

STATE OF NORTH CAROLINA

File No.

22-CVS-161

MITCHELL County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff: DAVID B. WHEELER
Address: PO BOX 51
City, State, Zip: SPRUCE PINE, NC 28777
VERSUS

CIVIL SUMMONS
ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s): LAUREN OPAL BOEBERT

Date Original Summons Issued
Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1: LAUREN OPAL BOEBERT, 340 PANORAMIC DRIVE, SILT, CO 81652

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!
¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!
Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

- 1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff): DAVID B. WHEELER, PRO-SE, PO BOX 51, SPRUCE PINE, NC 28777

Date Issued: 10-05-2022, Time: 1:40 PM
Signature: Debra Duncan
Deputy CSC Assistant CSC Clerk Of Superior Court

ENDORSEMENT (ASSESS FEE)
This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement, Time, Signature, Deputy CSC Assistant CSC Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
			LAUREN OPAL BOEBERT

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

[Empty box for Name And Address Of Person With Whom Copies Left]

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

DEFENDANT 2

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant

- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

[Empty box for Name And Address Of Person With Whom Copies Left]

Other manner of service (specify)

Defendant WAS NOT served for the following reason:

Service Fee Paid \$	Signature Of Deputy Sheriff Making Return
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Date Received	Name Of Sheriff (type or print)
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Date Of Return	County Of Sheriff
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STATE OF NORTH CAROLINA

File No.

22-CVS-161

MITCHELL

County FILED

In The General Court Of Justice
District Superior Court Division

Name And Address Of Plaintiff 1
DAVID B. WHEELER
PO BOX 51
SPRUCE PINE, NC 28777

2022 OCT -5 P 1:40

MITCHELL CO., C.S.C.

GENERAL CIVIL ACTION COVER SHEET

INITIAL FILING SUBSEQUENT FILING

Rule 5(b) of the General Rules of Practice for the Superior and District Courts

Name And Address Of Plaintiff 2
AMERICAN MUCKRAKERS PAC, INC.
PO BOX 51
SPRUCE PINE, NC 28777

BY [Signature]

VERSUS

Name And Address Of Defendant 1
LAUREN OPAL BOEBERT
340 PANORAMIC DRIVE
SILT, CO 81652

Name And Address Of Attorney Or Party, If Not Represented
(complete for initial appearance or change of address)

DAVID B. WHEELER, PRO-SE
PO BOX 51
SPRUCE PINE, NC 28777

Summons Submitted

Yes No

Telephone No.

Cellular Telephone No.

312 213 6001

NC Attorney Bar No.

Attorney Email Address

-

david@americanmuckrakers.com

Name And Address Of Defendant 2

Initial Appearance in Case Change of Address

Name Of Firm

Fax No.

Summons Submitted

Yes No

Counsel For

All Plaintiffs All Defendants Only: (list party(ies) represented)

Jury Demanded In Pleading Complex Litigation Stipulate to Arbitration

TYPE OF PLEADING

(check all that apply)

- Amend (AMND)
Amended Answer/Reply (AMND-Response)
Amended Complaint (AMND)
Assess Costs (COST)
Answer/Reply (ANSW-Response) (see Note)
Change Venue (CHVN)
Complaint (COMP)
Confession Of Judgment (CNFJ)
Consent Order (CONS)
Consolidate (CNSL)
Contempt (CNTP)
Continue (CNTN)
Compel (CMPL)
Counterclaim (CTCL) Assess Court Costs
Crossclaim (list on back) (CRSS) Assess Court Costs
Dismiss (DISM) Assess Court Costs
Exempt/Waive Mediation (EXMD)
Extend Statute Of Limitations, Rule 9 (ESOL)
Extend Time For Complaint (EXCO)
Failure To Join Necessary Party (FJNP)

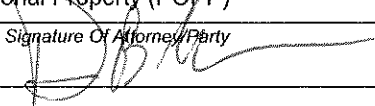
- Failure To State A Claim (FASC)
Implementation Of Wage Withholding In Non-IV-D Cases (OTHR)
Improper Venue/Division (IMVN)
Including Attorney's Fees (ATTY)
Intervene (INTR)
Interplead (OTHR)
Lack Of Jurisdiction (Person) (LJPN)
Lack Of Jurisdiction (Subject Matter) (LJSM)
Modification Of Child Support In IV-D Actions (MSUP)
Notice Of Dismissal With Or Without Prejudice (VOLD)
Petition To Sue As Indigent (OTHR)
Rule 12 Motion In Lieu Of Answer (MDLA)
Sanctions (SANG)
Set Aside (OTHR)
Show Cause (SHOW)
Transfer (TRFR)
Third Party Complaint (list Third Party Defendants on back) (TPCL)
Vacate/Modify Judgment (VCMD)
Withdraw As Counsel (WDCN)
Other (specify and list each separately)

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include either a General Civil (AOC-CV-751), Motion (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

(Over)

**CLAIMS FOR RELIEF**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Administrative Appeal (ADMA)      | <input type="checkbox"/> Limited Driving Privilege - Out-Of-State Convictions (PLDP) | <input type="checkbox"/> Product Liability (PROD)                                     |
| <input type="checkbox"/> Appointment Of Receiver (APRC)    | <input type="checkbox"/> Medical Malpractice (MDML)                                  | <input type="checkbox"/> Real Property (RLPR)   |
| <input type="checkbox"/> Attachment/Garnishment (ATTC)     | <input type="checkbox"/> Minor Settlement (MSTL)                                     | <input type="checkbox"/> Specific Performance (SPPR)                                  |
| <input type="checkbox"/> Claim And Delivery (CLMD)         | <input type="checkbox"/> Money Owed (MNYO)   | <input checked="" type="checkbox"/> Other ( <i>specify and list each separately</i> ) |
| <input type="checkbox"/> Collection On Account (ACCT)      | <input type="checkbox"/> Negligence - Motor Vehicle (MVNG)                           | <b>DEFAMATION AND MALICIOUS PROSECUTION</b>   |
| <input type="checkbox"/> Condemnation (CNDM)               | <input type="checkbox"/> Negligence - Other (NEGO)                                   |   |
| <input type="checkbox"/> Contract (CNTR)                   | <input type="checkbox"/> Motor Vehicle Lien G.S. Chapter 44A (MVLN)                  |   |
| <input type="checkbox"/> Discovery Scheduling Order (DSCH) | <input type="checkbox"/> Possession Of Personal Property (POPP)                      |   |
| <input checked="" type="checkbox"/> Injunction (INJU)      |  |   |

Date	10/05/2022	Signature Of Attorney/Party	
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**FEES IN G.S. 7A-308 APPLY**  
 Assert Right Of Access (ARAS)  
 Substitution Of Trustee (Judicial Foreclosure) (RSOT)  
 Supplemental Procedures (SUPR)

**PRO HAC VICE FEES APPLY**  
 Motion For Out-Of-State Attorney To Appear In NC Courts In A Civil Or Criminal Matter (Out-Of-State Attorney/Pro Hac Vice Fee)

No.	<input type="checkbox"/> Additional Plaintiff(s)

No.	<input type="checkbox"/> Additional Defendant(s)	<input type="checkbox"/> Third Party Defendant(s)	Summons Submitted
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

*Plaintiff(s) Against Whom Counterclaim Asserted*

*Defendant(s) Against Whom Crossclaim Asserted*

NORTH CAROLINA  
MITCHELL COUNTY

**FILED** IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

2022 OCT -5 P 1:40

22 CVS 161

MITCHELL CO. O.S.C.

