

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' ANSWER,  
AFFIRMATIVE DEFENSES, AND  
COUNTERCLAIMS**

Defendants David A. Johnson ("Johnson"), Leah Fishbaugh ("Fishbaugh"), Mickey Joshua Powell ("Powell")<sup>1</sup>, 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:

<sup>1</sup> 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 **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 gave Defendants permission or license to use the property at issue.

18 10. TST's claims are barred due to its abuse of process in using this proceeding  
19 and prior proceedings, which are based on knowingly false factual assertions and objectively  
20 meritless claims, for the improper ulterior purpose of punishing Defendants for making public  
21 comments that were critical of TST and to try to silence Defendants as well as other potential  
22 critics from making further critical statements about TST.

### 23 COUNTERCLAIMS

24 Defendants and Counterclaimants David Alan Johnson, Leah Fishbaugh, Mickey  
25 Joshua Powell, and Nathan Sullivan (collectively "Counterclaimants") bring the following  
26

1 Counterclaim against Plaintiff United Federal of Churches, LLC (dba “The Satanic Temple”)  
2 (“Counterclaim Defendant” or “TST”).

3 **I. PARTIES**

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

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

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

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

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

17 **II. JURISDICTION AND VENUE**

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

19 7. Venue is proper pursuant to RCW 4.12.025.

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

1 **III. FACTUAL BACKGROUND**

2 **A. Defendant Nathan Sullivan’s Volunteer Service**

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

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

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

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

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

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

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

24 16. As a volunteer advisor on TST WA’s Strategy Council, Sullivan did not  
25 provide TST WA with any volunteer services related to document retention or storage or  
26 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 continue  
8 growing that and make it a great success. Because they’re going to fight  
9 their fight, their way. And so, let them do what they want to, and I wish  
10 them well, because both Lenore and ADJ [Johnson] did a wonderful job in  
11 the roles that they had. It just wasn’t within the TST guidelines that we are  
12 beholden to. So I want to give them due credit, and just you know, wish  
13 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 of 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 **E.     Defendant Johnson Posted Critical Content on the TST Chapter Facebook Page**

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

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

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

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

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

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

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

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

13 65. Despite knowing that TST WA had no possessory or ownership interest in the  
14 Memes Page, TST nonetheless included in its complaint the knowingly false allegations that  
15 Counterclaimants had stolen the Memes Page.

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

22 67. Despite being aware that its allegations relating to the Memes Page were false,  
23 TST asserted multiple claims based in part on the false allegations, including claims under  
24 the federal Computer Fraud and Abuse Act (“CFAA”), tortious interference with a business  
25 expectancy, and violation of Washington’s Consumer Protection Act.

26 68. In its federal complaint, TST also asserted a knowingly false allegation that  
Counterclaimants had started a competing religious organization. In support of the false

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

7 69. TST was also fully aware that no facts existed that Counterclaimants had taken  
8 any steps to start a competing religious organization.

9 70. Despite being fully aware that there was no factual support for its false  
10 allegation that Counterclaimants had started a competing religious organization, TST used its  
11 false allegation to support its federal complaint, including its claim for tortious interference  
12 and its meritless federal trademark claim.

13 71. In dismissing the federal trademark claim, the federal district court found that  
14 TST had not alleged sufficient facts that would allow the court to draw a plausible inference  
15 that Counterclaimants had started a competing organization, including an organization called  
16 “The Satanic Temple 2: Electric Boogaloo.” Despite this finding, TST has again alleged the  
17 same deficient facts in this matter.

18 72. TST’s federal complaint also included multiple claims that it knew to be  
19 legally meritless.

20 73. TST knowingly asserted false factual allegations and legally meritless claims  
21 in its federal complaint for the improper ulterior purpose of punishing Counterclaimants for  
22 publicly posting critical opinions about TST.

23 74. TST has a pattern and practice of trying to silence its critics through aggressive  
24 and meritless litigation. TST’s aggressive and meritless litigation against Counterclaimants  
25 is part of that larger pattern and practice. By aggressively litigating meritless claims against  
26

1 Counterclaimants, TST hopes to not just punish and silence Counterclaimants but also to  
2 intimidate and silence other TST members and former members who are critical of TST.

3 75. TST's first federal complaint, including its claim for defamation, was  
4 dismissed on February 21, 2021, with no leave to amend the defamation claim and leave to  
5 amend other claims. TST proceeded to file a first and then second amended complaint in  
6 federal district court.

7 76. TST's amended complaints were filed not for the purpose of pursuing valid  
8 legal claims against Counterclaimants, but were instead filed for the improper ulterior  
9 purpose of continuing to harass and punish Counterclaimants for being publicly critical of  
10 TST.

