to AFLDS in August 2022 and one who has donated \$500,000 since 2020, have
23 expressed that they gave to AFLDS solely because Gold was at the helm of the
24 organization.

1 24. Furthermore, medical professionals associated with AFLDS, including
2 AFLDS’s physician liaison and physician-pilot liaison, have expressed that they
3 associated with AFLDS, and remain associated with AFLDS, because of Gold’s
4 connection to the organization.

5 25. The vast majority of AFLDS’s workers, who see themselves as “freedom
6 fighters,” have likewise indicated that they remain working for AFLDS because of Gold’s
7 connection to the organization.

8 **B. The Board of Directors of AFLDS**

9 26. In 2020, shortly after she founded AFLDS, Gold was appointed as a director,
10 Chairman of the Board, and President of the organization.

11 27. Gold remains in those roles to this day.

12 28. In addition to Gold, AFLDS has had other Board members over time.

13 29. Third-party Amy Landau was appointed a director of AFLDS in or about
14 September 2020.

15 30. Gilbert was appointed a director of AFLDS in or about March 2021.

16 31. Mack and Matthesius were added to the Board in or about December 2021.

17 32. As of early 2022, the Board of Directors for AFLDS consisted of Gold,
18 Gilbert, Landau, Mack, and Matthesius.

19 **C. The Failed Agreement for Gold to Resign from the Board**

20 33. In early 2022, Gold considered the possibility of stepping down from her
21 position on the Board of Directors, in the interest of protecting the functionality of AFLDS
22 (including concerns that she had become a political target of third parties) and so that she
23 could continue her extraordinary contributions to AFLDS of visionary leadership and
24 increasing public support while simultaneously protecting other efforts, such as starting
25 healthcare clinics.

1 41. The seed payment and the consulting agreement were material terms of the
2 Resignation Agreement.

3 42. The seed payment and the consulting agreement were both conditions
4 precedent to Gold’s resignation taking effect.

5 43. Because the seed payment never occurred and the consulting agreement was
6 never signed, the Resignation Agreement never took effect. Specifically, Gold’s offered
7 resignation from the Board never took effect.

8 44. Additionally or in the alternative, the seed payment and consulting
9 agreement were the other Board members’ performance and consideration under the
10 Resignation Agreement. Because that performance/consideration never occurred, Gold
11 was entitled to, and did, rescind the Resignation Agreement, returning the parties to the
12 status quo before the agreement was formed — in other words, with Gold on the Board
13 and continuing as President of AFLDS.

14 45. Additionally or in the alternative, Defendants fraudulently induced Gold to
15 enter the Resignation Agreement by promising that AFLDS would pay her the seed money
16 and enter the consulting agreement, despite, apparently, not having present intent to cause
17 that to happen. This was a material misrepresentation, Defendants knew it was false, Gold
18 did not know, Gold reasonably relied on it, Defendants intended she so rely, and Gold was
19 injured as a result. Accordingly, this was fraud, and Gold was entitled to, and did, rescind
20 the Resignation Agreement, returning the parties to the status quo before the agreement
21 was formed — in other words, with Gold on the Board and continuing as President of
22 AFLDS.

23 46. As a result, Gold remained (and, as of the filing of this Verified Complaint,
24 remains) a member (and Chairman) of the Board of Directors and President of AFLDS.

25
26

1 47. Because the Resignation Agreement never took effect and/or was never
2 fully performed, Gold never gave her resignation in writing, as required by Section 7.1 of
3 AFLDS' bylaws. The lack of a written resignation is yet another reason that her oral offer
4 to resign never took effect.

5 48. Indeed, other than a brief absence during the summer of 2022, Gold has
6 continued to principally direct the operations of AFLDS, including since February 2022.

7 49. Landau resigned from the Board of Directors in or about March 2022,
8 leaving only Gold, Gilbert, Mack, and Matthesius as members of the Board.

9 **D. Gilbert's Malfeasance and Plan to Take Over AFLDS**

10 50. In or around March 2021, Gilbert convinced Gold to deposit \$1.1 million in
11 AFLDS funds into the trust account of his law firm.

12 51. In doing so, Gilbert failed to disclose the existence of an unwaivable conflict
13 of interest arising from the fact that he was being added to the Board of Directors for
14 AFLDS that same month.

15 52. Since at least January 2022, Gold has demanded that Gilbert return those
16 funds to an AFLDS bank account.