DAVID B. WHEELER, and  
AMERICAN MUCKRAKERS PAC, INC. )

Plaintiffs, )

v. )

**COMPLAINT**

LAUREN OPAL BOEBERT )

Defendant. )

-----  
Plaintiffs David B. Wheeler and American Muckrakers PAC, Inc., by and through pro-se representation by David B. Wheeler, complain of Defendant as follows:

**SUMMARY OF THE ACTION**

1. This is an action for defamation and malicious prosecution brought by a North Carolina citizen, and a North Carolina non-profit corporation, who have been accused by Defendant of posting false information about the Defendant and claimed the Plaintiffs, "knew the information was false but published it anyway." Plaintiff Wheeler was subject to a Temporary Protection Order, later vacated, that was obtained by Defendant through malicious prosecution, as retaliation to daring to oppose her re-election to Congress by posting factual information and releasing it to the press. Plaintiffs are seeking, in addition to damages resulting from the defamation and malicious prosecution, to enjoin Defendant from making further defamatory statements.

## **PARTIES**

2. Plaintiff David B. Wheeler is a resident of Spruce Pine, North Carolina, and Mitchell County, North Carolina. Mr. Wheeler is Founder and President of American Muckrakers PAC, Inc. and works full time for the organization.

3. Plaintiff American Muckrakers PAC, Inc. is a Federal Election Commission registered political action committee, a North Carolina non-profit corporation, and registered with the United States Internal Revenue Service, as a non-profit corporation.

4. Defendant Lauren Opal Boebert, is, on information and belief, a resident of Garfield County, Colorado.

## **JURISDICTION AND VENUE**

5. This is an action for defamation and malicious prosecution under North Carolina law. This Court has Jurisdiction over this action pursuant to N.C. General Statutes § 1-75.4 in that this action is being initiated by a natural person who is present and domiciled in this State, a North Carolina non-profit corporation formed with, and in good standing with, the North Carolina Secretary of State, and the Defendant has substantial activity in the North Carolina by making statements about Plaintiffs to national radio and TV news audiences broadcast into North Carolina, making defamatory statements about Plaintiffs to publications with readers and subscribers in North Carolina, making defamatory statements to local, regional, and national publications and news organizations with internet websites read by North Carolinians, undertaking online and in person political fundraising from North Carolina residents exceeding \$139,000.00, has a joint fundraising committee with Mr. Bo Hines, a candidate for U.S. Congress in North Carolina, and speaking at numerous North Carolina public events as recently as September 22-24, 2022, in the Charlotte area. In addition, in 2013, Defendant and her mother undertook extensive efforts, including communications with the North Carolina Bureau of Investigation,

Mecklenburg County District Attorney, the Charlotte-Mecklenburg Police Department, and court clerk in Mecklenburg County, North Carolina, to determine whether Mr. Stan Lane, a former North Carolinian, was Defendant's father. The amount in controversy is in excess of \$25,000 under N.C. General Statutes § 7A-243 and the alleged Defendant statements of defamation against Plaintiffs occurred in June and July 2022 and the Defendant's abuse of process and malicious prosecution occurred in June and July 2022.

6. Venue is proper in the Mitchell County under North Carolina General Statutes § 1-82.

## FACTS

### **A. American Muckrakers Make Claims Against Boebert**

7. On June 14, 2022, American Muckrakers posted on its website a press release (hereafter referred to as, *Abortion and Paid Escort Press Release*) that outlined alleged actions by Defendant.

8. The information about Defendant contained in the *Abortion and Paid Escort Press Release*, and additional allegations posted on social media, was based upon information provided to Plaintiffs voluntarily from individuals including, Ms. Cindy Lee O'Brien, of New Castle, Colorado; Ms. Jessica Spaulding, of Rifle, Colorado; Ms. Erica Clybor, of Glenwood Springs, Colorado; Mr. Joshua Bartlett, of Glenwood Springs, Colorado; Ms. Tori Hooper, of Silt, Colorado; Ms. Judy Biedenbach, from Rochester, New York; Mr. Westley Crouch, from Glenwood Springs, Colorado; Mr. Michael Bishop, of Garfield County, Colorado; Mr. Darren Smith, of Garfield County, Colorado; Ms. Sherrona Bishop, of Silt, Colorado; Mr. Gregory Hinds, of Elizabeth, Colorado; and others. (These individuals hereafter are collectively referred to as "*Sources*.")

9. During May through September of 2022, Plaintiff Wheeler had numerous recorded and unrecorded phone conversations, in person meetings, emails to and from, instant messages on Twitter, and text messages with *Sources*.

10. Plaintiffs reviewed the information contained in the *Abortion and Paid Escort Press Release* with additional paid consultants, supporters, and volunteers and reasonably relied upon the information provided by the *Sources* for the information contained in the *Abortion and Paid Escort Press Release*, and in subsequent interviews with the media, and had no reason to believe the *Sources*' information was false.

11. Plaintiffs have retained all the *Sources* communication and phone recordings outlined above and much of it is on the Plaintiff American Muckrakers' websites: AmericanMuckrakers.com and FireBoebert.com.

12. Plaintiffs never published information in the *Abortion and Paid Escort Press Release*, social media, or provided information to the media and publications, that they were told was false by any *Sources* or others, or that Plaintiffs believed to be false.

**B. The Defendant Libels and Slanders the Plaintiffs on National TV News and Radio Shows**

13. On June 16, 2022, Defendant appeared on a national radio show, "The Sean Hannity Show", which is broadcast live for three hours every weekday to six hundred radio stations throughout the United States, including forty-one stations that broadcast in or into North Carolina. In addition, "The Sean Hannity Show" is carried live and recorded on Fox Radio internet website, Sean Hannity Internet websites, YouTube.com, social media channels, and satellite radio stations. "The Sean Hannity Show" claims publicly to be the number one listened to radio show in the United States with an average of fifteen million (15,000,000) listeners every week.

14. During the "The Sean Hannity Show" on live radio on June 16, 2022, Defendant herself stated live on the air to Mr. Hannity and his listeners, among other things, the following:

- a. *"There is no evidence to back any of their claims. I'm taking legal action against this guy, David Wheeler, and Muckrakers, and we're moving forward with a lawsuit."*



- b. *"This man was told by his source that one of his allegations was made-up before he released it. He knew it was false and he moved forward anyway... And he changed his story later."*
- c. *"We're going to make sure this political hack never has the opportunity to do this to anyone else again."*
- d. *"You can't question the chastity of a woman, and that is what they are doing here."*
- e. *"Radical Democrats want me out of office, and they will lie and break the law to try to beat me."*

15. The Fox News television show, "Hannity," is carried on the Fox News TV network every weeknight at 9:00 PM and averages 3.1 million viewers a night including into homes in North Carolina. On June 15, 2022, during "Hannity", excerpts of the Defendant's "The Sean Hannity Show" radio interview above were replayed or discussed, this time on national TV, reiterating falsely that Plaintiffs knew the statements about Defendant were false and published them anyway. Plaintiffs answered numerous questions emailed to them by a show staffer, Dante Mazza, and made numerous requests to Mazza to appear on the show to refute Defendant's false statements, but were ignored and never allowed to appear on the show to provide Plaintiffs side of the story.

16. In a press release authorized and released by Defendant to numerous media outlets on June 15, 2022, the Defendant said the following:

*"This group's vile conduct demonstrates why people are fed up with politics. I am not going to stand by and pretend this is normal behavior. This political committee, funded by far-left Democrat donors and run by two left-wing political operatives, published pages of false statements knowing they were completely fabricated. The law on this type of defamation is clear and this conduct will be subject to civil and criminal penalties."*

17. On June 15, 2022, the Defendant stated to Mr. Andrew Kerr, an investigative reporter at the Washington Examiner:

*“This is completely baseless and disgusting, and these allegations are completely false. For them to go after me in this manner is absolutely sexist and disgusting, and this is what people hate about politics. They hate the lies and they hate the personal destruction. This is very damaging, and that is why I’m going after this guy personally and his group with the full force of the law. I am not holding back, and I want to make sure that this never happens to anyone else again.”*

18. Between June 15, 2022, and July 25, 2022, a Lexis/Nexis search on August 22, 2022, revealed more than 42 unique news articles written and posted across the United States in which the Defendant repeatedly claimed she was going to sue the Plaintiffs for defamation and refer for criminal prosecution and that Plaintiffs, “lied about their sources’ information.”

19. June 22, 2022, Defendant appeared on the “Tomi Lahren is Fearless” TV entertainment show and said the following:

*“Right, Tomi. These are all lies and isn’t it interesting that this is coming from the party of “believe all women”? I’m not the only one this has happened to. We know they have lied about you as you have stated. They lied about Sarah Palin and nearly every conservative fighter. Heck, even Mother Jones, a far-left leaning publication called these sexist and disgusting claims... I’ve never had two abortions. I’ve never been an escort. I’ve never been a drug addict as they claim or stripper or whatever else they want to add to that and over the last few day verifiable facts will be released that proves what I said that proves that these uh allegations are absolutely false. But here’s what’s so sad Tomi. The damage has been done. These allegations trended number one on Twitter. When Mr. Wheeler and*

*this PAC released some of their allegations they knew them to be false. Their source told them in a text, and I quote, "This story is made up." When they said I was some woman in lingerie in a bed that photo was proven not to be me and these sick hacks still continue to publish the photo and double down saying that it was me so I'm not taking this quietly and won't allow this illegal behavior to continue to happen against myself and I certainly never want to anyone else and that's why I'm moving forward with a lawsuit to sue this PAC. They lied about me and they knew it was lies and that is absolutely illegal, it's like a bully on a playground uh when they can't win they punch you in the face but uh I'm fighting back."*

20. Following comments made by Defendant on numerous radio and television news shows, Plaintiffs received numerous email, text message, and verbal death threats and disgusting comments proclaiming support for Defendant.

21. Contrary to Defendant's statement in paragraph 19 above, Plaintiffs have never asserted that Defendant was a "drug addict."

22. Plaintiffs have never asserted anywhere that Defendant was a "prostitute." The only people that made this claim were her attorney, in his *Defendant Attorney Letter* sent to the press, Washington Examiner reporter, Mr. Andrew Kerr, in his reporting for his newspaper on June 15, 2022, and others on social media.

23. Plaintiffs did assert that Defendant used methamphetamine based upon numerous sources' recorded phone conversations, including Ms. Jessica Spaulding, a former employee and friend of Defendant from Rifle, Colorado, and Mr. Joshua Bartlett, a friend from Glenwood Springs, Colorado.

24. Plaintiffs asserted that Defendant was an unregistered paid escort based upon extensive

information received, recorded phone calls, and in-person meetings with Ms. Cindy Lee Obrien, a search of Twitter, and others that provided information.

25. Contrary to Defendant's statement in paragraph 19 above, and according to archive.twitter trending.com the Plaintiff's allegations about Defendant never, "trended number one on Twitter." Defendant's name trended to number fifteen on June 14, 2022, and number forty for June 15, 2022, but that "trending" cannot be factually attributed to Plaintiff's accusation about Defendant and some of the "trending" may logically be attributed to comments made by the Defendant herself.

26. Contrary to Defendant's statement in paragraph 19 above, once Plaintiffs were made aware of a controversy surrounding the picture of a "woman in lingerie in a bed," Plaintiffs removed the photo immediately and amended and re-posted their Press Release on their website as confirmed by Ms. Anna Lynn Winfrey, a reporter for *The Pueblo Chieftain* in an article published on June 17, 2022, titled,

*"Rep. Lauren Boebert wants to sue American Muckrakers. They say they're prepared to fight back":*

In her report, Ms. Winfrey reported:

*"American Muckrakers revised their report and deleted that photo after questions surfaced."*

27. Contrary to Defendant's false claim in paragraph 19 above, Plaintiffs did not "double down" but chose to delete the photo and change and re-post their *Abortion and Paid Escort Press Release* because the photo was overshadowing the more important accusations in the story. This, despite Plaintiffs' source, Ms. Cindy L. Obrien, asserting repeatedly in text messages, with Plaintiff Wheeler that the picture was indeed from Defendant's "Sugardaddymeet.com" profile she had made a screenshot and the picture in question had been published in numerous posts on Twitter in 2020 and 2021, long before Plaintiffs were

involved in Colorado. Plaintiffs made two revisions to their *Abortion and Paid Escort Press Release* and re-posted the revised press release on their website noting the date, time, and purpose of revisions.