11 77. In its second amended complaint in federal court, TST continued to knowingly  
12 assert false allegations against Counterclaimants, including the false allegation that  
13 Counterclaimants had stolen the Memes Page and that Counterclaimants had started a  
14 competing religious organization. **Exhibit 3.**

15 78. In its second amended federal complaint, TST asserted claims that it knew to  
16 be legally and factually meritless solely for the improper ulterior purpose of punishing  
17 Counterclaimants for their critical opinions and trying to silence them.

18 79. TST's attorney publicly acknowledged that the federal claims were meritless  
19 when he stated on a social media site that he "wanted some federal statutes to apply because  
20 that would maximize TST's damages, would keep us in Federal court (as opposed to State  
21 court), and provided the option to collect attorney's fees for having to litigate this." This  
22 statement reflects TST's true intent of bringing federal claims solely for the purpose of falsely  
23 increasing the amount of potential damages it could use to threaten Counterclaimants.

24 80. TST also filed its second amended complaint to continue its improper ulterior  
25 purpose of using its aggressive litigation abuse against Counterclaimants as an example to  
26

1 intimidate other current and former TST members to prevent them from making critical  
2 statements about TST.

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

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

12 83. TST knows that Counterclaimants are individuals of limited financial means  
13 and that causing them to incur legal fees imposes a great financial hardship on them.

14 84. TST's ulterior motive in using this litigation to punish Counterclaimants for  
15 their critical opinions and to try to silence them is also shown through a declaration from a  
16 TST member that TST filed in the federal action. In the declaration, the TST member states  
17 that they are paid by TST to monitor the Counterclaimants' social media posts for negative  
18 comments about TST. The member alleges that comments by and about Counterclaimants  
19 that relate to TST are "prolific." The member also alleges that Counterclaimants' comments  
20 about TST are critical of TST and are not approved of by TST. **Exhibit 5.**

21 85. TST has also publicly threatened to use the litigation discovery process to  
22 improperly harass and embarrass the Counterclaimants. TST's attorney publicly expressed  
23 this intent in a public Tweet:

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

**Exhibit 6** (emphasis added).



1           86. TST’s improper ulterior purpose in using litigation to punish and harass  
2 Counterclaimants because of their critical opinions, to try to silence them, and to cause them  
3 financial distress was further demonstrated by TST’s conduct in filing a meritless motion for  
4 preliminary injunction in the federal action to seek the return of the Memes Page. TST did  
5 not bring the preliminary injunction until over **two and a half years** after filing its original  
6 complaint relating to the Memes Page and six months after being made expressly aware that  
7 the claims relating to the Memes Page lacked all merit because TST’s agents had expressly  
8 relinquished all interest in the Memes Page and had given it to Counterclaimants “free and  
9 clear.”

10           87. TST filed its meritless motion for preliminary injunction the night before  
11 Thanksgiving, with the obvious intent of trying to ruin Counterclaimants’ holiday.

12           88. TST’s intent to use the meritless motion solely to harass the Counterclaimants  
13 is demonstrated by the fact that TST did not even bother to file a reply brief, having succeeded  
14 in the true ulterior purpose of bringing the motion – causing the Counterclaimants to incur  
15 the legal fees of responding to the meritless motion.

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

17           89. TST’s remaining federal claims were dismissed on April 15, 2022. The  
18 remaining state law claims were subsequently dismissed for lack of subject matter jurisdiction  
19 on January 6, 2023.

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

24           91. As with its federal complaints, TST is improperly using this action solely for  
25 the improper ulterior purpose of harassing and punishing Counterclaimants for their  
26

1 criticisms of TST and for the ulterior purpose of trying to silence Counterclaimants as well  
2 as other potential critics of TST.

3 92. In its Second Amended Complaint in this action, in pursuit of its improper  
4 ulterior goals, TST continues knowingly to assert false allegations. For example, TST  
5 continues to knowingly assert the false allegation that Counterclaimants “stole” the Memes  
6 Page.

7 93. TST also continues to knowingly assert the false allegation that  
8 Counterclaimants have started a competing religious organization.

9 94. Based on the public threats by TST’s attorney that he is “coming for” them in  
10 discovery, it is clear that TST plans to use the discovery process in this action to further its  
11 ulterior purpose of harassing and punishing Counterclaimants. **Ex. 6.**

12 95. On May 10, 2023, Counterclaimants’ attorney sent a letter to TST’s counsel  
13 notifying them that their conduct in knowingly including false allegations regarding the  
14 Memes Page in their complaint constituted a Rule 11 violation. The letter also notified TST’s  
15 counsel that their claim for breach of fiduciary duty was legally meritless because it was  
16 clearly barred by the statute of limitations and could not be pursued in good faith. **Exhibit 7.**

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

20 97. The Second Amended Complaint also includes a new claim for replevin that  
21 is also clearly time barred and is also based on the false allegation that Counterclaimants stole  
22 the Memes Page.

