

Hon. Richard A. Jones

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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.)

Case No. 2:20-cv-00509-RAJ

FIRST AMENDED COMPLAINT
FOR DAMAGES AND
INJUNCTIVE RELIEF

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

I. PREAMBLE

1. This case is about two hacked social media accounts and failed attempts at hacking a different 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."

2. Since entry of the original complaint, the Court entered an order dismissing parts

1 of this case without prejudice and parts with prejudice. Dkt. # 20. The parts dismissed without
2 prejudice are the subject of the amendments in this complaint.

3 (1) As to Count 1 (CFAA), the facts are further developed to state when the
4 revocation occurred, how that revocation was communicated, and what
5 actions Defendants undertook afterwards. Compare Dkt. # 20 at pp. 7-9.

6 (2) As to former Count 3 (tortious interference with business expectancy), the
7 facts are further developed to state the factual underpinnings for how
8 Defendants knew about the Facebook pages' pecuniary value and how the
9 interference was wrongful beyond the interference itself. Compare Dkt. # 20
10 at p. 15. This count is renumbered to Count 2 in light of the order of dismissal
11 with prejudice of former Count 2 (Cyberpiracy).

12 (3) As to former Count 4 (Washington Consumer Protection Act), that claim is
13 replaced with a trespass to chattel claim (Count 3) and a conversion claim
14 (Count 4). Compare Dkt. # 20 at pp. 16-17.

15 3. The Cyberpiracy and Defamation counts have been removed from this First
16 Amended Complaint in compliance with the orders of dismissal with prejudice. To the extent
17 the Court may grant Plaintiff's now-pending Motion for Reconsideration, Dkt. # 21, Plaintiff
18 reserves the right to file a second amended complaint to reassert whichever claims the order of
19 reconsideration may revive.

20 3.4. Since the filing of the original complaint, the rightful Washington Chapter
21 leadership has reclaimed the Chapter page through Facebook. This moots the need of injunctive
22 relief to return the Chapter website to its rightful owners. This controversy is still live, however,
23 because TST still needs: injunctive relief for Defendants to return the Allies page, to preclude
24 Defendants from future unauthorized access of TST's electronic materials, to return TST's
25 wrongfully detained membership documents, and as otherwise appropriate to prevent the creation
26 of other counterfeit materials; money damages; and attorney's fees and costs of this action.

1 (5) Beliefs should conform to one's best scientific understanding of the world.
One should take care never to distort scientific facts to fit one's beliefs.

2 (6) People are fallible. If one makes a mistake, one should do one's best to
3 rectify it and resolve any harm that might have been caused.

4 (7) Every tenet is a guiding principle designed to inspire nobility in action and
5 thought. The spirit of compassion, wisdom, and justice should always
prevail over the written or spoken word.

6 See "Our tenets" available at <https://www.thesatanictemple.org/our-tenets.html>.

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

11 11. TST was the subject of the recent documentary "Hail Satan?" (2019), directed by
12 Penny Lane and distributed by Magnolia Pictures.

13 12. TST maintains sole title to the trade name "The Satanic Temple" in the context of
14 religious organizations. See **Exhibit 1** (registration of trademark).

15 13. TST has adherents in each of the 50 States, importantly to include Washington.
16 At the relevant time, TST was organized at local levels in "Chapters," which are largely
17 autonomous but are subject to centralized control to ensure faithfulness to organizational
18 principles and purposes.

19 14. TST had a Washington State Chapter which, at the relevant time, was led by two
20 individuals: one serving as Chapterhead and the other serving as Media Liason.

21 15. The Chapterhead has administrative authority over the Washington Chapter and,
22 until March 12, 2020, was assisted by an advisory council.

23 16. The Media Liaison promotes the Washington Chapter's activities to the general
24 public.

25 17. Defendants were councilors on the advisory council to the Chapterhead. On
26 March 12, 2020, the advisory council consisted of 16 positions, of which Defendants held four.

1 Attendant to their positions on the council, Defendants were entrusted with management of the
2 Chapter's social media presence along with the other councilors.

3 18. On March 12, 2020, Defendants were removed from their positions on the council
4 because of interpersonal conflicts with Chapter leadership and other councilors.

