

E. Duane Weston, Bar No. 012934  
McCarthy Weston, P.L.L.C.  
508 North Humphreys Street  
Flagstaff, Arizona 86001  
(928) 779-4252  
Email: [courts@mccarthyweston.com](mailto:courts@mccarthyweston.com)  
*Attorneys for Defendant*

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
**IN AND FOR THE COUNTY OF YAVAPAI**

JONN F. WALKER, a single man.

Plaintiff / Counterdefendant,

v.

WENDY HEALD, a single woman

Defendant / Counterclaimant.

Case No. V1300CV202080180

**DEFENDANT'S ANSWER  
TO COMPLAINT  
AND COUNTERCLAIM**

**ANSWER**

Defendant, Wendy Heald ("Heald"), by and through undersigned counsel,  
hereby answers John F. Walker ("Plaintiff/Counterdefendant") Verified Complaint  
("Complaint") and admits, denies and affirmatively alleges as follows:

**JURISDICTION AND VENUE**

1. Heald admits that she is a resident of the State of Arizona.
2. Heald is without sufficient information or knowledge with which to  
form a belief as to the truth or falsity of the allegations contained in Paragraph 2 of  
Plaintiff/Counterdefendant's Complaint and therefore denies the same.

1           3.     Heald is without sufficient information or knowledge with which to  
2 form a belief as to the truth or falsity of the allegations contained in Paragraphs 3,  
3 4, 5, 6 and 7 of Plaintiff/Counterdefendant's Complaint and therefore denies the  
4 same.

5           4.     In response to Paragraph 8 of Plaintiff/Counterdefendant's  
6 Complaint, Heald admits jurisdiction is proper in this Court.

7  
8                           **COUNT 1**  
9                           **Common Law Fraud**

10           5.     Heald incorporates herein each and every allegation and denial as set  
11 forth in the foregoing Paragraphs as though fully set forth herein in Paragraph 9 of  
12 Plaintiff/Counterdefendant's Complaint.

13           6.     As to Paragraph 10 of Plaintiff/Counterdefendant's Complaint, the  
14 law speaks for itself and the interpretation is initially a question of law for the  
15 Court to decide and therefore, and Heald denies the same.

16           7.     Heald denies the allegations contained in Paragraph 10, sections (1),  
17 (2), (3), (4), (5), (6), (7), (8) and (9) of Plaintiff/Counterdefendant's Complaint.

18           8.     Heald is entitled to her reasonable attorney fees and costs.

19           9.     Heald denies each and every allegation not specifically admitted to  
20 herein.

21                           **AFFIRMATIVE DEFENSES**

22           Heald hereby asserts as affirmative defenses all affirmative defenses as  
23 specifically set forth in Rule 8 (C), A.R.C.P, including, but not limited to accord  
24 and satisfaction, lack of standing to sue, failure of consideration, unclean hands,  
25

1 estoppel, illegality, laches, license, statute of limitations, payment, recoupment,  
2 release, statute of frauds, waiver, and, in addition, unjust enrichment, set-off,  
3 mistake, failure to state a claim upon which relief can be granted, and other  
4 equitable defenses, and any other matter constituting an avoidance or affirmative  
5 defense.

6 **WHEREFORE**, Heald prays for judgment against Jonn F. Walker, as  
7 follows:  
8

- 9 a) That Plaintiff/Counterdefendant's Complaint be dismissed with  
prejudice;
- 10 b) For Heald's reasonable attorneys' fees and costs incurred  
11 herein;
- 12 c) For such other and further relief as the Court deems just and  
13 proper.

#### 14 **COUNTERCLAIMS**

15 Counterclaimant, Wendy Heald, ("Heald") for her claims against  
16 Counterdefendant, Jonn F. Walker ("Counterdefendant") alleges as follows:

#### 17 **PARTIES, VENUE AND JURISDICTION**

- 18
- 19 1. Heald is a resident of Yavapai County, Arizona.
- 20 2. Counterdefendant is a resident of Australia.
- 21 3. The Counterdefendant, Jonn F. Walker, is also known as "Johnnie  
22 Fitzalan Walker" or "Jonathan Fitzalan Walker".
- 23 4. The events giving rise to this matter occurred in Yavapai County,  
24 Arizona.
- 25

1           5.     Jurisdiction is proper to this Court pursuant to Arizona Revised  
2 Statute §12-123.

3           6.     Venue is proper in this Court pursuant to Arizona Revised Statute  
4 §12-401.

5                                   **GENERAL ALLEGATIONS**

6           7.     Heald and Counterdefendant divorced on or about June 14, 2000.

7           8.     Counterdefendant was ordered to pay child support and half of the  
8 community debt.

9           9.     Counterdefendant refuses to pay his obligation to Heald.

10          10.    Counterdefendant now lives in Australia.

11          11.    Counterdefendant has defamed Heald to the public including her  
12 family and friends.

13                                   **(DEFAMATION)**

14          12.    Heald incorporates the foregoing allegations as though fully set forth  
15 herein.

16          13.    Counterdefendant knowingly and intentionally stated and published  
17 false, defamatory and damaging statements regarding Heald.

18          14.    Counterdefendant defamatory statements to the public including  
19 Heald's family and friends is of and concerning to Heald.

20          15.    Counterdefendant's statements contains false and defamatory  
21 statements about Heald.

22          16.    Heald has been damaged by Counterdefendant's defamatory  
23 statements.

1           17. Counterdefendant's defamatory statements are the proximate cause  
2 of the damages caused to Heald.

3           **WHEREFORE**, Counterclaimant demands and prays for judgment as  
4 follows:

- 5                   a) Awarding judgment in Counterclaimant's favor against  
6 Counterdefendant in an amount to be proven at trial;
- 7                   b) Awarding Counterclaimant all compensatory and punitive  
8 damages as proven at trial;
- 9                   c) Awarding Counterclaimant the cost of suit, reasonable  
10 attorneys' fees and prejudgment and post-judgment interest;
- 11                   d) Awarding Counterclaimant such further relief as this Court  
12 deems just and proper

13           RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of September, 2020.

14                   McCARTHYWESTON, PLLC.

15                     
16                   E. Duane Weston

17                   Attorney for Defendant/Counterclaimant

VERIFICATION

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF COCONINO )

Wendy Heald, a single woman, being first duly sworn upon her oath deposes and says that the statements set forth in the foregoing Answer are true of her own knowledge, except those matters alleged upon information and belief, and as to those, she believes them to be true.

Dated this 23 day of September, 2020.

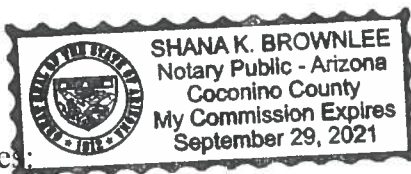
*W Heald*

Wendy Heald

SUBSCRIBED and SWORN to before me by Wendy Heald, a single woman.

*Shana K. Brownlee*

Notary Public



My Commission Expires:

1 Original of the foregoing was *via* Turbo court  
2 this 23<sup>rd</sup> day of September, 2020 with:

3 Yavapai County Superior Court  
4 2840 N. Commonwealth Drive  
Camp Verde, Arizona 86322

5 Copies of the foregoing was mailed/emailed  
6 this 23<sup>rd</sup> day of September, 2020 to:

7 Jonn F. Walker  
8 PO Box 538  
143 Aldersyde Road  
9 Pingelly, WA 6308  
Australia

10 BY:   
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25