23 98. TST’s sole purpose in continuing knowingly to pursue false allegations and  
24 meritless claims against Counterclaimants is to harass and punish Counterclaimants for their  
25 critical opinions about TST and to try to silence criticisms of TST.  
26

1           99. TST's improper abuse of the legal process has harmed Counterclaimants in  
2 the exact manner that TST intended. Over the last four years, Counterclaimants have been  
3 forced to incur substantial legal fees and costs to defend against and obtain dismissal of TST's  
4 meritless and harassing claims in the federal action and in responding to TST's meritless and  
5 sham motion for preliminary injunction.

6           100. Counterclaimants' harm is continuing as they continue to incur legal fees and  
7 costs to defend against the abusive and meritless claims that TST is pursuing against them in  
8 this matter.

9           101. TST has also caused Counterclaimants damages in the form of Defendants'  
10 lost time and personal efforts used in responding to TST's abusive and meritless litigation.

#### 11                           **IV. CAUSE OF ACTION: ABUSE OF PROCESS**

12           102. Counterclaimants incorporate and reallege Paragraphs 1-101 above as if fully  
13 set forth herein.

14           103. TST has abused the litigation process in federal district court and in this action  
15 by knowingly bringing meritless claims and motions based on knowingly false allegations  
16 for the improper ulterior purpose of punishing Counterclaimants for their critical opinions  
17 about TST and to try to silence Counterclaimants from making critical statements about TST.

18           104. TST's improper ulterior motive in the federal district court action and in this  
19 action includes using aggressive litigation tactics against Counterclaimants to try to  
20 discourage other TST members or former members from speaking out against TST.

21           105. TST is aware that Counterclaimants are individuals of limited financial means  
22 and is using TST's much greater financial resources to fund meritless claims against  
23 Counterclaimants not for the purpose of succeeding on the merits of the claims TST is  
24 bringing, but for the purpose of causing as much financial harm to Counterclaimants as  
25 possible for the purpose of furthering TST's ulterior goals of punishing and silencing  
26 Counterclaimants.

1 106. TST's counsel has also publicly stated that TST plans to use the discovery  
2 process for the improper ulterior purpose of harassing Counterclaimants, threatening that he  
3 was "coming for [them]" and would use discovery to "get at [their] financial records."

4 107. TST's abuse of the litigation process has caused harm to Counterclaimants.  
5 TST's abuse of the litigation process has proximately caused Counterclaimants to incur  
6 substantial legal fees and costs that they would not have had to incur if TST had not engaged  
7 in abusive and improper litigation for improper ulterior purposes. Counterclaimants have also  
8 been damaged by the loss of their time and efforts in responding to TST's improper abusive  
9 litigation conduct. Counterclaimants' damages are continuing. The full amount of  
10 Counterclaimants' damages will be determined at trial.

11 **V. PRAYER FOR RELIEF**

12 WHEREFORE, Counterclaimants seek the following relief:

- 13 A. An award of all damages caused by TST's abuses of the litigation process,  
14 including Counterclaimants' attorneys' fees and costs incurred in responding to TST's  
15 abusive litigation conduct in the federal action and this action;
- 16 B. Injunctive relief preventing TST from filing any further abusive claims against  
17 Counterclaimants; and
- 18 C. Any further damages and relief as the Court deems just.

19  
20 DATED: March 7, 2024.

**ARETE LAW GROUP PLLC**

21 By: /s/ Jeremy E. Roller  
22 Jeremy E. Roller, WSBA No. 32021  
23 Lisa M. Herb, WSBA No. 23161  
1218 Third Avenue, Suite 2100  
Seattle, WA 98101  
24 Phone: (206) 428-3250  
25 Fax: (206) 428-3251  
26 jroller@aretelaw.com  
lherb@aretelaw.com

*Attorneys for Defendants/Counterclaimants*

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.

5 **LYBECK PEDREIRA & JUSTUS, PLLC**

6 Benjamin Justus  
7 Fifth Floor  
8 7900 SE 28th St., Suite 500  
9 Mercer Island, WA 98040  
ben@lpjustus.com

- E-mail
- U.S. Mail
- E-filing

10 **Crown Law**

11 Matthew A. Kezhaya (*pro hac vice*)  
12 150 S. Fifth Street, Suite 1850  
13 Minneapolis, MN 55402  
matt@crown.law

- E-mail
- U.S. Mail
- E-filing

14 *Attorneys for Plaintiff*

15  
16 Dated this 7<sup>th</sup> day of March, 2024 in Seattle, Washington.

17  
18 /s/ Janet C. Fischer  
19 Janet C. Fischer  
Paralegal