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SUPERIOR COURT OF WASHINGTON  
FOR KING COUNTY

United Federation of Churches, LLC (dba "The Satanic Temple")	)	Case No. 23-2-06120-9 SEA
	)	
Plaintiff,	)	DECLARATION OF MATT KEZHAYA
	)	
v.	)	
	)	
David Alan Johnson (AKA "ADJ"),	)	
Leah Fishbaugh, Mickey Meehan, and	)	
Nathan Sullivan,	)	
	)	
Defendants.	)	

COMES NOW Matt Kezhaya, who states as follows under penalty of perjury.

1. **Identity and qualifications as witness.** I am Matt Kezhaya, an adult of sound mind with no felonies. I make these statements on my own personal knowledge and under the penalty of perjury. I have served as general counsel for The Satanic Temple since January 2020 and have been litigating this case since April 2020.
2. **Original federal complaint.** I wrote the original federal complaint, filed on April 3, 2020. A true and correct copy of the original federal complaint is attached as **Exhibit 7**. Of importance to this case, the *ad damnum* clause at p. 16 ¶ (1)(b) sought an order for Defendants to immediately return full control of the Allies Page.
3. **Formal demand.** The First Amended Complaint, filed in federal court, added claims for trespass to chattels and conversion of the Allies Page. Defendants moved to dismiss on the ground that there was no formal demand for its return. In response, I issued a formal demand

1 for the immediate return of the Allies Page. A true and correct of the formal demand is  
2 attached as **Exhibit 8**. Although I have been in continuous communication with Defendants'  
3 attorney in connection with this litigation since the demand, Defendants never returned the  
4 Allies Page.

5 4. **Dismissal without prejudice.** Ultimately, the federal court dismissed the lawsuit for lack  
6 of a sufficient amount in controversy. A true and correct copy of the opinion is attached at  
7 **Exhibit 9**. A true and correct copy of the judgment is attached as **Exhibit 10**.

8 5. **Appellate disposition.** The federal court also dismissed a cyberpiracy claim and a  
9 defamation claim. I appealed both to the Ninth Circuit. The Ninth Circuit reversed the  
10 federal court's analysis on the defamation claim and remanded for further proceedings  
11 consistent with the Establishment Clause and to properly determine the amount in  
12 controversy. A true and correct copy of the Ninth Circuit's unpublished opinion is attached  
13 as **Exhibit 11**.

14 6. **Waiver of defamation claim.** It was my opinion that litigating the defamation claim would  
15 incur more costs and delay than any favorable judgment would be worth. To simplify the  
16 issues and expedite finality, I waived the defamation claim. I informed Defendants' counsel  
17 of this by email on February 5, 2024. A true and correct copy of the correspondence is  
18 attached as **Exhibit 12**.

19 7. **Approximate value of the Allies Page.** Based on internet research conducted at the time of  
20 the original federal complaint, I formed an opinion that the approximate value of the Allies  
21 Page was worth \$1,037.52. This figure was calculated based on the number of followers on  
22 the Allies Page at the time.  
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26 **FURTHER YOUR AFFIANT SAYETH NOT.**

**Declaration**

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

    *s/Matt Kezhaya*    

Signed on August 23, 2024 in Hennepin County, Minnesota

## **Exhibit 7**

Original federal complaint

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

UNITED FEDERATION OF )  
CHURCHES, LLC (DBA “THE )  
SATANIC TEMPLE”), )

Plaintiff, )

v. )

DAVID ALAN JOHNSON (AKA “ADJ”), )  
LEAH FISHBAUGH, MICKEY )  
MEEHAM, AND NATHAN SULLIVAN, )

Defendants. )

No. 20-cv-509

COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF

In support of its claims, Plaintiff United Federation of Churches, LLC (dba “The Satanic Temple”) (abbreviated as “TST”) alleges as follows:

**I. PREAMBLE**

1. This case is about two hacked social media accounts and failed attempts at hacking a social media account and an email account. TST is suing Defendants for misappropriating two of TST’s Facebook business pages by replacing all approved administrators with themselves. Shortly after the misappropriation, Johnson started posting content critical of TST from TST’s own webpage while retaining the original branding. Later, Johnson modified the name of the website, ostensibly to create a competitor organization, while appending the suffix “Archive Temple Chapter.” Defendants now wrongfully maintain exclusive control of over five years of content, all created by and for TST, on websites with more than 17,500 followers. Because of Defendants’ defamatory commentary, unfairly aimed directly at

1 TST’s audience, the Washington Chapter has lost members and has had its reputation harmed.

2 2. The questions presented by this case are whether the above constitutes (1) cyber  
3 fraud and abuse under the Computer Fraud and Abuse Act (“CFAA”); (2) cyberpiracy under the  
4 Lanham Act; (3) tortious interference with business expectancy under Washington common law;  
5 (4) unfair competition; or (5) defamation.

6 3. If so, the Court should find Defendants liable for permanent injunctive relief to  
7 return the websites to TST as their rightful owner and to refrain from accessing any TST  
8 materials, statutory damages, punitive damages, attorney’s fees, and the costs of litigation. In  
9 aggregate, Defendants should be ordered to pay \$142,973.92 or more in statutory and economic  
10 damages.

11 **II. JURISDICTION AND VENUE**

12 4. This Court has original jurisdiction over the federal claims arising under the CFAA  
13 and the Lanham Act. 28 U.S.C. § 1331 (federal question); 18 U.S.C. § 1030(g) (CFAA); 15 U.S.C.  
14 § 1121 (trademark). The Court has supplemental jurisdiction over the state common law claims  
15 arising from the same facts. 28 U.S.C. § 1367.

16 5. The Court can properly exercise personal jurisdiction over each Defendant because  
17 they live within this District.

18 6. Venue properly lies with this Court because the hacking took place in Seattle,  
19 Washington. 28 U.S.C. § 1391.

20 **III. PARTIES**

21 7. TST is a religious organization. See generally “About us,” available at  
22 <https://www.thesatanictemple.org/about-us.html>

23 8. TST subscribes and advances seven fundamental tenets:

24 (1) One should strive to act with compassion and empathy toward all creatures  
25 in accordance with reason.

26 (2) The struggle for justice is an ongoing and necessary pursuit that should  
prevail over laws and institutions.

- 1 (3) One’s body is inviolable, subject to one’s own will alone.
- 2 (4) The freedoms of others should be respected, including the freedom to  
3 offend. To willfully and unjustly encroach upon the freedoms of another is  
4 to forgo one's own.
- 5 (5) Beliefs should conform to one's best scientific understanding of the world.  
6 One should take care never to distort scientific facts to fit one's beliefs.
- 7 (6) People are fallible. If one makes a mistake, one should do one's best to  
8 rectify it and resolve any harm that might have been caused.
- 9 (7) Every tenet is a guiding principle designed to inspire nobility in action and  
10 thought. The spirit of compassion, wisdom, and justice should always  
11 prevail over the written or spoken word.

12 See “Our tenets” available at <https://www.thesatanictemple.org/our-tenets.html>.

13 9. TST’s mission is to “encourage benevolence and empathy among all people,  
14 reject tyrannical authority, advocate practical common sense and justice, and be directed by the  
15 human conscience to undertake noble pursuits guided by the individual will.” See “Our mission”  
16 available at <https://www.thesatanictemple.org/our-mission.html>.

