

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

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

Plaintiff/Counterclaim  
Defendant,

v.

DAVID ALAN JOHNSON (AKA “ADJ”),  
LEAH FISHBAUGH, MICKEY MEEHAN,  
and NATHAN SULLIVAN,

Defendants/  
Counterclaimants

No. 23-2-06120-9 SEA

**DEFENDANTS’ OPPOSITION TO  
PLAINTIFF’S MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT**

**I. INTRODUCTION AND RELIEF REQUESTED**

Defendants David Johnson, Leah Fishbaugh, Mickey Joshua Powell<sup>1</sup>, and Nathan Sullivan (“Defendants”) file this Opposition to Plaintiff United Federation of Churches, LLC’s (“UFC”) Motion for Partial Summary Judgment as to Liability on the Trespass to Chattels and Conversion Counts and Application for Delivery (“Motion”). The Court should deny UFC’s Motion and grant Defendants’ pending cross Motion for Summary Judgment,

<sup>1</sup> Defendant Mickey Meehan’s legal name is Mickey Joshua Powell.

1 Sub. No. 37, which Defendants incorporate by reference. Defendants also request that the  
2 Court strike UFC’s supporting declarations.

3 UFC seeks a liability ruling as to its common law claims for alleged conversion and  
4 trespass and for an order to show cause under the replevin statute for the return of a Facebook  
5 page that was used by an autonomous local organization called the “Washington Chapter.”  
6 The Washington Chapter is not a party to this litigation. As a preliminary and determinative  
7 matter, UFC’s claims are time barred. It is indisputable that UFC’s claims accrued on March  
8 14, 2020. The three-year statute of limitations expired on March 14, 2023. UFC did not file  
9 its complaint in this Court until April 3, 2023. UFC’s time-barred claims must be dismissed.

10 In addition to being time barred, UFC’s claims lack all merit. UFC argues that “this  
11 litigation has always stood for the proposition of ‘that’s mine, give it back.’” Motion at 7.  
12 Yet, UFC does not dispute that the individuals in charge of the autonomous Washington  
13 Chapter expressly relinquished all interest in the Facebook page, telling Defendants that the  
14 Facebook page was Defendants’ to use “free and clear and we’ve no desire to claim it,” then  
15 subsequently publicly telling the entire Washington Chapter that the Facebook page was  
16 Defendants’ to use and grow as they saw fit, that the Chapter wished them well in using the  
17 page in the future, and that the Chapter had no interest in the page. The Washington Chapter  
18 never retracted these statements. There is no liability for the Defendants doing exactly what  
19 the autonomous chapter told them they could do. In other words, this is not a case about “that  
20 is mine, give it back.” Rather, this is a case in which the party with the interest in the page  
21 (who is not a party to this action) clearly stated “this is yours, we don’t want it, and we wish  
22 you well in using it as you desire.” For many reasons, including UFC’s inability to establish  
23 ownership of the Facebook page, its claims fail as a matter of law. Alternatively, UFC is  
24 equitably estopped from holding Defendants liable for doing exactly what the Washington  
25 Chapter told them they could do “free and clear.”

1 Finally, Defendants move to strike UFC’s supporting declarations of Siri Sanguine,  
2 Rachel Chamblis, and Tarkus Claypool because they are signed using fictitious names and,  
3 in the case of Rachel Chamblis, the declaration does not identify the declarant’s true identity.

4 For these reasons, the reasons set forth below, and the reasons in Defendants’ Motion  
5 for Summary Judgment, UFC’s Motion must be denied and UFC’s claims should be  
6 dismissed.

## 7 II. FACTS

### 8 A. Plaintiff United Federation of Churches, LLC and Non-Party Washington 9 Chapter

10 UFC is a limited liability company based in Salem, Massachusetts. Roller Decl. ¶2 &  
11 Ex. 1 (1-7). UFC holds itself out as a religious organization. Amended Complaint ¶8 (Sub.<sup>2</sup>  
12 No. 15) (“Complaint”). UFC alleges that it has adherents in all fifty states who belong to  
13 “autonomous” local entities called “chapters.” *Id.* ¶12; Roller Decl. ¶3 & Ex. 2 (8-10). The  
14 autonomous chapter involved in this case (although it is not a party) is the Washington  
15 Chapter. Complaint ¶13.

16 The Washington Chapter has changed over time. Prior to January of 2020, the chapter  
17 was called The Satanic Temple – Seattle (“the Seattle Chapter”). Declaration of David  
18 Johnson (“Johnson Decl.”) ¶2. In January of 2020, the chapter reorganized and changed its  
19 name to The Satanic Temple – Washington. *Id.* Around the same time, in February of 2020,  
20 the Washington Chapter became a limited liability company (“LLC”), registered with the  
21 Washington Secretary of State under the name “Infernal Washington, LLC,” with Leah  
22 Garvais (“Garvais”) listed as its governor (the “Washington Chapter”). Declaration of Nathan  
23 Sullivan (“Sullivan Decl.”) ¶¶4-7 & Exs. 1-2.

24 At the relevant time (March of 2020), the Washington Chapter was run by two  
25 individuals: Garvais (who uses the pseudonym Siri Sanguine), who served as the

26 <sup>2</sup> Although the Complaint is entitled “Amended Complaint,” it is the second amended  
complaint. *See* Sub. Nos. 1, 7, and 15.

1 “Chapterhead,” and Paul Case (“Case”) (who uses the pseudonym Tarkus Claypool), who  
2 served as its “Media Liaison.” Complaint ¶13; Sullivan Decl. ¶¶3-4; Motion at 2. The  
3 Chapterhead has administrative authority over the Washington Chapter and the Media  
4 Liaison serves as “the public image of their respective Chapter, and, by extension, the image  
5 of TST in that area.” Complaint ¶¶14-15; Roller Decl. ¶3 & Ex. 2 (8-10); Motion at 2.

