

production of this recording and other related information and also seeks injunctive relief as well as the recovery of damages and attorneys' fees for the violations of state campaign finance law.

Parties

Plaintiff Texas Democratic Party is a political party and a political committee as those terms are defined in the law and it is formed under the Texas Election Code. TDP holds its principal place of business in Travis County, Texas and may be served through its counsel herein.

Plaintiff Ana-Maria Ramos is the elected State Representative from House District 102. Plaintiff Ana-Maria Ramos is a resident of Dallas County, Texas and may be served through her counsel herein.

Defendant Michael Quinn Sullivan is a natural person who resides in Travis County, Texas. Defendant Sullivan is a principal of the political committee known as Empower Texans. He may be served with process at 11214 Windermere Mdws., Austin, TX 78759.

Defendant Unknown Political Committee is a political committee as defined in the Texas Election Code. Such political committee includes the Speaker, Sullivan and perhaps others working in concert to attempt to defeat members of the Texas House of Representatives, including Republicans and Democrats and, upon information and belief, its targets include Plaintiff Ramos and other members of the Texas Democratic Party.

Venue

Venue is proper in Travis County because a substantial part of the actions giving rise to this case occurred in Travis County and because a substantial part of the facts occurred in Travis County. *See* Tex. Civ. Prac. & Rem. Code § 15.002(a)(1). For example, the conversation that

was recorded occurred at the Texas Capitol Building in Travis County, Texas. Furthermore, upon information and belief, Defendant Sullivan resides in Travis County.

Facts/Law

On or about June 12, 2016, Texas Speaker Dennis Bonnen along with State Representative Dustin Burrows, Chair of the House Republican Caucus, conducted a meeting with Sullivan at the Texas Capitol. Sullivan recorded this meeting and has been allowing numerous persons to listen to the recording at his office in Travis County.

A number of persons who have listened to the recording have described its contents to members of the media. *See, e.g.,* <https://www.dallasnews.com/news/texas-legislature/2019/08/05/brutally-candid-damaging-embarrassing-urging-caution-releasing-texas-speaker-audio>; <https://www.texastribune.org/2019/07/31/texas-house-speaker-dennis-bonnens-backroom-offer-allegedly-tape/>; and <https://www.texastribune.org/2019/08/01/Texas-House-speaker-Dennis-Bonnen-accusations-what-we-know/>. (accessed August 7, 2019).

Sullivan himself wrote and published an account of the recorded meeting. *See* <https://texasscorecard.com/blog/bonnens-backroom-offer/> (accessed August 7, 2019).

The public reports of at least six people who have listened to the recording describe the Speaker soliciting campaign contributions and expenditures from Sullivan against at least ten Republican members of the Texas House as well as an unknown number of Democratic members, including Plaintiff Ramos. *See* <https://www.dallasnews.com/news/texas-legislature/2019/08/05/brutally-candid-damaging-embarrassing-urging-caution-releasing-texas-speaker-audio> (accessed August 7, 2019).

One of the public reports on the contents of the recording demonstrates that Plaintiff Ramos was discussed at the meeting as a target of the political expenditures sought by the

Speaker. See <http://directactiontx.com/bonnen-audio-clear-as-a-bell-hit-list-given/> (accessed August 7, 2019).

Speaker Bonnen has since admitted to saying “terrible things” at the recorded meeting. See <https://www.texastribune.org/2019/08/06/dennis-bonnen-apologizes-michael-quinn-sullivan/> (accessed August 7, 2019).

According to sources who have listened to the video and/or who were present at the meeting, Speaker Bonnen is also described to have offered valuable government benefits, such as media credentials permitting persons to enter the Texas House Chamber when the House is in session, in exchange for political contributions and expenditures against his targeted political enemies. See, e.g., <https://texasscorecard.com/blog/bonnens-backroom-offer/> (accessed August 7, 2019).

Texas Republicans and Democrats, as well as Speaker Bonnen, have called for the public release of the recording but it remains hidden from the Plaintiffs even when it is being listened to by innumerable others. See <https://www.dallasnews.com/news/texas-legislature/2019/08/05/brutally-candid-damaging-embarrassing-urging-caution-releasing-texas-speaker-audio> (accessed August 7, 2019).