17 10. TST was the subject of the recent documentary “Hail Satan?” (2019), directed by  
18 Penny Lane and distributed by Magnolia Pictures.

19 11. TST maintains sole title to the trade name “The Satanic Temple” in the context of  
20 religious organizations. See **Exhibit 1** (registration of trademark).

21 12. TST has adherents in each of the 50 States, importantly to include Washington.  
22 Groups of adherents are commonly denominated “Chapters.” Chapters are largely autonomous  
23 but are subject to centralized control to ensure faithfulness to organizational principles and  
24 purposes.

25 13. Defendant David Alan Johnson is an individual residing in Seattle, which is within  
26 this Court’s District. Johnson is a former associate of TST who misappropriated TST’s  
Washington Chapter Facebook website from within this Court’s District and is using it and its  
audience in an effort to undermine TST and to create a competitor organization.

14. Defendant Leah Fishbaugh is an associate of Johnson, and former associate of

1 TST, who aided and abetted the hacking. Fishbaugh also lives in Seattle. Fishbaugh changed  
2 the account credentials to the Washington Chapter’s email account in a failed attempt to usurp  
3 control over the email account. On information and belief, Johnson has wrongfully given  
4 Fishbaugh administrative privileges to TST’s Washington Chapter page.

5 15. Defendant Mickey Meeham is an associate of Johnson, and former associate of  
6 TST, who aided and abetted the hacking. Meeham also lives in Seattle. On information and  
7 belief, Johnson has wrongfully given Fishbaugh administrative privileges to TST’s Washington  
8 Chapter page. Meeham misappropriated the Affiliate page.

9 16. Defendant Nathan Sullivan is an associate of Johnson, and former associate of  
10 TST, who aided and abetted the hacking. Sullivan also lives in Seattle. TST entrusted Sullivan  
11 as the custodian of various documents which constitute trade secrets. Examples include original  
12 signed membership agreements, internal policies and procedures, and a listing of members with  
13 contact information. Sullivan now wrongfully maintains exclusive control over these sensitive  
14 documents. On information and belief, Johnson has wrongfully given Sullivan administrative  
15 privileges to TST’s Washington Chapter page.

16 **IV. FACTUAL BACKGROUND**

17 17. Facebook is a ubiquitous internet social medium which permits users to create and  
18 share content including without limitation links, commentary, and written conversations. Content  
19 can be shared by individuals on personal pages or by organizations on business pages.

20 18. Twitter is also a ubiquitous internet social medium which permits users to create and  
21 share substantially similar content as Facebook.

22 19. Google is a ubiquitous internet-based information platform. Among its many  
23 services, Google provides an email platform (“Gmail”) and a cloud-based document creation and  
24 storage platform (“Google Drive.”)

25 20. Facebook is TST’s primary platform of communicating with its membership.

26 21. Twitter is TST’s secondary platform of communicating with its membership.



1 22. TST’s Washington Chapter has a Google account to generally facilitate its  
2 organizational purposes by creating and storing documents.

3 23. In October of 2014, the Washington Chapter business page was created exclusively  
4 for the benefit of TST in its efforts to disseminate information for what was then the Seattle Chapter.  
5 This page, in its current state, is available at  
6 <https://www.facebook.com/thesatanictemplewashington> (content predating March 20, 2020).

7 *See also Exhibit 2* (Chapter page history)

8 24. Over the next several years, the Washington Chapter grew the Facebook page to an  
9 audience exceeding 17,000 followers. *Id.*

10 25. In January of 2015, the Washington Chapter created a Twitter account for the  
11 organization. *See* [https://twitter.com/TST\\_Washington](https://twitter.com/TST_Washington). Currently, the Twitter account has an  
12 audience of about 4,000 followers. *Id.*

13 26. In September of 2018, the Washington Chapter created a secondary Facebook page,  
14 named “TST WA Allies,” to facilitate communications with individuals who were interested in TST  
15 but did not want to identify as a member. This page., in its current state, is available at  
16 <https://www.facebook.com/queersatanicmemes>; *see also Exhibit 3* (Allies page history). The  
17 Allies page has about 500 followers.

18 27. Until the hacking by Defendants, both Facebook pages were maintained and  
19 controlled exclusively by approved administrators.

20 28. Administrators are subject to a written Membership Agreement and Code of  
21 Conduct, which instruct requirements for permissible activity on behalf of TST. In relevant part,  
22 the instructions pertaining to online conduct follow:

23 Public statements & interactions with med

24 All public actions and statements must be approved and vetted by the TST National Council  
25 and the TST Executive Council. If a member is approached by media or asked for any  
26 official statement regarding an action or belief relating to TST all members must refrain

1 from comment and refer the inquiring party to the Chapter Head.

2 ...

3 Confidentiality

4 Members should respect confidentiality, including documentation. Internal information  
5 should not be shared beyond members of the local chapter. Members' names, contact  
6 information, and meeting locations are also considered confidential. If you are ever unsure,  
7 don't share.

8 ...

9 Copyright

10 Material produced by The Satanic Temple is the property of the organization. Consent for  
11 use of logo, name or other identity materials may be approved for use for certain projects.  
12 You may not use any official materials without prior approval. Approval may also be  
13 withdrawn at any time.

14 ...

15 Online code of conduct

16 As a member of TST, your interactions with others, both online and off, will be held to the  
17 TST Code of Conduct. As an individual, we support your freedom of speech and freedom  
18 to hold your opinions. Members' behavior, however, reflects on the organization as whole  
19 and also builds the internal culture of TST. Therefore, we have a code of conduct specifically  
20 for the internet.

21 Respect the diversity of opinions you find online and respond in a courteous manner. All  
22 TST members' online conduct must be free of harassment, stalking, threats, abuse, insults,  
23 defamation, or humiliation. This includes, but is not limited to, demeaning comments of an  
24 ethnic, religious, sexist, or racist nature; and unwanted sexual advances or intimidation by  
25 email or online. Such behavior will result in termination from the organization.

26 As a member of TST, always assume that what you publish on the web is permanent.

1 Anyone can easily print out a comment or save it as a screenshot. Remember, that TST is  
2 often engaged in legal suits and exchanges online, or via text have the right to be exposed in  
3 the case of a deposition. Think before you hit “send”.

4 Using TST in connection with surveys, contests, pyramid schemes, chain letters, junk email,  
5 spamming or any duplication or unsolicited messages is prohibited and will result  
6 termination from the organization.

7 Any public disagreements between TST members should be taken to a private conversation.

8 If mediation is needed, it will be provided.

9 *See* Membership Agreement and Code of Conduct (abbreviated as “Code of Conduct”), available  
10 as **Exhibit 4**.

11 29. The above terms of the Code of Conduct form the contours of administrators’  
12 authorization to access TST’s social media accounts.

13 30. Defendants, each, were entrusted with administrative rights to the above-described  
14 social media accounts, subject to the requirements set forth in the Code of Conduct.