6 The separate, autonomous nature of local chapters is demonstrated by the fact that  
7 UFC’s relationship with local chapters is governed by contracts called “affiliation  
8 agreements.” Although it appears that the affiliation agreements have varied over time, they  
9 all recognize that UFC is a separate entity from those who affiliate with it (its “Affiliates”).  
10 *See, e.g.*, Roller Decl. ¶¶4-6 & Ex. 3 (11-17). Pursuant to the affiliation agreements, UFC  
11 grants Affiliates a license to use UFC’s “Protected Content,” which is defined to mean “The  
12 Satanic Temple” trademark, tradename, and logo. *Id.* ¶4 & Ex. 3 §2 (13). If the Affiliate uses  
13 UFC’s Protected Content (*i.e.*, trademarks, tradename, or logo) in any content, the Affiliate  
14 agrees to comply with certain standards set by UFC, including obtaining UFC’s approval. *Id.*  
15 Ex. 3 §3 (13). On its side, the Affiliate grants UFC a license to use any of the Affiliate’s  
16 content that contains UFC’s marks, tradename, or logo. *Id.* §2 (13). Although UFC points to  
17 alleged Affiliate Agreements between UFC and individuals (Siri Sanguine/Leah Garvais,  
18 Lilith Starr, and Paul Case/Tarkus Claypool) UFC has not produced an Affiliation Agreement  
19 between the UFC and the Washington Chapter (Infernal Washington, LLC).

20 **B. Defendants Are Former Members of The Washington Chapter**

21 Defendants used to be members of the Washington Chapter (and its predecessor, the  
22 Seattle Chapter). Complaint ¶16; Johnson Decl. ¶2; Powell Decl. ¶2; Sullivan Decl. ¶2. While  
23 they were members, Defendants volunteered with the Seattle/Washington Chapter in  
24 different unpaid roles, including serving on the Chapter’s advisory council and helping with  
25 the Chapter’s social media. Defendants Powell and Johnson were Facebook administrators  
26 for a Facebook page referred to by UFC as the Allies page and referred to by Defendants as

1 the “Memes page.” Johnson Decl. ¶¶3-11; Powell Decl. ¶¶5-9. In March of 2020, the  
2 Washington Chapter expelled Defendants. Johnson Decl. ¶¶12-15.

3 **C. The Memes (“Allies”) Facebook Page**

4 The Facebook page at issue in UFC’s Motion was originally created in 2018 by an  
5 informal group in the south Puget Sound area who called themselves the South Sound  
6 Satanists. Johnson Decl. ¶¶3-11. The South Sound Satanists created both a Facebook page  
7 and group called “South Sound Satanists: Friends of TST.” *Id.* Several of the South Sound  
8 Satanists who had created the Facebook page were also members of the Seattle Chapter. *Id.*  
9 In November of 2019, Garvais and Case (the two leaders of the Seattle Chapter) expelled  
10 from the Seattle Chapter the South Sound Satanists who were managing the Facebook page.  
11 *Id.* Before expelling the South Sound Satanists, Case obtained administrative access to the  
12 South Sound Satanists’ Facebook page and group. *Id.* After the expulsion, Case removed  
13 them as admins of the South Sound Satanists Facebook page and group. *Id.* Case then added  
14 Garvais as an admin for that page and group. *Id.*

15 On December 21, 2019, Garvais added Johnson and Powell (who at the time used the  
16 pseudonym “Lenore Calavera”) as editors of the former South Sound Satanists page. Powell  
17 Decl. ¶¶3-6; Johnson Decl. ¶8. The plan for the page, which was agreed to by Garvais, was  
18 not to use the page as a community, but instead to turn the largely abandoned page into a  
19 “memes” page, focusing on short-form humor and provocative images, using funny “memes”  
20 from places like Twitter and Tumblr (*i.e.*, the “Memes Page”). Johnson Decl. ¶8; Powell  
21 Decl. ¶7. The Memes Page was intended to have a light, comedic, and ironic tone. *Id.*

22 On January 1, 2020, Garvais gave Johnson and Powell/“Lenore Calavera”  
23 administrative status for the page. Powell Decl. ¶8; Johnson Decl. ¶9. Around that same time,  
24 Garvais accidentally renamed the Memes Page “TST WA Allies,” although the page’s  
25 username/url was changed to “facebook.com/queersatanicmemes” to reflect the intent to  
26 change the name of the page to something relating to the “memes” url and aligning the page

1 with its intended “memes” content. Johnson Decl. ¶¶10-11. The “Allies” name change was  
2 intended only for the related South Sound Facebook *group*. *Id.* Because of the mistaken  
3 temporary name change, UFC continues to mistakenly refer to the Memes Page as “the Allies  
4 Page.”

5 **D. The Washington Chapter Expelled Defendants and Relinquished all Interests in**  
6 **the Memes Page**

7 On March 12, 2020, to Defendants’ shock, the Washington Chapter’s Chapterhead,  
8 Garvais, falsely accused Defendants of having been involved in an alleged effort to  
9 undermine the Washington Chapter’s leadership. Johnson Decl. ¶12. The email announced  
10 that Garvais had decided to dissolve the advisory council upon which Defendants served as  
11 volunteers and to replace it with a smaller, handpicked group. *Id.* Two days later, on March  
12 14, 2020 at 5:31pm, Garvais (using the pseudonym Siri Sanguine) berated Defendant  
13 Powell/“Lenore Calavera” for the volunteer social media work that he provided the  
14 Washington Chapter and was critical of the content he was posting on the Memes Page.  
15 Powell Decl. ¶10-11; Johnson Decl. ¶13. Powell, an admin on the page, removed the other  
16 Washington Chapter editors and admins, including Garvais and Case (aka “Tarkus  
17 Claypool”). *Id.* Johnson then changed the name of the page from the temporary mistaken  
18 name “TST WA Allies” to “Evergreen Memes for Queer Satanic Fiends” to align with its  
19 URL and its intended purpose as a memes page. *Id.* At this same time, Powell detached the  
20 TST WA Allies group from the Memes Page and did not change the administrative access to  
21 the group. Powell Decl. ¶10. Powell stated on the top of the Memes Page that it was no longer  
22 affiliated with The Satanic Temple. Complaint ¶36.

23 The following key events relating to the Memes Page are not in dispute. At 7:58pm  
24 on March 14, 2020, Garvais first responded by alleging that Powell had “stolen” the Memes  
25 Page. Johnson Decl. ¶14 & Ex. 1. However, later that night, at 9:09pm, in response to the  
26 name change and to Powell’s subsequent statement on the Memes Page that it was no longer  
affiliated with the Washington Chapter, the Washington Chapter leadership changed course

1 and relinquished all interests in the Memes Page and expressly gave it to Powell and Johnson  
2 to use “free and clear.” Specifically, it is undisputed that the Washington Chapter’s Media  
3 Liaison, Case/“Tarkus Claypool,” sent Powell/“Lenore Calavera” an email with the subject  
4 line expressly addressing the new name of the page—“Evergreen Memes for Queer Satanic  
5 Fiends.” In the email, Case/“Tarkus Claypool” acknowledged the changes to the Memes  
6 Page, told Powell/“Lenore Calavera” that the Washington Chapter had no interest in  
7 reclaiming it, and told Powell and Johnson that could have and use the page “free and clear:”

8 Hi Lenore,

9 I saw that you made some changes to the TST WA State Allies FB group. **I**  
10 **just wanted to let you know that it’s yours free and clear and we’ve no**  
11 **desire to claim it.** You and ADJ [Defendant Johnson] built it and have done  
a great job doing so. I’m confident you’ll both continue doing awesome  
work.