The meeting between Sullivan, the Speaker and Rep. Burrows amounted a coordination meeting between political actors intended to influence the election or defeat of specific candidates. This meeting, and any agreements reached, resulted in the formation of a political committee, as defined by state law. Such political committee is required to be registered with an appointed treasurer and, upon information and belief, it is not. Furthermore, certain public reports of campaign related activities are required to be filed and, upon information and belief,

they have not been filed. What is more, none of this activity is permitted by law to occur in the Capitol Building.

The political expenditures and contributions directed by Speaker Bonnen and Rep. Burrows are designed to be made in the name of another, to wit, Sullivan and/or Empower Texans. Expenditures made by one political actor or committee and directed by others is also illegal under Texas campaign finance law.

Moreover, offering the granting of public benefits in a scheme to support the election or defeat of a candidate for public office, as was reportedly done here, is also illegal under state law and itself is a campaign finance law violation.

These Plaintiffs were the targets, at least in part, of the political committee described herein and of the planned illegal contributions and expenditures solicited, discussed and/or agreed to at the recorded meeting and perhaps in other communications contemporaneous therewith.

Texas Election Code

The Texas Election Code specifically relaxes the common law requirements for an injunction for those harmed or threatened harm by a violation of the state's election laws. TEC 273.081. Specifically, this statute requires:

Sec. 273.081. INJUNCTION. A person who is being harmed or is in danger of being harmed by a violation or threatened violation of this code is entitled to appropriate injunctive relief to prevent the violation from continuing or occurring.

Plaintiffs are harmed and are in danger of being harmed by the wrongful conduct described herein.

The activities described above and as reported by the media and Sullivan violate numerous provisions of the Texas Election Code including the following:

1. Making a contribution or expenditure in the name of another. TEC 253.001.
2. Unlawfully directing a campaign expenditure. TEC 253.002.
3. Unlawfully accepting a political contribution. TEC 253.003.
4. Making an expenditure from an unlawful contribution. TEC 253.005.
5. Making an expenditure that violates the Texas Election Code. TEC 253.004.
6. Making or accepting a contribution from a corporation. TEC 253.094.
7. A corporation making a contribution to a political party. TEC 253.104.
8. Making a contribution during the fundraising moratorium period. TEC 253.034
9. Making or authorizing a contribution while in the Capitol. TEC 253.039

Claims for Relief

1. Declaratory Judgment

Plaintiffs ask the Court to enter a declaratory judgment that the political activities described in the recording violate Texas state law.

2. Claims for Damages

In addition to the relief requested above, Plaintiffs pray for their damages under the claims permitted by Texas Election Code §§ 253.131-132. Specifically, Plaintiffs pray for judgment against Defendants for two times the amount of the wrongful contributions and expenditures as well as attorneys' fees as required by the aforementioned statutes. Plaintiffs seek

this judgment against all defendants, jointly and severally. Plaintiffs further allege the Defendants are a part of a civil conspiracy and therefore each is liable for the acts of the other.

Pursuant to Tex. R. of Civ. Pro. 47, Plaintiffs hereby plead that the damages requested herein are within the jurisdiction limits of the Court. Plaintiffs seek monetary relief over \$100,000.00. This case should be handled under Level III discovery rules.

3. Injunctive Relief

Upon full discovery, Plaintiffs seek injunctive relief to prohibit any planned or ongoing campaign finance violations.

Prayer

For the foregoing reasons, Plaintiffs respectfully request that the Court cite the Defendants to answer herein and thereafter enter judgment against Defendants for the relief requested herein and all other relief to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,

TEXAS DEMOCRATIC PARTY

BRAZIL & DUNN, LLP

/s/ Chad W. Dunn _____

Chad W. Dunn

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ATTORNEYS FOR PLAINTIFFS

No. _____

**TEXAS DEMOCRATIC PARTY;
AND ANA-MARIA RAMOS,**

Plaintiffs

vs.

**MICHAEL QUINN SULLIVAN; AND
UNKNOWN NAMED POLITICAL
COMMITTEE,**

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION TO
MICHAEL QUINN SULLIVAN AND UNKNOWN NAMED POLITICAL COMMITTEE**

TO: DEFENDANTS MICHAEL QUINN SULLIVAN AND UNKNOWN NAMED POLITICAL COMMITTEE.

