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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’ FIRST
AMENDED ANSWER,
AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS**

Defendants David A. Johnson (“Johnson”), Leah Fishbaugh (“Fishbaugh”), Mickey Joshua Powell (“Powell”)¹, and Nathan Sullivan (“Sullivan”) (collectively “Defendants”) answer the Second Amended Complaint for Damages and Injunctive Relief (“Second Amended Complaint”) by Plaintiff and Counterclaim Defendant United Federation of Churches, LLC (dba “The Satanic Temple”) (“The Satanic Temple” or “TST” or “Plaintiff”), assert defenses thereto, and assert counterclaims against The Satanic Temple as follows:

¹ Defendant Mickey Meehan’s legal name is Mickey Joshua Powell, which will hereinafter be used in this Answer and Counterclaim.

1 Defendants answer below, in numbered paragraphs corresponding to the Second
2 Amended Complaint (Sub. No. 15). All allegations not expressly admitted below are denied.

3 **I. PREAMBLE**

4 1. Paragraph 1 contains a summary of TST's legal theories of the case and thus
5 requires no answer. All factual allegations included in Paragraph 1 are denied.

6 2. Paragraph 2 contains TST's summary of the procedural history of the case and
7 thus requires no answer.

8 3. Deny.

9 4. Paragraph 4 pertains to TST's strategy regarding filing the Second Amended
10 Complaint and requires no answer.

11 **II. JURISDICTION AND VENUE**

12 5. Admit.

13 6. Admit.

14 7. Defendants deny that Powell resides in King County. Defendant Powell
15 resides in Thurston County. Defendants admit the remaining allegations in Paragraph 7.

16 **III. PARTIES**

17 8. Defendants admit that TST holds itself out as a religious organization. To the
18 extent there are other factual allegations contained in Paragraph 8, they are denied.

19 9. Defendants admit that TST lists certain tenets on its website to which it
20 purports to subscribe. Defendants deny all remaining allegations in Paragraph 9.

21 10. Defendants admit that TST includes a mission on its website to which it
22 purports to subscribe. Defendants deny all remaining allegations in Paragraph 10.

23 11. Defendants lack knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in Paragraph 11 and on that basis deny them.

25 12. Defendants admit that TST has adherents in Washington State. Defendants
26 admit that for a portion of the relevant time, TST was organized in Washington State as a

1 “Chapter.” Defendants lack sufficient information or knowledge to admit or deny the
2 remaining allegations in Paragraph 12 and on that basis deny them.

3 13. Admit.

4 14. Admit.

5 15. Defendants admit that one of the functions of the Media Liaison in the
6 Washington Chapter was to promote TST’s activities to the general public. Defendants deny
7 the remaining allegations in Paragraph 15.

8 16. Defendants admit that they were volunteer councilors on the advisory council
9 to the Washington State Chapter Head. Defendants further admit that on March 12, 2020, the
10 advisory council consisted of approximately 16 volunteer positions, of which Defendants
11 held four. Defendants admit that management of social media was taken up voluntarily by
12 certain volunteers on the advisory council and that Defendants Johnson and Powell
13 volunteered to help with TST’s social media. Defendants further admit that in their volunteer
14 roles as helping with TST’s social media, Defendants Johnson and Powell had authority to
15 manage TST’s social media. Defendants deny all remaining factual allegations in Paragraph
16 16.

17 17. Defendants admit that on March 12, 2020, TST’s Washington Chapter Head
18 notified Defendants that she was dissolving the advisory council. Defendants deny all
19 remaining allegations in Paragraph 17.

20 18. Defendants admit that Defendant Johnson is an individual residing in Seattle.
21 Defendants further admit that Johnson is a former member of TST WA. Defendants deny all
22 remaining allegations in Paragraph 18.

23 19. Defendants admit that Defendant Sullivan is acquainted with Johnson.
24 Defendants also admit that Sullivan is a former member of TST WA and lives in Seattle.
25 Defendants deny the remaining allegations in Paragraph 19.

26

1 20. Defendants admit that Defendant Fishbaugh is acquainted with Johnson.
2 Defendants also admit that Fishbaugh lives in Seattle and is a former member of TST WA.
3 Defendants deny all remaining allegations in Paragraph 20.

4 21. Defendants admit that Powell is acquainted with Johnson and is a former
5 member of TST WA. Defendants deny all remaining allegations in Paragraph 21.

6 **IV. FACTUAL BACKGROUND**

7 22. Admit.

8 23. Defendants admit that TST's Washington Chapter maintains a Facebook page.
9 Defendants deny all remaining allegations in Paragraph 23.

10 24. Defendants admit that a Seattle group called The Satanic Temple-Seattle
11 Chapter created a Facebook page in October of 2014 entitled The Satanic Temple-Seattle
12 Chapter. Defendants deny all remaining allegations in Paragraph 24.

13 25. Defendants admit upon information and belief that the Facebook page created
14 in October 2014 and originally entitled The Satanic Temple-Seattle Chapter increased in its
15 followers at some point in time. Defendants lack sufficient knowledge to admit or deny the
16 number of followers or the time period during which the Facebook page obtained any specific
17 number of followers, and thus deny the remaining allegations in Paragraph 25.

18 26. Deny.

19 27. Defendants admit that Johnson had administrative rights to the Facebook page
20 created in 2014 that was originally named The Satanic Temple – Seattle Chapter. Defendants
21 also admit that at different points in time, Johnson and Powell had administrative rights to a
22 Facebook page that was briefly and mistakenly entitled “TST WA Allies” and with the URL
23 “Facebook.com/queersatanicmemes.” Defendants deny all remaining allegations in
24 Paragraph 27.

25 28. Deny.

26 29. Deny.