12 Sorry the way things panned out, and I do mean all of it. I wish you and  
13 your family well, and respect your need to fight the fight your way.  
Rock on,

14 Tarkus Claypool

15 Media Liaison, The Satanic Temple of Washington

16 (he/him)

17 Powell Decl. ¶14 & Ex. 1 (emphasis added); Motion at 5.

18 The next day, in a March 15, 2020 Washington Chapter online town hall meeting via  
19 Zoom that was hosted by Garvais/“Siri Sanguine” and Case/“Tarkus Claypool,”  
20 Case/“Tarkus Claypool” again publicly and expressly reiterated in front of his co-host  
21 Garvais/“Siri Sanguine” and Washington Chapter members that the Washington Chapter had  
22 relinquished all interests in the Memes Page. Specifically, Case/“Tarkus Claypool” stated:

23 I do want to say that **we’re not going to, you know, ask Lenore to give**  
24 **the page back in any way. I wish them well, and I hope that they**  
25 **continue growing that and make it a great success.** Because they’re going  
to fight their fight, their way. **And so, let them do what they want to, and**  
26 **I wish them well,** because both Lenore and ADJ [Johnson] did a wonderful  
job in the roles that they had. It just wasn’t within the TST guidelines that  
we are beholden to. So I want to give them due credit, and just you know,



1           **wish them well with what they’re going to plan to do with it in the**  
2           **future.**

3 Johnson Decl. ¶16 & Ex. 3 (emphasis added); Motion at 5. Garvais, who was running the  
4 town hall, agreed with Case in relinquishing interest in the page and even complimented their  
5 work on the page. *Id.* ¶17 & Ex. 3. In reliance on this express relinquishment, Defendants did  
6 exactly what the Washington Chapter said they could do – they use the page for their own  
7 purposes. *Id.* ¶¶18-20.<sup>3</sup>

8           Following the Washington Chapter’s express relinquishment, in a social media  
9 message to another individual, Sullivan, who had been on leave from the Washington Chapter  
10 and who was not involved in the Chapter’s social media or the Memes Page (Sullivan Decl.,  
11 ¶14), made a tongue-in-cheek comment that Defendants had “stolen” the Memes Page.  
12 Complaint ¶38. However, the comment was intended only as a sarcastic, tongue-in-cheek  
13 joke because by then the Washington Chapter had already expressly given the Memes Page  
14 to Powell and Johnson and Defendants understood it was theirs to use free and clear. Sullivan  
15 Decl. ¶¶14-15. At no point since expressly giving the Memes Page to Powell and Johnson  
16 have Case, Garvais, or anyone else from the Washington Chapter retracted the unequivocal  
17 waiver of any claim to or interest in the Memes Page and telling Defendants that they could  
18 use it “free and clear.” Johnson Decl. ¶¶18-19; Powell Decl. ¶17. At no point before UFC  
19 filed its original complaint in federal court did UFC assert ownership of the Memes Page or  
20 ask Defendants for access to it. Johnson Decl. ¶19.

21           **E.       Procedural History: Four Years of Retaliatory Litigation**

22           Based in part on the above events, UFC (but not the Washington Chapter) has engaged  
23 in four years of retaliatory, scorched-earth litigation against Defendants (the true purpose of  
24 which has been to harass and punish Defendants, its former members, for expressing their

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25           <sup>3</sup> Powell only remained an admin for the Memes Page until July of 2020 when he was  
26 removed as an admin. Since July of 2020, Powell has not had any control over or posted to  
the Memes Page and has otherwise not been involved with the Memes Page. Powell Decl.  
¶¶16-18.



1 critical opinions about The Satanic Temple). Despite knowing that the Washington Chapter  
2 expressly gave the Memes Page to Defendants to use “free and clear,” UFC (not the  
3 Washington Chapter) has asserted myriad baseless claims against Defendants over the last  
4 four years, first in federal court and now here. Roller Decl. ¶10 & Ex. 6 (25-193). After all  
5 the federal claims and the defamation claim were dismissed with prejudice, on January 6,  
6 2023, the district court dismissed the remaining state law claims without prejudice for lack  
7 of jurisdiction. *Id.* ¶11 & Ex. 7 (194-99). Three months later, on April 5, 2023, UFC filed a  
8 complaint in this Court, alleging the exact same facts and again asserting the same state law  
9 claims for tortious interference, trespass to chattels, and conversion, also adding in a new  
10 claim for breach of fiduciary duty. Sub. No. 1. UFC subsequently filed an amended complaint  
11 on May 30, 2023 (Sub. No. 7), and the operative second amended Complaint (“Complaint”)  
12 on February 22, 2024 (Sub. No. 15), in which UFC first asserted its replevin claim.

13 UFC appealed the federal district court’s dismissal of its federal cyberpiracy claim  
14 and state law defamation claim. Because of the overlap with the pending federal appeal, this  
15 Court granted the parties’ stipulated motion to stay pending resolution of the federal matter.  
16 Sub. No. 10. On appeal of the federal case, UFC argued, among other things, that diversity  
17 jurisdiction should apply to the case and asked the Ninth Circuit Court of Appeals to remand  
18 to the district court to determine that issue. In vacating dismissal of the defamation claim, the  
19 Ninth Circuit agreed that it was appropriate to remand the case to the district court for a  
20 determination of whether diversity jurisdiction existed and, as UFC requested, it remanded  
21 the case. Roller Decl. ¶12 & Ex. 8 (200-04). Upon remand, the district court ordered the  
22 parties to submit a proposed schedule for jurisdictional discovery. *Id.* ¶13 & Ex. 9 (205-06).  
23 However, before engaging in jurisdictional discovery, UFC changed course and voluntarily  
24 dismissed the federal action. *Id.* ¶¶14-15 & Exs. 10-11 (207-11). As UFC explains in its  
25 Motion, it decided to voluntarily dismiss the federal matter for strategic reasons: “To simplify  
26 the issues and expedite finality, the Temple opted to pursue its relief solely in this Court.”