17 53. Gilbert verbally agreed multiple times to return the \$1.1 million to an
18 AFLDS bank account, but he never did so.

19 54. Gilbert has ignored Gold's demands, on behalf of AFLDS, that he not draw
20 on the funds.

21 55. Instead, Gilbert decided to take over AFLDS, keep the \$1.1 million, and
22 hide his other financial improprieties.

23 56. In summer 2022, Gold spent 48 days incarcerated on a misdemeanor
24 trespassing charge related to being at the U.S. Capitol on January 6, 2021. As Founder and
25
26

1 President of AFLDS, Gold was an invited guest speaker that day, alongside newly elected
2 members of Congress.

3 57. During Gold's short absence from AFLDS, she left various AFLDS
4 personnel with instructions about their roles and authority. The Executive Director, Lisa
5 Andrzejewski, was in charge of the AFLDS organization. Gilbert's role during that period
6 was to facilitate an internal financial auditor hired by Gold for AFLDS.

7 58. However, during Gold's absence, Gilbert began to overstep his authority as
8 Director of Strategy and to build a platform for a power grab during Gold's absence, all
9 while financially abusing the company.

10 59. A few days prior to Gold's incarceration, Gilbert recommended that Gold,
11 on behalf of AFLDS, hire Andrea Wexelblatt, his personal campaign manager for his
12 failed primary campaign for governor of Nevada, as a media manager. Gold approved the
13 hire, and Wexelblatt was hired in a part-time role for \$3,000 per month.

14 60. Also a few days prior to Gold's incarceration, Gilbert recommended that
15 Gold, on behalf of AFLDS, hire a specific videography company. Gold approved the hire.

16 61. In that recommendation and hiring process, Gilbert failed to disclose that
17 the videography company was owned by Wexelblatt, presenting a conflict of interest for
18 both Wexelblatt and Gilbert.

19 62. In August 2022, mere days into Gold's absence, Gilbert purported to fire
20 two key AFLDS employees: National Director Alison Rockett and Creative Director John
21 Strand.

22 63. Around that time, Gilbert also purported to fire a consultant, Sovereign
23 Alliance, which AFLDS, through Gold and with Gilbert's knowledge and support, had
24 recently hired and paid \$30,000.

25
26

1 64. Gilbert had no authority to hire or fire any AFLDS workers, and, as such,
2 had no authority to fire Alison Rockett, John Strand, or consultant Sovereign. Sole
3 authority to hire and fire rested with the Executive Director, Lisa Andrzejewski, and Gold,
4 as President.

5 65. Following Gold's release in September 2022, Gold discovered that Gilbert
6 was engaging in malfeasance, including financial improprieties, related to AFLDS.

7 66. For example, a certified public accountant confirmed in October 2022 that
8 Gilbert had, since May 2022, taken at least \$5,000 per month (and possibly up to \$10,000
9 per month) in AFLDS funds and appropriated it for his personal use. Those withdrawals
10 of company funds were not recorded on the company's books and were not authorized by
11 the Board of Directors or any individual with the authority to authorize them.

12 67. These amounts were on top of a salary of \$15,000 per month being paid to
13 Gilbert.

14 68. The full extent of Gilbert's financial malfeasance, including the full extent
15 of funds he improperly appropriated from AFLDS, is not yet known to Gold.

16 69. Gilbert also engaged in other unauthorized and improper actions, to the
17 detriment of AFLDS.

18 70. For example, Gilbert improperly, and without authority, caused AFLDS'
19 accountant to pay Wexelblatt (his former personal assistant) \$12,000 per month, even
20 though she only worked part-time and had an authorized salary of only \$3,000 per month.

21 71. Additionally, Gilbert has, for an extended period of time and especially
22 during his failed gubernatorial campaign, substantially failed to perform services for
23 AFLDS, despite drawing a salary (and taking the additional unauthorized amounts on top
24 of that).

1 72. During most of 2021 and 2022, Gilbert has been primarily focused on his
2 outside activities, rather than AFLDS. Gilbert has a law practice in Reno, Nevada; he
3 conducted an unsuccessful primary campaign for governor of Nevada spanning 2021 and
4 2022; and he challenged the results of the June 2022 Nevada primary election in a lawsuit
5 that was found to be frivolous and resulted in a sanctions ruling against Gilbert. *See* Order
6 Granting Def. Joseph Lombardo’s Mot. for Sanctions, *Gilbert v. Sisolak et al.*, Carson
7 City, Nev. First Jud. Dist. Ct., Case No. 22 OC 000851B (Sept. 21, 2022).