1 30. Defendants admit that they were aware that TST had a Code of Conduct.
2 Defendants further admit that on March 2, 2020, Johnson shared a post on the Facebook page
3 with the URL “Facebook.com/queersatanicmemes.” Defendants deny all remaining
4 allegations in Paragraph 30.

5 31. Deny.

6 32. Deny.

7 33. Defendants admit that on March 12, 2020, TST’s Washington’s Chapter Head
8 informed Defendants that the advisory council had been disbanded. Defendants deny all
9 remaining allegations in Paragraph 33.

10 34. Defendants admit that Johnson and Powell had permission to help manage the
11 Washington Chapter’s social media activity. Defendants further admit that TST WA
12 disbanded its advisory council. Defendants deny that they ever served as custodians of
13 records for TST or TST’s Washington Chapter. Defendants deny all remaining allegations in
14 Paragraph 34.

15 35. Deny.

16 36. Defendants admit that on March 14, 2020, Johnson changed the name of the
17 Facebook Page with the URL “Facebook.com/queersatanicmemes” from “TST WA Allies”
18 to “Evergreen Memes for Queer Satanic Fiends” (the “Memes Page”), a name that was in
19 line with the intended purpose for the Page, as reflected by its URL. Defendants further admit
20 that Powell posted the March 14, 2020, 7:59 pm message on the Memes Page. Defendants
21 deny all remaining allegations in Paragraph 36.

22 37. Deny.

23 38. Defendants admit that Sullivan stated he was no longer affiliated with TST on
24 March 15, 2020 on the Memes Page. Defendants further state that TST expressly gave the
25 Memes Page to Defendants on March 14, 2020, and March 15, 2020, and expressly
26

1 relinquished all interest in the Memes Page. Defendants deny all remaining allegations in
2 Paragraph 38.

3 39. Deny.

4 40. Defendants admit that as an administrator, on March 20, 2020, Johnson
5 removed other administrators from the TST Washington Chapter Facebook Page. Defendants
6 further admit that Johnson posted the message that is copied in Exhibit 3 to the Second
7 Amended Complaint. Defendants deny all remaining allegations in Paragraph 40.

8 41. In response to the summary of a Facebook post in Paragraph 41, Defendants
9 state that the Facebook post speaks for itself. Defendants deny all remaining allegations in
10 Paragraph 41.

11 42. Defendants admit that Johnson received the email copied in Exhibit 4 to the
12 Second Amended Complaint. Defendants deny all remaining allegations in Paragraph 42.

13 43. Defendants admit that Johnson did not add TST's Washington Media Liaison
14 or Chapter Head as administrators of the Washington Chapter Facebook Page following the
15 email attached as Exhibit 4 to the Second Amended Complaint. Defendants deny all
16 remaining allegations in Paragraph 43.

17 44. Defendants admit that Johnson posted messages on the Chapter Facebook
18 Page that speak for themselves. Defendants deny all remaining allegations in Paragraph 44.

19 45. Defendants admit that on or about March 22, 2020, as an administrator,
20 Johnson modified the name of the Chapter Page from "The Satanic Temple Washington" to
21 "Satanic Washington State – Archived Temple Chapter" and modified the profile picture.
22 Defendants deny all remaining allegations in Paragraph 45.

23 46. Deny.

24 47. In response to Paragraph 47, Defendants lack sufficient knowledge or belief
25 to admit or deny the allegations, and therefore deny them.
26

1 48. In response to Paragraph 48, Defendants lack sufficient knowledge or belief
2 to admit or deny the allegations, and therefore deny them.

3 49. Defendants admit that Johnson received the emailed letter attached as Exhibit
4 5, which speaks for itself. Defendants deny all remaining allegations in Paragraph 49.

5 50. Defendants admit that Johnson did not respond to the letter attached as Exhibit
6 5 to the Second Amended Complaint. Defendants deny all remaining allegations in Paragraph
7 50.

8 51. Deny.

9 52. Upon information and belief, Defendants admit that Facebook apparently
10 added agents of TST WA as administrators of the Chapter Facebook Page. Defendants further
11 admit that on or about May 27, 2020, TST WA removed Johnson as a page administrator. To
12 the extent any additional factual allegations remain in Paragraph 52, they are denied.

13 53. In response to Paragraph 53, Defendants state that TST expressly relinquished
14 all rights and interest in the Memes Page and expressly gave the Memes Page to Defendants
15 to have and use “free and clear” on March 14 and 15, 2020, and that Defendants have
16 rightfully used the Memes Page since then. Defendants deny all remaining allegations in
17 Paragraph 53.

18 54. In response to Paragraph 54, Defendants state that TST expressly relinquished
19 all rights and interest in the Memes Page and expressly gave the Memes Page to Defendants
20 to have and use “free and clear” on March 14 and 15, 2020, and that Defendants have
21 rightfully used the Memes Page since then. Defendants deny all remaining allegations in
22 Paragraph 54.

23 **V. CAUSES OF ACTION**

24 **Count 1:**

25 **Tortious Interference**

26 55. Defendants incorporate by reference their responses to Paragraphs 1-54 above

1 as if stated in full herein.

2 56. Defendants admit that upon information and belief TST WA uses the Chapter
3 Facebook Page. Defendants deny all remaining allegations in Paragraph 56.

4 57. Defendants lack knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 57 and on that basis deny them.

6 58. Defendants admit that while they were members of TST WA, they were aware
7 that TST WA used a Washington Chapter Facebook Page. Defendants further admit that
8 Facebook is a separate company from TST. Defendants deny all remaining allegations in
9 Paragraph 58.

10 59. Deny.

11 60. Deny.

12 61. Deny.

13 62. Deny.

14 63. Deny.

15 **Count 2:**

16 **Trespass to Chattels**

17 64. Defendants incorporate by reference their responses to Paragraphs 1-63 above
18 as if stated in full herein.