1 Motion at 6.<sup>4</sup> Following UFC’s voluntary dismissal of the federal action, this Court lifted  
2 the stay in this matter. Sub. No. 13. The operative Complaint in this Court re-asserts claims  
3 for trespass to chattels and conversion, but also adds a new claim for replevin, which was  
4 included for the first time in the February 22, 2024 second amended complaint. Sub. No. 15.

5 Because UFC’s replevin, conversion, and trespass claims are time barred and fail as  
6 a matter of law, UFC’s Motion must be denied. Instead, as discussed in Defendants’ pending  
7 cross Motion for Summary Judgment, Sub. No. 37, the Court should dismiss all of UFC’s  
8 claims with prejudice.

### 9 III. EVIDENCE RELIED UPON

10 Defendants’ Opposition to UFC’s Motion relies on the Declarations of David Johnson  
11 (Sub. No. 39), Nathan Sullivan (Sub. No. 41), Mickey Powell (Sub. No. 40), and Jeremy  
12 Roller (Sub. No. 38), and the pleadings and files on record in this matter.

13  
14  
15 <sup>4</sup> UFC’s allegations regarding Defendants’ abuse of process counterclaim are a red herring  
16 that have no bearing on the issues in its Motion. It is nonetheless worth pointing out the unfair  
17 hypocrisy of the allegations. Defendants asserted an abuse of process counterclaim because  
18 UFC, a large, well-funded organization, has indeed been abusing the litigation process for the  
19 improper purpose of causing financial hardship to Defendants (who it knows are individuals  
20 of very modest means) in retaliation for Defendants’ critical opinions about UFC. UFC’s  
21 attorney has publicly expressed the goal that the attorneys’ fees in this case “squeeze[] every  
22 last penny from you living corpses” [referring to Defendants]. Johnson Decl. ¶¶26-27 & Ex.  
23 4. This goal is exemplified by the fact that UFC has spent over four years of expensive,  
24 scorched-earth litigation (six complaints in two courts, ten causes of action, and an appeal),  
25 vastly out of proportion to their claimed damage for the loss of use of a Facebook page that  
26 it admits was worth no more than \$1,037.52. Kezhaya Decl., ¶ 7.

22 As part of its continuing harassment campaign, UFC threatened to extend Defendants’  
23 litigation costs even further by bringing a meritless anti-SLAPP motion against Defendants  
24 if they pursued their abuse of process counterclaim, despite the ironic and clear fact that UFC,  
25 the large, well-funded religious organization, is seeking to silence Defendants, its critics, not  
26 vice versa. Because Defendants lack UFC’s endless litigation budget, UFC succeeded in  
improperly silencing Defendants and forced them to forego the expensive battle of fighting  
an anti-SLAPP motion so that Defendants could instead focus their limited resources on  
getting the entire case fully and finally resolved through their pending Motion for Summary  
Judgment.

1 **IV. ISSUES**

2 A. Should the Declarations of Siri Sanguine, Rachel Chamblis, and Tarkus  
3 Claypool be stricken because they are signed using fictitious names and, in the case of Rachel  
4 Chamblis, does not identify the true declarant?

5 B. Should UFC’s Motion be denied where its claims for conversion, trespass, and  
6 replevin are barred by the statute of limitations?

7 C. Should UFC’s Motion be denied because UFC cannot establish that UFC is  
8 entitled to possession of the property?

9 D. Alternatively, should UFC’s Motion be denied because UFC is estopped from  
10 asserting claims for conversion, trespass, and replevin as to the Memes Page?

11 **V. ARGUMENT**

12 **A. Summary Judgment Standard**

13 Summary judgment is only properly granted when, after resolving all reasonable  
14 inferences against the moving party, the moving party proves there are no genuine issue of  
15 material fact and the moving party is entitled to judgment as a matter of law. CR  
16 56(c); *Folsom v. Burger King*, 135 Wn.2d 658, 663 (1998); *Lamon v. McDonnell Douglas*  
17 *Corp.*, 91 Wn.2d 345, 349 (1979). Any doubts as to the existence of a genuine issue of  
18 material fact should be resolved against the moving party, and in favor of allowing the case  
19 to go to trial. *Lamon*, 91 Wn.2d at 350. The motion should be granted *only* if, from all the  
20 evidence, a reasonable person could reach *only* one conclusion. *Id.* When reasonable minds  
21 could differ, the motion should be denied. *Klinke v. Famous Recipe Fried Chicken, Inc.*, 94  
22 Wn.2d 255, 616 (1980).

23 UFC falls far short of meeting this standard. To the contrary, as set forth in  
24 Defendants’ pending Motion for Summary Judgment, UFC’s claims must be dismissed as a  
25 matter of law because they are time barred and because UFC is unable to establish elements  
26 of its claims. At a very minimum, material issues of fact require denying UFC’s Motion.

1        **B.        UFC’s Declarations Using Fictitious Names Should Not Be Considered.**

2                Pursuant to KCLCR 56(e), Defendants object to the Declarations of Siri Sanguine,  
3 Rachel Chamblis, and Tarkus Claypool and ask the Court to strike these declarations because  
4 they are not made in the declarants’ true names. Washington State has a strong public policy,  
5 established in our state Constitution, of requiring judicial proceedings to be open and  
6 transparent. *Dreiling v. Jain*, 151 Wn.2d 900, 903-04 (2004); Washington Constitution,  
7 Article I, section 10. Records and proceedings in court must be open to the public and “any  
8 limitation must be carefully considered and specifically justified.” *Dreiling*, 151 Wn.2d at  
9 904. Because of this strong policy in favor of openness, to request sealing records, such as  
10 sealing or redacting witness names or using a pseudonym, a party must first make a motion,  
11 establish the required GR 15 factors, and also satisfy the *Ishikawa* factors set forth in *Seattle*  
12 *Times Co. v. Ishikawa*, 97 Wn.2d 30, 38 (1982). *State v. Waldon*, 148 Wn. App. 952, 967  
13 (2009); *Doe L v. Pierce Cnty.*, 7 Wn. App. 2d 157, 201-02 (2018) (trial court must apply the  
14 *Ishikawa* factors before allowing parties to proceed under pseudonyms); *Doe AA v. King*  
15 *Cnty.*, 15 Wn. App. 2d 710, 716, 476 P.3d 1055, 1060 (2020) (parties may only be allowed  
16 to proceed under a pseudonym if they meet the *Ishikawa* factors). A court is only permitted  
17 to seal or redact records or allow the use of a pseudonym “if the court makes and enters  
18 written findings that the specific sealing or redaction is justified by identified compelling  
19 privacy or safety concerns that outweigh the public interest in access to the court record.” GR  
20 15.