8 73. During his employment with AFLDS, Gilbert was not involved in the day-
9 to-day operations of AFLDS. He had no supervisory responsibility over other AFLDS
10 workers. He rarely attended AFLDS meetings, and he did not interact meaningfully with
11 any AFLDS staff. He was neither involved in nor knowledgeable about the content
12 AFLDS produced.

13 74. Gilbert’s tasks as “Director of Strategy” primarily involved: making
14 recommendations for potential vendors and employees; handling overflow phone calls for
15 Gold; and doing periodic speaking engagements in Gold’s place, when necessary.

16 75. Despite being the “Director of Strategy,” Gilbert substantially failed to
17 proffer ideas or a strategic plan for the development of AFLDS during his tenure.

18 76. In October 2022, Gold reported Gilbert’s financial malfeasance to the Board
19 of Directors, AFLDS general counsel Adam Fulton, and AFLDS outside counsel Sally
20 Wagenmaker.

21 77. No actions were taken by those parties to address the situation.

22 **E. Gilbert’s Attempted Seizure of Control of AFLDS**

23 78. Gilbert continued his efforts to seize control of AFLDS. As retaliation for
24 Gold’s disclosures of Gilbert’s malfeasance and continued demands for return of the
25 \$1.1 million in AFLDS funds Gilbert was improperly holding in his law firm’s trust

1 account, and in an attempt to cover-up, obfuscate, and avoid responsibility for his
2 wrongdoing, Gilbert also launched a smear campaign against Gold.

3 79. Gilbert, and/or those acting on behalf of him, improperly seized control of
4 bank accounts belonging to AFLDS.

5 80. Gilbert announced to AFLDS employees that Gold purportedly was no
6 longer in charge at the company.

7 81. Gilbert purported to fire key AFLDS employees and personnel, without
8 cause and without the authority to do so.

9 82. In October 2022, Gilbert, without cause or authority, purported to fire
10 Executive Director Lisa Andrzejewski, shortly after she complained to him about his
11 financial improprieties.

12 83. Around this time period, Gilbert also attempted to fire Social Media Director
13 Mike Coudrey.

14 84. Gilbert's firings and purported firings of key AFLDS personnel
15 substantially hindered Gold's flagship fundraising event for October 2022, "The Courage
16 Awards."

17 85. In late October, Gilbert, without cause or authority, purported to fire Gold
18 and turned off her access to AFLDS emails.

19 86. These purported firings were in addition to Gilbert's unauthorized purported
20 firings of National Director Alison Rockett and Creative Director John Strand in August
21 2022, during Gold's absence.

22 87. Also in October, Gilbert began threatening AFLDS employees that he
23 would cut their pay or fire them — actions he was not authorized to take.

24

25

26

1 88. Gilbert also fabricated allegations that Gold had acted improperly, which he
2 then spread to AFLDS employees, lawyers, and the community, including through social
3 media.

4 89. For example, Gilbert has alleged that Gold improperly used company
5 resources by purchasing a house in the company’s name. In reality, the house was properly
6 purchased by the company for company purposes — with Gilbert’s knowledge,
7 participation, and approval — and Gold was permitted to live and conduct business
8 meetings and publicity in the house because of the inseparable relationship between her
9 public image and AFLDS’s success.

10 90. Gilbert has defamed Gold, through his misrepresentations.

11 91. Gilbert also began spreading false and defamatory statements that Creative
12 Director John Strand had stolen \$100,000 from AFLDS.

13 92. As a result of Gilbert’s unauthorized actions and attempt to seize control of
14 AFLDS, Gold terminated Gilbert as a worker of AFLDS (“Strategy Director”) on or about
15 October 31, 2022. Gilbert has not recognized that termination and purports to still hold
16 both a position with and control of AFLDS.

17 93. On or about November 7, 2022, Gilbert, with no authority or cause,
18 purported to fire Operations Director Sarah Denis, Security-Logistics-Procurement
19 Director AJ Andrzejewski, and Communications Director Lisa Alexander.