15 31. Until the hacking, Defendant Sullivan had exclusive access to the original copies of  
16 each Defendants’ signature, acknowledging and agreeing to be bound by the above terms in return  
17 for access to the social media accounts.

18 32. On information and belief, Sullivan still has exclusive access to these documents,  
19 among other highly sensitive materials including membership listings, internal policies and  
20 procedures, and meeting notes.

21 33. Defendants were each well aware of the Code of Conduct because it served as a  
22 source of friction leading up to the events giving rise to this litigation. For example, on March 2,  
23 2020, Johnson shared the following post on the Allies page outside of his authority:  
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34. The ensuing deletion and reiteration of the expectation that Johnson adhere to the Code of Conduct as a condition of continued social media access would serve as foreshadowing for the misappropriation of the Allies page.

35. Some time before March 14, 2020, Defendants entered into an unlawful agreement to misappropriate and shut down substantially all the internet presence of TST’s Washington Chapter. Defendants sought to advance the twin goals of forming a competitor organization and harming TST.

36. On March 14, 2020, Meeham exceeded authorization for the Allies page by removing all TST-approved administrators except the other named Defendants, changing the name to “Evergreen Memes for Queer Satanic Friends,” and posting the following manifesto:

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37. Meeham, in conjunction with the other named Defendants, has since been posting material in violation of the Code of Conduct.

38. On or around March 18, 2020, Johnson exceeded authorization for the Twitter account by following a number of extremist groups to create a false impression of affiliation between TST and extremism, and changing the description from "Washington State Chapter of the Satanic Temple" to "Satan stands as the ultimate icon for selfless revolt. We oppose irrational, unjust hierarchies like white supremacy, patriarchy, ableism, & cishet normality."

39. On March 20, 2020 beginning at 10:11 pm, Johnson exceeded authorization for the Chapter page by removing all TST-approved administrators, modifying the cover page without approval, and posting a three-page manifesto. The manifesto, as it looks today, is attached and incorporated as **Exhibit 5** (the archive reflects Central time). Originally, the manifesto was posted with the original trade dress of TST.

40. Broadly, the manifesto levies false claims that TST leadership is cozy with the alt-right, are white supremacists, are generally insufficiently leftist for Johnson's preference, and does

1 not conform to Johnson’s impression of Satanism. Posting the manifesto exceeded Johnson’s grant  
2 of authority as defined in the Code of Conduct.

3 41. Johnson then spent the next couple days posting links and commentary from the  
4 Chapter page, all with the general, and false, theme that TST leaders are incompetent fascists. See  
5 **Exhibit 6** (posts and commentary in excess of authority). The links and commentary all exceeded  
6 Johnson’s grant of authority as defined in the Code of Conduct.

7 42. On March 20 at 11:36 pm, Fishbaugh exceeded authorization by changing the  
8 password to the Chapter’s Google-based email account, changing the recovery email, and changing  
9 the phone number.

10 43. On March 22 at 3:08 pm, Johnson modified the name of the Chapter page from “The  
11 Satanic Temple Washington” to “Satanic Washington State – Archived Temple Chapter” and  
12 modified the profile picture to replace TST-specific iconography with “antifa” symbolism. These  
13 modifications exceeded Johnson’s grant of authority as defined in the Code of Conduct.

14 44. As a result of the foregoing conduct, Sullivan’s control over original signed copies  
15 of membership agreements and cloud-based trade secret documentation, became unauthorized.  
16 Sullivan’s continued control over these materials exceeds the authority granted by the Code of  
17 Conduct.

18 45. “Antifa” is a left-wing political movement with a penchant for violence.

19 46. TST opposes the use or threat of violence as a mechanism for control.

20 47. The Chapter page maintains its original URL:  
21 <https://www.facebook.com/TheSatanicTempleWashington/>.

22 48. As of the date of filing, TST’s Washington Chapter has lost between 20 and 30  
23 members because of Johnson’s false claims published to the Chapter page.

24 49. TST’s Washington leadership have repeatedly demanded the return of the  
25 Facebook pages from both Facebook and Defendants.

26 50. Facebook refused to correct the matter, mislabeling the issue as a “Page admin

1 issue” to the exclusion of “infringements of your legal rights.”

2 51. One week ago, this time through counsel, TST reiterated to Facebook and to  
3 Johnson the unlawful nature of the foregoing conduct of Defendants.

4 52. Facebook did not respond and did not correct the issue.

5 53. Defendants simply ignored all communications, from counsel and TST alike.

6 54. TST was able to recover the Twitter account and the email account through  
7 Twitter and Google, respectively.

8 55. TST is unable to recover the Facebook account without relief from this Court.

9 **III. CAUSES OF ACTION**

10 **Count 1:**

11 **CFAA violation**

12 56. The CFAA provides a civil cause of action when a Defendant knowingly accesses a  
13 “protected computer” by “exceeding authorized access,” which causes a cumulative “loss” of at  
14 least \$5,000. *See* 18 U.S.C. § 1030(g), (c)(4)(A)(i)(I). Or, in the case of an attempted violation, the  
15 successful violation would cause at least \$5,000 in “loss.” *Id.*

16 57. A “computer,” is broadly defined as any device for processing or storing data. 18  
17 U.S.C. § 1030(e)(1).

18 58. A “protected computer” is a “computer” which is “used in or affecting interstate or  
19 foreign commerce or communication.” 18 U.S.C. § 1030(e)(2)(B).

20 59. Websites have been recognized as a “protected computer” within the meaning of the  
21 CFAA. *See United States v. Drew*, 259 F.R.D. 449, 457-58 (C.D. Cal. 2009).

22 60. A defendant “exceeds authorized access” by accessing a computer “with  
23 authorization and to use such access to obtain or alter information in the computer that the accesser  
24 is not entitled so to obtain or alter.” 18 U.S.C. § 1030(e)(6).

25 61. A “loss” is “any reasonable cost to any victim, including the cost of responding to  
26 an offense, conducting a damage assessment, and restoring the data, program, system, or

1 information to its condition prior to the offense, and any revenue lost, cost incurred, or other  
2 consequential damages incurred because of interruption of service.” 18 U.S.C. § 1030(e)(11).

3 62. As described above, Defendants wrongfully and intentionally by exceeding their  
4 authorized access, perpetrated fraud upon TST and its membership, as well as any who happened  
5 upon the offending posts, by posting under the misappropriated identity of TST. Perfectly  
6 encapsulating the issue, one commenter expressed confusion on March 21, stating:



7 **Pete Reeves** I'm confused as to why a TST Facebook page is being  
8 used to attack TST... Shouldn't that be left to the Evangelical  
9 Christians?

Like · Reply · 1w



10 **Pete Reeves** I'm confused as to why a TST Facebook page is being  
11 used to attack TST... Shouldn't that be left to the Evangelical  
12 Christians? Saturday, March 21, 2020 at 1:59 PM

Like · Reply · 1w



13 See <https://www.facebook.com/TheSatanicTempleWashington/posts/2908426992513671>

14 63. There is a cognizable dollar value to social media accounts. Preliminary estimates  
15 of the “loss” related to the misappropriation of the Chapter page is \$33,689.70, plus \$1,037.52 for  
16 the Allies page. The Twitter page, if successfully misappropriated, would have lost \$8,246.70. The  
17 aggregate sum being \$42,973.92—well in excess of the \$5,000 jurisdictional requirement.