21                UFC’s Motion relies on declarations of “Siri Sanguine,” “Rachel Chamblis,” and  
22 “Tarkus Claypool,” all of which are fictitious names. Sanguine Decl. ¶1 (admitting that Siri  
23 Sanguine is a pseudonym); Chamblis Decl. ¶1 (admitting that Rachel Chamblis is a  
24 pseudonym); Claypool Decl. ¶1 (admitting that Tarkus Claypool is a pseudonym). In the  
25 declaration of “Rachel Chamblis,” the declarant neither identifies their true name nor signs  
26 the attestation using their real name. While Siri Sanguine and Tarkus Claypool identify their

1 real names as Leah Garvais and Paul Case, their declarations are signed using the fictitious  
2 names. UFC has not brought a GR 15 motion to obtain permission to use fictitious names and  
3 the Court has not entered the required written finding that GR 15 and the *Ishikawa* factors  
4 have been met. Instead, UFC simply unilaterally filed declarations under fictitious names. In  
5 addition to improperly using pseudonyms without Court approval, the use of fictitious names  
6 to sign the declarations calls into question whether the declarants have actually attested to the  
7 truth of the statements in the declarations. Thus, the Court should not consider the  
8 declarations of “Siri Sanguine,” “Rachel Chamblis,” or “Tarkus Claypool” in support of  
9 UFC’s Motion.

10 **C. UFC’s Claims Are Barred by the Statute of Limitations.**

11 UFC’s claims for conversion, trespass, and replevin are subject to a three-year statute  
12 of limitations. *See, e.g., City of Seattle v. Blume*, 134 Wn.2d 243, 251 (1997) (tortious  
13 interference); *Crisman v. Crisman*, 85 Wn. App. 15, 19 (1997), *as amended on denial of*  
14 *reconsideration* (Feb. 14, 1997) (conversion); *Ferguson v. F/V The Porn Star*, No. 23-CV-  
15 1338, 2024 WL 2801996, at \*4 (W.D. Wash. May 31, 2024) (trespass to chattels); *Azpitarte*  
16 *v. Sauve*, 188 Wn. App. 1016 (2015) (unpublished) (replevin); RCW 4.16.080(2) (applies to  
17 an action for “taking, detaining, or injuring personal property, including an action for the  
18 specific recovery thereof”).

19 A cause of action is deemed to have accrued when the plaintiff first became aware of  
20 its essential elements. *Mayer v. Huesner*, 126 Wn. App. 114, 123 (2005). “A plaintiff who  
21 has notice of facts sufficient to cause injury is deemed to have notice of all acts which  
22 reasonable inquiry would disclose.” *August v. U.S. Bancorp*, 146 Wn. App. 328, 342 (2008);  
23 *see also American Sur. Co. of N.Y. v. Sundberg*, 58 Wn.2d 337, 344 (1961) (“notice sufficient  
24 to excite attention and put a person on guard, or to call for an inquiry is notice of everything  
25 to which such inquiry might lead”). For example, the statute of limitations for a replevin  
26 claim accrues when a plaintiff first could have asked for the return of the property in question.

1 See *Edison Oyster Co. v. Pioneer Oyster Co.*, 22 Wn. 2d 616, 627 (1945) (replevin claim for  
2 oyster bed that drifted onto neighboring property accrued when it first drifted over the  
3 property line, when the plaintiff could have asked for it back). The statute of limitations for  
4 replevin is not tolled due to the plaintiff's delay in asking for the return of the property or the  
5 defendant's ongoing possession. *Id.* at 625-27.

6 UFC's claims are all based on allegations that Defendants wrongfully took the Memes  
7 Page on March 14, 2020. According to UFC's own Complaint, the Washington Chapter was  
8 fully aware of the alleged conduct at the time the conduct occurred. Complaint ¶36. The  
9 Washington Chapter's awareness is also evidenced by the fact that on that same day, March  
10 14, 2020, the Washington Chapter's Media Liaison wrote to Defendant Powell to expressly  
11 tell Powell that he was aware of what Powell had done and that the page was Defendants' to  
12 use "free and clear." Powell Decl. ¶14, Ex. 1. Thus, the conversion, trespass, and replevin  
13 claims accrued on March 14, 2020. Because the claims accrued on March 14, 2020, the three-  
14 year statutes of limitations for these claims expired on March 14, 2023. UFC did not file its  
15 Complaint in this Court until April 5, 2023, after the limitation periods had run.

16 That UFC previously asserted the conversion and trespass claims in the federal matter  
17 does not change this result. However, the outcome is even more crystal clear for the statutory  
18 replevin claim, which was not brought in the federal matter, but instead asserted for this first  
19 time in this Court. UFC first asserted its replevin claim in its second amended complaint on  
20 February 22, 2024. Sub. No. 15. Even assuming, *arguendo*, that the replevin claim related  
21 back to the original Superior Court Complaint filed on April 5, 2023, it is clearly time barred  
22 as the April 5, 2023 complaint was filed more than three years after March 14, 2020.

23 Although UFC's claims for conversion and trespass (but not replevin, which UFC did  
24 not assert in the federal case<sup>5</sup>) may have been contingently tolled during the pendency of the

25 \_\_\_\_\_  
26 <sup>5</sup> To the extent UFC attempts to argue that conversion and replevin are the same claim so that  
UFC's prior conversion claim in the federal matter contingently tolled the replevin statute of