20 94. AFLDS has a total of 11 director-level positions, in addition to the
21 President: Executive Director, National Director, Medical Director, Communications
22 Director, Creative Director, Security-Logistics-Procurement Director, IT Director,
23 Operations Director, Social Media Director, Legal Director, and News Director. Of the
24 11, Gilbert purports to have fired six, and he has threatened to fire four others — in other
25 words, almost all of the directors.

1 95. Additionally, on information and belief, Gilbert recently inappropriately
2 transferred some or all of the \$1.1 million in AFLDS funds improperly held in his law
3 firm’s trust account to another law firm, to fund separate litigation Gilbert has brought
4 against Gold in Florida.

5 96. Such use of company money to fund Gilbert’s personal litigation is an
6 additional example of financial impropriety and misappropriation of AFLDS’s funds.

7 97. Gilbert’s actions have harmed, and are continuing to harm, AFLDS. If not
8 enjoined, Gilbert’s actions threaten the future of AFLDS.

9 **F. Mack and Matthesius’s Acts and Omissions**

10 98. Mack and Matthesius have supported, facilitated, and/or permitted Gilbert’s
11 wrongful acts and attempt to seize control.

12 99. For example, Mack and Matthesius failed to act when notified about
13 Gilbert’s wrongdoing, or when Gilbert purported to fire the vast majority of AFLDS’
14 directors.

15 100. Mack and Matthesius failed to investigate Gilbert’s actions or otherwise
16 conduct due diligence after being alerted to them.

17 101. Accordingly, Mack and Matthesius failed to act in the best interests of
18 AFLDS and in accordance with their fiduciary duties to AFLDS.

19 102. Mack has also engaged or participated in financial improprieties and/or
20 misused AFLDS.

21 103. For example, in mid-2022, Mack asked Gold to cause AFLDS to donate
22 \$2.5 million to an event Mack was organizing. Gold understood, and conveyed to Mack,
23 that this would be inappropriate, as AFLDS’s funds had been donated to AFLDS for use
24 by AFLDS. Mack then asked Gilbert to pressure Gold to release \$2 million to Mack.

25
26

1 Gilbert raised this issue, as an ethical conflict for Mack, at a Board meeting in or around
2 June 2022.

3 104. Of note, Mack’s request to Gold to cause AFLDS to donate money to his
4 organization was a recognition of Gold’s continued status as a Board member and head of
5 AFLDS.

6 105. In or around October 2022, Gilbert purported to hire Mack as “CEO” of
7 AFLDS for \$20,000 per month.

8 106. Again, Gilbert lacks hiring authority. His purported hiring of Mack lacks
9 effect.

10 107. Furthermore, AFLDS does not have the position of “CEO.” The bylaws do
11 not provide for such a position. With an Executive Director and a President, there is no
12 need for this nonprofit to also have a CEO.

13 108. Gilbert never presented the Board with a resolution for adding this new
14 position.

15 109. Indeed, the timing — Mack was purportedly hired shortly after Gold
16 notified the Board about Gilbert’s malfeasance — suggests that Mack’s purported hiring
17 for a highly-compensated position that never existed before was connected to Mack’s
18 failure to act upon Gilbert’s malfeasance.

19 **G. Basis for Derivative Complaint**

20 110. AFLDS does not have members.

21 111. Gold is a director of AFLDS and is at least 25% of the voting power of
22 directors of AFLDS.

23 112. Gold was a director of AFLDS at the time of the acts/omissions complained
24 of herein.

25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CLAIM TWO

(Judicial Removal of Directors)

(Brought Derivatively)

121. Plaintiff re-alleges the above allegations as if fully set forth herein.

122. As set forth above, Gilbert engaged in fraudulent conduct or intentional criminal conduct with respect to AFLDS.

123. Mack and Matthesius engaged in, facilitated and/or permitted Gilbert’s fraudulent conduct or intentional criminal conduct with respect to AFLDS, and may have also engaged in their own such acts. Mack and Matthesius are, with Gilbert, responsible for the damage to AFLDS caused by that conduct.

124. Removal of Gilbert, Mack, and Matthesius as directors of AFLDS is in the best interests of the corporation.

125. Accordingly, the Court should remove Gilbert, Matthesius, and Mack as directors of AFLDS, pursuant to A.R.S. § 10-3810, and bar Defendants from serving on the Board of AFLDS for the maximum period permitted by statute (five years).