28. Ms. Tori Hooper, a former employee, former friend, and former sister-in-law of Defendant, had a recorded phone call with Plaintiff Wheeler on June 1, 2022. Ms. Hooper was referred to Plaintiffs as a potential source of information by Ms. Jessica Spaulding, as they had worked together at Defendant's business. During the call, Ms. Hooper made allegations that Defendant was driving and wrecked an ATV in the Moab, Utah area, after consuming alcohol with her, and Defendant's minor son and dog were in the vehicle when it crashed. Ms. Hooper also claimed Defendant bailed out of the ATV prior to it crashing and she was left trying to take control of the ATV from the passenger seat. Ms. Hooper also claimed Defendant did not file an accident report, she was severely injured in the face due to the accident and had to be flown by emergency helicopter, and that Defendant begged her not to say anything to anyone about the accident and the details surrounding the accident. This recording and text messages have been published on Plaintiff American Muckrakers website, FireBoebert.com, and remains there. Ms. Hooper has never disputed or retracted her account of the ATV accident.

29. On June 2, 2022, Plaintiff Wheeler had text messages with Ms. Tori Hooper. The text message involving statements Defendant referenced excerpt is as follows:

*Wheeler, 2:09 PM: "Hi Tori – Is that crash story real?"*

*Wheeler, 2:11 PM: "Law enforcement is saying they can't find any information and it's odd you've disappeared. I'll be in Rifle Monday and Tuesday. May (sic) meet?"*

*Hooper, 2:11 PM: "Hey I'm sorry I've been busy, also I don't have any more to say"*

*Wheeler, 2:13 PM: "Can you send me a police report. That way it's not tied to you. Otherwise we'll have to use your account of the accident."*

*Wheeler, 2:15 PM: "Or is that story just made up?"*

*Hooper, 2:19 PM: "Totally made up"*

30. Plaintiff Wheeler assumed Ms. Hooper's comments above were a simple turn of phrase and not a serious response. This was proven true when Defendant herself confirmed the ATV accident did occur, albeit, in 2019.

31. Plaintiffs posted another press release (hereafter referred to as "*ATV Accident Press Release*") and additional information on FireBoebert.com and Twitter on the ATV accident on June 10, 2022, based upon Ms. Hooper's recorded conversation and information gathered from other sources, including information from Mr. Westley Crouch of Glenwood Springs, Colorado, who told Plaintiff Wheeler he spoke directly with a Registered Nurse that treated Ms. Hooper for her facial injuries at a hospital in Grand Junction, Colorado.

32. Defendant claimed in numerous media interviews in June and July 2022, she discovered secret "internal PAC text messages" and "emails." In fact, Plaintiffs published the text messages with Ms. Hooper, that Defendant claims were "internal PAC text messages and emails," on their website on June 10, 2022, along with the *ATV Accident Press Release*, in order to provide transparency on their Sources information. There was nothing in these text messages and emails that was evidence that the Plaintiffs did as Defendant claimed, "*When Mr. Wheeler and this PAC released some of their allegations they knew them to be false.*"

33. In paragraph 19 above and in other media interviews, Defendant purposely attempted to misappropriate the "totally made-up" comments by Ms. Hooper by appropriating them to Plaintiffs allegations made in their subsequent *Abortion and Paid Escort Press Release* on June 14, 2022.

*When Mr. Wheeler and this PAC released some of their allegations they knew them to be false. Their source told them in a text, and I quote, "This story is made up."*

However, the “totally made up” comments by Ms. Hooper related solely to Defendant’s ATV accident in Moab, Utah, in 2019, and had nothing to do with the allegations in the Plaintiffs’ *Abortion and Paid Escort Press Release* on June 14, 2022. In addition, Defendant’s recitation on Ms. Lahren’s national show Ms. Hooper’s comments were not the exact quote Ms. Hooper had made to Wheeler despite Defendant portraying the comments as precise by using the phrase, “and I quote, “*This story is made up.*”” The phrase Ms. Hooper said was, “*totally made up.*”

34. Plaintiffs also determined, and published in the *ATV Accident Press Release*, that Defendant never filed the required off road vehicle accident report with the Utah Department of Public Safety as required under Utah law. Defendant claimed the accident never occurred and she doesn’t drink alcohol despite numerous witnesses, including Ms. Jessica Spaulding, telling Plaintiff Wheeler that they personally witnessed Defendant consuming alcohol. Defendant never stated whether she consumed alcohol at the time of the ATV accident only that she doesn’t drink alcohol now.

35. Plaintiff Wheeler also went on the record and filed a report, as a citizen and father, with the Utah Department of Children and Family Services due to the claim by Ms. Hooper that Defendant’s minor child was in the vehicle and alcohol was involved in the accident.

36. Despite Defendant using Ms. Hooper’s, “totally made up” text messages being taken out of context, and as supposed evidence Plaintiffs were defaming her, Defendant stated to Mr. Conrad Swanson, a reporter for the Denver Post, on June 15, 2022, through her Congressional spokesman:

*“There was a crash, Boebert spokesman Ben Stout confirmed. But it was in 2019, not 2020. And the congresswoman hadn’t been drinking...”*

37. Plaintiffs admitted on Twitter, and to numerous press and media reporters that one of their

Sources, Ms. Hooper, got the year wrong and apologized publicly to Defendant. But the Plaintiffs asserted that the major information about the Defendant's accident in the *ATV Accident Press Release* and on FireBoebert.com was indeed correct, and Ms. Hooper's recording was the basis for the published story.

38. Based upon Plaintiffs' best knowledge and information, Ms. Hooper has never recanted, changed, or retracted the facts she said in the June 1, 2022, recorded phone call with Plaintiff Wheeler.

39. On June 20, 2022, Plaintiff Wheeler was in Rifle, Colorado, working and announced his intention, on Twitter, to give away free "Fire Boebert" t-shirts on the sidewalk in front of Defendant's now closed restaurant "Shooters." In an incident report written by the Rifle Police Department, and obtained by Plaintiffs through a Colorado Open Records Act request, Defendant's staff, at the direction of the Defendant, called the Rifle, Colorado, Police Department and stated on the record, that Wheeler was, "male from out of state, posting different stuff, she is getting death threats from him, he is trying to set up outside, white male blue shirt."

40. During the June 20, 2022, visit to Shooters, three Rifle, Colorado, police officers were dispatched to Shooters. Plaintiff Wheeler had a cordial conversation with two officers and complied with their requests to provide an ID, stay on the sidewalk, and not harass anyone. Officer K. Foreman stated in the incident report, "Mr. Wheeler is currently committing no crime. He is currently on public property protesting the Congresswoman."

41. Contrary to Defendant's assertion in the Shooter's incident above, there is no police record or record anywhere that the Plaintiff Wheeler made a "death threat," or any other threat, against Defendant, her family, or anyone else.

**C. The Plaintiffs Suffer Severe Decrease in Revenue Following Defendant's False Statements**

42. Plaintiff American Muckrakers PAC, Inc. suffered a ninety-two percent (92%) decrease in



revenue after Defendant's false comments about Plaintiffs. From the start of the Plaintiff American Muckrakers PAC, Inc., in June 2021, through September 30, 2022, the PAC raised a total of \$245,045.63 from 4,270 donors across the United States. The donations averaged \$31.84 per donor and an average sum of \$15,315.35 per month. In the three months prior to Defendant's false comments about the Plaintiffs, from April 1, 2022, until June 30, 2022, the PAC recorded a total of \$61,131.36 in revenue from donors all across the United States, which is an average of \$20,387.12 per month. As a result of Defendant's false comments against Plaintiffs, from July 1, 2022, through September 30, 2022, the PAC recorded a total of \$3,843.07 in revenue from donors all across the United States, which is an average of \$1,281.00 per month, or ninety-two percent (92%) decrease in revenue.