COMES NOW Plaintiffs, TEXAS DEMOCRATIC PARTY and ANA-MARIA RAMOS, in her capacity as State Representative from House District 102, (hereinafter "TDP" or "Texas Democratic Party") herein and in accordance with Rule 196 of the *Texas Rules of Civil Procedure* files the following Requests for Production addressed to Defendants, MICHAEL QUINN SULLIVAN and UNKNOWN NAMED POLITICAL COMMITTEE. (collectively referred to as "Defendants").

You are notified that your answers to these Requests for Production of Documents must be answers made under oath and properly sworn under oath, that your sworn answers must be filed in separate paragraphs in writing, and that these sworn answers must be made and filed within fifty (50) days from the date upon which you receive a copy of this pleading, all as provided by Rule 196 of the *Texas Rules of Civil Procedure*. You are further notified that you are under a continuing duty to reasonably amend your answers if you obtain information on the basis of which (a) you know that the answer was incorrect when made, or (b) you know that the answer though correct when made, is

no longer true, and the circumstances are such that failure to amend the answer is in substance a knowing concealment.

You are further notified that the destruction of any materials responsive to requests herein is a violation of law that could result in criminal and/or civil penalties.

You are further charged with the duty to supplement your answer and/or response if you later obtain information upon which (1) you know that your answer and/or response to one or more of the Requests for Production was incorrect when made or (2) you know that your answer and/or response to one or more of the Requests for Production is no longer true and the circumstances are such that a failure to amend your answers and/or responses is in substance a knowing concealment.

The following definitions and instructions apply to each of the Requests for Production set forth herein, are deemed incorporated, and supplement any particular definitions and requests for information contained therein unless expressly stated to the contrary within any such request.

“You,” “your” and/or “Defendants” shall mean Defendants MICHAEL QUINN SULLIVAN, Individually and in his capacity as principal of the political committee known as EMPOWER TEXANS, and UNKNOWN NAMED POLITICAL COMMITTEE, all agents, representatives, insurance carriers, experts, investigators, consultants, employees, attorneys, or any other person or entity acting by or on behalf of Defendants MICHAEL QUINN SULLIVAN, Individually and in his capacity as principal of the political committee known as EMPOWER TEXANS, and UNKNOWN NAMED POLITICAL COMMITTEE.

“Person” shall include any entity, including individuals, associations, companies, firms, partnerships, joint ventures, corporations, trust, estates, agencies, departments, bureaus, and boards.

“Document” or “documents” refers to all writings, recordings and photographs including all originals and duplicates as defined in the *Texas Rules of Civil Procedure* and the *Texas Rules of Civil*

Evidence within the possession, control, or custody of the Defendants or in the hands of any experts, agents, representatives, attorneys, or consultants of Defendants, including, but not limited to, memoranda, correspondence, reports (including drafts, preliminary, intermediate, and final reports), studies, minutes, diaries, notes, transcripts, microfilm, tapes, input, output and printouts, mechanical and electrical records, telephone and telegraphic communications, speeches and all other recorded information, whether recorded in writing, electrically or mechanically, and all things similar to any of the foregoing, however denominated by Defendants, and any and all other documents within the scope of the *Texas Rules of Civil Procedure* or the *Texas Rules of Evidence*.

“Documents” shall also refer to non-identical copies of documents or copies of documents; notwithstanding that the originals thereof are not in the possession, custody, control of Defendants, and every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy, and all attachments to any document.

“Identify” when used with reference to persons who were or are still employed by or associated with Defendants means to state his or her full name, present or last known business affiliation or position, present or last known mailing address, present or last known telephone number and all positions or business associations with Defendants during the time period covered by these Requests for Production.

“Identify” when used with reference to any individual or natural person other than those who were or are presently employed by or associated with Defendants, means to state the individual’s name and present business and home addresses, his or her present or last known telephone numbers, his or her present or last known position and business affiliation, and his or her position and business affiliation at the time or times in question.

“Identify” when used with reference to a document means to state the date and author, preparer, all addresses, any other recipients, the general subject matter, the type of document (*e.g.*, letter memorandum, chart) and its present or last known location and custodian. If any such document is no longer in existence or no longer in your possession, custody or control, state the disposition that was made of it, the reason for such disposition, and the date thereof and identify all persons who have knowledge of the contents thereof.