CLAIM THREE

(Temporary Restraining Order, Preliminary Injunction, Permanent Injunction)

(Brought Individually and Derivatively)

126. Plaintiff re-alleges the above allegations as if fully set forth herein.

127. As set forth herein, Gilbert, with the support and/or assistance of Matthesius and Mack, has engaged in ultra vires and other bad acts related to AFLDS, including, without limitation: financial misconduct/misappropriation of AFLDS funds, purported firings of key personnel, seizure of bank accounts, and threats against employees.

128. The full scope of the misconduct may be unknown to Plaintiff.

- 1 B. An order removing Gilbert, Mack, and Matthesius as directors of AFLDS,
- 2 pursuant to A.R.S. § 10-3810, and barring Defendants from serving on the
- 3 board of ALFDS for the maximum period permitted by statute (five years);
- 4 C. Injunctive relief, preventing Defendants from taking ultra vires acts and
- 5 other bad acts in relation to AFLDS, including threatening or purporting to
- 6 fire any AFLDS employees, or taking unauthorized funds from the
- 7 company, as well as preventing Defendants from altering the status quo of
- 8 AFLDS during the pendency of this litigation;
- 9 D. For an award of Plaintiff's attorneys' fees, costs, and incurred herein,
- 10 pursuant to A.R.S. §§ 10-3636, 12-341, and 12-341.01; and
- 11 E. For such other and further relief as the Court may deem just and proper.

12 **DATED** this 23rd day of November, 2022.

13 **DICKINSON WRIGHT PLLC**

14 By: /s/ Bradley A. Burns
15 Bradley A. Burns
16 Amanda E. Newman
17 Adin J. Tarr
18 1850 North Central Avenue, Suite 1400
19 Phoenix, Arizona 85004
20 *Attorneys for Plaintiff*
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

VERIFICATION

I, Dr. Simone Gold, hereby state as follows:

I am the Plaintiff in this matter. I have read the foregoing Verified Complaint and know the contents thereof. Subject to the following, the contents therein are true to the best of my knowledge and information.

1. This verification relates solely to the factual statements made in the Verified Complaint. I express no views regarding the legal conclusions, theories, claims, or defenses contained in the Verified Complaint.

2. As to facts alleged on information and belief, I believe them to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: November 23, 2022.

Simone Gold
Dr. Simone Gold

4879-3708-4734 v8 [104205-1]

1 Bradley A. Burns (#030508)
 2 bburns@dickinsonwright.com
 3 Amanda E. Newman (#032462)
 4 anewman@dickinsonwright.com
 5 Adin J. Tarr (#037878)
 6 atarr@dickinsonwright.com
 7 **DICKINSON WRIGHT PLLC**
 1850 North Central Avenue, Suite 1400
 Phoenix, Arizona 85004-4568
 Phone: (602) 285-5000
 Fax: (844) 670-6009
 Firm Email: courtdocs@dickinsonwright.com
Attorneys for Plaintiff

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
 9 **IN AND FOR THE COUNTY OF MARICOPA**

10
 11 SIMONE GOLD, M.D., both in her
 12 individual capacity and as a director on
 13 behalf of Free Speech Foundation d/b/a
 America’s Frontline Doctors, an Arizona
 nonprofit corporation,

14 Plaintiff,

15 v.

16 JOSEPH “JOEY” GILBERT, an individual;
 17 JURGEN MATTHESIUS, an individual;
 RICHARD MACK, an individual; and
 18 FREE SPEECH FOUNDATION d/b/a
 AMERICA’S FRONTLINE DOCTORS, an
 Arizona nonprofit corporation, in a
 19 derivative capacity,

20 Defendants.

Case No. _____

**CERTIFICATE OF COMPULSORY
 ARBITRATION**

21 The undersigned certifies that he is familiar with the dollar amounts and any other
 22 limitations set forth by the local rules of practice for the applicable superior court, and
 23
 24
 25
 26

1 further certifies that this action is not subject to compulsory arbitration, as provided in
2 Rules 72 through 77 of the Arizona Rules of Civil Procedure.

3 **DATED** this 23rd day of November, 2022.

4 **DICKINSON WRIGHT PLLC**

5 By: /s/ Bradley A. Burns _____
6 Bradley A. Burns
7 Amanda E. Newman
8 Adin J. Tarr
9 1850 North Central Avenue, Suite 1400
10 Phoenix, Arizona 85004
11 *Attorneys for Plaintiff*

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26