43. Plaintiff American Muckrakers' revenue decreased significantly immediately after Defendant made statements about the Plaintiffs to the news media and on radio and television news and entertainment programs in North Carolina and across the United States.

44. Several donors to Plaintiff American Muckrakers emailed to cancel their donations due to fear of financial liability because of the Defendant said she was going to sue donors in comments she made on radio, television news and entertainment shows, and in on-line and printed publications in North Carolina and across the United States.

45. Upon Plaintiffs' information and belief, Defendant has not sued any of the Plaintiff American Muckrakers PAC, Inc., donors.

46. Plaintiff Wheeler's sole source of income is Plaintiff American Muckrakers PAC, Inc. From July 1, 2021, through June 30, 2022, Wheeler's fees paid by the PAC totaled \$64,500.00, or \$5,375.00 per month. His total fees paid by the PAC, from July 1, 2022, through September 30, 2022, was \$8,100.00,

or \$2,700.00 per month average. This equates to a decrease of more than fifty percent (50%) per month in Plaintiff Wheeler's fees and is attributed to Defendant's false and reckless comments.

47. Plaintiff American Muckrakers PAC, Inc., spent donor funds on various campaign related travel, Plaintiff Wheeler fees for work, fees for consultants, website and Internet domain name fees, compliance and accounting consultant fees, legal fees, and other campaign related expenses.

48. On July 22, 2022, Colorado Public Radio reporter Caitlyn Kim filed a story with the headline, "*Rep. Lauren Boebert has yet to file defamation lawsuit over claims by American Muckrakers PAC.*" Defendant declined to comment for the news article.

**D. The Defendant Retaliates and Continues Campaign to Discredit Plaintiffs**

49. On June 15, 2022, at 3:21 PM Eastern time, Plaintiffs received an email from Mr. Houston Keene, an Associate Producer/Writer, Originals, Fox News with the subject line: "*Re: Fox News Inquiry - Boebert attorney letter about false claims regarding congresswoman.*" The text of the email was as follows:

*"Hey David. I hope you are doing well! We're publishing a story on the letter sent by Rep. Boebert's attorney to you regarding the "false and defamatory statements published" by the American Muckrakers PAC that alleged the congresswoman was an "unlicensed paid escort" through a sugar daddy website. The release also included lewd photos supposedly from the congresswoman's sugar daddy website page, but was reported to actually be a woman named Melissa Carone.*

*Do you have any comment on the letter from the congresswoman's attorney? Will the American Muckrakers PAC retract the press release or does the PAC plan to keep it*

*online? Why does it appear that the picture of the woman the PAC claimed to be Boebert was taken off the website after the stories disputing its veracity?*

*We're looking to publish the story today, so I'd need a quote back by 4:20 PM EST.*

*Thanks, Houston*

Plaintiffs had not received a letter from Defendant's attorney (hereafter referred to as "*Defendant Attorney Letter*") when Mr. Keene sent his email. Somehow, Mr. Keene had a copy of the letter before the Plaintiffs did. This was the first time Plaintiffs had heard of the attorney letter.

50. At 3:22 PM on the same day, June 15, 2022, Plaintiffs finally received an email from Defendant's lawyer after they had apparently sent their letter to the media. The *Defendant Attorney Letter* claimed to be sent "*Via Certified Mail and Electronic Mail.*" However, the certified mail letter was never received, despite Plaintiffs' address appearing on the *Defendant's Attorney Letter*. This was the first of two instances where Defendant did not follow legal protocols for providing written notice to Plaintiffs.

51. In the *Defendant's Attorney Letter*, Defendant makes numerous false or misleading claims against Plaintiffs:

- a. "*Publishing a false text message claiming "she was stripping at the time also." This statement is patently false and the Congresswoman has never been a stripper.*"

Plaintiff Wheeler received convincing information from Ms. Cindy L. O'Brien and others that Defendant was a paid performer at a bar/nude dancing club, called "Fantasy Club," with an address of 2258 Colex Drive, Grand Junction, CO 81505. Plaintiff Wheeler attempted to visit the "Fantasy Club" on June 22, 2022, to interview the manager but it was closed.

- b. "*Publishing a false text message regarding Congresswoman Boebert and her husband and claiming: "They had a meth drug problem at the time." This statement is also patently false.*"

Plaintiff Wheeler received detailed information during separate recorded phone calls with Ms. Jessica Spaulding and Mr. Joshua Bartlett, that both Mr. Jayson Boebert, Defendant's spouse, and Defendant, used methamphetamine and invited both Ms. Spaulding and Mr. Bartlett to join them in using this illegal drug on more than one occasion. One such occurrence was at a "man's camp" near an oil rig in Western Colorado, and another occurrence was at the Defendant's home in Silt, Colorado. Both Ms. Spaulding and Mr. Bartlett told Plaintiff Wheeler they declined to participate in the illegal activity.

c. *"Boebert uses donor money to pay taxes and restaurant rent." Both statements are false. These same false claims were dismissed by the Federal Election Commission in a publicly reported document."*

On March 31, 2022, the Federal Election Commission deadlocked with a three-to-three vote by Commissioners on an FEC campaign report complaint filed against Defendant. It wasn't a slam-dunk decision as Defendant claims. However, the FEC Commissioners did "caution" Defendant over reimbursements to herself. In addition, on June 8, 2022, Ms. Sara Wilson, a reporter with Colorado Newswire, published a story with the headline:

*"Colorado officials evaluate complaint that Boebert used campaign funds to pay off tax liens on restaurant."*

Ms. Wilson's report included these excerpts:

*"The allegations stem from an April 2020 quarterly campaign finance report and December 2020 post-general report that show two payments totaling \$22,259 made to Boebert, a Republican from Silt, from her own campaign for mileage reimbursement. That total equates to nearly 39,000 miles driven using the Internal Revenue Service's mileage rate, a nearly impossible distance to drive during the time period."*

*“As you are both fully aware, utilizing an illegal source of funds or ill-gotten funds to pay off a tax lien is illegal in Colorado and under Federal law,” Wheeler wrote in his initial letter to Attorney General Phil Weiser and Colorado Department of Labor and Employment Executive Director Joseph Barela.*

*“In other words, you cannot use federal campaign funds to pay off your tax liens by reimbursing yourself for miles you didn’t drive. That is the very definition of ill-gotten funds. We believe Rep. Boebert did exactly this. Where did she get the funds to pay off this lien is the ultimate question?” he wrote.*”

- d. *“In addition to the civil defamation claims that will be filed, Muckrakers’ actions are criminally liable. Colorado statute expressly prohibits the circulation of “knowingly or recklessly” false information meant to influence an election.”*

Plaintiffs never circulated knowingly or recklessly false information about Defendant’s ATV accident. Plaintiffs did report on their website, FireBoebert.com, information obtained in a recorded phone call, with Ms. Tori Hooper on June 2, 2022, that was proven to have occurred, by Defendant’s own admissions in the media and her own lawyer’s letter in 2019, not 2020, as Plaintiffs had posted and later corrected.