“Identify” when referring to any entity shall mean to state its full name, the address of its principal place of business or principal location, and its form of organization (*e.g.*, corporation, partnership). Once an entity has thus been identified in answer to a Request for Production, it shall be sufficient thereafter to identify such entity by name only.

“Incident,” “Accident,” or “Occurrence” shall mean the events made the basis of this suit.

If you claim any document requested is privileged or not subject to discovery, for each document state the date it was generated, who wrote it, to whom it was sent (if anyone), a brief description of the nature of the document, and the privilege earned.

These questions are continuing in nature and require supplementation in the event that you or your attorneys become aware of further information between the time the answers are given and the time of trial.

Dated this 8th day of August, 2019.

Respectfully submitted,

TEXAS DEMOCRATIC PARTY

BRAZIL & DUNN, LLP

/s/ Chad W. Dunn

Chad W. Dunn

General Counsel

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ATTORNEYS FOR PLAINTIFFS

REQUESTS FOR PRODUCTION

Please produce true and correct copies of the following:

REQUEST FOR PRODUCTION NO. 1:

Produce the full recording you admit to having made of your meeting with Speaker Dennis Bonnen that occurred on or around June 12, 2019.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Produce any recordings you have made with Speaker Dennis Bonnen and/or Representative Dustin Burrows.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

Any and all correspondence, facsimiles, e-mails, text messages or other electronic communications by, between or among any defendant or any other person relating to the circumstances at issue in this case, including Speaker Dennis Bonnen and/or Rep. Burrows.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

Any and all communications between you and others concerning the events and discussions in the June 12, 2019 recorded conversation made the basis of this suit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

Any and all filings you or someone has made with the Texas Election Commission that form the basis, even in part, of your defense to this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

Any and all documents reflecting your efforts to gain press credential to access the Texas House.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Any and all documents reflecting or referencing the identities of persons who have listened to the recording made basis of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Any and all communications with other elected officials or their staffs concerning the June 12, 2019 meeting made the basis of this lawsuit.

RESPONSE:

No. _____

**TEXAS DEMOCRATIC PARTY;
AND ANA-MARIA RAMOS,**

Plaintiffs

vs.

**MICHAEL QUINN SULLIVAN; AND
UNKNOWN NAMED POLITICAL
COMMITTEE,**

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

**PLAINTIFFS' FIRST REQUEST FOR DISCLOSURE TO
MICHAEL QUINN SULLIVAN AND UNKNOWN NAMED POLITICAL COMMITTEE**

TO: DEFENDANTS MICHAEL QUINN SULLIVAN AND UNKNOWN NAMED POLITICAL COMMITTEE.

COME NOW Plaintiffs, TEXAS DEMOCRATIC PARTY and ANA-MARIA RAMOS, in her capacity as State Representative from House District 102, (hereinafter "TDP" or "Texas Democratic Party") herein and in accordance with Rule 194 of the *Texas Rules of Civil Procedure* file the following Request for Disclosure to Defendants MICHAEL QUINN SULLIVAN AND UNKNOWN NAMED POLITICAL COMMITTEE. (collectively referred to as "Defendants").

Dated this 8th day of August, 2019.

Respectfully submitted,

TEXAS DEMOCRATIC PARTY

BRAZIL & DUNN, LLP

/s/ Chad W. Dunn
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ATTORNEYS FOR PLAINTIFFS

REQUEST FOR DISCLOSURE

(a) The correct names of the parties to the lawsuit:

Response:

(b) The name, address and telephone number of any potential parties:

Response:

(c) The legal theories, and in general, the factual bases of the responding party's claims or defenses:

Response:

(d) The amount and method of calculating economic damages:

Response:

(e) The name, address and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified persons connection with the case.

Response:

(f) For any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) the expert's current resume and bibliography;

Response:

(g) Any discoverable indemnity and insuring agreements:

Response:

(h) Any discoverable settlement agreements.

Response:

(i) Any discoverable witness statements.

Response:

(j) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills; and

Response:

(k) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

Response:

(l) The name, address, and telephone number of any person who may be designated as a responsible third party.

Response: