

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2024-030537

07/30/2025

HONORABLE RANDALL H. WARNER

CLERK OF THE COURT
J. Zinkowich
Deputy

TAMARA STAAS

JESSE R RITCHEY

v.

PEGGY MCCLAIN, et al.

ALEXANDER M KOLODIN

BRYAN JAMES BLEHM
ANDREW W GOULD
JAMES K ROGERS
JUDGE WARNER

MINUTE ENTRY

The following motions are under advisement in this defamation case:

1. Defendant McClain's March 11, 2025 Motion To Dismiss First Amended Complaint.
2. Defendant Farah's May 2, 2025 Rule 12(c) Motion For Judgment On The Pleadings.
3. Defendant Hamlet's March 3, 2025 Joinder.
4. Defendant Benson's March 14, 2025 Joinder.

The main issue is whether accusing a school teacher of "sexual grooming" and grooming students for "sexual behaviors and gender transitioning" can be defamatory. Defendants made or reposted those statements about Plaintiff Tamara Staas as part of the public debate over teaching

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gender identity and sexual orientation in schools. Defendants claim the statements are protected speech. Staas claims they are defamatory because a reader would interpret them as an accusation of sexual abuse.

In defamation cases, the jury decides how a reasonable reader would interpret a statement, and whether that statement defames the plaintiff. The Court's role at this early stage is only to decide whether a statement is capable of defamatory meaning. At least some of Defendants McClain's and Farah's statements are.

And Staas, who is a limited purpose public figure, has sufficiently pled that Defendants McClain and Farah acted with the mental state required by the First Amendment and Article 2, Section 6 of Arizona's Constitution. She has also sufficiently pled claims for false light invasion of privacy and intentional infliction of emotional distress. As to Defendants Hamlet and Benson, however, Staas's allegations fail to state a claim, so dismissal is warranted.

1. Facts.

Tamara Staas is a primary school teacher at Summit Academy Elementary in the Mesa Public Schools. She believes her responsibilities as a teacher include making LGBTQ+ students feel welcome and safe in the classroom. She has discussed publicly what she does to accomplish this, and has participated in the Arizona Board of Education's Equitable and Inclusive Practices Advisory Council.

Defendants are parents' rights activists who believe some schools and teachers deal with sexual orientation and gender identity in a way that indoctrinates children and interferes with the rights of parents. During the 2024 campaign season, Defendants identified Staas as such a teacher in a number of public statements and online publications.

The free speech clauses of the United States and Arizona Constitutions protect each side's right to advocate for their point of view on this important public question. In this lawsuit, however, Staas claims Defendants crossed the line from protected speech into defamatory speech.

For example, Defendant Peggy McClain discussed Staas in a June 30, 2024 article on her website titled "Not in Our Schools." Among other things, she wrote:

What has happened to this excellent school district? Parents need to be very careful who is teaching their children. Tami Staas is a third grade teacher in Mesa Schools, but her real focus is as the executive director of Arizona Trans Youth Parent Organization

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(AZTYPO). She hasn't been shy about what she does in the classroom. This link is an interview Staas did where she describes the sexual grooming she participates in while on Mesa Public School's payroll.

...

Back to the interview, Tami Staas (third grade teacher) and her fellow demonic teacher Vanessa Anspach (high school teacher) are not shy about explaining how they influence their students in the classroom to accept their twisted view of sex. Mrs. Staas admits to hanging pride flags and decorating her classroom with a rainbow theme. While at it, Mrs. Staas teaches improper grammar [sic] to children who are learning to read and write.

See First Amended Complaint, Ex. 1.

McClain wrote again about Staas in an August 7, 2024 article:

We have seen update after update from the Arizona State Board of Education as teachers are disciplined for sexual behavior with students. A Legal Process has been writing about the situation in Arizona on Substack. Often, offending teachers are let go from their districts with no fanfare but then are hired at a different district so they can continue grooming a new audience while nobody knows why they left their previous job. Hopefully, a pervert teacher is eventually caught, the case is documented, and action is taken. How much sexual grooming is going on right now that parents don't know about yet?

In Mesa Public Schools, Mrs. Tami Staas is quite honest about her intentions. We have written about her previously, and we have additional recordings of her. It is a wonder Mrs. Staas's principal has no concerns about what is going on in her classroom. Is her principal in on it? For those in Mesa, the school Mrs. Staas is currently "teaching" at is Summit Academy.

We have multiple clips of an interview Tami Staas and Carrie Wolfe did to encourage transitioning children, using the classroom as their own petri dish.

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See First Amended Complaint, Ex. 2.

Defendant Tamra Farah published an August 22, 2024 article titled “Sexual Groomers In Schools Should Be Punished When Related Law Goes Into Effect Next Month.” In the article, she referred to Stass and hyperlinked to McClain’s article:

Concerns over sexual grooming in Arizona schools and inappropriate educational agendas have intensified. The use of grooming materials and activities by teachers, the Arizona Education Association (AEA) agenda, and the damning Department of Education’s Enforcement Action report on sexual misconduct in schools are telling.

Not in Our Schools recently outlined concerns over reported misconduct and the promotion of LGBTQ and social justice agendas in Arizona schools. There are also concerns about the growing influence of LGBTQ and social justice agendas in Mesa Public Schools (MPS) through the actions of teachers and organizations like GLSEN (Gay, Lesbian & Straight Education Network).

Some Mesa teachers reportedly use their roles to promote LGBTQ-related content and activities in the face of new district policies restricting teacher involvement in nonacademic clubs. Activities cited by Not in Our Schools also reveal that Mrs. Tami Staas engages in “grooming” students for sexual behaviors and gender transitioning without parental knowledge, using platforms like Synergy to hide information from parents. Mrs. Staas is said to introduce pronouns and LGBTQ+ symbols in her classroom, causing concern among parents.

See First Amended Complaint, Ex. 4.

Defendants Sharon Benson and Chris Hamlet republished articles by McClain and Farah, and made additional public statements about Staas.

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2. Defamatory Statements.

To state a claim for defamation, Staas must allege statements that a reasonable reader or listener would perceive as stating actual facts about her that can be proven true or false, rather than just “imaginative expression” or “rhetorical hyperbole.” *Rogers v. Superior Court (Young)*, 252 Ariz. 335, 341 (2022); *Yetman v. English*, 168 Ariz. 71, 76-77 (1991). She must also show the statements brought her into disrepute, contempt, or ridicule, or impeached her honesty, integrity, virtue, or reputation. *Harris v. Superior Court (McCarthy)*, 255 Ariz. 29, 32 (2023).

Much of what Defendants said about Staas does not pass this test. For example, saying Staas teaches improper grammar is plainly a reference to the pronoun usage she teaches. There is a reasonable debate in the political and writing arenas about when and whether “they” and “them” should be used as singular pronouns. Any reasonable reader would understand this statement as disagreement with Staas’s view on pronoun usage.

Similarly, calling Staas “demonic” and saying she uses her classroom as her own “petri dish” are hyperbole that plainly describe the writer’s personal feelings about Staas.

But at least part of what Defendants published about Staas could be construed by a reasonable reader as stating defamatory facts about her. They include the statement that she participates in “sexual grooming” in the classroom, and that she “engages in ‘grooming’ students for sexual behaviors and gender transitioning without parental knowledge.”

The term “grooming” can mean different things. But when paired with “sexual,” it is reasonably interpreted as describing what sexual predators do to gain their victims’ trust. *See* <https://www.merriam-webster.com/dictionary/grooming> (“to build a trusting relationship with (a minor) in order to exploit them especially for nonconsensual sexual activity”) (last visited July 30, 2025). *See also* *Martinez v. Estes*, 557 P.3d 788, 793 (Ariz. App. 2024) (“we are not condoning grooming behavior that precedes sexual abuse”); *G.F. v. Superior Court*, 556 P.3d 1220, 1222 (Ariz. App. 2024) (referring to “the perpetrator who groomed him”); *State v. Beeler*, No. 2 CA-CR 2020-0131, 2023 WL 3031317, at *13 (Ariz. Ct. App. Apr. 20, 2023) (“At trial, Heil described the process of victimization, which includes five stages, two of which are victim selection and grooming.”); *State v. McConnell*, 2023 WL 1989139, at *1 (Ariz. Ct. App. Feb. 14, 2023) (“McConnell also groomed Stepdaughter, showing her pornographic images depicting sexual intercourse.”).

Defendants say they use the term “grooming” differently. The grooming they decry is not gaining children’s trust to commit sexual abuse. Rather, they mean that teaching the way Staas and others do “grooms” children to question their gender identity and sexual orientation, which sexualizes them.