18 64. Further compounding the losses are TST’s attorney’s fees for investigating this  
19 matter, entering futile demands for corrective action to both Facebook and Defendants, and  
20 preparing this legal action. TST will continue to incur losses in the costs and fees related to this  
21 lawsuit. TST’s costs and attorney’s fees already exceed \$6,000 for dealing with this matter.

22 65. TST has incurred, and continues to incur, reputation losses from the  
23 misappropriation of its Facebook pages. These reputation losses are irreparable by money damages.

24 66. Based on the foregoing, TST is entitled to injunctive relief in the form of an order  
25 requiring Defendants surrender control of the Facebook pages, a permanent injunction enjoining  
26



1 Defendants from accessing any of TST’s “protected computers” (i.e. any internet-based media)  
2 under threat of contempt, and economic damages of at least \$48,973.92.

3 **Count 2:**

4 **Cyberpiracy**

5 67. The Lanham Act makes cyberpiracy an actionable trademark violation. 15 U.S.C. §  
6 1125(d).

7 68. The Lanham Act provides for a statutory award of not less than \$1,000 and not more  
8 than \$100,000. 15 U.S.C. § 1117(d). A plaintiff is also entitled to the costs of the litigation and, in  
9 the Court’s discretion, a reasonable attorney’s fee. 15 U.S.C. § 1117(a).

10 69. Injunctive relief is also available to a successful plaintiff. 15 U.S.C. § 1116.

11 70. TST holds the exclusive rights to the name “The Satanic Temple.” **Exhibit 1.**

12 71. Defendants are trafficking in the name “The Satanic Temple” by misappropriating  
13 the website located at the URL “facebook.com/**TheSatanicTemple**Washington” (emphasis added).

14 72. Bad faith is established by the manner in which Defendants hijacked the webpages,  
15 attempted to hijack the Twitter and email accounts, removed all approved administrators, gloated  
16 about the matter, and refused to return control of the websites to their rightful owners.

17 73. Based on the foregoing, TST is entitled to injunctive relief in the form of an order  
18 requiring Defendants surrender control of the Facebook pages, a permanent injunction enjoining  
19 Defendants from accessing any of TST’s “protected computers” under threat of contempt, statutory  
20 damages between \$1,000 and \$100,000, costs, and a reasonable attorney’s fee.

21 **Count 3:**

22 **Tortious interference with business expectancy**

23 74. TST maintains ongoing business relationships with Facebook, importantly to  
24 include the Chapter page and Allies page.

25 75. There is an economic benefit for TST in having a ubiquitous platform to interact  
26 with members and prospective members in the convenience of their homes and wherever they carry

1 their smartphones. Namely, with increased awareness comes increased membership and donations  
2 which create a positive feedback loop.

3 76. At the relevant time, Defendants had subjective knowledge of the business  
4 relationship.

5 77. Defendants intentionally and with an improper motive acted to sever the Washington  
6 Chapter's relationships with Facebook by misappropriating the two websites for the twin goals of  
7 harming the Washington Chapter, and TST at large, and creating a competitor organization.

8 78. As a direct and proximate result of Defendants' wrongful conduct, TST has suffered  
9 substantial economic injury and loss of business opportunity and has incurred attorney's fees and  
10 other costs in attempting to remedy the situation.

11 79. Based on the foregoing, TST is entitled to injunctive relief in the form of an order  
12 requiring Defendants surrender control of the Facebook pages, a permanent injunction enjoining  
13 Defendants from accessing any of TST's "protected computers" under threat of contempt and  
14 punitive damages.

15 **Count 4:**

16 **Violations of the Consumer Protection Act**

17 80. Washington's Consumer Protection Act prohibits unfair, unconscionable, or  
18 deceptive methods in the conduct of trade or commerce. *See* Chapter 19.86 RCW.

19 81. TST has protected, registered trade names and common law trade dress for the  
20 services it provides to the community. Of importance to this case, the name "The Satanic Temple"  
21 is a registered mark; and the symbolism and content included in the Chapter page and Allies page  
22 at the time substantially all of the offending material was posted are trade dress.

23 82. Further, TST has a protected interest in its trade secret materials including  
24 membership listings, membership agreements, internal policies and procedures, other governance  
25 materials, and access to a hard-won social media following.

26 83. Defendants' unauthorized use of TST's protected intellectual property are intended

1 to unlawfully aid in the creation of a competitor organization by diverting the recognition arising  
2 from TST's reputation and goodwill.

3 84. Defendants' unauthorized use of TST's protected intellectual property is intended to  
4 deceive the public with a deliberate, willful intent to disparage or pass off competitor services as  
5 those of TST, for the end-goal of harming TST's goodwill.

6 85. The harm to TST's goodwill cannot be adequately remedied at law.

7 86. The unfair or deceptive acts or practices occurred in the conduct of Defendants'  
8 trade or commerce.

9 87. The unfair or deceptive acts or practices impact the public interest.

10 88. As a result of Defendants' unfair or deceptive acts or practices Plaintiff suffered  
11 injury to its business or property.

12 89. Defendants' acts or practices are the proximate cause of damages suffered by  
13 Plaintiff.

14 90. Based on the foregoing, TST is entitled to injunctive relief in the form of an order  
15 requiring Defendants surrender control of the Facebook pages, surrender control of all TST  
16 materials, a permanent injunction enjoining Defendants from accessing any of TST's "protected  
17 computers" under threat of contempt, a permanent injunction enjoining Defendants from making  
18 use of any information obtained during their association with TST under threat of contempt, and  
19 actual and treble damages.

20 **Count 5:**

21 **Defamation**

22 91. Defendants owed and continue to owe a duty to TST to refrain from publishing false  
23 and defamatory statements about TST and its employees.

24 92. By falsely ascribing extremist ideologies and affiliations to TST, Defendants  
25 published and republished false and defamatory statements about TST and TST's employees.

26 93. The false and defamatory statements published by Defendants regarding TST and

1 its employees, as reasonably understood by outside observers, impugns the integrity and competence  
2 of TST and its employees, discredits TST's activities, undermines confidence of the public in TST's  
3 role in the community, and drives away current and prospective members from TST.

4 94. The false and defamatory statements published by Defendants, when considered  
5 alone, tends to subject TST and its employees to hatred, distrust, ridicule, contempt, or disgrace, and  
6 tends to injure TST's reputation.

7 95. By carrying out the foregoing conduct, Defendants acted maliciously and with  
8 reckless indifference to the consequences of their actions and the rights of TST.

9 96. Based on the foregoing, TST is entitled to injunctive relief in the form of an order  
10 requiring Defendants surrender control of the Facebook pages, surrender control of all TST  
11 materials, a permanent injunction enjoining Defendants from publishing false statements about TST  
12 or any of its membership, and punitive damages.