19 65. Paragraph 65 contains a legal conclusion and requires no response. To the
20 extent Paragraph 65 contains any factual allegations, they are denied.

21 66. Deny.

22 67. Deny.

23 68. Deny.

24 69. Paragraph 69 contains a legal conclusion and requires no response. To the
25 extent Paragraph 69 contains any factual allegations, they are denied.

1 70. Defendants lack information or belief as to what membership-related
2 documents TST is referring in Paragraph 70 and therefore deny all allegations in Paragraph
3 70.

4 71. Deny.

5 72. Deny.

6 **Count 3:**

7 **Conversion**

8 73. Defendants incorporate by reference their responses to Paragraphs 1-72 above
9 as if stated in full herein.

10 74. Paragraph 74 contains legal conclusions and requires no response. To the
11 extent Paragraph 74 contains any factual allegations, they are denied.

12 75. Paragraph 75 contains legal conclusions and requires no response. To the
13 extent Paragraph 75 contains any factual allegations, they are denied.

14 76. Paragraph 76 contains legal conclusions and requires no response. To the
15 extent Paragraph 76 contains factual allegations, they are denied.

16 77. Paragraph 77 contains legal conclusions and requires no response. To the
17 extent Paragraph 77 contains factual allegations, they are denied.

18 78. Paragraph 78 contains legal conclusions and requires no response. To the
19 extent Paragraph 78 contains factual allegations, they are denied.

20 **Count 4:**

21 **Breach of Fiduciary Duty**

22 79. Deny.

23 80. Deny.

1 **Count 5:**

2 **Replevin**

3 81. Paragraph 81 contains legal conclusions and requires no response. To the
4 extent Paragraph 81 contains any factual allegations, they are denied.

5 82. Deny.

6 83. Deny.

7 84. Defendants admit that, on June 22, 2022, over two years after filing its initial
8 complaint related to the Memes Page, TST’s counsel sent a letter to Defendants’ counsel on
9 June 22, 2022 in which TST asked for the return of the Memes Page. Defendants deny that
10 TST had any right to demand the return of the Memes Page (referred to by TST as the “Allies”
11 Page) as TST had expressly relinquished all rights and interest in the Allies Page and given
12 it to Defendants to have and use “free and clear” in March of 2020. To the extent there are
13 any remaining allegations in Paragraph 84, Defendants deny them.

14 85. Deny.

15 86. Deny.

16 87. Deny.

17 **VI. PRAYER FOR RELIEF**

18 Defendants deny that TST is entitled to any damages or relief in this lawsuit as
19 requested in the Second Amended Complaint or otherwise. Defendants pray:

- 20 1. For dismissal of Plaintiff TST’s claims with prejudice;
- 21 2. For an award of fees, expenses and costs to the full extent permitted by law;
- 22 3. For an order declaring TST has no rights or interest in the Memes page; and
- 23 4. For any other relief the Court may deem just and proper.

24 **AFFIRMATIVE AND OTHER DEFENSES**

25 Defendants assert the following affirmative and other defenses, and reserve the right
26 to amend these defenses as additional information becomes available through discovery or

1 otherwise.

2 1. TST is entitled to no relief because it fails to state a claim upon which relief
3 can be granted.

4 2. TST's claims are barred by the applicable statute of limitations.

5 3. TST is entitled to no relief under the doctrine of laches.

6 4. TST is entitled to no relief under the doctrine of estoppel. TST expressly
7 represented to Defendants that it relinquished all interest in the Memes Page and expressly
8 gave the Memes Page to Defendants to have and use "free and clear" on March 14 and 15,
9 2020. Defendants reasonably relied on TST's clear representations. TST must be estopped
10 from contradicting its express representations as Defendants would be greatly and unfairly
11 prejudiced if TST were allowed to pursue its claims based on the Memes Page in
12 contradiction of its clear representations.

13 5. TST is entitled to no relief under the doctrines of waiver and acquiescence.

14 6. TST is entitled to no relief under the doctrine of abandonment.

15 7. TST's claims are barred due to TST's unclean hands.

16 8. TST has failed to mitigate any damages it alleges it has experienced.

17 9. TST is not the proper party to this action.

18 10. To the extent TST had any interest in the property at issue, TST gave
19 Defendants permission or license to use the property at issue.

20 COUNTERCLAIMS

21 Defendants and Counterclaimants David Alan Johnson, Leah Fishbaugh, Mickey
22 Joshua Powell, and Nathan Sullivan (collectively "Counterclaimants") bring the following
23 counterclaims against Plaintiff United Federal of Churches, LLC (dba "The Satanic Temple")
24 ("Counterclaim Defendant" or "TST").

25 I. PARTIES

26

1 1. Counterclaimant David A. Johnson (“Johnson”) is an individual residing in
2 King County, Washington.

3 2. Counterclaimant Leah Fishbaugh (“Fishbaugh”) is an individual residing in
4 King County, Washington.

5 3. Counterclaimant Mickey Joshua Powell (“Powell”) is an individual residing
6 in Thurston County, Washington.

7 4. Counterclaimant Nathan Sullivan (“Sullivan”) is an individual residing in
8 King County, Washington.

9 5. Plaintiff and Counterclaim Defendant United Federation of Churches, LLC
10 (dba The Satanic Temple) (“The Satanic Temple” or “TST”) is a self-purported non-theistic
11 religious organization. At all relevant times, TST operated or conducted its business or
12 religious activities in King County, Washington, and has members and agents in King
13 County, Washington.

14 **II. JURISDICTION AND VENUE**

15 6. This Court has subject matter jurisdiction pursuant to RCW 2.08.010.

16 7. Venue is proper pursuant to RCW 4.12.025.

17 8. This Court has personal jurisdiction over TST as it has purposefully availed
18 itself of the benefits and protections offered by the State of Washington by conducting
19 business in Washington and pursuing its legal claims in this action in this Court and in the
20 United States District Court for the Western District of Washington.