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In a defamation case, the jury decides what a statement would mean to a reasonable reader or listener. *Yetman*, 168 Ariz. at 77. It is not for the Court to decide what it thinks a statement means or was intended to mean. Rather, the Court's role is limited to deciding whether a statement is capable of defamatory meaning. *Dube v. Likins*, 216 Ariz. 406, 419 (App. 2007).

Here, Defendants' statements about sexual grooming are capable of three different defamatory meanings. One is that Staas grooms children for sex abuse. McClain's August 7, 2024 article begins by describing "pervert teachers" who are "disciplined for sexual behavior with students" and then hired at another district where they "continue grooming a new audience." A jury could find that refers to teachers who have sex with their students. Then the next paragraph discusses Staas, which could suggest to a reasonable reader that she is one such teacher, particularly where McClain previously accused Staas of "sexually grooming" her students.

A second defamatory meaning is that Staas grooms children for sexual conduct. As Farah stated: "Mrs. Tami Staas engages in "grooming" students for sexual behaviors." And as McClain stated, Staas and another teacher influence their students "to accept their twisted view of sex." In many contexts, "sex" and "sexual conduct" refer to sex acts like intercourse and the touching of genitals. A jury could find that McClain and Farah accused Staas of encouraging third- or fourth-grade children to engage in that kind of sexual conduct.

Defendants' response is that sexual orientation inherently involves sex, so that normalizing being gay, lesbian, or trans essentially grooms children for sexual behaviors. A jury could agree. But a jury could also find that gender transitioning or being romantically attracted to someone of the same sex is not itself "sexual conduct," so that Defendants' statements imply Staas does more than just normalize being gay, lesbian, or trans.

The third defamatory meaning is that Staas encourages or pushes children to become gay, lesbian, or trans. Defendants may have meant that things like displaying a rainbow flag, teaching certain pronoun usage, or advocating acceptance of gender transitioning normalizes an LGBTQ+ lifestyle, which in turn encourages children to be gay, lesbian, or trans. But a reasonable reader could interpret Defendants' statements to mean Staas does more than teaching that it is okay to be gay, lesbian, or trans—that she actively does things to push children toward gender transitioning, and further that she hides this from parents. This too could be found by the jury to be defamatory.

Defendants argue that their meaning could not be misconstrued because their statements are based on Staas's own public pronouncements, which they link to. While citing source material is relevant to what a statement means (and also to actual malice), it is not dispositive.

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Under Arizona law, the jury must decide what a statement means considering all facts and surrounding circumstances. *Takieh v. O'Meara*, 252 Ariz. 51, 57 (App. 2021).

3. Actual Malice.

Defendants' statements address an issue of public concern and Staas is a limited purpose public figure with respect to that issue. *See Dombey v. Phoenix Newspapers, Inc.*, 150 Ariz. 476, 485 (1986) (plaintiff who assumed special prominence with respect to a public question was a limited purpose public figure). So to prevail in this defamation case, Staas must allege and prove actual malice. Actual malice means knowledge that a statement is false or reckless disregard for its truth. *Morris v. Warner*, 160 Ariz. 55, 63 (App. 1988).

Defendants argue that actual malice is not sufficiently pled. It is. The facts alleged, if true, would permit an inference that Defendants referred to Staas with terms like "sexual grooming," "sexual conduct," and "twisted view of sex," knowing Staas does not sexually abuse or encourage sex acts by third- or fourth-graders.

4. False Light.

In addition to defamation, Staas asserts a claim of false light invasion of privacy. To prove that claim, Staas must show:

1. Defendant gave publicity to a matter concerning the Staas;
2. The publicity placed Staas in a false light;
3. The false light would be highly offensive to a reasonable person;
4. The publication contains a major misrepresentation of Staas's character, history, activity, or beliefs, not just slight inaccuracies; and
5. Defendants knew or acted in reckless disregard of the falsity of the publicized matter.

Canas v. Bay Ent., LLC, 252 Ariz. 117, 122 (App. 2021). For the above reasons, Staas alleges sufficient facts to state this claim. A reasonably jury could find based on the facts alleged that Defendants' statements placed Staas in a false light that would be highly offensive to a reasonable person and that would be a major misrepresentation of her character.

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5. Intentional Infliction Of Emotional Distress.

Staas also asserts a claim for intentional infliction of emotional distress. Defendants argue that their conduct could not be found “extreme” or “outrageous” as required to prove intentional infliction of emotional distress. A reasonable jury could find that falsely accusing someone of sexually grooming children is extreme or outrageous. Staas sufficiently pleads this claim.

6. Defendant Benson’s Joinder.

Defendant Benson filed a Joinder, which the parties agree should be treated as an independent motion to dismiss. The allegations against Benson are of two kinds: that she republished McClain’s and Farah’s articles by reposting or forwarding them, and that she made separate defamatory statements.

The Court of Appeals in *Larue v. Brown*, 235 Ariz. 440 (App. 2014), addressed republication in the context of online publication. Republication, it held, focuses on whether the subsequent publisher has substantively updated or modified the statement. 235 Ariz. at 445. Merely modifying the way information is accessed does not constitute republication. *Id.* Consistent with this principle, other courts have held that merely posting a link to a defamatory story is not republication. *See, e.g., Belya v. Kapral*, 775 F. Supp. 3d 766, 776 (S.D.N.Y. 2025) (“Courts within this Circuit have held that reposting an article link doesn’t suffice as republication for a defamation claim.”); *Nunes v. Lizza*, 486 F. Supp. 3d 1267, 1298 (N.D. Iowa 2020) (“Publishing a link to an existing story is not a republication of the story.”). As a matter of law, Benson is not liable for forwarding or linking to McClain’s and Farah’s stories.

Nor are Benson’s independent statements capable of defamatory meaning. The alleged statements are:

- “[A] 3rd grade Mesa teacher who works at Summit Academy explains how she subtly indoctrinates her students, entirely inappropriate.” That Staas’s teaching “subtly indoctrinates” students is a matter of opinion that cannot be proven true or false.
- “I have the expectation that . . . this teacher will be redirected to teach state standards.” This is a prediction of future events and cannot be proven true or false.
- “Sex and sexuality have no place in a Mesa Schools classroom.” This is a statement of opinion.

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- “Dr. Furlis has ensured our community that these things were not happening.” This is not a statement about Staas.
- “This is unacceptable. These activists are stealing the future away from innocent children, and causing confusion.” This statement, while allegedly made in connection with a reposted article, does not state any new facts about Staas. It is also a matter of opinion.
- “Our job is to educate, not indoctrinate! A vote for S.O.S. endorsed candidates is a vote for indoctrination rather than education!” This statement does not state facts about Staas.
- “They believe a teacher is being attacked personally. She is not being personally attacked, but she is violating state law.” “The things Ms. Staas is admitting to doing with the students in her care are clearly a violation of state law, specifically, the Parental Rights law, which I have also linked.” Although allegedly in reference to Staas, whether the way Staas teaches violates state law is a matter of opinion.
- “In addition to the fact that law is violated, based on the pronouns Ms. Staas professes at board meetings, she also is promoting disordered thinking and confusion within the students in her classroom, and most likely the campus as a whole.” That Staas’s pronouns promote disordered thinking and confusion among students is a matter of opinion.

Dismissal of Benson is warranted because none of her alleged statements could be found defamatory.

7. Defendant Hamlet’s Joinder.

The Court also treats Defendant Hamlet’s Joinder as a motion to dismiss. For the reasons discussed above, Defendant Hamlet cannot be liable for reposting articles by others.

Staas further alleges Hamlet defamed her by commenting on McClain’s August 7, 2024 article as follows: “We’ve been trying to tell the rest of the parents of Mesa Public Schools for years now that this indoctrination and grooming has been going on. It’s much worse than this, though. This is just one person who happened to get caught.” This comment on a prior statement does not substantively update or modify it, and is not independently capable of defamatory meaning. Nor does Staas allege facts from which it could be inferred that Hamlet acted with actual malice as to this statement. Dismissal of Hamlet is therefore warranted.

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8. Conclusion And Orders.

IT IS ORDERED:

1. Denying Defendant McClain's March 11, 2025 Motion To Dismiss First Amended Complaint.
2. Denying Defendant Farah's May 2, 2025 Rule 12(c) Motion For Judgment On The Pleadings
3. Granting Defendant Hamlet's March 3, 2025 Joinder and dismissing this matter as to Hamlet for failure to state a claim.
4. Granting Defendant Benson's March 14, 2025 Joinder and dismissing this matter as to Benson for failure to state a claim.

IT IS FURTHER ORDERED that the parties file a joint report and proposed scheduling order by September 1, 2025.