13 **IV. PRAYER FOR RELIEF**

14 **WHEREFORE**, in addition to all other relief to which the Court finds TST entitled,  
15 TST prays for orders providing as follows:

16 (1) Defendants shall, jointly and severally, immediately return full control of the  
17 following to Plaintiff, under threat of contempt:

- 18 (a) The Chapter Facebook page  
19 (b) The Allies Facebook page; and  
20 (c) All TST materials, whether in paper or electronic format, including without  
21 limitation: all signed agreements, all membership listings, all internal policies  
22 and procedures, all governance documentation, any branding materials, and any  
23 other document created by or for the benefit of TST.

24 (2) Defendants shall, jointly and severally, permanently refrain from the following  
25 under threat of contempt:

- 26 (a) Accessing any administrative function of any internet-based medium, including

1 without limitation any social media accounts, email accounts, or document  
2 storage accounts, created by or for the benefit of TST

3 (b) Publishing or republishing false statements about TST or any of its membership  
4 or causing or permitting third parties to publish or republish false statements  
5 about TST or any of its membership.

6 (3) Defendants shall, jointly and severally, pay economic damages to Plaintiff in an  
7 amount to be determined by the Court, to meet or exceed \$42,973.92.

8 (4) Defendants shall, jointly and severally, pay statutory damages to Plaintiff in an  
9 amount to be determined by the Court, to meet or exceed \$100,000.

10 (5) Defendants shall, jointly and severally, pay treble damages to Plaintiff in an amount  
11 to be determined at trial.

12 (6) Defendants shall, jointly and severally, pay attorney's fees and costs to Plaintiff in  
13 an amount to be determined after trial.

14 (7) Defendants shall, jointly and severally, pay pre-judgment and post-judgment interest  
15 until paid in full.

16  
17 Respectfully submitted this 3rd day of April, 2020.

18 LYBECK PEDREIRA & JUSTUS, PLLC

19  
20 By: /s/ Benjamin Justus  
21 Benjamin Justus (#38855)  
22 Attorneys for Plaintiff  
23 Chase Bank Building  
24 7900 SE 28<sup>th</sup> St., Fifth Floor  
25 Mercer Island, WA 98040  
26 206.687.7805 /ph 206.230.7791 /fax  
[ben@lpjustus.com](mailto:ben@lpjustus.com) / email Justus

And: /s/ Matthew A. Kezhaya  
Matthew A. Kezhaya (AR#2014161), pro hac vice pending  
Attorney for Plaintiff  
Kezhaya Law PLC

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1202 NE McClain Rd  
Bentonville, AR 72712  
479.431.6112 /ph 479.282.2892 /fax  
[matt@kezhaya.law](mailto:matt@kezhaya.law) / email Kezhaya

## **Exhibit 8**

June 22, 2022 formal demand for return of Allies Page



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## TST v. Johnson -- demand for return of Allies page; notice of forthcoming motion for TRO/Prelim. Injunction.

---

Matthew A. Kezhaya <matt@kezhaya.law>

Wed, Jun 22, 2022 at 3:43 PM

To: Jeremy Roller <jroller@aretelaw.com>

Cc: Benjamin Justus <ben@lpjustus.com>, "Sonia A. Kezhaya" <sonia@kezhaya.law>

Hi Jeremy,

Please see below for a formal demand for the immediate return of the Allies page to the exclusive control of my client. If your clients do not heed this demand, I will file a motion for temporary restraining order and for preliminary injunction. My points and authorities for the motion are under enumerated headers below. This letter is intended to satisfy my notice obligations under FRCP 65(a)(1) and (b)(1)(B).

### *Demand for the return of the Allies page*

I've seen in some of your briefing an objection that TST has not formally demanded the return of the Allies page. In recognition that a formal demand is not necessary to plead or prove the trespass to chattels or conversion claims, see doc. 31 at 27-28, please consider this email an immediate demand for the return of full control over the Allies page to TST. And I do mean this demand for full control shall be "immediate" *i.e.*, "occurring without delay; instant." *Black's Law Dictionary*, IMMEDIATE (11th ed. 2019).

Notwithstanding the formality of my demand, I assume your clients will continue to refuse to relinquish control of TST's property. In response, I will have to move for a temporary restraining order and preliminary restraining order. FRCP 65(a), (b). Each request requires two showings: (1) a likelihood of success on the merits; (2) irreparable harm; and (3) the balance of the equities favors immediate relief. I am prepared to show all points.

### *1: TST has a likelihood of success on the merits*

It confounds me, that your clients refuse to relinquish control over my client's property *because* success on the merits is inevitable. Indisputably, your clients are in possession of my client's property. The Allies page was created by an agent of TST in the course and scope of the agency to propagate TST's message. Facebook publishes all former names of every Facebook page; the subject website began as "South Sound Satanists: Friends of TST." 2d Am. Compl., doc. 26-3, **Exhibit 3**. Your clients even eliminated any potential defense of a good faith mistake when they publicly bragged that they "stole" TST's website. 2d Am. Compl., doc. 26-3, **Exhibit 5** at 3. They knew the property was not theirs and they knew that it was unlawful for them to be in possession of it. Yet they took that property anyway.

It is bad enough that your clients are self-described "thieves." It is worse that they went even further by "stealing" their former principal's property for the purpose of making the initial capital contribution to their competitor organization. **Id.** at 3-4. That was a breach of their fiduciary duty of loyalty to their principal. See Restatement (Second) of Torts § 874 (1979); *Micro Enhancement Int'l, Inc. v. Coopers & Lybrand, LLP*, 110 Wash. App. 412, 433-34, 40 P.3d 1206, 1217-18 (2002); *Ward v. Costello*, No. 984871J, 2002 WL 31973253, at \*7 (Mass. Super. Dec. 17, 2002); *Hanover Ins. Co. v. Sutton*, 46 Mass. App. Ct. 153, 167, 705 N.E.2d 279, 290 (1999) ("A person who owes a fiduciary duty to a corporation is prohibited from taking, for personal benefit, an opportunity or advantage that belongs to the corporation.")

Based on your clients own public admissions, it is indisputable that TST has a "likelihood of success on the merits."

### *2: TST is continuing to incur irreparable harm*

Not only does my client have a likelihood of success on the merits, my client will continue to suffer irreparable harm during the pendency of this litigation. Your clients are using my client's property to cause reputational harm to my client. E.g. **Exhibit 1** (publicly discouraging people from associating with TST, using TST's "stolen" advertising platform). Your clients repeatedly claim that they have a right to criticize  
**Kezhaya Decl. 24 of 41**



TST. They do. They just need to do it within the bounds of the law, *i.e.*, by limiting their criticisms to matters of pure opinion (as opposed to provably-false facts or mixed opinions that impliedly suggest a provably-false factual premise); and they need to do only in connection with their own social media platforms. If they could just mind the legal limits of their criticisms, we could all go our separate ways in peace.

But they aren't. As stated above, it is an abuse of my client's property rights (and your clients' fiduciary duties) to use my client's property to make harmful statements about my client. Irrespective of any defamation liability, the reputational harm is *still* enjoined through the trespass to chattel and conversion claims. *Galaxy Oil Co. v. Ameet*, No. SACV2100311CJCKESX, 2021 WL 4047405, at \*3 (C.D. Cal. Mar. 9, 2021) (applying California common law claims). Same for the tortious interference claim. *eBay, Inc. v. Bidder's Edge, Inc.*, 100 F. Supp. 2d 1058 (N.D. Cal. 2000).