5 19. Defendant David Alan Johnson is an individual residing in Seattle, which is within
6 this Court's district. Johnson is a former associate of TST who misappropriated TST's
7 Washington Chapter Facebook website from within this Court's district and is using it and its
8 audience in an effort to undermine TST and to create a competitor organization.

9 20. 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 21. Defendant Leah Fishbaugh is an associate of Johnson, and former associate of
17 TST, who aided and abetted the hacking and who separately attempted to hack the Google
18 account. Fishbaugh also lives in Seattle. Fishbaugh changed the account credentials to the
19 Washington Chapter's email account in a failed attempt to usurp control over the email account.
20 On information and belief, Johnson has wrongfully given Fishbaugh administrative privileges to
21 TST's Washington Chapter page.

22 22. Defendant Mickey Meeham is an associate of Johnson, and former associate of
23 TST, who aided and abetted the hacking. Meeham also lives in Seattle. On information and
24 belief, Johnson has wrongfully given Fishbaugh administrative privileges to TST's Washington
25 Chapter page. Meeham misappropriated the Affiliate page.

26 **IV. FACTUAL BACKGROUND**

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

4 24. Twitter is also a ubiquitous internet social medium which permits users to create and
5 share substantially similar content as Facebook.

6 25. Google is a ubiquitous internet-based information platform. Among its many
7 services, Google provides an email platform (“gmail”) and a cloud-based document creation and
8 storage platform (“Google Drive.”)

9 26. At the relevant time, Facebook was the Washington Chapter’s primary platform of
10 communicating with its membership.

11 27. At the relevant time, Twitter was the Washington Chapter’s secondary platform of
12 communicating with its membership.

13 28. TST’s Washington Chapter has a Google account to generally facilitate its
14 organizational purposes by creating and storing documents.

15 29. In October of 2014, the Washington Chapter business page was created exclusively
16 for the benefit of TST in its efforts to disseminate information for what was then the Seattle Chapter.
17 See *id.*, in its current state, available at <https://www.facebook.com/thesatanictemplewashington>.
18 See also **Exhibit 2** (Chapter page history, updated since original complaint).

19 30. Over the next several years, the Washington Chapter has grown the Facebook page
20 to an audience exceeding 17,000 followers. *Ibid.*

21 31. In January of 2015, the Washington Chapter created a Twitter account for the
22 organization. See *id.* available at https://twitter.com/TST_Washington. Currently, the Twitter
23 account has an audience of about 4,000 followers. *Id.*

24 32. In September of 2018, the Washington Chapter created a secondary Facebook page,
25 named “TST WA Allies,” to facilitate communications with individuals who were interested in TST
26 but did not want to identify as a member. Since the original complaint, Defendants renamed the

1 Allies page ~~appears to have been deleted. See id., in its current state, available at~~
2 ~~<https://www.facebook.com/queersatanicmemes>; see also **Exhibit 3** (deleted page) to “Evergreen~~
3 ~~Memes for Queer Satanic Fiends.”; **Exhibit 3**; see also <https://www.facebook.com/queersatanic>~~
4 ~~(Last visited April 26, 2021).~~

5 33. Until the hacking, both Facebook pages were maintained and controlled exclusively
6 by administrators approved by TST.

7 34. Administrators are given a written Code of Conduct, which instruct requirements for
8 permissible activity on behalf of TST. In relevant part, the instructions pertaining to online conduct
9 follow:

10 Public statements & interactions with media

11 All public actions and statements must be approved and vetted by the TST National Council
12 and the TST Executive Council. If a member is approached by media or asked for any
13 official statement regarding an action or belief relating to TST all members must refrain
14 from comment and refer the inquiring party to the Chapter Head.

15 . . .

16 Confidentiality

17 Members should respect confidentiality, including documentation. Internal information
18 should not be shared beyond members of the local chapter. Members’ names, contact
19 information, and meeting locations are also considered confidential. If you are ever unsure,
20 don’t share.

21 . . .

22 Copyright

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

1 . . .

2 Online code of conduct

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

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

13 As a member of TST, always assume that what you publish on the web is permanent.
14 Anyone can easily print out a comment or save it as a screenshot. Remember, that TST is
15 often engaged in legal suits and exchanges online, or via text have the right to be exposed in
16 the case of a deposition. Think before you hit "send".

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

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

21 If mediation is needed, it will be provided.

22 See form agreement, available as **Exhibit 4**. Sullivan has the only known copies of the agreement
23 which was signed by Defendants.

24 35. The above written instructions form the contours of administrators' authorization to
25 access TST's social media accounts.

26 36. Defendants, each, were entrusted with administrative rights to the above-described

1 social media accounts, subject to the requirements set forth in the written instructions.

2 37. Until the hacking, Defendant Sullivan had exclusive access of the original copies of
3 each Defendants' signature, acknowledging and agreeing to be bound by the above terms in return
4 for access to the social media accounts.

5 38. On information and belief, Sullivan still has exclusive access to these documents,
6 among other highly sensitive materials including membership listings, internal policies and
7 procedures, and meeting notes.

8 39. Defendants were each well aware of the Code of Conduct because it served as a
9 source of friction leading up to the events giving rise to this litigation. For example, on March 2,
10 2020, Johnson shared the following post on the Allies page outside of his authority:



40. The ensuing deletion and reiteration of the expectation that Johnson adhere to the

1 Code of Conduct as a condition of continued social media access would serve as foreshadowing for
2 the misappropriation of the Allies page.

3 41. Between March 2 and March 12, TST's Washington leadership became increasingly
4 frustrated with Defendants' organizational failures and inflammation of interpersonal conflicts
5 within the advisory council.

6 42. "Organizational failures," as used above, particularly included:

- 7 (1) Repeatedly operating TST's social media to endorse leftist politics as opposed
8 to Satanism, despite repeated reminders that this was unacceptable;
9 (2) Failing to attend a particular meeting to address the above issue; and
10 (3) Failing to initiate, conceive, or execute any publicity for the Washington
11 Chapter's Prayer for Plurality event, which was a matter of organizational
12 significance.

13 43. On March 12, 2020, TST's Washington leadership removed Defendants from their
14 advisory positions.

15 44. Defendants' positions on the advisory council entailed the authorization to manage
16 the Chapter's social media activity. By removing Defendants from their advisory positions, the
17 Washington Chapter leadership revoked Defendants' authorization to manage the Chapter's social
18 media activity and revoked Defendants' authorization to serve as custodians of records.

19 45. At some point between March 12 and March 14, 2020, Defendants entered into an
20 unlawful agreement to misappropriate and shut down substantially all the internet presence of TST's
21 Washington Chapter toward the twin goals of forming a competitor organization and harming TST.

22 45.

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



16 47. Meeham, in conjunction with the other named Defendants, then began posting
 17 material in violation of the Code of Conduct and in disregard of the revocation of authority entailed
 18 in being removed from the position on the advisory council.

19 48. Sullivan explicitly recognized that Defendants had no authorization to access the
 20 Allies page. On March 15, 2020, Sullivan publicly stated that he was no longer affiliated with TST.
 21 **Exhibit 5.** A commentator suggested “Time to found your own,” to which Sullivan responded
 22 “three steps ahead of you” and “we have a meme page here that we stole from TST: Evergreen
 23 Memes for Queer Satanic Friends.” **Id.** at pp. 3-4.

24 49. Following Meeham’s usurpation of the Allies page, the Washington Chapterhead
 25 removed all defendants from administrative access privileges to the remaining social media
 26 accounts. More specifically, the Chapterhead removed all administrative privileges of Johnson,

1 Fishbaugh, Meeham, and Sullivan to the Facebook Chapter account and the Twitter and Google
2 accounts referenced herein.

3 50. On or around March 18, 2020, Johnson hacked the TST's Twitter account, removed
4 all of TST's approved administrators, replaced the approved administrators with his co-Defendants,
5 followed a number of extremist groups, and changed the description from "Washington State
6 Chapter of the Satanic Temple" to "Satan stands as the ultimate icon for selfless revolt. We oppose
7 irrational, unjust hierarchies like white supremacy, patriarchy, ableism, & cisnet normality."
8 Johnson took these actions despite having a subjective awareness that he no longer had authorization
9 to use TST's Twitter account.

10 51. On March 20, 2020, despite having a subjective awareness that he no longer had
11 authorization to use TST's Facebook Chapter page, Johnson took control of the Chapter page by
12 removing all TST-approved administrators, modifying the cover page without approval, and posting
13 a three-page manifesto. The manifesto, as it looked as of the original complaint, is attached and
14 incorporated as **Exhibit 6** (the archive reflects Central time). Originally, the manifesto was posted
15 with the original trade dress of TST.