III. FACTS

A. Defendant Nathan Sullivan's Volunteer Service

9. In December of 2014, Counterclaimant Sullivan became a member of a local chapter of TST that, at the time, was called TST Seattle. On or around January 1, 2020, TST Seattle changed its name to TST Washington ("TST WA"). Unless otherwise noted, TST Seattle and TST WA will hereinafter both be referred to as "TST WA."

10. In 2014, when Sullivan became a member of TST WA, the Chapter Head for TST WA was Holly Blumenthal, who also uses the pseudonym "Lilith Starr." In or around the fall of 2019, the Chapter Head position transitioned to Leah Garvais ("Garvais"), who also uses the pseudonym "Siri Sanguine."

11. The role of the Chapter Head is to oversee and direct the Chapter and to represent and speak on behalf of TST's national leadership (the Executive Ministry) in local Chapter matters.

12. Before and after becoming Chapter Head, Garvais was also the treasurer of TST WA.

13. In August of 2016, TST WA appointed Paul Case ("Case") to serve as its Media Liaison. Case also uses the pseudonym "Tarkus Claypool."

14. The role of the Media Liaison is to oversee and direct media activities on behalf of TST, including social media, and to represent TST to media at the local level.

15. During his membership, Sullivan volunteered in an advisory role on a TST WA group called the "the Strategy Council." As a volunteer advisor, Sullivan coordinated events with local charities, and led a small team of people to interview and welcome prospective members to TST WA.

16. As a volunteer advisor on TST WA's Strategy Council, Sullivan did not provide TST WA with any volunteer services related to document retention or storage or serve as a volunteer repository for TST WA's documents. Sullivan had no system or practice

1 in place for personally storing TST WA's documents or any practice of intentionally retaining
2 or storing documents relating to TST WA.

3 17. Instead, TST WA used a shared TST email account and online cloud drives
4 for collecting, sharing, and saving TST WA's documents. As TST is fully aware, these shared
5 online sources of document retention were at all times available to TST. Sullivan never had
6 exclusive access to these shared online sources of document retention.

7 18. On information and belief, TST still has access to these online sources of
8 document retention and sharing and has the ability to control them.

9 19. On or around December 13, 2019, Sullivan took a leave of absence from his
10 volunteer work with TST WA to attend to personal matters. At the time, Sullivan was on
11 good terms with TST WA. Garvais and Case were supportive of Sullivan's decision to take
12 a leave from his volunteer service.

13 20. On several occasions following his leave, Garvais and Case contacted Sullivan
14 to ask for advice or information relating to his prior volunteer work with TST WA. Sullivan
15 readily obliged by providing whatever advice or information was sought.

16 21. Upon being abruptly removed from his volunteer advisory role with TST WA
17 in March of 2020, Sullivan did not knowingly or intentionally retain or have in his exclusive
18 possession any sensitive or confidential TST WA documents. All sensitive TST WA
19 documents were stored in TST's online cloud drives or email accounts.

20 22. To the extent Sullivan had any residual hard copies of TST WA related
21 documents in his possession due to his five years of volunteer service with TST WA, the
22 retention of the documents was unintentional, the number of documents was de minimis, and
23 the documents were random, outdated, were not marked as being confidential, contained no
24 confidential or sensitive information, and were of no value.

25 23. At no point prior to filing its initial complaint in federal district court in April
26 of 2020 did anyone from TST ever ask Sullivan if he possessed any TST WA documents.

1 24. At no point prior to filing its initial complaint in federal district court in April
2 of 2020 did anyone from TST ask Sullivan to return any alleged TST documents in his
3 possession.

4 25. At no point prior to filing its initial complaint in federal district court in April
5 of 2020 did TST make Sullivan aware in any manner that it was concerned about TST
6 documents allegedly in his possession or give Sullivan the opportunity to address or cure
7 whatever concern TST allegedly had.

8 **B. Counterclaimants Johnson, Fishbaugh, and Powell Become TST WA Members**

9 26. Counterclaimant Johnson became a member of TST WA in May of 2019 when
10 it was operating as TST Seattle.

11 27. When Johnson became a member, he did not sign any membership agreement
12 or any code of conduct. At no point prior to his expulsion from TST WA in March of 2020
13 did Johnson sign any membership agreement or code of conduct.

14 28. After becoming a member, Johnson became involved in various volunteer
15 activities through TST WA, such as coordinating help for members who needed help moving
16 furniture when changing addresses or helping provide meals after a member recovered from
17 surgery.

18 29. In August of 2019, Johnson volunteered to serve on TST WA’s media team
19 that was responsible for disseminating information, particularly on social media.

20 30. In September of 2019, Johnson became a volunteer member of TST WA’s
21 “Strategy Council.”

22 31. Among others, the Strategy Council included TST WA’s Chapter Head,
23 Garvais (aka “Siri Sanguine”), and Media Liaison, Case (aka “Tarkus Claypool”).

24 32. Counterclaimant Powell became a member of TST WA in approximately
25 December of 2018. Powell volunteered with TST WA’s media guild, and, among other
26 things, helped with social media related tasks.

1 33. Counterclaimant Fishbaugh became a TST WA member in approximately
2 June of 2019. Fishbaugh volunteered in various capacities, including providing volunteer
3 administrative assistance to TST WA’s administrative team and assisting with some social
4 media related tasks.

5 **C. Creation of the Memes Page**

6 34. In November of 2019, Garvais and Case expelled a TST member and Co-
7 Chapter Head who had also been leading an informal group called the South Sound Satanists.

8 35. The South Sound Satanists were an unofficial TST group that did not have
9 official TST chapter status. The South Sound Satanists, led by the expelled member, used
10 both a Facebook page and Facebook group for purposes of supporting the South Sound
11 Satanists. The South Sound Satanists’ Facebook page and group were called “South Sound
12 Satanists: Friends of TST.”

13 36. Throughout 2019, TST WA (which was then TST Seattle) was ostensibly
14 planning to merge the South Sound Satanists into what would become TST WA. During that
15 time, Case obtained administrative access to the South Sound Satanists’ Facebook page and
16 group.

17 37. Garvais and Case then expelled from TST WA the South Sound Satanist
18 member who oversaw the South Sound Satanists’ Facebook page and group. After expelling
19 him from TST WA, Case removed the expelled member and other South Sound Satanists
20 who were the creators and administrators of the South Sound Satanist Facebook page and
21 group as administrators of the South Sound Satanists’ Facebook page and group. Case then
22 added Garvais as an administrator for the South Sound Satanist page and group.

23 38. From November to December of 2019, TST WA discussed what might be
24 done with the former South Sound Satanists’ Facebook page and group.

25 39. At the time Garvais and Case took control of The South Sound Satanists
26 Facebook page and group, the Facebook page was largely inactive. For the period of July

1 2019 through November 2019, there were only three public posts on the page. After TST WA
2 took control of the page, from November 11 through December 24, 2019, there were no posts
3 at all.

4 40. On December 21, 2019, Garvais added Johnson, Fishbaugh, and Powell (who
5 used the pseudonym “Lenore Calavera”) as editors of the South Sound Satanists Page.

6 41. The plan, which was agreed to by Garvais, was not to use the page as a
7 community but instead to turn the largely abandoned South Sound Satanists Facebook page
8 into a “memes” page, focusing on short-form humor and provocative images (the “Memes
9 Page”). The Memes Page was intended to include funny “memes” from places like Twitter
10 and Tumblr. The intent was for the Memes Page to have a light, comedic, and ironic tone.

11 42. On January 1, 2020, Garvais changed the roles of Johnson and Powell/“Lenore
12 Calavera” to “admin” status on the Memes Page, which gave them complete ability to manage
13 the page, including deciding who else to add or remove as admins. Powell remained an admin
14 for the Memes Page until July of 2020. Powell has not posted to the Memes Page since July
15 of 2020. To date, Johnson remains an admin for the Memes Page.

16 43. Around that same time, Garvais accidentally renamed the Memes Page to
17 “TST WA Allies.” This change was a mistake. The name change was intended to take place
18 on the related South Sound Facebook *group*, which facilitated semi-private communications
19 among people who were interested in TST but did not want to be members.

20 44. Facebook *pages* are different from Facebook *groups*. A Facebook *page* can
21 be accessed by anyone in the public with a Facebook profile. A Facebook *group* is used more
22 privately for building communities among those who share a common interest, such as
23 employees or church members. Unlike pages, groups can be set to private or semi-private.

24 45. In January of 2020, the plan was to turn the South Sound Satanists Facebook
25 *group*, which facilitated semi-private conversations, into a place for people interested in TST
26 WA’s work without becoming members themselves. The Facebook *group* had been

1 associated with the South Sound Satanists for their own organizing and socializing and was
2 scrubbed of identifying information (such as addresses for meeting up to work on crafts).
3 This South Sound Facebook group was re-named “The Satanic Temple - Washington State
4 (Allies)” on January 1, 2020.

5 46. However, on the same date, Garvais also mistakenly renamed the Memes Page
6 to “TST WA Allies.” Because Facebook does not allow a name to be changed again too soon
7 after a prior name change, the mistake could not immediately be fixed. However, at this same
8 time, the page’s username/url was changed to be “facebook.com/queersatanicmemes” to
9 reflect the intent to change the name of the page to something relating to the “memes” url
10 and aligning the page with its intended “memes” content.

11 **D. TST WA Abruptly Disbands the Advisory Council and Gives Counterclaimants
12 the Memes Page**

13 47. On March 12, 2020, Chapter Head Garvais/“Siri Sanguine” sent an email to
14 the TST WA membership that stated that TST WA had been investigating a complaint made
15 by a member (not the Counterclaimants). To the Counterclaimants’ shock, the email falsely
16 accused them and others of having been involved in an alleged coalition ostensibly intended
17 to undermine TST WA’s leadership.

18 48. The email announced that Garvais/ “Siri Sanguine” had decided to address the
19 issue by dissolving the advisory council upon which the Counterclaimants served as
20 volunteers and to replace it with a smaller, handpicked group.

21 49. Two days later, on March 14, 2020 at 5:31 pm, Garvais/“Siri Sanguine”
22 berated Counterclaimant Powell /“Lenore Calavera” for the volunteer social media work that
23 he had been providing TST WA and was critical of the content he was posting on the Memes
24 Page.

25 50. Powell subsequently removed editors and administrators from the Memes
26 Page, including Garvais/“Siri Sanguine” and Case/“Tarkus Claypool.” Johnson changed the

1 name of the Memes Page from the mistaken name “TST WA Allies” to “Evergreen Memes
2 for Queer Satanic Fiends.”

3 51. At this same time, Powell detached the TST WA Allies group from the Memes
4 Page and did not change the administrative access to the group.

5 52. TST WA retained administrative control over the TST WA Allies group.

6 53. At 7:59 pm on March 14, 2020, Powell/“Lenore Calavera” posted at the top
7 of the Memes Page “This page is no longer affiliated with The Satanic Temple” and explained
8 the reasons why it was no longer so affiliated.