Reputational harm is textbook "irreparable harm." E.g. *Herb Reed Enterprises, LLC v. Fla. Ent. Mgmt., Inc.*, 736 F.3d 1239, 1250 (9th Cir. 2013). As is plain from the posts and commentary on my clients' website, your clients' use of my clients' property is causing my client reputational harm. Thus, irreparable harm exists and TST is entitled to a TRO and a preliminary injunction.

You have previously objected that Washington's application of the common law *may* be different from other States' common law. Doc. 37 at 9. But that's a fallacious appeal to ignorance. It is your threshold burden to demonstrate that the end result is different under two States' laws. *Woodward v. Taylor*, 184 Wash. 2d 911, 917, 366 P.3d 432, 435 (2016). Washington, Massachusetts, and California, all receive the common law, unless the common law is repugnant to or inconsistent with Federal or State law. RCW §§ 1.12.030 and 4.04.010 (Washington); Mass. Const. Pt. 2, C. 6, art. VI (Massachusetts); Cal. Civ. Code § 22.2 (California).

Thus, irreparable harm exists under the common law, notwithstanding that some of my authorities come out of California or Massachusetts or the ALI's *Restatements of the Law*.

### ***3: The equities favor immediate injunctive relief.***

The motion also requires a balance of the equities. Magistrate Judge Ryu has found that the balance of the equities favors an injunction where the "Plaintiff essentially seeks to enjoin illegal activity and not legitimate business operations by [the] Defendant." *Zynga Game Network, Inc. v. Goh*, No. C-09-05297-SBA (DMR), 2011 WL 13376996 (N.D. Cal. Feb. 14, 2011), *report and recommendation adopted*, No. C 09-05297 SBA, 2011 WL 13376997 (N.D. Cal. Mar. 1, 2011).

As stated in § 1, your clients' use of my client's property is in violation of my client's exclusive rights. Your clients are engaging in ongoing illegal activity. It is not a legitimate business operation to "steal" someone's website. *Zynga*, above. Thus, the balance of equities clearly favor an immediate return.

### ***4: There should be either no bond or a nominal bond.***

A bond is contemplated by the Rules. FRCP 65(c). The purpose of this security requirement is to compensate the enjoined party for any harm from a wrongful injunction. *Wright & Miller*, 11A Fed. Prac. & Proc. Civ. § 2954 (3d ed.). I can conceive of no credible argument that your clients would be "harmed" by a wrongful injunction. The property indisputably belongs to TST. The Defendants had no colorable claim to "steal" their principal's property. There is no harm in the loss of "their" social media platform. They should not have built the platform on property which belongs to another. Thus, there should be either no bond or a nominal bond.

## **Summary**

We can fight about damages during the litigation. But *pendente lite*, my client is entitled to exclusive control over its property. Your clients must return the property immediately, or I will move for immediate injunctive relief at my earliest opportunity. As you can see, the motion is all but drafted. I am not waiting for an affirmative response that the property will be returned. Please have your clients return full control of the Allies page, immediately and without any further modification.

Matthew A. Kezhaya

Arkansas office:  
Kezhaya Law PLC

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p: (479) 431-6112  
f: (612) 349-2760  
e: matt@kezhaya.law


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f: (612) 349-2760  
e: matt@kezhaya.law


This message may contain confidential or privileged information and was intended for a particular recipient. If it appears that I sent this to you in error, please inform me and delete this message.

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**3 attachments**

 **2022 04 15 - 31 - order granting in part MTD.pdf**  
261K

 **2021 05 24 - 26-5 - exhibit 5.pdf**  
865K

 **2021 05 24 - 26-3 - exhibit 3.pdf**  
259K

## **Exhibit 9**

Federal opinion dismissing case without prejudice

2023 WL 121418

Only the Westlaw citation is currently available.  
United States District Court, W.D. Washington,  
at Seattle.

UNITED FEDERATION OF CHURCHES, LLC, Plaintiff,

v.

David Alan JOHNSON, et al., Defendants.

Case No. 20-cv-00509-RAJ

I

Signed January 6, 2023

### Attorneys and Law Firms

Matt Kezhaya, Pro Hac Vice, Crown Law, Minneapolis, MN, [Benjamin R. Justus](#), Lybeck Pedreira & Justus PLLC, Mercer Is, WA, for Plaintiff.

[Jeremy E. Roller](#), Arete Law Group PLLC, Seattle, WA, for Defendants.

## ORDER GRANTING DEFENDANT'S MOTION TO DISMISS AND DENYING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

[Richard A. Jones](#), United States District Judge

### I. INTRODUCTION

\*1 This matter comes before the Court on Defendants' Motion to Dismiss and Plaintiff's Motion for Preliminary Injunction. Dkt. ## 33, 42. For the reasons below, the Court **GRANTS** Defendants' Motion to Dismiss and **DENIES** Plaintiff's Motion for Preliminary Junction.

### II. BACKGROUND

This case involves a dispute between Plaintiff United Federation of Churches and its former members, Defendants. Plaintiff alleges that Defendants hacked several social media accounts and began posting content critical of Plaintiff's organization. Two of the social media accounts at issue are located on Facebook—the "Chapter" page and the "Allies" page. Dkt. # 26 at 6. Plaintiff brought federal law claims under the Computer Fraud and Abuse Act ("CFAA"), [18 U.S.C. § 1030](#) and the Anti-Cybersquatting Consumer Protection Act ("ACPA"), and also brought associated state law claims.

Following two rounds of motions to dismiss, this Court dismissed Plaintiff's federal law claims and state law claims relating to the Chapter page on Facebook. Dkt. # 31 at 32. Plaintiff did not amend its complaint. Defendants now ask the Court to dismiss for lack of subject-matter jurisdiction. Dkt. # 33.

### III. LEGAL STANDARD

#### A. [FRCP 12\(b\)\(1\)](#)

Federal courts are tribunals of limited jurisdiction and may only hear cases authorized by the Constitution or a statutory grant. [Kokkonen v. Guardian Life Ins. Co. of America](#), 511 U.S. 375, 377 (1994). The burden of establishing subject-matter jurisdiction rests upon the party seeking to invoke federal jurisdiction. *Id.* Once it is determined that a federal court lacks subject-matter jurisdiction, the court has no choice but to dismiss the suit. [Arbaugh v. Y & H Corp.](#), 546 U.S. 500, 514 (2006); [Fed. R. Civ. P. 12\(h\)\(3\)](#) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”).

#### IV. DISCUSSION

With the Court's dismissal of Plaintiff's federal claims, Defendants now argue that there is no federal question jurisdiction and the requirements for diversity jurisdiction have not been met. District courts have diversity jurisdiction over all civil actions between citizens of different states where the amount in controversy exceeds \$75,000, exclusive of interest and costs. [28 U.S.C. § 1332\(a\)](#). Defendants argue that Plaintiff cannot establish either prong.