16 52. Broadly, the manifesto levied false claims that TST leadership is cozy with the alt-
17 right, are white supremacists, are generally insufficiently leftist for Johnson's preference, and does
18 not conform to Johnson's impression of Satanism. Posting the manifesto exceeded Johnson's grant
19 of authority as defined in the Code of Conduct, disregarded the revocation of authority entailed in
20 being removed from the position on the advisory council, and disregarded the explicit revocation of
21 authority entailed in having his administrative access to the Chapter page removed.

22 53. On March 20 at 11:29 pm, the Chapter's media liaison emailed Johnson a cease and
23 desist instruction, stating "I'd like you to return the Facebook page back to us please." **Exhibit 7**

24 54. Johnson ignored the email and did not return the Facebook page to TST.

25 55. Instead, Johnson spent the next couple of days posting links and commentary from
26 the Chapter page, all with the general, and false, theme that TST leaders are incompetent fascists.

1 See **Exhibit 8** (posts and commentary in excess of authorization). The links and commentary all
2 exceeded Johnson’s grant of authority as defined in the Code of Conduct, disregarded the revocation
3 of authority entailed in being removed from the position on the advisory council, disregarded the
4 explicit revocation of authority entailed in having his administrative access to the Chapter page
5 removed, and disregarded the explicit cease and desist demand referenced in ¶ 53

6 56. On March 20 at 11:36 pm, Fishbaugh attempted to change the password to the
7 Chapter’s Google-based email account by changing the recovery email and changing the phone
8 number. This ignored the revocation of authority entailed in being removed from the position on
9 the advisory council and disregarded the explicit withdrawal of authority entailed in removing her
10 administrative access.

11 57. On March 22 at 3:08 pm, Johnson modified the name of the Chapter page from “The
12 Satanic Temple Washington” to “Satanic Washington State – Archived Temple Chapter” and
13 modified the profile picture to replace TST-specific iconography with “antifa” symbolism. These
14 modifications disregarded the revocation of authority entailed in being removed from the position
15 on the advisory council, disregarded the explicit revocation of authorization entailed in having his
16 social media administrative access revoked, and disregarded the explicit cease and desist demands
17 referenced in ¶ 53.

18 58. By operation of his removal as a member of the advisory council, Sullivan’s control
19 over original signed copies of membership agreements, cloud-based trade secret documentation,
20 became unauthorized.

21 59. Of importance to this action, Sullivan had, and continues to have, exclusive control
22 over membership enrollment and application documents and background check documents for
23 prospective new members (to exclude felons from membership), both of which are paper
24 documents. Sullivan also had, and continues to have, an electronic database of the membership, as
25 well as their contact information.

26 60. TST opposes the use or threat of violence as a mechanism for control.

1 61. The Chapter page maintains its original URL:
2 <https://www.facebook.com/TheSatanicTempleWashington/>.

3 62. As of the original complaint, TST's Washington Chapter lost between 20 and 30
4 members because of Johnson's false claims published to the Chapter page. The precise number
5 since then is currently unknown to TST.

6 63. Facebook refused to correct the matter, mislabeling the issue as a "Page admin
7 issue" to the exclusion of "infringements of your legal rights."

8 64. One week prior to the original complaint, this time through counsel, TST
9 reiterated the legal theories at play to Facebook and to Johnson. More particularly, On March 23,
10 2020, Matthew Kezhaya (TST's outside general counsel) issued a demand letter to Johnson which
11 threatened this very litigation unless he "permanently relinquish[ed] full control" of the Chapter
12 page "by 4:00 PM Central Time on March 24, 2020." **Exhibit 9**

13 65. Johnson ignored the letter and, together with his co-Defendants, continued to
14 maintain exclusive control over the Chapter page. In so doing, Johnson and his co-Defendants
15 disregarded the revocation of authority entailed in being removed from their positions on the
16 advisory council, disregarded the explicit revocation of authorization entailed in having their social
17 media administrative access revoked, and disregarded the explicit cease and desist demands
18 referenced in ¶¶ 53 and 64.

19 66. Facebook did not respond and did not return control of the Chapter page until after
20 the original complaint. See Exhibit 2.

