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District Court of the State of Wyoming SWEETWATER COUNTY
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2024-CV-0000154
Filed By: Randy Bingham

IN THE DISTRICT COURT, THIRD JUDICIAL DISTRICT
IN AND FOR SWEETWATER COUNTY, STATE OF WYOMING

CODY WYLIE and JOSHUA THOMAS LARSON aka JT LARSON, Plaintiffs, v. WY FREEDOM PAC, also known as WYOMING FREEDOM PAC, Defendant. _____	))))))))))))	Case No. CV -24-_____ **COMPLAINT FOR DEFAMATION** **JURY TRIAL DEMANDED**

I. PARTIES

1. Plaintiff Cody Wylie ("Wylie") is an individual and a resident of Sweetwater County, Wyoming.

2. Plaintiff Joshua Thomas Larson, also known as JT Larson ("Larson"), is an individual and a resident of Sweetwater County, Wyoming.

3. Wylie is a member of the Wyoming House of Representatives, House District 39 (R-Rocks Springs and Green River), and a candidate for nomination as a Republican for re-election to that seat in the Republican primary election to be held August 20, 2024.

4. Larson is a member of the Wyoming House of Representatives, House District 17 (R- Rocks Springs), and a candidate for nomination as a Republican for re-election to that seat in the Republican primary election to be held August 20, 2024.

5. Defendant WY FREEDOM PAC, also known as Wyoming Freedom PAC ("Defendant" or "Wyoming Freedom PAC"), is a political action committee organized under the laws of the state of Wyoming with its principal place of business in Weston County, Wyoming.

6. The acts of Defendant complained of in this civil action were directed toward Plaintiffs in Sweetwater County, Wyoming.

7. The facts and circumstances giving rise to this litigation occurred in Sweetwater County, Wyoming.

8. The amount in controversy exceeds the $50,000, the jurisdictional minimum of this Court exclusive of fees and costs.

9. Jurisdiction is proper in this court, as Plaintiffs are seeking injunctive relief. W.S. § 1-28-103.

10. Jurisdiction and venue are proper in this Court pursuant to W. S. §§ 5-1-107 and § 1-5-107.

II. FACTUAL BACKGROUND

11. On or about July 15, 2024, Defendant Wyoming Freedom PAC distributed, or caused to be distributed, a mass text message to registered Republicans in House

District 17. The text message, as sent to registered Republicans in District 17, stated, in pertinent part::

> This is Mike with the Wyoming Freedom PAC.
>
> As our fellow Republicans gather in Milwaukee this week to nominate President Trump as our official nominee, you should know that your state Rep **J.T. Larson voted with the radical left to REMOVE President Trump's name from the ballot.**
>
> Don't be deceived. Whomever J.T. Larson is representing it's not us. (emphasis added).

12. A couple of days later, Defendant Wyoming Freedom PAC sent, or caused to be sent, a 6" x 11" mailer to registered Republicans in House District 17 making similar claims. Specifically, the mailer had the caption "Liberal Larson", with a picture of Larson and the following text:

> "Voted NO - To Keep President Trump on the Ballot this fall.
>
> . . . .
>
> Who is J.T. Larson representing? <u>It's not us."</u>

The back side of the mailer said that it was "Paid For By Wyoming Freedom PAC". The logo "WY Freedom PAC" also appears on the mailer.

13. The reference to "Trump" un the text message and mailer was to Donald J. Trump ("Trump"), 45th President of the United States and the current Republican nominee for election as President of the United States in 2024.

14. The statements made in the text message and the mailers were false. The Wyoming House of Representatives has taken no vote on any proposal to remove

Trump's name from the ballot. JT Larson has never voted at any time to remove Trump's name from the ballot. JT Larson has never voted no on any proposition to keep Trump on the ballot. Indeed, JT Larson supports Trump.

15. Wyoming Freedom PAC is the campaign finance arm of the Wyoming Freedom Caucus, an association of members of the Wyoming House of Representatives that does not include JT Larson or Cody Wylie.

16. Prior to making the statements, Wyoming Freedom PAC knew its statements that JT Larson had voted to remove Trump's name from the ballot were false.

17. Wyoming Freedom Caucus's false statements concerning JT Larson were made with actual malice.

18. During the week of July 15, 2024, 6" x 11", Defendant Wyoming Freedom PAC sent, or caused to be sent, mailers to registered Republicans in Wyoming House District 39 which on one side, had the caption "Woke Wylie", with a picture of Cody Wylie and the following text:

> Voted NO - To Keep President Trump on the ballot this fall.
>
> . . . .
>
> Who is Cody Wylie representing? <u>It's not us."</u>

The back side of the mailer stated "Paid For By Wyoming Freedom PAC".

19. The statements made in the mailers to Republicans in House District 39 were false. The Wyoming House of Representatives has taken no vote on any proposal to remove Trump's name from the ballot. Cody Wylie has never voted at any time to

remove Trump's name from the ballot. Cody Wylie has never voted no to keep Trump on the ballot. Indeed, Cody Wylie supports Trump

20. Prior to making the statements, Wyoming Freedom PAC knew the statements made that Cody Wylie had voted no to keep Trump on the ballot were false.

