

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

COLORADO REPUBLICAN COMMITTEE, an unincorporated nonprofit organization,

Plaintiff,

v.

John Doe, an individual

Defendant.

COMPLAINT

Plaintiff Colorado Republican Committee (“Plaintiff” or “CRC”), by and through its attorneys, Brownstein Hyatt Farber Schreck, LLP, hereby submits the following Complaint against Defendant John Doe (“Defendant”) and alleges as follows:

PARTIES

1. CRC is a Colorado unincorporated non-profit membership organization, and is comprised of the officers and certain other representatives from each of the sixty-four affiliated Republican county political party committees, and Republican elected officials at the state and district level in Colorado. Its principal place of business is located at 5950 South Willow Drive, Greenwood Village, Colorado 80111. CRC owns the Twitter account @cologop.

2. Defendant John Doe is an individual or individuals who accessed a protected computer without the authorization of Plaintiff on or about April 9, 2016. Defendant’s identity

is unknown to CRP

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because this matter is a civil action arising under the laws of the United States.

4. This Court has personal jurisdiction Defendant, because upon information and belief, Defendant committed the actions alleged in this Complaint from within the District of Colorado.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to CRC’s claim occurred in the District of Colorado.

FACTUAL ALLEGATIONS

6. As a major political party, CRC has certain obligations under Colorado law. Among these obligations is that it hold an assembly and convention in election years.

7. CRC held its assembly and convention for 2016 on Saturday, April 9, 2016 at the Broadmoor World Arena in Colorado Springs, Colorado.

8. Because 2016 is a presidential election year, the assembly and convention was required to select delegates and alternates to represent CRC at the Republican National Convention to be held in Cleveland, Ohio from July 18 – 22, 2016.

9. At the time of the 2016 assembly and convention, the two leading candidates for the Republican Party’s nomination for President of the United States were Donald Trump and Ted Cruz.

10. Campaign operatives for Mr. Trump and Sen. Cruz, along with operatives working on behalf of other campaigns and organizations circulated printed “slates” of preferred

candidates for national delegate and national alternate at the assembly and convention.

11. CRC Chairman Steve House (“House”), in his capacity as the Chairman of the assembly and convention announced the results of balloting for national delegate and national alternate at approximately 8:05pm MDT on April 9, 2016. Delegates listed on the Cruz campaign’s preferred slate prevailed in the election.

12. At approximately 8:07pm MDT, CRC’s @cologop Twitter account tweeted “We did it. #NeverTrump.” An image of the tweet appears below:



13. This tweet was not authorized by the CRC. At the time the tweet was sent on April 9, 2016, the only persons authorized to access the CRC’s @cologop Twitter account were House and CRC Communications Director Kyle Kohli (“Kohli”). Neither House nor Kohli accessed the CRC’s @cologop Twitter account and sent the tweet.

14. Kohli deleted the tweet at approximately 8:11pm MDT. Unfortunately, the tweet has already been viewed and retweeted multiple times.

15. At approximately 8:17pm MDT, Kohli sent a tweet informing followers of the @cologop account that the prior tweet was not authorized by the CRC and would be

the subject of an investigation.

16. Over the next three weeks, the CRC conducted an investigation into the origin of the tweet. CRC was able to confirm that the fraudulent tweet was sent using the Twitter for iPhone app, but was not able to determine the identity of the responsible individual.

17. Twitter was largely uncooperative, refusing to provide information detailing the IP address and mobile service provider of the device used to issue the fraudulent tweet.

18. While the CRC's investigation was ongoing, party officers and staffers received anonymous threats, including several threats of physical harm directed specifically at CRC Chairman Steve House and his family.

19. On April 19, 2016, the CRC sent an e-mail to all individuals who had at one point been authorized to access to the @cologop account asking that they identify themselves by 5:00pm on Wednesday, April 20, 2016 if they were responsible for the fraudulent tweet.

20. A copy of the April 19, 2016 e-mail is attached as Exhibit A to this Complaint.

21. Nobody responded to the April 19, 2016 e-mail. Without the identifying information for the device used to issue the fraudulent tweet, CRC will be unable to identify the person who accessed and used its Twitter account without authorization.

FIRST CLAIM FOR RELIEF
(DAMAGES PURSUANT TO 18 U.S.C. § 1030(g))

22. Plaintiff incorporates the allegations set forth in paragraphs 1 through 20 of this Complaint as if fully set forth herein.

23. The @cologop Twitter account is hosted on a protected computer within the

meaning of 18 U.S.C. § 1030(a)(2)(C).

24. On April 9, 2016 at approximately 8:07pm MDT, Defendant accessed this protected computer.

25. Because the only two persons authorized to access the @cologop Twitter account are House and Kohli, neither of whom accessed the @cologop Twitter account or sent the Tweet, the Defendant is either a person who was never authorized to access the account or a person that may have previously been authorized to access the @cologop Twitter account but has had such authorization revoked and thus exceeded such person's authorized access.

26. As a result of Defendant's conduct, the fraudulent tweet was transmitted causing damage to the CRC in the form of death threats to its officers and employees and harm to its reputation.

27. The threats received by the CRC constituted a threat to public health or safety within the meaning of 18 U.S.C. § 1030(c)(4)(a)(i)(IV).

28. CRC is entitled to an award of damages against Defendant pursuant to 18 U.S.C. § 1030(g).

DEMAND FOR RELIEF

WHEREFORE, the Colorado Republican Committee demands that a judgment be entered against John Doe granting the following relief:

- A. Entry of final judgment in the amount of _____ in favor of CRC and against John Doe;
- B. Pre- and post-judgment interest as provided by law;
- C. Such other relief that this Court deems just and proper.

Dated May 9, 2016

/s/ Christopher O. Murray
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