1 federal action in which UFC also asserted those claims, when UFC voluntarily dismissed the  
2 federal case, the effect was to nullify the tolling as though the federal action had not been  
3 filed. *See, e.g., Townsley v. Lifewise Assurance Co.*, No. C15-1228-JCC, 2016 WL 1393548,  
4 at \*3 (W.D. Wash., Apr. 8, 2016) (“The statute of limitations was not tolled by Plaintiff’s  
5 filing her first complaint as it was dismissed without prejudice.”) (citing *Ciralsky v. C.I.A.*,  
6 355 F.3d 661, 672 (D.C. Cir. 2004) (“[O]nce a suit is dismissed, even if without prejudice,  
7 ‘the tolling effect of the filing of the suit is wiped out and the statute of limitations is deemed  
8 to have continued running from whenever the cause of action accrued, without interruption  
9 by that filing.”)); *Elmore v. Henderson*, 227 F.3d 1009, 1011 (7th Cir. 2000) (“The filing of  
10 a suit stops the running of the statute of limitations, though only contingently. . . . [I]f the suit  
11 is dismissed without prejudice, meaning that it can be refiled, then the tolling effect of the  
12 filing of the suit is wiped out and the statute of limitations is deemed to have continued  
13 running from whenever the cause of action accrued, without interruption by that filing. . . .  
14 In other words, a suit dismissed without prejudice is treated for statute of limitations purposes  
15 as if it had never been filed.”); *Steinberg v. Seattle-First Nat. Bank*, 66 Wn. App. 402, 406,  
16 (1992) (“Where an original action is dismissed, a statute of limitations is deemed to continue  
17 to run as though the action had never been brought.”) (quoting *Logan v. N.-W. Ins. Co.*, 45  
18 Wn. App. 95, 99 (1986)).

19 While this dispute was pending in federal court, with the parties poised to engage in  
20 jurisdictional discovery, UFC voluntarily dismissed the case. Roller Decl. ¶¶14-15 & Exs.  
21 11-12 (207-11). Upon voluntarily dismissing that case, the statute of limitations that had been  
22 contingently tolled during the pendency of the federal case ran as it had never been filed. *Holt*

23 \_\_\_\_\_  
24 limitation, they are not. Conversion is a common law claim to recover the value of property  
25 that has been wrongfully taken. *See, e.g., Potter v. Washington State Patrol*, 165 Wn.2d 67,  
26 78-79 (2008) (explaining that conversion is a common law claim). Replevin, on the other  
hand, is a special statutory proceeding for the return of property. A replevin claim requires  
following specific statutory procedures, including a show cause hearing and the filing of a  
bond. *See* RCW 7.64.010 *et seq.*



1 *v. Cnty. of Orange*, 91 F.4th 1013, 1020 (9th Cir. 2024) (“[A] voluntary dismissal ‘leaves the  
2 situation the same as if the suit had never been brought in the first place.’”). To be timely,  
3 UFC needed to have filed its complaint in this Court within three years of the accrual of its  
4 claims, *i.e.*, by March 14, 2023. It filed its complaint on April 5, 2023, outside the limitations  
5 period.

6 To the extent UFC asserts that the federal tolling statute, 28 U.S.C. § 1367(d), applies,  
7 the Ninth Circuit held in *Holt* that the tolling statute does not apply when a plaintiff  
8 voluntarily dismisses a case, as happened here. Instead, upon a voluntary dismissal, the long-  
9 established rule that the tolling of the statute of limitations is erased applies:

10 Under *Holt*’s argument, tolling would be required for any action that  
11 includes both federal and supplemental claims when the plaintiff voluntarily  
12 dismisses the action. We are unwilling to conclude that § 1367(d) abrogated  
13 such an entrenched legal rule absent a clear indication that Congress meant  
14 to do so.

13 *Id.*

14 Thus, in addition to the replevin claim being clearly time barred, UFC’s conversion  
15 and trespass claims are also time barred. UFC therefore cannot be granted summary judgment  
16 on those claims.

17 **D. UFC Cannot Establish the Required Elements of Ownership.**

18 In addition to being time-barred, UFC’s claims for conversion, trespass, and replevin  
19 fail as a matter of law because UFC cannot establish that it has rights to Memes Page.

20 Conversion, trespass, and replevin all require the prima facie element of right to  
21 possession to the property at issue. *See, e.g., Washington State Bank v. Medalia Healthcare*  
22 *L.L.C.*, 96 Wn. App. 547, 554 (1999) (element of conversion includes the plaintiff’s right to  
23 possession of the property); *Lavington v. Hillier*, 22 Wn. App. 2d 134, 148, *review denied*,  
24 200 Wn.2d 1010 (2022) (claims for trespass include the element that plaintiff is dispossessed  
25 of property to which it is entitled to exclusive possession); *SEIU Healthcare Nw. Training*  
26 *P’ship v. Evergreen Freedom Found.*, 5 Wn. App. 2d 496, 500 (2018) (replevin requires that

1 plaintiff has ownership rights and right to the possession of the property). UFC cannot  
2 establish this element.

3 First, UFC has not produced any evidence that UFC, as opposed to the autonomous  
4 Washington Chapter (who is not a party to this action), ever had any ownership interest in  
5 the Memes Page. While UFC has produced affiliation agreements with several individuals  
6 (Siri Sanguine/Leah Garvais, Lilith Starr, and Tarkus Claypool/Paul Case), UFC has not  
7 produced any affiliation agreement with the Washington Chapter entity that existed at the  
8 relevant time (March of 2020). In March of 2020, the Washington Chapter was a Washington  
9 limited liability company registered as Infernal Washington LLC. Sullivan Decl. ¶4 & Ex. 1  
10 UFC has produced no affiliation agreement with Infernal Washington LLC, *see* Roller Decl.  
11 ¶6, or any other evidence relating to UFC’s alleged ownership of the Facebook Pages used  
12 by Infernal Washington LLC. Thus, even assuming, *arguendo*, that the affiliation agreements  
13 affected ownership, UFC had no such agreement with the autonomous Washington Chapter.

14 Second, even if UFC did have an affiliation agreement with Infernal Washington LLC  
15 (which it did not), the affiliation agreements that UFC has provided do not establish  
16 ownership of the Memes Page. The affiliation agreements purport to give UFC ownership of  
17 “Protected Content,” which is defined as “any content or information that displays or uses  
18 the trade name, logo, or trademark commonly known as THE SATANIC TEMPLE.” Motion  
19 at 2, Exhibits 1, 2, and 4 at § 1(c). Specifically, the affiliation agreements state that the  
20 Affiliate will not acquire ownership rights to “Protected Content.” *Id.* § 6(a)(1). There is no  
21 “Protected Content” at issue here. UFC’s conversion, trespass, and replevin claims do not  
22 involve any allegations that Defendants are using any of UFC’s Protected Content (logos,  
23 trademarks, or tradenames) on the Memes Page that might implicate UFC’s contractual rights  
24 with its Affiliates to such Protected Content via the affiliation agreements.

25 While the affiliation agreements purport to provide UFC with contractual rights to  
26 administrative access to Affiliate’s social media accounts, those access rights are limited to

1 social media accounts that use “Affiliate Content,” which is defined as content that contains  
2 “Protected Content” or that is created by the Affiliate for the “Purpose,” which is defined as  
3 the promotion of the principles and objectives of UFC. *Id.* §§ 1(e) and (d). However, there  
4 are no allegations that Defendants are using “Protected Content” or “Affiliate Content” on  
5 the Memes Page. Rather, to the contrary, UFC alleges that Defendant Powell changed the  
6 name from “TST Allies” to a new name, “Evergreen Memes for Queer Satanic Fiends,” and  
7 expressly stated that the page was not affiliated with The Satanic Temple. Complaint ¶36.  
8 Given the absence of any alleged “Protected Content” or “Affiliate Content” on the Memes  
9 Page, UFC cannot show any contractual right to administrative access to the Memes Page via  
10 the affiliation agreements.<sup>6</sup> In short, the affiliation agreements do not show that UFC has  
11 ownership rights to the Memes Page—only a purported contractual right between UFC and  
12 the individual Affiliate as to “Protected Content” or administrative access to the affiliate’s  
13 social media accounts that use Protected Content or Affiliate Content.<sup>7</sup>

14 Third, issues of fact exist as to whether the Washington Chapter had ownership rights  
15 to the Memes Page. The Memes Page was created by an informal group called the South  
16 Sound Satanists. Johnson Decl. ¶¶3-11. The Washington Chapter only obtained  
17 administrative access to the page after it expelled the Washington Chapter members who also

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18  
19 <sup>6</sup> The affiliation agreements also provide that “upon Termination of this Agreement for any  
20 reason, “Affiliate must provide any and all information necessary for TST to assume control  
21 over any social media or other online account created for the Purpose or containing Protected  
22 Content.” *Id.* at §4(d). However, UFC has not alleged that any of the affiliate agreements  
23 upon which it relies had terminated as of March 14, 2020, so as to require the Affiliate to  
24 provide UFC with administrative control over the Affiliate’s social media accounts. Further,  
25 even if UFC had so alleged, the issue would be one of a breach of contract between UFC and  
26 the Affiliate over the failure to provide administrative access, versus a showing that UFC had  
“ownership” of the accounts.

<sup>7</sup> The Affiliation Agreements between UFC and the individual Affiliates likely are not  
enforceable as some of them are signed by individuals who only use a fictitious name and  
UFC has not signed any of the agreements. But that question need not be resolved here, as  
even if the agreements are valid as between UFC and its affiliates, UFC is not entitled to  
summary judgment against Defendants.

1 belonged to the South Sound Satanists and removed them from administrative access to the  
2 page. *Id.* While UFC offers a vague statement that the page was originally created for the  
3 purpose of promoting The Satanic Temple to individuals in Washington (“Chamblis” Decl.  
4 ¶5; “Claypool” Decl. ¶3), it does not identify *who* created or owned the page. The reason for  
5 this is most likely because the page was created and owned by individuals in The South Sound  
6 Satanists, and was never owned by the Washington Chapter. Further, as argued above, UFC’s  
7 supporting declarations should be stricken and cannot be used in support of establishing the  
8 Washington Chapter’s or UFC’s alleged ownership of the Memes Page.

9 Fourth, to the extent the non-party Washington Chapter had any interest in the Memes  
10 Page, it expressly relinquished its interest. The Washington Chapter’s leaders expressly gave  
11 the Memes Page to Defendants on March 14 and 15, 2020 to use “free and clear” and stated  
12 that the Washington Chapter had no interest in seeking the return of the page—even wishing  
13 Defendants well in their use of the page. Powell Decl. ¶14, Ex. 1; Johnson Decl. ¶¶16, 3.  
14 UFC does not contest these facts, but instead points to a joking statement made by Defendant  
15 Sullivan in a Facebook comment to another Facebook user in which Sullivan glibly, jokingly  
16 says, “we have a meme page here that we stole from TST.” Complaint Ex. 2. As Sullivan has  
17 explained, at the time he made the joke he was on leave from the Washington Chapter and  
18 had had no involvement with the Memes Page or any knowledge of the events surrounding it  
19 other than the fact that the Washington Chapter had already relinquished any interest in the  
20 Memes Page to Defendants Powell and Johnson. Sullivan Decl. ¶14. The glib comment does  
21 not create any material issues of fact negating the Washington Chapter’s express  
22 relinquishment of any interest in the page. Because UFC did not have any ownership interest  
23 in the Memes Page, its claims for conversion, trespass, and replevin fail as a matter of law.  
24 At the very minimum, issues of fact as to UFC’s ability to establish ownership precludes  
25 summary judgment in UFC’s favor.

1 **E. UFC’s Arguments Relating to the Washington Chapter’s Purported Lack of**  
2 **Authority Fail**

3 **1. The Affiliation Agreements do not Negate the Chapter’s Ability to**  
4 **Relinquish Interests in a Social Media Page**

5 Facing indisputable evidence that the Washington Chapter relinquished all interests  
6 in the Memes Page, UFC asserts that the Washington Chapter’s Media Liaison and  
7 Chapterhead did not have the authority to do so. This argument fails. First, to the extent  
8 UFC’s argument stems from its affiliation agreements with various individuals, UFC had no  
9 affiliation agreement with the Washington Chapter entity that existed at the relevant time  
10 (March of 2020)—Infernal Washington, LLC. Second, had UFC entered an affiliation  
11 agreement with the Washington Chapter entity (which it had not), as discussed above, the  
12 affiliation agreements do not limit the Affiliate’s ability to relinquish its rights to a social  
13 media page.