##### A. Complete diversity.

Plaintiff has established the “complete diversity” requirement. To establish complete diversity, the citizenship of each plaintiff must be diverse from the citizenship of each defendant. LLCs, such as Plaintiff, are citizens “of every state of which its owners/members are citizens.” [Johnson v. Columbia Props. Anchorage, LP](#), 437 F.3d 894, 899 (9th Cir. 2006). Defendants take issue with the fact that Plaintiff's Corporate Disclosure Statement failed to list the states of which its owners/members are citizens. Dkt. # 33 at 5. In response to Defendant's motion, Plaintiff filed a revised Corporate Disclosure Statement addressing this issue. Dkt. # 34. This late filing is a minor procedural mistake which does not affect this Court's subject matter jurisdiction. Neither the Court nor the parties were prejudiced by this late filing. The revised Corporate Disclosure Statement clears any ambiguity regarding complete diversity of the parties. Plaintiffs are citizens of Massachusetts, and Defendants are citizens of Washington.

##### B. Amount in controversy.

\*2 Defendants facially attack Plaintiff's complaint, arguing that the complaint fails to plead facts establishing the amount in controversy. See [Wolfe v. Strankman](#), 392 F.3d 358, 362 (9th Cir. 2004) (“In a facial attack, the challenger asserts that the allegations contained in a complaint are insufficient on their face to invoke federal jurisdiction.”).

The amount-in-controversy requirement is generally determined by the amount claimed in the complaint, and this amount controls if the complaint was made in good faith. See [St. Paul Mercury Indem. Co. v. Red Cab Co.](#), 303 U.S. 283, 288–89 (1938). Nonetheless, a district court may be justified in dismissing the action where it appears to a legal certainty that the actual claim is less than the jurisdictional amount. [Lowdermilk v. United States Bank Nat'l Assoc.](#), 479 F.3d 994, 999 (9th Cir. 2007). Here, the surviving claims seek injunctive relief and common law damages relating to misappropriation of the “Allies” page on Facebook that promotes Plaintiff's organization to non-members. Dkt. # 26 at 16. The complaint specifically estimates the “loss” related to the misappropriation of the Allies page to be \$1,037.52. Dkt. # 26 at 16. This is far below the required \$75,000 to establish the amount in controversy. That Plaintiff also seeks injunctive relief does not change this conclusion. See [Cohn v. Petsmart, Inc.](#), 281 F.3d 837, 840 (9th Cir. 2002) (stating that “the amount in controversy is measured by the value of the object of the litigation” where the plaintiff seeks injunctive relief).

Nor do any other peripheral allegations nudge the complaint's stated amount-in-controversy into the realm of plausibility. Although the complaint seeks \$100,000 in statutory damages, Plaintiff's statutory claims have already been dismissed. See Dkt. # 31 at 32. Same with Plaintiff's common law claims alleging damages for misappropriation of the “Chapter” page on Facebook. *Id.* Finally, Plaintiff's allegations regarding its losses for tortious interference with business relations are sparse. But in any event, the cumulative value of Plaintiff's lost business with Facebook does not exceed the jurisdictional minimum. See Dkt. # 26 at 16. Nor has Plaintiff established that punitive damages would be permitted under the applicable state law based on the conduct alleged. See [Davenport v. Mut. Ben. Health & Accident Ass'n](#), 325 F.2d 785, 787 (9th Cir. 1963). For these reasons,

the Court agrees with Defendants that the complaint fails to plead facts establishing the amount in controversy and **GRANTS** the Motion to Dismiss.

#### V. CONCLUSION

For the reasons stated above, the Court **GRANTS** Defendants' Motion to Dismiss. Dkt. # 33. Because the court lacks subject matter jurisdiction, Plaintiff's request for a preliminary injunction is rendered moot. The Court **DENIES** the motion on that basis. Dkt. # 42.

#### All Citations

Not Reported in Fed. Supp., 2023 WL 121418

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End of Document

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## **Exhibit 10**

Federal judgment of dismissal without prejudice

United States District Court  
WESTERN DISTRICT OF WASHINGTON

UNITED FEDERATION OF  
CHURCHES, LLC,

Plaintiff,

v.

DAVID ALAN JOHNSON, et al.,

Defendant.

**JUDGMENT IN A CIVIL CASE**

CASE NUMBER: 2:20-cv-00509-RAJ

       **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

  **X**   **Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT:

Judgment is entered in favor of Defendants David Alan Johnson, Leah Fishbaugh, Mickey Meeham and Nathan Sullivan, against Plaintiff United Federation of Churches, LLC.

DATED this 9th day of January, 2023.

RAVI SUBRAMANIAN,  
Clerk of the Court

By:       /s/ Victoria Ericksen        
Deputy Clerk



# **Exhibit 11**

Ninth Circuit opinion reversing and remanding

**FILED**

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

NOV 30 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED FEDERATION OF CHURCHES  
LLC, DBA The Satanic Temple,

Plaintiff-Appellant,

v.

DAVID ALAN JOHNSON, AKA ADJ; et  
al.,

Defendants-Appellees.

No. 23-35060

D.C. No. 2:20-cv-00509-RAJ

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Richard A. Jones, District Judge, Presiding

Argued and Submitted November 15, 2023  
UW Law School SE

Before: McKEOWN and GOULD, Circuit Judges, and BENNETT,\*\* District  
Judge.

Plaintiff-Appellant United Federation of Churches LLC (dba “The Satanic  
Temple”) (“TST”) is a self-purported non-theistic religious organization.

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by Ninth Circuit Rule 36-3.

\*\* The Honorable Richard D. Bennett, United States District Judge for  
the District of Maryland, sitting by designation.

Defendants-Appellees David Johnson, Leah Fishbaugh, Mickey Meehan, and Nathan Sullivan are former members of the advisory council for The Satanic Temple's Washington Chapter. After their removal from the council, the Defendants-Appellees allegedly made false public statements on the Chapter's social media pages about The Satanic Temple, including allegedly falsely ascribing extremist ideologies and affiliations to The Satanic Temple. The Satanic Temple filed suit, alleging claims for, as relevant here, defamation and cyberpiracy under the Anti-Cybersquatting Consumer Protection Act ("ACPA"), 15 U.S.C. § 1125(d). The District Court dismissed both claims for failure to state a claim upon which relief could be granted, and it denied The Satanic Temple's motion for reconsideration.

The Satanic Temple timely appeals the dismissal and denial of reconsideration for its claims. We have jurisdiction under 28 U.S.C. § 1291 and review de novo a district court's dismissal for failure to state a claim upon which relief may be granted. *Puri v. Khalsa*, 844 F.3d 1152, 1157 (9th Cir. 2017). We affirm the dismissal of the ACPA claim and vacate and remand the dismissal of the defamation claim.