9 54. That night, March 14, 2020 at 9:09 pm, after the Memes Page’s name had
10 been changed and after Powell posted the statement that the page was no longer affiliated
11 with TST, TST-WA’s Media Liaison, Case/“Tarkus Claypool,” sent Powell/“Lenore
12 Calavera” an email with the subject line “Evergreen Memes for Queer Satanic Fiends.” In
13 the email, Case/“Tarkus Claypool” acknowledged the changes and told Powell/“Lenore
14 Calavera” that TST had no interest in claiming the Page and that Counterclaimants could
15 have and use the Memes Page “free and clear:”

16 Hi Lenore,

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

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

24 Rock on,

25 Tarkus Claypool
26 Media Liaison, The Satanic Temple of Washington
(he/him)

Exhibit 1 (emphasis added).

1 55. The next day, in a March 15, 2020 online town hall meeting via Zoom that
2 was hosted by Garvais/“Siri Sanguine” and Case/“Tarkus Claypool,” Case/“Tarkus
3 Claypool” again publicly reiterated in front of his co-host Garvais/“Siri Sanguine” and TST
4 WA members that TST WA had no interest in claiming the Memes Page. Case/“Tarkus
5 Claypool” stated:

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

14 56. Garvais/“Siri Sanguine,” who was running the town hall, did not contradict
15 this statement, but instead tacitly agreed to it through her silence.

16 57. At no point have either Case or Garvais retracted the unequivocal statements
17 waiving any claim or interest in the Memes Page, including Case’s statement that
18 Counterclaimants could have and use the Memes Page “free and clear.”

19 58. Counterclaimants Johnson and Sullivan use the Memes Page to communicate
20 opinions and ideas to the public, including opinions that are critical of TST that are of public
21 importance and opinions relating to political and social issues that are of public importance.

22 **E. Defendant Johnson Posted Critical Content on the TST Chapter Facebook Page**

23 59. On March 20, 2020, Johnson, who remained an administrator of the TST WA
24 Chapter Facebook page, posted critical content about TST on the Chapter Facebook Page.

25 60. On March 22, 2020, Johnson removed other administrators from the Chapter
26 Facebook and changed the name of the page from “The Satanic Temple Washington” to
“Satanic Washington State – Archived Temple Chapter.”

 61. On or around May 27, 2020, TST WA removed Johnson as the administrator
of the TST WA Chapter Facebook page.

1 62. Since approximately May 27, 2020, neither Johnson nor any of the
2 Counterclaimants have had or attempted to have administrative access to the TST WA
3 Chapter Facebook.

4 **F. TST Improperly Weaponized Federal and State Courts for the Non-Litigation**
5 **Ulterior Purpose of Punishing Counterclaimants for Their Critical Views of TST**
6 **and to Try to Silence Them**

7 63. On April 3, 2020, TST filed in federal district court the first of several
8 successive complaints against the Counterclaimants, asserting multiple claims, including a
9 claim for defamation based on Johnson’s critical comments about TST. **Exhibit 2.**

10 64. At the time of filing the April 3, 2020 federal complaint, TST was aware that
11 it had expressly relinquished any interest in the Memes Page and had told Counterclaimants
12 that they could have and use it “free and clear.”

13 65. At the time of filing the April 3, 2020 complaint, TST was also aware that
14 even prior to expressly relinquishing any interest in the Memes Page, TST WA was not the
15 creator of the Memes Page and knew it had been created by the South Sound Satanists group.

16 66. Despite knowing that TST WA had no possessory or ownership interest in the
17 Memes Page, TST nonetheless included in its complaint the knowingly false allegations that
18 Counterclaimants had stolen or were wrongfully using the Memes Page.

19 67. TST disingenuously cited to one comment by Sullivan in an online social
20 media post in which Sullivan sarcastically said he “stole” the Memes Page. TST was fully
21 aware from the context in which the comment was made that the comment was intended to
22 be tongue in cheek and that the comment was made after TST had expressly relinquished any
23 interest in the Memes Page. TST was fully aware that the comment by Sullivan did not
24 support its false allegation that Counterclaimants stole the Memes Page.

25 68. Despite being aware that its allegations relating to the Memes Page were false,
26 TST asserted a tortious interference claim against Counterclaimants relating to the Memes
Page based on the false allegations.

1 69. In its federal complaint, TST also asserted a knowingly false allegation that
2 Counterclaimants had started a competing religious organization. In support of the false
3 allegation, TST pointed to one social media post by a non-party, not Counterclaimants, in
4 which the non-party jokingly suggests that a new religious group should be created and called
5 “The Satanic Temple 2: Electric Boogaloo.” TST was fully aware that this comment was not
6 made by any of the Counterclaimants, that it was clear on its face that it was intended to be a
7 joke, and that no competing religious organization called “Electric Boogaloo” was being
8 planned.

9 70. TST was also fully aware that no facts existed that Counterclaimants had taken
10 any steps to start a competing religious organization.

11 71. Despite being fully aware that there was no factual support for its false
12 allegation that Counterclaimants had started a competing religious organization, TST used
13 the false allegation to support a knowingly meritless tortious interference claim against
14 Counterclaimants relating to the Memes Page.

15 72. In an order dismissing the federal trademark claim based on the false
16 allegation, the federal district court expressly found that TST had not alleged sufficient facts
17 that would allow the court to draw a plausible inference that Counterclaimants had started a
18 competing organization, including an organization called “The Satanic Temple 2: Electric
19 Boogaloo.” Despite this finding, TST has again knowingly included the same deficient and
20 false allegation relating to an alleged competing organization in this matter.

21 73. TST knowingly asserted false factual allegations and legally meritless claims
22 relating to the Memes Page in its federal complaint for the improper ulterior purpose of trying
23 to silence Counterclaimants, including silencing their critical opinions of TST on the Memes
24 Page, and to punish them for publicly posting critical opinions about TST.

25 74. TST’s first federal complaint, including its claim for defamation, was
26 dismissed on February 21, 2021, with no leave to amend the defamation claim and leave to

1 amend other claims. TST proceeded to file a first and then second amended complaint in
2 federal district court.