21 67. Defendants simply ignored all communications, from counsel and TST alike.

22 68. TST was able to recover the Twitter account and the email account through
23 Twitter and Google, respectively.

24 **III. CAUSES OF ACTION**

25 **Count 1:**

26 **CFAA violation**

1 69. TST re-alleges and incorporates by reference the foregoing allegations.

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

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

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

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

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

15 75. A “loss” is “any reasonable cost to any victim, including the cost of responding to
16 an offense, conducting a damage assessment, and restoring the data, program, system, or
17 information to its condition prior to the offense, and any revenue lost, cost incurred, or other
18 consequential damages incurred because of interruption of service.” 18 U.S.C. § 1030(e)(11).

19 76. As described above, Defendants wrongfully and intentionally by exceeding their
20



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

Like · Reply · 1w



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

Like · Reply · 1w



1 authorized access, perpetrated fraud upon TST and its membership, as well as any who happened
2 upon the offending posts, by posting under the misappropriated identity of TST. Perfectly
3 encapsulating the issue, one commenter expressed confusion on March 21, stating:

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

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

9 78. Defendants were aware that the social media accounts had an economic value to
10 TST. The social media accounts were the primary means for TST to communicate with the general
11 public and TST’s supporters, and that those communications help to foster the kind of relationship
12 ~~that-which~~ results in charitable donations to support TST’s organizational purposes. By depriving
13 TST of its social media accounts, Defendants intended to diminish those donations and divert
14 donations to their competitor organization, provisionally named “The Satanic Temple 2: Electric
15 Boogaloo.” Exhibit [53](#) at p. 4.

16 79. Further compounding the losses are TST’s attorney’s fees for investigating this
17 matter, entering futile demands for corrective action: both of -Facebook and from Defendants, and
18 drafting this complaint. TST will continue to incur losses in the costs and fees related to this lawsuit.
19 TST’s costs and attorney’s fees well exceed the \$6,000 incurred in researching and drafting the
20 original complaint.

21 80. TST has incurred, and continues to incur, reputation losses from the
22 misappropriation of its Facebook pages. These reputation losses are quantifiable in monetary terms,
23 but are -irreparable by money damages alone.

24 81. Based on the foregoing, TST is entitled to injunctive relief in the form of a permanent
25 injunction enjoining Defendants from accessing any of TST’s “protected computers” (i.e. any
26 internet-based media) under threat of contempt, economic damages of at least \$48,973.92, and costs

1 and attorney's fees to be computed after entry of the decree.

2 **Count 2:**

3 **Tortious interference**

4 82. TST re-alleges and incorporates by reference the foregoing allegations.

5 83. TST maintains ongoing business relationships with Facebook, importantly to
6 include the Chapter page and Allies page.

7 84. There is an economic benefit for TST in having a ubiquitous platform to interact
8 with members and prospective members in the convenience of their homes and wherever they carry
9 their smartphones. Namely, with increased awareness comes increased membership and donations
10 which create a positive feedback loop.

11 85. At the relevant time, Defendants had subjective knowledge of the business
12 relationship between Facebook and TST. Facebook is well-known as a separate company from the
13 organizations that have profiles on its proprietary network.

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

17 87. Defendants were aware that the social media accounts had an economic value to
18 TST. The social media accounts were the primary means for TST to communicate with the general
19 public and TST's supporters, and Defendants personally used those social media accounts for the
20 purpose of assisting TST in creating the ~~and those kind of~~ communications that help to foster the
21 kind of relationship that-which results in charitable donations to support TST's organizational
22 purposes. By depriving TST of its social media accounts, Defendants intended to diminish those
23 donations and divert donations to their competitor organization, provisionally named "The Satanic
24 Temple 2: Electric Boogaloo." Exhibit 35 at p. 4.

25 88. Defendants' interference with TST's social media presence was wrongful beyond
26 the interference itself. Defendants abused TST's social media presence as a channel to publish

1 derogatory messages directly to TST's intended audience and to falsely suggest that the Washington
2 Chapter was replaced by Defendants' competitor organization. The contemplated and intentional
3 purpose of so doing was to diminish TST's membership and donation base.

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

7 90. Based on the foregoing, TST is entitled to injunctive relief in the form of a permanent
8 injunction enjoining Defendants from accessing any of TST's "protected computers" under threat
9 of contempt, ~~punitive damages~~, and costs and attorney's fees to be computed after entry of the
10 decree.