14 **2. The Washington Chapter and Its Leadership Had Apparent Authority to**  
15 **Relinquish Rights in the Facebook Page**

16 Even assuming, *arguendo*, that UFC’s affiliation agreements somehow negated the  
17 Washington Chapter’s ability to give away the Memes Page (which they didn’t), the  
18 Chapter’s relinquishment would still be valid under the doctrine of apparent authority. A  
19 “principal is bound by the act of his agent when he has placed the agent in such position that  
20 persons of ordinary prudence, reasonably conversant with business usages and customs, are  
21 thereby led to believe and assume that the agent is possessed of certain authority and to deal  
22 with him in reliance upon such assumption.” *Hoglund v. Meeks*, 139 Wn. App. 854, 867  
23 (2007) (quoting *Mohr v. Sun Life Assur. Co.*, 198 Wn. 602, 603-04 (1939)). “Authority to  
24 perform particular services for a principal carries with it the implied authority to perform the  
25 usual and necessary acts essential to carry out the authorized services.” *Walker v. Pacific*  
26 *Mobile Homes, Inc.*, 68 Wn.2d 347, 351 (1966). “Likewise, as in the case of [actual]  
authority, apparent authority can be created by appointing a person to a position, such as that  
of manager or treasurer, which carries with it generally recognized duties; to those who know

1 of the appointment there is apparent authority to do the things ordinarily entrusted to one  
2 occupying such a position, regardless of unknown limitations which are imposed upon the  
3 particular agent.” *King v. Riveland*, 125 Wn.2d 500, 507-08 (1994) (quoting Restatement  
4 (Second) of Agency § 27 cmt. a, at 104 (1958)).

5 The Washington Chapter expressly relinquished its interests in the Memes Page  
6 through the conduct of its two top leaders—its Chapterhead and Media Liaison. UFC does  
7 not dispute that these are the two top leadership positions for the autonomous Washington  
8 Chapter. Complaint ¶¶13-14 (Chapterhead has admin authority). Instead, UFC appears to  
9 argue that the Washington Chapter did not have the authority to give away a social media  
10 page. But it is undisputed that UFC publicly held out the Washington Chapter as  
11 autonomous—even stating so in its Complaint (Complaint ¶ 12) and in its Chapter Handbook  
12 (Roller Decl. ¶3 & Ex. 2 (8-10)). Any reasonable person dealing with the autonomous  
13 Washington Chapter would assume that, as an autonomous chapter, it had authority to make  
14 decisions on its behalf, including giving up rights to a social media page it used. Indeed, each  
15 of the Defendants reasonably believed that the Washington Chapter and its Chapterhead and  
16 Media Liaison had this authority and relied on it when they were expressly given the right to  
17 use the Memes Page. Powell Decl. ¶¶4, 16; Johnson Decl. ¶¶4, 20; Sullivan Decl. ¶¶4-5, 14.  
18 They relied on that apparent authority to trust that they expressly had been given the right to  
19 use the Memes Page. *Id.* Given the apparent authority that UFC gave to its autonomous  
20 Washington Chapter, UFC is bound by the actions taken by the Chapter.

21 UFC argues that Defendants did not subjectively rely on the Washington Chapter’s  
22 apparent authority to relinquish its interests in the Memes Page because of Sullivan’s one glib  
23 comment that Defendants “stole” the page. Motion at 12. However, as discussed above,  
24 Sullivan’s comment was intended as a joke. At that time, the Defendants subjectively and  
25 reasonably believed that when the Chapter’s Media Liaison and Chapterhead represented that  
26

1 they could use the Memes Page “free and clear,” and wished them well in doing so, they  
2 could actually do so. Powell Decl. ¶¶4, 16; Johnson Decl. ¶¶4, 20; Sullivan Decl. ¶¶4-5, 14.

3 UFC also argues that because it sued Defendants for the Memes Page, this somehow  
4 retroactively alters the Defendants’ reasonable belief in March of 2020 that the Washington  
5 Chapter had relinquished its interest in the page. Motion at 12. UFC’s argument makes no  
6 sense. It cannot create a claim by the act of filing a complaint—the cause of action alleged in  
7 the complaint needed to have already existed. There are no allegations that prior to UFC filing  
8 its original complaint Defendants had any reason to doubt the Washington Chapter’s leaders’  
9 authority when they expressly and publicly (in front of the entire Washington Chapter  
10 membership) stated that the Memes Page was Defendants’ to use for their own purposes and  
11 the Washington Chapter had no interest in it. Further, the entity that gave the page to  
12 Defendants, the Washington Chapter, has never filed an action against Defendants or sought  
13 the return of the page. At the very minimum, issues of material fact exist as to whether the  
14 Washington Chapter’s leaders had apparent authority to relinquish interest in the Memes  
15 Page, negating UFC’s ability to obtain summary judgment on its claims.

16 **3. Equitable Estoppel Requires Dismissal of TST’s Claims Relating to the**  
17 **Allies Page**

18 Alternatively, equitable estoppel prevents UFC from asserting claims relating to the  
19 Memes Page. The elements of equitable estoppel are: (1) a party’s admission, statement or  
20 act inconsistent with its later claim; (2) action by another party in reliance on the first party’s  
21 act, statement, or admission; and (3) injury that would result to the relying party from  
22 allowing the first party to contradict or repudiate the prior act, statement, or admission.  
23 *Kramarevcky v. Dep’t of Soc. & Health Servs.*, 122 Wn.2d 738, 743 (1993). Equitable  
24 estoppel is based on the principle that “a party should be held to a representation made or  
25 position assumed where inequitable consequences would otherwise result to another party  
26 who has justifiably and in good faith relied thereon.” *Id.* (quoting *Wilson v. Westinghouse*  
*Elec. Corp.*, 85 Wn.2d 78, 81, 530 P.2d 298 (1975)).



1 The autonomous Washington Chapter made clear, unequivocal statements that it had  
2 relinquished all interests in the Memes Page and Defendants were “free and clear” to use it  
3 for their own purposes. The statements were not only made to Defendant Powell directly in  
4 an email, but also in front of the Washington Chapter’s members, with the clear approval of  
5 the Washington Chapter’s Chapterhead. Any reasonable person in Defendants’ position  
6 would reasonably rely on such clear, unequivocal statements that they were “free and clear”  
7 to use the Memes Page for their own purposes. Defendants did indeed rely on the statements  
8 to use the page as their own. Powell Decl. ¶16; Johnson Decl. ¶20. Defendants would be  
9 greatly harmed if UFC were allowed to now hold Defendants liable for doing exactly what  
10 the Washington Chapter told Defendants they could do.

11 **VI. CONCLUSION**

12 Defendants request that the Court deny UFC’s Motion, grant Defendants’ pending  
13 cross Motion for Summary Judgment, dismiss UFC’s claims with prejudice, and grant  
14 Defendants’ request for declaratory relief.

15 *I certify this memorandum contains 7,874*  
16 *words in compliance with the Local Rules.*

17 DATED: September 9, 2024.

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this date I caused true and correct copies of the foregoing  
3 document to be served upon the following, at the addresses stated below, via the method of  
4 service indicated.

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16 Dated this 9th day of September, 2024 in Seattle, Washington.

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