3 75. In its second amended complaint in federal court, TST continued to knowingly
4 assert false factual allegations and legally meritless claims against Counterclaimants relating
5 to their alleged misappropriation of the Memes Page, including the false allegation that
6 Counterclaimants had stolen the Memes Page and that Counterclaimants had started a
7 competing religious organization. TST's knowingly meritless claims relating to the Memes
8 Page included claims for tortious interference, conversion and trespass to chattels. **Exhibit 3.**

9 76. TST's legally and factually meritless claims relating to the Memes Page were
10 filed for the improper ulterior purpose of trying to silence Counterclaimants from making
11 critical comments about TST on the Memes Page and to punish and harass Counterclaimants
12 for the critical comments.

13 77. TST's attorney publicly acknowledged TST's improper ulterior purpose in
14 suing the Counterclaimants by publicly stating that TST is using litigation against the
15 Counterclaimants with the intent of causing attorneys' fees to **"squeeze[] every last penny**
16 **from you living corpses"** [referring to Counterclaimants] (emphasis added). **Exhibit 4**
17 (emphasis added).

18 78. TST's attorney has also publicly taunted Counterclaimants on a social media
19 site regarding the amount of attorneys' fees TST has caused them, stating: "I can't believe
20 you morons [*i.e.*, Counterclaimants] have spent more than \$80,000 fighting to keep TST's
21 Facebook page. You are pathetic." *Id.*

22 79. TST knows that Counterclaimants are individuals of limited financial means
23 and that causing them to incur legal fees to respond to knowingly false allegations and
24 meritless claims relating to the Memes Page imposes a great financial hardship on them.

25 80. TST's ulterior motive is also shown through a declaration from a TST member
26 that TST filed in the federal action. In the declaration, the TST member states that they are

1 paid by TST to monitor the Counterclaimants' social media posts for negative comments
2 about TST. The member alleges that comments by and about Counterclaimants that relate to
3 TST are "prolific." The member also alleges that Counterclaimants' comments about TST
4 are critical of TST and are not approved of by TST. **Exhibit 5.**

5 81. TST has also publicly threatened to abuse the discovery process related to the
6 meritless claims to improperly harass and embarrass the Counterclaimants. TST's attorney
7 publicly expressed this intent in a public Tweet:

8 **Are these fuckwits still talking about me? Grow up and file an answer**
9 **so I can get at your financial records. I'm coming for you. Tell the judge**
10 **on me again, I double dare you.**

11 **Exhibit 6** (emphasis added).

12 82. TST's improper ulterior purpose in using knowingly false allegations and
13 meritless claims to punish and harass Counterclaimants because of their critical opinions, to
14 try to silence them, and to cause them financial distress was further demonstrated by TST's
15 conduct in filing a meritless motion for preliminary injunction in the federal action to seek
16 the return of the Memes Page. TST did not bring the preliminary injunction until over **two**
17 **and a half years** after filing its original complaint relating to the Memes Page and six months
18 after Counterclaimant's attorney expressly reminded TST's attorney that TST's claims
19 relating to the Memes Page lacked all merit because TST's agents had expressly relinquished
20 all interest in the Memes Page and had given it to Counterclaimants "free and clear."

21 83. TST filed its knowingly meritless motion for preliminary injunction relating
22 to the Memes Page the night before Thanksgiving, with the obvious intent of trying to ruin
23 Counterclaimants' holiday.

24 84. TST's intent to use the knowingly meritless motion solely to harass the
25 Counterclaimants is demonstrated by the fact that TST did not even bother to file a reply
26 brief, having succeeded in the true ulterior purpose of bringing the motion – causing the
Counterclaimants to incur the legal fees of responding to the meritless motion.

1 **G. TST Is Continuing Its Abuse of Process in This Action**

2 85. TST’s remaining federal claims were dismissed on April 15, 2022. The
3 remaining state law claims were subsequently dismissed for lack of subject matter jurisdiction
4 on January 6, 2023, rendering the motion for preliminary injunction moot.

5 86. On April 5, 2023, TST filed its complaint in this action, which was stayed
6 following an appeal in the federal case. TST subsequently filed several amended complaints
7 in this action with the operative amended complaint being filed on February 22, 2024. Sub
8 No. 15 (“Second Amended Complaint”).

9 87. As with its federal complaints, in this action TST is improperly using
10 knowingly false allegations and meritless claims relating to the Memes Page solely for the
11 improper ulterior purpose of harassing and punishing Counterclaimants for their criticisms of
12 TST and for the ulterior purpose of trying to silence Counterclaimants, including trying to
13 silence the critical opinions of TST that are expressed on the Memes Page.

14 88. In its Second Amended Complaint in this action, in pursuit of its improper
15 ulterior goals, TST continues knowingly to assert the false allegations that Counterclaimants
16 “stole” the Memes Page and have no right to use the Memes Page.

17 89. TST also continues to knowingly assert the false allegation that
18 Counterclaimants have started a competing religious organization.

19 90. Based on the public threats by TST’s attorney that he is “coming for” them in
20 discovery, it is clear that TST plans to abuse the discovery process relating to the meritless
21 claims relating to the Memes Page to further its ulterior purpose of harassing and punishing
22 Counterclaimants due to their critical opinions about TST. **Exhibit 6.**

23 91. On May 10, 2023, Counterclaimants’ attorney sent a letter to TST’s counsel
24 notifying them that their conduct in knowingly including false allegations regarding the
25 Memes Page in their complaint constituted a Rule 11 violation. The letter also notified TST’s
26

1 counsel that their claim for breach of fiduciary duty was legally meritless because it was
2 clearly barred by the statute of limitations and could not be pursued in good faith. **Exhibit 7.**

3 92. Instead of curing these Rule 11 violations, TST filed two subsequent amended
4 complaints (including the operative Second Amended Complaint) that continue to include
5 the false allegations and the clearly time barred claim for breach of fiduciary duty.