1. The ACPA establishes liability for cyberpiracy where the defendant, acting in bad faith, used a domain name that is identical or confusingly similar to a protected mark owned by the plaintiff. 15 U.S.C. § 1125(d)(1)(A). A domain name is "any alphanumeric designation which is registered with or assigned by any domain

name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.” *Id.* § 1127. In this case, however, the alleged infringement regards a post-domain path, not a domain name within the meaning of Section 1127. *See Interactive Prod. Corp. v. a2z Mobile Off. Sols., Inc.*, 326 F.3d 687, 691 (6th Cir. 2003). Moreover, contrary to The Satanic Temple’s novel argument, domain registration is not the same as registration for a social media website. Lastly, even if The Satanic Temple’s Facebook page constitutes a domain name under the Act, liability only attaches if the defendant “is the domain name registrant or that registrant’s authorized licensee.” 15 U.S.C. § 1125(d)(1)(D). The defendants in this case were not the domain name registrants as required under the Act.

2. The District Court dismissed the defamation claim under the ecclesiastical abstention doctrine, but it is unclear based on the Complaint whether that doctrine applies. *See Huntsman v. Corp. of the President of the Church of Jesus Christ of Latter-Day Saints*, 76 F.4th 962, 968 (9th Cir. 2023). The defamation claim merely states that “[b]y falsely ascribing extremist ideologies and affiliations to TST, Defendants published and republished false and defamatory statements about TST and TST’s employees.” Because this claim potentially invokes “religious controversies that incidentally affect civil rights,” *Puri*, 844 F.3d at 1162, TST must specify which statements are alleged to be false and defamatory. We assume there

will be an amended complaint to this effect. Only then may the District Court determine whether there are religious issues that warrant invoking the ecclesiastical abstention doctrine.

3. Although the District Court found that The Satanic Temple is a citizen of Massachusetts and Defendants-Appellees are citizens of Washington, the record is insufficiently developed regarding whether the value of the injunctive relief and punitive damages sought in the defamation claim satisfies the amount in controversy requirement for diversity jurisdiction under 28 U.S.C. § 1332. This inquiry into the jurisdictional amount must be conducted before the defamation claim may be dismissed for lack of subject matter jurisdiction.

**AFFIRMED IN PART; VACATED AND REMANDED IN PART.**

## **Exhibit 12**

Emails re: waiving defamation claim

## Matt Kezhaya

---

**From:** Matt Kezhaya  
**Sent:** Monday, February 5, 2024 6:59 PM  
**To:** Jeremy Roller  
**Cc:** ben@lpjustus.com; Kasandra Stahl; Sonia Kezhaya  
**Subject:** Re: TST v. Johnson -- following up on report to Court

Correct.

Matt Kezhaya  
Kezhaya Law PLC  
150. S. Fifth St., Suite 1850  
Minneapolis, MN 55402  
matt@kezhaya.law  
(479) 431-6112

---

**From:** Jeremy Roller <jroller@aretelaw.com>  
**Sent:** Monday, February 5, 2024 6:48:36 PM  
**To:** Matt Kezhaya <matt@kezhaya.law>  
**Cc:** ben@lpjustus.com <ben@lpjustus.com>; Kasandra Stahl <kasandra@lpjustus.com>; Sonia Kezhaya <sonia@kezhaya.law>  
**Subject:** RE: TST v. Johnson -- following up on report to Court

So does this mean that TST **won't** be asserting the defamation claim in King County Superior Court?

### Jeremy Roller



ARETE LAW GROUP  
1218 THIRD AVENUE  
SUITE 2100  
SEATTLE, WA 98101  
(206) 428-3250

[www.aretelaw.com](http://www.aretelaw.com) | direct: (206) 428-3254

---

**From:** Matt Kezhaya <matt@kezhaya.law>  
**Sent:** Monday, February 5, 2024 4:29 PM  
**To:** Jeremy Roller <jroller@aretelaw.com>  
**Cc:** ben@lpjustus.com; Kasandra Stahl <kasandra@lpjustus.com>; Sonia Kezhaya <sonia@kezhaya.law>  
**Subject:** Re: TST v. Johnson -- following up on report to Court

Yes, please. No amended complaint forthcoming, to simplify the issues and expedite finality we are proceeding on the claims already stated.

Matt Kezhaya  
Kezhaya Law PLC  
150. S. Fifth St., Suite 1850  
Minneapolis, MN 55402  
[matt@kezhaya.law](mailto:matt@kezhaya.law)  
(479) 431-6112

---

**From:** Jeremy Roller <[jroller@aretelaw.com](mailto:jroller@aretelaw.com)>  
**Sent:** Monday, February 5, 2024 6:06:28 PM  
**To:** Matt Kezhaya <[matt@kezhaya.law](mailto:matt@kezhaya.law)>  
**Cc:** [ben@ljustus.com](mailto:ben@ljustus.com) <[ben@ljustus.com](mailto:ben@ljustus.com)>; Kasandra Stahl <[kasandra@ljustus.com](mailto:kasandra@ljustus.com)>; Sonia Kezhaya <[sonia@kezhaya.law](mailto:sonia@kezhaya.law)>  
**Subject:** RE: TST v. Johnson -- following up on report to Court

Hi Matt,

Circling back on this. Do you want me to prepare a stipulated motion along the lines of what I've described below, or do you have something else in mind? When do you want to file the amended complaint in KCSC?

Thanks Matt.

Jeremy

**Jeremy Roller**



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1218 THIRD AVENUE  
SUITE 2100  
SEATTLE, WA 98101  
(206) 428-3250

[www.aretelaw.com](http://www.aretelaw.com) | direct: (206) 428-3254

---

**From:** Jeremy Roller  
**Sent:** Wednesday, January 31, 2024 8:12 PM  
**To:** Matt Kezhaya <[matt@kezhaya.law](mailto:matt@kezhaya.law)>  
**Cc:** [ben@ljustus.com](mailto:ben@ljustus.com); Kasandra Stahl <[kasandra@ljustus.com](mailto:kasandra@ljustus.com)>; Sonia Kezhaya <[sonia@kezhaya.law](mailto:sonia@kezhaya.law)>  
**Subject:** RE: TST v. Johnson -- following up on report to Court

Hi Matt,

Yes, certainly happy to talk. Tomorrow afternoon or Friday afternoon (both my time) would work well.

We may not have much to discuss. I was thinking we would submit a stipulated motion that says the Federal Appeal has been resolved, that the parties agree that TST can amend the state court complaint, that sets a deadline for that amended complaint, and that asks the court to generate a new case schedule based on a trial date we can agree to (I was thinking something in the late winter or spring of 2025). Does that work for you? If so, please let me know when you'd like to file the amended complaint and if you agree re: the timing of trial. I can then put together a quick stipulated motion.

Thanks Matt.

Jeremy

**Jeremy Roller**



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**From:** Matt Kezhaya <[matt@kezhaya.law](mailto:matt@kezhaya.law)>  
**Sent:** Wednesday, January 31, 2024 2:34 PM  
**To:** Jeremy Roller <[jroller@aretelaw.com](mailto:jroller@aretelaw.com)>  
**Cc:** [ben@lpjustus.com](mailto:ben@lpjustus.com); Kasandra Stahl <[kasandra@lpjustus.com](mailto:kasandra@lpjustus.com)>; Sonia Kezhaya <[sonia@kezhaya.law](mailto:sonia@kezhaya.law)>  
**Subject:** TST v. Johnson -- following up on report to Court

Hey Jeremy,

We still need to put together a joint report to the King County Superior Court. Do you have time to confer tomorrow or Friday?

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