- e. *“What is legally, and financially, disastrous for Muckrakers is the fact that we also have evidence, including internal Muckrakers’ text and email communications, that demonstrates Muckrakers did in fact publish statements knowing those statements to be false.”*

Based upon the false assertion above, Defendant assumes she have already won a non-existent case she have never filed, but nevertheless, foresaw the Plaintiffs’ financial demise. Plaintiffs never

received any emails, text messages, or other communication that stated any information that Plaintiffs have asserted against Defendant were not true. Defendant has never leaked, published or publicly shared any “internal Muckrakers’ text and email communications,” because she made up this story. Defendant may believe Ms. Hooper’s “totally made up” text message is evidence Plaintiffs “knew it was false, and published it anyway.” But that does not take into account Defendant found this information on Plaintiff American Muckrakers’ website after Plaintiffs disclosed it for transparency purposes with the media, public, and supporters. It was not secret information she obtained through a third party or through a tip. Defendant is trying to raise a cloud of suspicion over unrelated alleged matters put forth by Plaintiffs that are not favorable to her re-election, by using a simple turn of phrase made by Ms. Hooper. Ms. Hooper will confirm she meant what she said in her recorded telephone call with Plaintiff Wheeler because the ATV accident did happen as publicly confirmed by the Defendant herself multiple times in the media.

- f. *“In addition to the civil defamation claims that will be filed, Muckrakers’ actions are criminally liable. Colorado statute expressly prohibits the circulation of “knowingly or recklessly” false information meant to influence an election.”*

Plaintiffs have not been contacted, surveilled, interviewed, subpoenaed, received a “target” letter, arrested, indicted, or jailed, by any officials in Colorado or anywhere else, contrary to Defendant’s asserted wish. Mr. Charles Ashby, a political reporter for the *Grand Junction Sentinel* newspaper did report on this matter on June 20, 2022:

*“While such a law does exist, there is no known time when it has ever been prosecuted anywhere in Colorado,” Mesa County District Attorney Dan Rubinstein said. “I will also note that, as of now, I have not received any request to investigate such a claim,” he said.*

52. Based upon Plaintiffs’ best knowledge and belief, Mr. Rubinstein still hasn’t received a

request to investigate.

53. On June 16, 2022, Emily Brooks, a reporter for The Hill newspaper, reported that Plaintiff Wheeler said,

*"Their assertion that we somehow just go out and willy-nilly throw out facts knowing they're false is — is ludicrous."*

54. On June 15, 2022, in a new article posted on FoxNews.com, Defendant made a statement to a reporter Mr. Houston Keene:

*"Partisan organizations putting out blatantly false and disgusting accusations won't stop me from advancing freedom and conservative values, this group's vile conduct demonstrates why people are fed up with politics. I am not going to stand by and pretend this is normal behavior. This political committee, funded by far-left Democrat donors and run by two left-wing political operatives, published pages of false statements knowing they were completely fabricated. The law on this type of defamation is clear and this conduct will be subject to civil and criminal penalties. Attached is a letter from my attorney introducing our response to these lies."*

55. Contrary to Defendant's public statements requesting Plaintiff Wheeler be arrested for Criminal activity, as of the filing to this complaint, Wheeler has not been questioned, contacted, interviewed, nor arrested for interfering in an election, or any other illegal act by the District Attorney for Garfield County, Colorado, or any other law enforcement official in Colorado or the United States.

56. Contrary to her numerous public statements, Defendant has not sued Plaintiffs for defamation, libel, slander, or any other matter as of the filing of this Complaint.

57. Defendant's false accusations against Plaintiffs subjected them to adverse publicity both

locally, state-wide, nationally, and internationally, as various media reported the Defendant's false statements about Plaintiffs. This embarrassment and harm to Plaintiffs' reputations was exacerbated because Defendant was able to privately coordinate with several large media organizations to publish her statements or have her on their radio or television shows without any opportunity for the Plaintiffs to tell their side of the story. Plaintiff requested multiple times to appear on these radio and TV shows, including numerous emails to Fox News, Sean Hannity Show, and the Mike Huckabee Show.

**E. The Defendant Files a Temporary Protective Order in Colorado and Never Serves the Complaint Upon David Wheeler in North Carolina**

58. On June 23, 2022, Defendant filed an ex parte complaint for a Temporary Protective Order in Colorado District Court in Glenwood Springs, Colorado, against Plaintiff Wheeler, with and it was assigned a case number: 2022C30220 (Garfield County, Colorado).

59. In support of her Temporary Protective Order (hereafter referred to as "TPO"), Defendant swore under oath under the penalty of perjury an affidavit dated June 22, 2022:

*"I understand that, as public official and a public figure, I am subject to public scrutiny and strongly support the First Amendment rights of the American people, but David Wheeler's actions have expanded to physical and verbal threats that has caused me to fear for my safety and the safety of my family."*

60. In further support of the affidavit referenced in the paragraph above, Defendant stated:

a. *"I have been repeatedly stalked, contacted, harassed and threatened by David Wheeler, whose threats and actions include but are not limited to: On May 26, 2022, David Wheeler approached me after a public debate, physically grabbed my right hand and would not let go until after I forcibly pulled it away."*



Contrary to Defendant's assertion in the paragraph above, Plaintiff Wheeler was escorted to meet Defendant at the conclusion of a debate by Mr. Jay Misany of Defendant's campaign staff. Mr. Misany and Plaintiff Wheeler discussed, prior to the end of the Debate, whether Plaintiff Wheeler could meet Defendant. Plaintiff Wheeler identified himself, and Mr. Misany agreed and personally walked Plaintiff Wheeler to meet Defendant in the ballroom of the hotel where the debate had concluded. Defendant was speaking with other debate attendees at the front of the room, her husband was next to her, several Boebert staff people were observing, and several armed law enforcement officers were nearby and watching her interactions. Plaintiff Wheeler identified himself after shaking Defendant's hand, as is apparent in a video recorded and posted on Twitter of the encounter between Plaintiff Wheeler and Defendant. Plaintiff Wheeler did not continue to hold Defendant's hand and Defendant came back to deliver remarks to Wheeler after the handshake.