6 93. The Second Amended Complaint also includes a new claim for replevin
7 relating to the Memes Page that is also clearly time barred and is also based on the knowingly
8 false allegation that Counterclaimants stole the Memes Page.

9 94. TST's sole purpose in continuing to knowingly assert false allegations and
10 pursue meritless claims against Counterclaimants relating to the Memes Page is to harass and
11 punish Counterclaimants for their critical opinions about TST and to try to silence their
12 criticisms of TST from being expressed on the Memes Page.

13 95. TST's improper abuse of the legal process has harmed Counterclaimants in
14 the exact manner that TST intended. Over the last four years, Counterclaimants have been
15 forced to incur substantial legal fees and costs to defend against and obtain dismissal of TST's
16 meritless and harassing claims in the federal action relating to the Memes Page and in
17 responding to TST's meritless and sham motion for preliminary injunction relating to the
18 Memes Page.

19 96. Counterclaimants' harm is continuing as they continue to incur legal fees and
20 costs to defend against the abusive and meritless claims relating to the Memes Page that TST
21 is pursuing against them in this matter.

22 97. TST has also caused Counterclaimants damages in the form of Defendants'
23 lost time and personal efforts used in responding to TST's abusive and meritless litigation
24 relating to the Memes Page.

25 **IV. CAUSES OF ACTION**

26 **FIRST CAUSE OF ACTION**

ABUSE OF PROCESS

1 98. Counterclaimants incorporate and reallege Paragraphs 1-97 above as if fully
2 set forth herein.

3 99. TST has abused the litigation process in federal district court and in this action
4 by knowingly bringing meritless claims and motions relating to the Memes Page based on
5 knowingly false allegations for the improper ulterior purpose of punishing Counterclaimants
6 for their critical opinions about TST and to try to silence Counterclaimants from making
7 critical statements about TST on the Memes Page.

8 100. TST is aware that Counterclaimants are individuals of limited financial means
9 and is using TST's much greater financial resources to fund knowingly meritless claims
10 relating to the Memes Page against Counterclaimants for the purpose of causing as much
11 financial harm to Counterclaimants as possible to further TST's ulterior goals of punishing
12 and silencing Counterclaimants.

13 101. TST's counsel has also publicly stated that TST plans to abuse the discovery
14 process relating to the Memes Page for the improper ulterior purpose of harassing
15 Counterclaimants, threatening that he was "coming for [them]" and would use discovery to
16 "get at [their] financial records."

17 102. TST's abuse of the litigation process has caused harm to Counterclaimants.
18 TST's abuse of the litigation process has proximately caused Counterclaimants to incur
19 substantial legal fees and costs in defending against the knowingly false factual allegations
20 and meritless claims relating to the Memes Page that they would not have had to incur if TST
21 had not engaged in abusive and improper litigation for improper ulterior purposes.
22 Counterclaimants have also been damaged by the loss of their time and efforts in responding
23 to TST's improper abusive litigation conduct. Counterclaimants' damages are continuing.
24 The full amount of Counterclaimants' damages will be determined at trial.

25 **SECOND CAUSE OF ACTION**

26 **REQUEST FOR DECLARATORY RELIEF PURSUANT TO RCW 7.24.010.**

1 103. Counterclaimants incorporate and reallege Paragraphs 1-102 above as if fully
2 set forth herein.

3 104. Under the Washington Uniform Declaratory Judgments Act, this Court has
4 the “power to declare rights, status and other legal relations whether or not further relief is or
5 could be claimed.” RCW 7.24.010.

6 105. TST has repeatedly asserted false and meritless claims against
7 Counterclaimants relating to Counterclaimants’ use of the Memes Page, with TST improperly
8 asserting rights to the Memes Page despite having expressly relinquished to Counterclaimants
9 all rights and interest in the Memes Page.

10 106. Because of TST’s assertion of false allegations and meritless claims against
11 Counterclaimants relating to Counterclaimants’ use of the Memes Page, an actual, present,
12 and justiciable controversy involving Counterclaimants’ rights to use the Memes Page has
13 arisen between TST and Counterclaimants.

14 107. In reliance on TST’s express relinquishment of any rights or interest in the
15 Memes Page, Counterclaimants have expended time and effort in developing and using the
16 Memes Page, which some of the Counterclaimants use to express opinions of social
17 significance regarding TST and regarding other issues of social significance.
18 Counterclaimants would be harmed if TST were to interfere with their ability to continue to
19 rightfully use the Memes Page.

20 108. Without a declaratory judgment, TST may continue to assert meritless causes
21 of action against Counterclaimants relating to Counterclaimants’ rightful use of the Memes
22 Page.

23 109. The controversy between TST and Counterclaimants demands specific relief
24 through a declaratory judgment pursuant to RCW 7.24.010 that declares that TST has no
25 rights or interest in the Memes Page and that Counterclaimants may lawfully use the Memes
26 Page.

1 110. Counterclaimants are entitled to costs under RCW 7.24.100.

2 **V. PRAYER FOR RELIEF**

3 WHEREFORE, Counterclaimants seek the following relief:

4 A. An award of all damages caused by TST's abuses of the litigation process,
5 including Counterclaimants' attorneys' fees and costs incurred in responding to TST's
6 abusive litigation conduct in the federal action and this action;

7 B. A declaratory judgment that Counterclaimants may lawfully use the Memes
8 Page and that TST has no rights or interest in the Memes Page;

9 C. Injunctive relief preventing TST from filing any further abusive claims against
10 Counterclaimants; and

11 D. Any further damages and relief as the Court deems just.

12
13 DATED: March __, 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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15
16 Dated this ____ day of March, 2024 in Seattle, Washington.

17
18 /s/ Janet C. Fischer
19 Janet C. Fischer
20 Paralegal
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23
24
25
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