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FILED

2017 OCT -6 PM 4:17

SCOTT G. WEBER, CLERK
CLARK COUNTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR CLARK COUNTY

DAVID GELLATLY, a Washington
resident,

Plaintiff,

vs.

RICHARD COLWELL, a Washington
resident, and JOHN AND JANE DOES,

Defendant.

17 2 02276 8

Cause No. _____

COMPLAINT FOR DEFAMATION
AND LIBEL *PER SE*

(JURY DEMAND)

COMES NOW Plaintiff, DAVID GELLATLY, a Washington resident, and by this
Complaint seeks damages and declaratory and injunctive relief for defamation including
liable and slander and intentional inflection of emotional distress by Defendant RICHARD
COLWELL and JOHN AND JANE DOES, and alleges as follows:

GENERAL ALLEGATIONS

1. This Court has personal and subject matter jurisdiction over the parties and venue
is proper in this Court because this lawsuit involves acts and omissions constituting causes
of action arising and occurring in Clark County, Washington. Plaintiff and Defendant are
located in Clark County, Washington.

2. Plaintiff is informed and believes and on that basis alleges that Jurisdiction and
venue are proper in this court because this case involves issues arising in equity, an amount
of more than \$300 in controversy, Plaintiff is located in Clark County, injuries that form the



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3 basis of this lawsuit occurred in Clark County and were made by Defendant in Clark
4 County, and Defendant resides in this County.

5 3. This lawsuit involves Plaintiff's claims for defamation, including libel and
6 slander.

7 4. Plaintiff DAVID GELLATLY resides in Clark County, Washington.

8 5. Plaintiff is informed and believes and on that basis alleges that Defendant
9 RICHARD COLWELL currently resides in Clark County, Washington.

10 6. Mr. Gellatly is the Chairman of the Clark County Republican Central Committee
11 ("CCRCC"), the official Republican Party entity in Clark County.

12 7. Mr. Gellatly was elected by the membership of the Clark County Republicans in
13 December of 2016. The position is entirely voluntary.

14 8. Since that time, he has faced a withering stream of hurtful and damaging
15 accusations which are false.

16 9. Recently, a number of websites and billboards have sprung up around Clark
17 County attacking his reputation and accusing him of violating the law, among other things.

18 10. The billboards point to websites are accusing Mr. Gellatly, among other things, of
19 violating RCW 42.17a.405(13) with respect to committee finances. Such websites include
20 removegellatly.com, dilldave.com, swampmemes.com, and a Facebook account,
21 <https://m.facebook.com/removegellatly>. Such accusations are false.

22 11. Because the websites were filed as private domain registrations, it is unknown
23 who is behind these false statements and malicious statements.

24 12. The accusations on the websites and Facebook site are false.
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13. In a Facebook entry on September 15, 2017 located at <https://m.facebook.com/removegellatly>, unknown person(s) accuse Mr. Gellatly of being involved in the removal of political signage and thereby violating RCW 29A.84.040.

14. Similarly to these anonymous attacks on Mr. Gellatly, on August 31, 2017, RICHARD COLWELL sent an email to another party leader in which he accused Mr. Gellatly of committing theft: "As clear as the sun shines upon the earth, he lied, and then embezzled funds."

15. Embezzlement is a crime.

16. RICHARD COLWELL's statement is false. Mr. Gellatly has not stolen or embezzled funds.

17. Mr. Gellatly has worked hard to maintain a good reputation in the community and was part of the reason why he was elected to lead the CCRCC.

18. Plaintiff is informed and believes and on that basis alleges that unknown individuals made the following false statements to third parties, both orally and/or in writing:

- The Plaintiff violated RCW 42.17a.405(13).
- Plaintiff has stolen or embezzled funds from the CCRCC.
- Plaintiff has direct, been involved in, or orchestrated a violation of RCW 29.84.040.

19. Defendant RICHARD COLWELL attributed criminal acts to the Plaintiff by that he embezzled CCRCC funds.

20. Plaintiff is informed and believes and on that basis alleges that Defendant RICHARD COLWELL intended these false allegations to be believed and relied upon.

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21. Plaintiff is informed and believes and on that basis alleges that Defendant RICHARD COLWELL acted with actual malice.

22. JOHN AND JANE DOES are the unknown operates of the following websites which defame and libel Mr. Gellatly:

- Removegellatly.com
- Dilldave.com
- Swampmemes.com
- <https://m.facebook.com/removegellatly>

23. JOHN AND JANE DOES attributed violations of the law to the Plaintiff by claiming he has violated RCW 42.17a.405(13) and RCW 29.84.040.

24. Plaintiff is informed and believes and on that basis alleges that Defendants JOHN AND JANE DOE intended these false accusations to be believed and relied upon.

25. Plaintiff is informed and believes and on that basis alleges that Defendant RICHARD COLWELL acted with actual malice.

26. Plaintiff is informed and believes and on that basis alleges that Defendants JOHN AND JANE DOES acted with actual malice.

27. Plaintiff is informed and believes and on that basis alleges that a reasonable person, upon reading and hearing these false allegations, would have believed and relied upon Defendants' statements.

28. Plaintiff is informed and believes and on that basis alleges that individuals hearing of Defendants' false allegations did believe and rely upon Defendants' statements.

29. Plaintiff has been harmed and damaged in his reputation and his business by Defendants' statements.



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30. Defendant(s) allegations are false and defamatory.

31. Plaintiff is informed and believes and on that basis alleges that Defendant(s) uttered their allegations without regard for their truth or accuracy.

32. Defendant(s) have no privilege, either absolute or qualified, for their false allegations.

33. Defendant RICHARD COLWELL committed defamation per se by accusing the Plaintiff of criminal conduct by stating he had embezzled money.

34. Defendants JOHN AND JANE DOE committed defamation per se by accusing the Plaintiff of criminal conduct by stating he had violated RCWs related to campaign contributions and political signage.

35. One or more of the Defendants have made further false claims regarding Mr. Gellatly which are not addressed in this Complaint as they may be matters of opinion or otherwise not actionable at law despite being false.

**FIRST CLAIM FOR RELIEF— DEFAMATION PER SE
AGAINST RICHARD COLWELL**

36. Plaintiff repeats and realleges paragraphs 1 to 33.

37. Plaintiff is informed and believes and on that basis alleges that Defendant RICHARD COLWELL published false and defamatory statements about Plaintiff.

38. The false and defamatory statements, by imputing serious and potentially criminal conduct to Plaintiff, caused damage to his reputation and exposed him to public hatred, contempt, ridicule and financial injury.

39. Defendant's statements constituted slander, libel and defamation *per se*.

40. Plaintiff is informed and believes and on that basis alleges that Defendant made

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these statements with actual malice and reckless disregard for the truth.

41. As a result of the Defendant’s false and defamatory statements, Plaintiff has suffered damages for which the Defendant is liable.

42. Plaintiff is entitled to punitive damages from Defendant RICHARD COLWELL in order to punish, penalize and deter the Defendant from repeating his conduct.

**SECOND CLAIM FOR RELIEF— DEFAMATION PER SE
AGAINST JOHN AND JANE DOES**

43. Plaintiff repeats and realleges paragraphs 1 to 40.

44. Plaintiff is informed and believes and on that basis alleges that Defendant(s) JOHN AND JANE DOE published false and defamatory statements about Plaintiff.

45. The false and defamatory statements, by imputing serious and potentially criminal conduct to Plaintiff, caused damage to his reputation and exposed him to public hatred, contempt, ridicule and financial injury.

46. Defendant(s) statements constituted slander, libel and defamation *per se*.

47. Plaintiff is informed and believes and on that basis alleges that Defendant(s) made these statements with actual malice and reckless disregard for the truth.

48. As a result of the Defendant(s) false and defamatory statements, Plaintiff has suffered damages for which the Defendant is liable.

49. Plaintiff is entitled to punitive damages from Defendants JOHN AND JANE DOES in order to punish, penalize and deter the Defendant from repeating his conduct.

DEMAND FOR JUDGMENT & PRAYER FOR RELIEF

WHEREFORE Plaintiff prays for judgment against the Defendant as follows:

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(a) Awarding Plaintiff its actual, general and specific, and compensatory damages against Defendants in an amount to be determined at trial;

(b) Awarding Plaintiff punitive damages against the Defendants in an amount to be determined at trial.

(c) Enjoining Defendants from making false and disparaging statements about the Plaintiff;

(d) Declaring Defendants statements to be defamatory and false and enjoy Defendant to publicly retract her statements and apologize to Plaintiff for their utterance; and


(e) Awarding Plaintiff its reasonable attorney fees and costs, including costs for experts, pursuant to State law;

(f) Awarding Plaintiff his costs and disbursements incurred herein;

(g) Awarding Plaintiff prejudgment and post-judgment interest at the legal rate on the damages, attorney's fees and costs of suit awarded; and

(h) Such other and further relief as the Court deems just and proper.

DATED 10/6/17


KURT M. RYLANDER, WSBA 27819
rylander@rylanderlaw.com
GREGORY S. CHENEY, WSBA 44174
Of Counsel
cheney@rylanderlaw.com
RYLANDER & ASSOCIATES PC
P.O. Box 250
Vancouver, WA 98666
Tel: (360) 750-9931
Fax: (360) 397-0473
Of Attorneys for Plaintiff