- b. *On June 19, 2022, David Wheeler posted a public tweet seeking information about my physical location, stating "Anyone know where @repboebert is today and tomorrow?"*

Contrary to Defendant's assertion in the paragraph above, Plaintiff Wheeler was seeking Defendant's whereabouts to video tape any public events she was appearing since the Defendant does not publish any calendar of her appearances as a Congresswoman or candidate as is customary for candidates seeking public office or elected officials that are seeking to meet with voters. Plaintiff Wheeler has made similar inquires on Twitter about politicians opposed by American Muckrakers, including Rep. Madison Cawthorn. Plaintiff Wheeler has never threatened Mr. Cawthorn, or any other public official, nor has any other public official had cause to file any action against Plaintiffs. Plaintiff Wheeler did attend meetings and videotaped them where Mr. Cawthorn appeared based upon tips from supporters on Twitter. In addition, Mr. Wheeler does not have any criminal record anywhere and has only had traffic violations. Ironically, two days before this filing, on October 2, 2022, Defendant posted on her Twitter account the

addresses and times for four events on October 3, 2022, and the address and times for an event on October 7, 2022, in Pueblo, Colorado.

- c. *On June 17, 2022, David Wheeler emailed Cornerstone Church asking if he could also speak at a church service I was scheduled to speak at on Sunday, June 26<sup>th</sup>.*

Contrary to Defendant's assertion in the paragraph above, Plaintiff Wheeler contacted Cornerstone Church via phone and email on June 17, 2022, to request that the Church allow Defendant's primary election opponent, Senator Don Coram, or Plaintiff Wheeler, to speak since United States Internal Revenue Service regulations requires that a political forum being held at a tax-exempt organization must include an invitation to all candidates and not just one candidate. Defendant was copied on these emails so she was aware of our allegation of illegality. Only Defendant was invited to speak on June 26, 2022, two days before the Colorado primary election. Plaintiffs subsequently filed a complaint with the IRS for the church's alleged violation of this regulation and copied Defendant and church officials on the complaint. June 26, 2022, was just 2 days before the primary election, so it was no coincidence she was there, and her speech included political matters as is obvious in the publicly available video recording of her appearance.

- d. *On June 19, 2022, David Wheeler publicly posted a picture of him close to my home in Silt, Colorado.*

Contrary to Defendant's assertion in the paragraph above, Plaintiff Wheeler posted a selfie on a sign with "Silt Gateway Park" on the PAC's Twitter account. This park is 3.1 miles from Defendant's home. Plaintiff Wheeler posted it as part of his travels on behalf of the PAC so his children and supporters could see where he was traveling and there was no threatening text posted along with the picture. Defendant had and does not have any evidence that Plaintiff Wheeler intended to physically harm her by posting a selfie for his kids and supporters.

e. *On June 21, 2022, David Wheeler publicly posted a picture of the street sign outside my home in Silt, Colorado.*

Contrary to Defendant's assertion in the paragraph above, Plaintiff Wheeler posted a picture of a mountain, lake, and a picture of a street sign named, "Panoramic." The views Plaintiff Wheeler posted were panoramic and beautiful in his estimation. The "Panoramic" street sign that was posted was six-tenths (0.6) of a mile from Defendant's home, not "outside my home," as Defendant asserts. Defendant had no evidence of any plan or evidence of verbal threats against her by the Plaintiff Wheeler. In addition, there are hundreds of photos taken near her home on other individual's social media accounts. To the best of the Plaintiffs' knowledge and belief, Defendant hasn't filed any actions for harassment against any of these picture posters.

f. *Between June 19, 2022, and June 21, 2022, David Wheeler approached several of my friends, customers, and employees of my private business with more lies and incendiary claims.*

Contrary to Defendant's assertion in the paragraph above, Plaintiff Wheeler approached individuals that were former employees and former friends of Defendant. These individuals had been referred to Plaintiff Wheeler by various supporters due to the facts they knew about Defendant. Plaintiffs were seeking additional information about Defendant's current and past activities as part of the his political and U.S. and Colorado Constitutional protected speech activities. The Defendant did not and does not have any evidence that Plaintiff Wheeler approached individuals in Garfield County was done with the intent to threaten or harm Defendant in any way other than working against her re-election campaign. Defendant provided no evidence that Plaintiff Wheeler was making incendiary claims against her.

g. *For approximately the past month, David Wheeler has posted multiple pictures of my family, including my minor children.*”

Contrary to Defendant’s assertion in the paragraph above, Plaintiffs did not post one picture of Defendant’s children on Twitter, Facebook or other social media accounts controlled by Plaintiffs. Defendant has no evidence Plaintiffs posted these pictures and simply made this up to conform with the requirements for a TPO and create a negative impression of Plaintiff Wheeler. Plaintiffs and two volunteers reviewed the entire Twitter, Instagram, and Facebook posting history by Plaintiffs and there are no pictures of Defendant’s children. In addition, Plaintiff Wheeler is on the record as stating, “Boebert’s children are off limits,” to a twenty-member volunteer team. However, Defendant has repeatedly posted pictures of her children with guns in their home, and many photos of the cover of her book, with her family’s picture prominently on the front cover, on numerous social media accounts controlled by Defendant. Finally, many other social media users have posted pictures of Defendant’s children and, to the best of Plaintiffs’ belief and knowledge, Defendant has not filed any TPO petitions against the individuals that have posted pictures of her children.

h. *“David Wheeler’s totality of conduct, including repeated threats, physical actions, and conduct concerning direct contact with me and publicly communicating information about my location and my family’s home, have caused me to fear for my safety and the safety of my family. Furthermore, in recent days his conduct has escalated, and he has become more threatening and brazen in his behavior.”*

Contrary to Defendant’s statement made in the paragraph above, Defendant provided no evidence to the Court to corroborate her assertion that the Plaintiff Wheeler was, “Furthermore, in recent days his conduct has escalated, and he has become more threatening and brazen in his behavior.” The reason Defendant didn’t provide any written or other evidence, which would have emboldened her campaign

against Plaintiffs, is because there isn't any. Defendant made it up. In addition, Defendant has made no secret she carries a gun on her person, has an arsenal of guns in her home, and has posted dozens of videos of her using guns shooting targets and brandishing powerful automatic weapons. Plaintiff Wheeler has no guns, other than his son's Red Rider BB gun, a small pocket knife his deceased father gifted to him, and was not in possession of any weapons or guns while in Colorado in June or July 2022.

61. Plaintiffs spent significant time preparing for the TPO hearings, hired an attorney in Aspen, Colorado, paid legal fees, and was prepared to defend themselves in Court.

62. On June 16, 2022, Emily Brooks, a reporter for The Hill, reported that Plaintiff Wheeler said,

*"Their assertion that we somehow just go out and willy-nilly throw out facts knowing they're false is — is ludicrous."*

63. Defendant's made the following statement, through her attorney, to the news media on June 17, 2022:

*"Muckrakers' sloppy, reckless, and wildly irresponsible actions have created substantial legal liability for Muckrakers, David Wheeler in his personal capacity, and each donor to the organization who chose to fund the effort knowing it would result in defamation."*

Defendant's comments about donors in the paragraph above are without precedent. Never have donors, in Plaintiff Wheeler's 40 years in politics, been threatened with legal action for supporting a cause with their donations. This was a bald-faced statement defamatory meant to inflict as much damage on the Plaintiffs, in the form of curtailing their donor's support, and it worked as planned by the Defendant.

64. On September 28, 2022, Plaintiffs sent Defendant a cease-and-desist letter requesting

Defendant ceases from defaming Plaintiffs, and in return send a letter confirming Defendant won't defame the Plaintiffs in the future and apologize to Plaintiffs for her past statements defaming Plaintiffs. Plaintiffs never received any response to this letter to Defendant as requested within the five-day request.

### **FIRST CLAIM FOR RELIEF – LIBEL**

65. The allegations of Paragraphs 1 through 64 of this Complaint are realleged and incorporated herein by this reference here.

66. Defendant's written statements sent to the media and others included, Plaintiff Wheeler, "... *knew the facts were false, and published them anyway ...*" and Plaintiffs' "... *published pages of false statements knowing they were completely fabricated.*" These statements of knowingly false information by Defendants tended to subject Plaintiffs to ridicule, contempt, or disgrace. Those written statements were false when made and sent to the news media, were made without regard to their truth or falsity, were made without justification, and were made for the purpose and with the intent of damaging the reputations of Plaintiffs or with reckless disregard of their affect upon the reputations and finances of the Plaintiffs.

67. Those written statements made by the Defendant have impeached, injured, and damaged Plaintiffs because they were false and were made by Defendant without any factual basis.

68. Due to Defendant's libelously and reckless radio, TV, newspaper, and online media campaign to discredit Plaintiff Wheeler with false statements, conflating facts, and misleading the media and public, Plaintiff Wheeler has been the subject of numerous negative news articles about him personally, death threats and threatening emails, phone calls, and text messages by purported supporters of Defendant, and has been impeached, injured, and damaged in many ways.

69. As an actual and proximate cause of Defendant's conduct in making such false written

statements, Plaintiff Wheeler has sustained harm to his profession and career, both Plaintiffs have suffered financial hardship, been subject to ridicule, contempt and disgrace, including damages in an amount to be determined at trial, but reasonably believed to be in excess of \$25,000.

### **SECOND CLAIM FOR RELIEF – SLANDER**

70. Paragraphs 1 through 69 of this Complaint are realleged and incorporated herein by this reference.

71. The false verbal statements made without regard for the truth and said directly by Defendant while appearing on numerous TV and radio news shows, entertainment TV shows, and other political shows during June 2022 and July 2022, subjected Plaintiffs to ridicule, contempt, and/or disgrace.

72. Those slanderous public verbal statements by the Defendant were false when made publicly or on the radio or TV shows or to newspaper reporters, were made without regard to their falsity, were made without justification, and were made for the purpose and with the intent of damaging the reputations of Plaintiffs and/or with reckless disregard of their affect upon the reputations of the Plaintiffs and/or without regard for the negative financial impact it would have upon Plaintiffs.

73. Those statements made by Defendant have impeached, injured, and damaged Plaintiffs' reputations and positive standing in their communities, and injured and damaged Plaintiff Wheeler's profession and career.

74. As an actual and proximate cause of Defendant's conduct in making such false Statements to the media and others, Plaintiff Wheeler has sustained harm to his profession and career, and both Plaintiffs have suffered financial hardship, been subject to ridicule, contempt and disgrace, including damages in an amount to be determined at trial, but reasonably believed to be in excess of \$25,000.

### **THIRD CLAIM FOR RELIEF – PUNITIVE DAMAGES**

75. Paragraphs 1 through 74 of this Complaint are realleged and incorporated herein by this reference.

76. Defendant made the statements and took the actions described above with malice and/or Reckless disregard of their falsity in order to harm Plaintiffs.

77. Defendant acted willfully and/or wantonly in making the written statements or verbal statements described above.

78. Pursuant to N.C. General Statutes §1D-1, Plaintiffs are entitled to punitive damages for Defendant's conduct.

### **FOURTH CLAIM FOR RELIEF – MALICIOUS PROSECUTION**

79. Paragraphs 1 through 78 of this Complaint are realleged and incorporated herein by this reference.

80. The Defendant made malicious statements and was recklessly careless in her affidavit of July 22, 2022, and those statements have impeached, injured, and damaged Plaintiff Wheeler's reputation, and profession.

81. The Defendant knew the statements she made in the affidavit to the Garfield County Court were malicious and she didn't have probable cause because Plaintiff Wheeler never committed any "threatening" or "physically threatening" acts towards Defendant or her family and she simply made up the information contained in the affidavit to conform to the legal elements required for a TPO.

82. The Defendant abused the Court's process because she had no reason or probable cause to



file a TRO against Plaintiff Wheeler because Plaintiff Wheeler did not commit any threatening acts or acts that would allow for a TPO under Colorado law against Defendant.

83. At the PPO Hearing on July 20, 2022, the Court vacated the Defendant's TRO and closed the case without taking any action against Plaintiff Wheeler.

84. As an actual and proximate cause of Defendant's conduct in making such false Statements to the Court for the TPO, Plaintiff Wheeler has sustained harm to his profession and career, and suffered financial hardship, been subject to ridicule, contempt and disgrace, including damages in an amount to be determined at trial, but reasonably believed to be in excess of \$25,000.

WHEREFORE, Plaintiffs' pray to the Court that:

A. A preliminary and permanent injunction be entered against Defendant and any and all persons in active concert, under the employ of, or participation with her, forbidding any further publishing of false written statements or making any false public statements about the Plaintiffs;

B. Plaintiffs receive actual damages in an amount sufficient to compensate them for their damages resulting from Defendant's conduct;

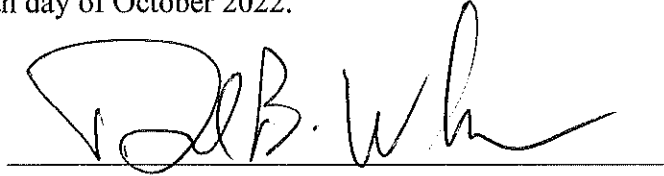
C. Plaintiffs be allowed recovery of punitive damages pursuant to Chapter 1D of the North Carolina General Statutes;

D. Plaintiffs be allowed recovery from Defendant of the costs and expenses incurred in this action, including, but not limited to, attorney's fees;

E. Plaintiffs receive trial by jury of all issues so triable; and

F. Plaintiffs obtain such other and further relief as may be just and proper.

This 5th day of October 2022.

A handwritten signature in black ink, appearing to read "D.B. Wheeler", written over a horizontal line.

David B. Wheeler  
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