11 **Count 34:**

12 **Trespass to chattels**

13 91. TST re-alleges and incorporates by reference the foregoing allegations.

14 92. Trespass to chattels is the intentional interference with a party's personal property
15 without justification that deprives the owner of possession or use. G&G Closed Cir. Events, LLC
16 v. Single, LLC, No. C18-1295JLR, 2020 WL 5815050, at *4 (W.D. Wash. Sept. 30, 2020) (citing
17 Restatement (Second) of Torts § 217).

18 93. The first chattel at issue is TST's possessory interest in Facebook's computer
19 network which manifested through the internet as the Chapter page and the Allies page.

20 94. Defendants intentionally dispossessed TST of the Chapter page and the Allies page
21 by logging in to Facebook's computer network and replacing Defendants for TST's authorized
22 administrators of the pages.

23 95. Defendants had no justification to remove all of TST's approved administrators or
24 to usurp the pages at issue. Their authorization to use the pages were revoked by virtue of the
25 removal of their positions on the advisory council and was explicitly revoked as to the Chapter page
26 by the revocation of their administrative access.

1 96. Although Washington has not squarely addressed the question, California courts
2 have resolved that dispossession of access to a computer system is an actionable trespass to chattels.
3 See Synopsys, Inc. v. Ubiquiti Networks, Inc., 313 F. Supp. 3d 1056, 1080 (N.D. Cal. 2018) and
4 Intel Corp. v. Hamidi, 30 Cal. 4th 1342, 1351, 71 P.3d 296, 303 (2003); see also JLM Couture, Inc.
5 v. Gutman, No. 20 CV 10575-LTS-SLC, 2021 WL 827749 (S.D.N.Y. Mar. 4, 2021) (granting a
6 preliminary injunction to restrain a former employee’s use of an employer’s social media accounts
7 post-termination—albeit while explicitly declining to address the ultimate trespass to chattel and
8 conversion claims, id. at *19).

9 97. The second chattel at issue is TST’s membership-related documents, whether in
10 physical or electronic format.

11 98. Defendants, particularly Sullivan, intentionally dispossessed TST of these
12 membership-related documents by maintaining exclusive control over the documents despite the
13 termination of Sullivan’s role as custodian of records.

14 ~~98.~~

15 99. Based on the foregoing, TST is entitled to injunctive relief in the form of a permanent
16 injunction enjoining Defendants from accessing any of TST’s “protected computers” under threat
17 of contempt, an order to return TST’s membership related documents and destroy any copies
18 thereof, ~~an order for punitive damages~~, and costs and attorney’s fees to be computed after entry of
19 the decree.

20 **Count 45:**

21 **Conversion**

22 100. TST re-alleges and incorporates by reference the foregoing allegations.

23 101. Conversion is the act of “willfully interfering with any chattel, without lawful
24 justification, whereby any person entitled thereto is deprived of the possession of it. In re Mastro,
25 No. 09-16841-MLB, 2017 WL 2889659, at *13 (Bankr. W.D. Wash. July 6, 2017) (citing Public
26 Util. Dist. No. 1 v. Wash. Public Power Supply Sys., 104 Wn.2d 353, 378 (Wash. 1985)).

1 102. “Willful” means “intentional” but not necessarily “malicious.” Id. (citing Schilling
2 v. Radio Holdings, Inc., 136 Wn.2d 152, 159–60 (Wash. 1998)) (citations omitted).

3 103. Malicious intent is not an element of conversion and good faith is not a defense. Id.
4 (citing Brown v. Brown, 157 Wn. App. 803, 818, (2010)).

5 104. Trespass to chattels differs from conversion as a matter of degree. See Intel Corp.
6 v. Hamidi, 30 Cal. 4th 1342, 1350, 71 P.3d 296, 302 (2003) (“Dubbed by Prosser the ‘little brother
7 of conversion,’ the tort of trespass to chattels allows recovery for interferences with possession of
8 personal property ‘not sufficiently important to be classed as conversion, and so to compel the
9 defendant to pay the full value of the thing with which he has interfered’); see also Damiano v. Lind,
10 163 Wash. App. 1017 at *5 (2011) (“Trespass to chattels is something less than a conversion.”)
11 (unpublished opinion, but the Court “may consider unpublished state decisions, even though such
12 opinions have no precedential value.” Emps. Ins. of Wausau v. Granite State Ins. Co., 330 F.3d
13 1214, 1220 (9th Cir. 2003)).

14 105. The same chattels are at issue in this Conversion claim as the Trespass to Chattels
15 claim. Both claims are included because Washington courts tend to discuss ~~both the two claims~~ in
16 tandem. E.g. Damiano, above; see also Sexton v. Brown, 147 Wash. App. 1005 (2008).

17 **Count 5:**

18 **Dilution under 15 USC § 1125(c)**

19 106. TST re-alleges and incorporates by reference the foregoing allegations.

20 107. 15 USC § 1125(c) provides for trademark remedies when one or more defendants
21 uses a famous or distinctive mark or trade name in commerce which is likely to cause dilution by
22 blurring or dilution by tarnishment of the famous mark. See 15 USC § 1125(c)(1) and (5).

23 108. A mark is “famous” if it is widely recognized by the general consuming public. 15
24 USC § 1125(c)(2)(A).

25 109. “The Satanic Temple” is a famous mark because it is commonly referenced in the
26 general media. For recent references, see e.g. Penny Lane, Magnolia Films, “Hail Satan?” (2019);

1 Cameron Sheppard, *WNPA News Service*, “Amid Pious Protesters, Satanists Conduct a Ritual on
2 the Capitol Steps” (March 6, 2020) (reposted by *The Chronicle*, available at
3 [https://www.chronline.com/stories/amid-pious-protesters-satanists-conduct-a-ritual-on-the-capitol-](https://www.chronline.com/stories/amid-pious-protesters-satanists-conduct-a-ritual-on-the-capitol-steps,4905)
4 [steps,4905](https://www.chronline.com/stories/amid-pious-protesters-satanists-conduct-a-ritual-on-the-capitol-steps,4905)) (last visited April 23, 2021); David S. Cohen, *Rolling Stone*, “How the Satanic Temple
5 Could Bring Abortion Rights to the Supreme Court” (August 24, 2020) (available at
6 [https://www.rollingstone.com/culture/culture-features/satanic-temple-abortion-rights-supreme-](https://www.rollingstone.com/culture/culture-features/satanic-temple-abortion-rights-supreme-court-1048833/)
7 [court-1048833/](https://www.rollingstone.com/culture/culture-features/satanic-temple-abortion-rights-supreme-court-1048833/)) (last visited April 23, 2021); Erik Larson, *Bloomberg News*, “Satanic Temple’s
8 lawyers try Christian-right tactics” (March 22, 2021) (reposted by the *Seattle Times*, available at
9 <https://www.seattletimes.com/nation-world/satanic-temple-lawyers-try-christian-right-tactics/>
10 (last visited April 23, 2021).

11 110. Dilution by blurring is an association arising from the similarity between a mark or
12 trade name and a famous mark which impairs the distinctiveness of the famous mark. 15 USC §
13 1125(c)(2)(B).

14 111. Defendants’ competitor organization, which was was provisionally entitled “The
15 Satanic Temple 2: Electric Boogaloo” and which was ultimately named “Satanic Washington –
16 Archived Temple Chapter” had a likelihood of impairing the distinctiveness of TST as a famous
17 mark. To-wit:

18 (1) “The Satanic Temple 2: Electric Boogaloo” directly copies “The Satanic
19 Temple;” and “Satanic Washington – **Archived Temple Chapter**” (emphasis
20 added) directly ~~reference~~s suggests that ~~The Satanic Temple’s~~ Washington
21 Chapter has been replaced by Defendants’ competitor organization.

22 (2) TST has an inherently distinctive mark because –there is only one “The Satanic
23 Temple,” and Plaintiff, which through years of effort, has acquired
24 distinctiveness as a mark through years of effort.

25 (3) There is only one “The Satanic Temple” because TST jealously guards its
26 intellectual property rights—as it must, to avoid a laches defense for any

1 particular copycat.

2 (4) As addressed in ¶ 109, above, there is wide public recognition of The Satanic
3 Temple.

4 (5) Defendants intended to create an association between their competitor
5 organization with TST by stealing TST's FacebookFacebook pages, falsely
6 suggesting that TST's Washington Chapter was no more ("Archived"), and
7 redirecting all internet traffic away from TST's Washington Chapter and toward
8 Defendants' competitor organization.

9 (6) There is an actual association between Defendants' mark and TST because
10 Defendants were former TST associates, who intended to create a competitor
11 organization by using TST's own intellectual property (both the name and the
12 websiteFacebook pages), and advertising their competitor organization through
13 the Facebook pages.

14 Compare 15 USC § 1125(c)(2)(B)(i)-(vi).

15 112. Alternatively, dilution by tarnishment is an association arising from the similarity
16 between a mark and a famous mark that harms the reputation of the famous mark. 15 USC §
17 1125(c)(2)(C).

18 113. TST's membership base tends to be repelled by organizations which promote
19 ableism, misogyny, racism, fascism, transphobia, and the endorsement of police brutality.

20 114. Defendants' competitor organization broadcasted statements, directly to current and
21 potential members of TST through TST's Facebook pages, that TST promotes ableism, misogyny,
22 racism, fascism, transphobia, and the endorsement of police brutality. Defendants broadcasted these
23 statements for the purpose of diverting away from TST both current members and interested
24 potential members of the public away from TST.

25 115. Defendants' competitor organization -also publicly affiliated itself (and TST, to an
26 uninformed public) with politically extremist organizations by having the Twitter page follow

1 various politically extremist organizations (§ 50, above) and by modifying the Chapter page’s profile
2 picture to suggest that TST is associated with a Antifa (§ 57 above).

3 116. These actions harmed ~~the reputation of~~ TST—which is a religious organization—by
4 suggesting that TST is not a religious organization, but is instead an extremist political organization;
5 and an extremist political organization, at that. This jeopardizes TST’s tax exempt status as a
6 “church;” jeopardizes the tax exempt status of donations to TST; jeopardizes the civil rights of
7 TST’s membership base (“religion” is a protected class under Title VII, but “politics” is not); and
8 diverts away TST’s membership base, which is interested in joining a religion and not an extremist
9 political group.

10 117. Defendants’ competitor group is also selling merchandise which features
11 Defendants’ derivative marks and which Defendants are advertising on TST’s Allies page. See
12 generally <https://www.redbubble.com/people/QueerSatanic/shop> (last visited April 26, 2012).

13 105.—Based upon the foregoing, TST is entitled to recover monetary damages up to three
14 times the sum of: (1) Defendants’ profits; (2) TST’s reputational damages; and (3) the costs of this
15 action (15 USC § 1125(c)(5), referencing 15 USC § 1117(a) and (b)); an order to destroy all means
16 of making Defendants’ counterfeit marksmaterials (id., referencing 15 USC § 1118); and orders to
17 seize of any goods bearing Defendants’ counterfeit marks, any records related to the sale thereof,
18 and other such appropriate orders to prevent the violation of TST’s rights as a registered mark holder.
19 (id., referencing 15 USC § 1116).

20 118.

21 **IV. PRAYER FOR RELIEF**

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

24 (1) Defendants shall, jointly and severally, immediately return full control to counsel for
25 Plaintiff under threat of contempt: control of the Allies page, all TST materials, whether in paper or
26 electronic format, including without limitation: all signed agreements, all membership listings, all

1 internal policies and procedures, all governance documentation, any branding materials, and any
2 other document created by or for the benefit of TST.

3 (2) Defendants shall, jointly and severally, permanently refrain from accessing any
4 administrative function of any internet-based medium, including without limitation any social media
5 accounts, email accounts, or document storage accounts, created by or for the benefit of TST.

6 (3) Defendants shall, jointly and severally, pay economic to Plaintiff in the amount of
7 \$42,973.92 (the sum value of the social media accounts), or such other sum of the numbers identified
8 in ¶ 118, above.-

9 (4) Defendants shall, jointly and severally, pay statutory damages to Plaintiff in the
10 amount of \$100,000, or such other amount to be determined at trial.-

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

13 ~~(6)(5)~~ Defendants shall, jointly and severally, pay costs and attorney's fees to Plaintiff in
14 an amount to be determined after trial.

15 ~~(7)(6)~~ Defendants shall, jointly and severally, pay prejudgment and postjudgment interest
16 until paid in full.

17
18 Respectfully submitted this ~~_____~~ 26th day of April, 2021.

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