21. The Wyoming Freedom Caucus, through its chairman Karen Drost, has used a vote on an unrelated Wyoming budget amendment to justify the false statement. Specifically, the draft of the 2024 budget as introduced on the floor of the House contained the following footnote with respect to the Secretary of State:

> No funds appropriated under this section shall be expended without specific legislative authorization for the secretary of state or the office of the secretary of state to initiate any litigation or participate in any litigation initiated in a court outside of Wyoming in which the state, the secretary of state or the office of the secretary of state is not a named party.

See 2024 House Budget as introduced, at 9, n.1.

22. Third reading amendment No. 58 to 2024 House Bill 1 ("HB1"), sponsored by Rep. Knapp, would have removed the footnote restricting the secretary of state from spending taxpayer dollars to pursue out of state litigation in which the state is not a named party.

23. Where the Secretary of State of Wyoming is not a party to a lawsuit pending outside the state, only the Governor, and not the Secretary of State, has the authority to

appear in such lawsuit on behalf of the State of Wyoming. Footnote 1 to the Secretary of State's budget simply required that the Secretary of State not violate Wyoming law.

24. Plaintiff Wylie voted "conflict" on third reading amendment No. 58 to 2024 HB 1. Wylie's vote was not a vote to remove Trump's name from any ballot. That vote was not a no vote to keep Trump on the ballot.

25. Plaintiff Larson voted no on third reading amendment No. 58 to 2024 HB1. That vote was not a vote on any proposition to keep Trump on the ballot. That vote was not a vote to remove Trump's name from the ballot.

26. Prior to publishing its mailers and text messages, Wyoming Freedom Caucus knew that third reading amendment No 58 to 2024 HB1 was not a vote to remove Trump's name from the Ballot

27. Wyoming Freedom Caucus's false statements concerning Cody Wylie were made with actual malice.

28. Wyoming Freedom Caucus has indicated its intention to continue making these false statements concerning Wylie and Larson, despite an oral request from Wylie and Larson that it stop making such statements. Specifically, on July 24, 2024, counsel for Plaintiffs contacted Karen Drost, the chairman of the WY Freedom PAC, who confirmed that the political action committee also goes by the name Wyoming Freedom PAC. Counsel for Plaintiffs requested that Defendant stop making statements concerning Cody Wylie and JT Larson that they had voted to remove Trump's name from the ballot

or had voted no on keeping Trump on the ballot. Ms. Drost refused saying "we will continue making those statements."

FIRST CAUSE OF ACTION FOR DEFAMATION

29. All preceding allegations are incorporated herein by reference.

30. The elements of defamation are:

a. A false statement purporting to be fact;

b. Publication to third parties;

c. Actual malice (with respect to political speech concerning a limited public figure); and

d. damages.

31. All of the elements of defamation are present here. Defendant made false statements that Plaintiff had voted to remove Trump's name form the ballot when they had not and/or that Plaintiffs had voted no to keep Trump on the ballot when they had not.

32. The statements were published to third parties, specifically to registered Republicans in Plaintiffs' respective house districts and for the purpose of influencing the outcome of the primary election.

33. Defendant intentionally published information it knew was false. When confronted with the falsity of the information, Defendant announced its intention to continue publishing the false statements.

34. Plaintiffs are entitled to damages for injury to their reputation and profession.

35. Defendant's defamatory statements were made intentionally to cause special damage to Plaintiffs' reputations.

36. Each Plaintiff has been and is being damaged by injury to their respective reputations in an amount greater than $50,000. Plaintiff Wylie, who is a principal in a successful local construction company. has suffered and suffers the further damage to his business reputation.

37. Plaintiffs are entitled to an award of punitive damages against Defendant.

SECOND CAUSE OF ACTION FOR FALSE LIGHT

38. All preceding allegations are incorporated herein by reference.

39. Defendant's statements that Plaintiffs had voted no to keep Trump on the ballot and/or vote to remove Trump from the ballot cast Plaintiffs in a false light and amount to false light invasion of privacy. Specifically, Defendant's statements make it appear that Plaintiffs do not support Trump when in fact they do support Trump.

40. Defendant disseminated the false statements to third parties.

41. Defendant's statements were made with actual knowledge of the falsity of the statements

42. Defendant's statements were made with actual malice.

43. Plaintiffs have suffered damages as a result of Defendant in casting Plaintiff in a false light.

44. Plaintiffs are entitled to an award of punitive damages against Defendant.

DEMAND

WHEREFORE, the Plaintiffs demand Judgment against Defendants as follows:

A. An Order finding that Defendants published false, defamatory statements about Plaintiffs;

B. Compensatory damages to compensate Plaintiffs;

C. Punitive damages to punish Defendants;

D. Permanent injunctive relief, after a final determination of the libelous nature of Defendant's statements, prohibiting Defendant from making further false statements regarding Plaintiffs.

E. Attorney's fees and costs, and

F. Such further relief as the Court deems proper.

DATED this 25th day of July, 2022.

CODY WYLIE
JT LARSON, Plaintiffs

By: _____/s/ Clark Stith__

Clark Stith 505 Broadway
Rock Springs, WY 82901
(307)382-5565 telephone
(307) 382-5552 fax
clarkstith@wyolawyers.com
Attorney for Plaintiffs
W.S.B. No. 6-3176