

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.16-cv-01058-MSK-MJW

COLORADO REPUBLICAN COMMITTEE, an unincorporated nonprofit organization,

Plaintiff,

v.

John Doe,

Defendant.

PLAINTIFF'S AMENDED COMPLAINT

Plaintiff Colorado Republican Committee (“Plaintiff” or “CRC”), by and through its attorneys, Brownstein Hyatt Farber Schreck, LLP, hereby submits the following Amended Complaint against Defendant John Doe (“Defendant”) in response to the Court’s May 24, 2016 Order to Show Cause, 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 CRC.

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 over Defendant because, upon information and belief, Defendant committed the actions alleged in this Amended 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 claims 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 Sen. 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. During those three weeks, CRC spent time and money investigating the breach of CRC's Twitter account, the identity of the offender, and the extent of the offender's access:

- a. CRC conducted an investigation to see if any person with prior access to CRC's Twitter account sent the tweet.
- b. CRC's internal staff spent hours communicating with its past and present third-party vendors to ascertain if any of their personnel accessed CRC's Twitter account.
- c. CRC's internal staff also spent hours communicating to Twitter over the phone and through emails.
- d. CRC's officers and staff spent time responding to the press over the tweet.
- e. At least 70 percent of Kohli's time for the week following the assembly and convention and at least 25 percent of the following week was spent responding to the aftermath of the tweet, including making numerous phone calls and emails about CRC's progress in identifying the anonymous tweeter, determining who had access to the @cologop Twitter account, and answering media requests. This resulted in a loss to CRC of at least 70 percent of his time for one week and 25 percent of his time for another week. Since his annual salary is \$65,000, this loss totals at least \$1,187.50.

18. The time expended removed CRC staff away from their day-to-day tasks, which added to costs.

19. 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.

20. 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.

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

22. 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.

23. While the CRC's investigation was ongoing, party officers and staffers received many anonymous threats.

24. House received threatening text messages, which included the following statements, among others:

- a. "It's time for you to resign!!!! You and the others involved in the stealing of the election process in Colorado should be in jail for treason against the American people. You don't belong in America you fucking piece of shit."
- b. "You better stand up for trump and the American people if you like your life and your family . . . that is not coming from me, it's coming from the American people . . . remember that. You can be armed and ready, but when the will of the American people is unleashed upon you, your little firearm will be like a sling shot. Revenge will come like a thief in the

night once the patriots of American stand as one. You will kneel. What is your home address Steve?”

- c. “Your grand daughters will be sexualy [sic] mulitated [sic] and treated like dogs.”
- d. “What gives you the right to steal our votes! Who the fuck are you to stop what the American people want? I suggest you start looking for a new job you pos. Fuck you. Hope you and your children are raped by muslim extremists” (attaching a photo stating with Mr. Trump’s face and his campaign slogan).

25. A copy of the text messages is attached as Exhibit B to this Amended Complaint.

26. A series of posts on the website www.4chan.org/ from April 11, 2016, called for an armed rally at House’s home under the subject line “Colorado GOP armed protest at”

Those posts shared the following details:

- a. The protest will occur at “the Colorado GOP chairmans [sic] home address this Friday after noon.”
- b. Those in attendance should “come armed.”
- c. The purpose of the rally was to “let him know how we feel about his dirty politics.”
- d. One post included a picture of Chairman House next to his address and the line “#Colorado GOP Chair Who Rigged Election 4 Cruz.”
- e. Another post stated “Lets [sic] trap this fucker in his house.”

f. A third post asked “when will it be time to switch from ‘stand around outside with firearms protesting’ to ‘actually go in this treasonous motherfucker’s house with firearms?’”

g. A fourth post stated that “[f]or he wills the slaughter of the Colorado chairman.”

27. A copy of the 4chan.org posts is attached as Exhibit C to this Amended Complaint.

28. In response to House explaining to the media that the #NeverTrump tweet resulted from unauthorized access of the @cologop account, *see* Fox Business, *Steve House on Colorado Delegate Process*, YouTube (Apr. 11, 2016), *available at* <https://www.youtube.com/watch?v=dUoFwJMykqo>, the account “Dat Sneefa” stated in the comments section to a YouTube post of that video that “[t]here will be an armed protest at the chairmans [sic] house this Friday.” The post provided House’s address and phone number.

29. A copy of the YouTube post is attached as Exhibit D to this Amended Complaint.

30. Kohli received the threats from the Twitter account @faluntopieces, which stated that the person knew where Kohli lived and would see Kohli at the planned protest at House’s home. The tweeter identified Kohli as “the #NeverTrump tweeter.”

31. A copy of the tweets is attached as Exhibit E to this Amended Complaint.

32. The Twitter account @TraitorSteve also made threats to CRC officials and personnel.

33. CRC and House received threatening voice messages.

34. Hand-delivered, handwritten letters threatening House and his family were left at House’s home.

35. Due to certain threats, CRC closed down its offices for one day on April 15, 2016, the day the threatening 4chan posts alleged there would be an armed rally at House's home. That same day Trump supporters held a protest at the Colorado State Capitol. All CRC staffers were paid their salaries for the day even though they were unable to work.

36. At least one other time, CRC closed its offices early due to threats.

37. Together, the closure of CRC's offices resulted in a loss of approximately \$852,000 in wasted salaries of CRC's staff. CRC has a full-time staff of four people, who make \$96,000, \$90,000, \$65,000, and \$60,000 apiece.

FIRST CLAIM FOR RELIEF
(DAMAGES PURSUANT TO 18 U.S.C. §1030(g) FOR THREATS TO PUBLIC HEALTH OR SAFETY)

38. Plaintiff incorporates the allegations set forth in paragraphs 1 through 30 of this Complaint as if fully set forth herein.

39. The @cologop Twitter account is hosted on a protected computer within the meaning of 18 U.S.C. § 1030(a)(2)(C).

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

41. 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, 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 under 18 U.S.C. § 1030(a)(2).

42. As a result of Defendant's conduct, CRC spent time and money investigating the breach of CRC's Twitter account, the identity of the offender, and the extent of the offender's access.

43. The time and money CRC spent investigating the unauthorized access of its Twitter account and responding to the breach resulting in a loss to CRC under 18 U.S.C. § 1030(g).

44. Defendant's conduct in sending the fraudulent tweet caused damage to CRC in the form of death threats to its officers and employees, closure of its offices, and harm to its reputation.

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

46. 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 \$2,040 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 June 7, 2016

/s/ Christopher O. Murray
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