

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.

BRI BUENTELLO,

Plaintiff,

v.

LAUREN BOEBERT, in her official and individual capacities,

Defendants.

COMPLAINT

Plaintiff Bri Buentello (“Buentello”), by and through her attorneys David A. Lane and Andrew McNulty of KILLMER, LANE & NEWMAN, LLP, respectfully alleges for his Complaint as follows:

INTRODUCTION

1. In 2018, social media platforms, like Twitter, provide “perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard.” *Packingham v. North Carolina*, 137 S. Ct. 1730, 1737 (2017). “While in the past there may have been difficulty in identifying the most important places (in a spatial sense) for the exchange of views, today the answer is clear. It is cyberspace—the ‘vast democratic forums of the Internet’ in general, and social media in particular.” *Id.* at 1735. Twitter allows any person with an internet connection to “become a town crier with a voice that resonates farther than it could from any soapbox.” *Reno v. American Civil Liberties Union*, 521 U.S. 844, 870 (1997).

2. Defendant Lauren Boebert (“Boebert”) maintains a Twitter account, @laurenboebert, where she shares her official policy positions as a United States Representative and news about her office. Boebert also uses it to criticize her political opponents and complain about oppression purportedly inflicted on her by various leftist bogeymen. When others criticize Boebert, however, she blocks them. What makes Boebert’s misuse of Twitter especially egregious is the fact that she constantly brays about “cancel culture” having run amok all the while cancelling anyone who dares criticize her in the slightest.

Lauren Boebert ✓
@laurenboebert

⋮

I joined [@GetOnGab](#) when Twitter restricted my account. With free speech under attack on mainstream social media platforms, we need to have options.

Follow me at [@LaurenBoebert](#).

Lauren Boebert (@LaurenBoebert) • gab.com
The latest Gabs from Lauren Boebert (@LaurenBoebert).
Congresswoman for CO-03. Owner of Shooters Grill. I'm th...
[gab.com](#)

7:15 PM · Jan 14, 2021 · Twitter for iPhone

1K Retweets **165** Quote Tweets **5.4K** Likes

3. Buentello is a concerned citizen, and constituent of Boebert, who has tweeted criticism of Boebert. Boebert responded to Buentello's valid criticism by following the lead of her authoritarian hero – Donald Trump – and blocked Buentello from viewing her Twitter account, replying to her Tweets, or otherwise engaging with those who interact within the replies to her tweets.

4. Boebert's actions are particularly troubling given that she banned Buentello for pointing out Boebert's role in the insurrection at the Capitol on January 6, 2021. Boebert had fomented the attempted coup for weeks, incited the riot, and even tweeted out the location of the Speaker of the House (and other fellow congressional representatives), in an apparent attempt to aid those who had stormed the Capitol. Instead of reckoning with the fatal consequences of her fascist attempts to overturn a free and fair election, Boebert has doubled down and employed the online playbook of authoritarians across the globe: curating online speech to give the impression that she is viewed with universal adulation.

5. Buentello brings this lawsuit to vindicate her right to free speech and to teach Boebert that the United States Constitution does not begin and end with the Second Amendment. Elections matter. Constitutional rights are inviolate. And American democracy will not bend to the most belligerent among us.

JURISDICTION AND VENUE

6. This action arises under the Constitution and laws of the United States. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2201, and 28 U.S.C. § 2202. Jurisdiction supporting Plaintiff's claim for attorney fees and costs is conferred by the Equal Access to Justice Act, 28 U.S.C.S. § 2412 and 42 U.S.C. § 1988.

7. This action is brought against Boebert in her individual capacity pursuant to *Bivens v Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

8. Supplemental pendent jurisdiction is based on 28 U.S.C. § 1367 because the violations of federal law alleged are substantial and the pendent state law cause of action derives from a common nucleus of operative facts.

9. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). All of the events alleged herein occurred within the State of Colorado, and all of the parties were residents of the State at the time of the events giving rise to this Complaint.

PARTIES

10. At all times relevant to this complaint, Buentello was a citizen of the United States of America and a resident of the State of Colorado.

11. At all times relevant to this Complaint, Boebert was a citizen of the United States and a resident of the State of Colorado. Boebert is currently serving as the United States Representative for Colorado's Third Congressional District.

FACTUAL ALLEGATIONS

Twitter has become the 21st century's public square for political speech.

12. Twitter is a social media platform that currently has more than 330 million active users worldwide, including some 68 million in the United States. The platform allows users to publish short messages, to republish or respond to others' messages, and to interact with other Twitter users in relation to those messages.

13. Elected officials (including Boebert) regularly use Twitter to communicate with their constituents, who themselves use Twitter to connect directly and immediately with elected officials and the issues they're most passionate about.

14. Speech posted on Twitter ranges from personal insult to poetry, but particularly relevant here is that a significant amount of speech posted on the platform is political speech by, to, or about the government.

15. A Twitter “user” is an individual who has created an account on the platform. A user can post “tweets,” up to 140 characters in length, to a webpage on Twitter that is attached to the user’s account. Tweets can include photographs, videos, and links. Some Twitter users do not tweet (publish messages) at all. Others publish hundreds of messages a day.

16. A Twitter user’s webpage displays all tweets generated by the user, with the most recent tweets appearing at the top of the page. This display is known as a user’s “timeline.” When a user generates a tweet, the timeline updates immediately to include that tweet. Anyone who can view a user’s public Twitter webpage can see the user’s timeline. Below is a screenshot of part of the timeline associated with the @laurenboebert account:



17. A twitter user must have an account name, which is an @ symbol followed by a unique identifier (*e.g.* @laurenboebert), and a descriptive name (*e.g.* Lauren Boebert). The account name is called the user’s “handle.”

18. Alongside the handle, a user’s webpage will display the date the user joined Twitter and a button that invites others to “Tweet to” the user. This button is visible only to other Twitter users. A user’s Twitter webpage may also include the following:

- a. a short biographical description;
- b. a profile picture, such as a headshot;

- c. a “header” image, which appears as a banner at the top of the webpage;
 - d. the user’s location;
 - e. a button labeled with an envelope symbol, which allows two users to correspond privately; and
 - f. a small sample of photographs and videos posted to the user’s timeline, which link to a full gallery.
19. The homepage for @laurenboebert recently looked like this:



20. An individual “tweet” comprises the tweeted content (this includes a message, including any embedded photograph, video, or link), the user’s account name (with a link to the user’s Twitter webpage), the user’s profile picture, the date and time the tweet was generated, and the number of times the tweet has been replied to, retweeted by, or liked by other users.

21. A recent tweet from @laurenboebert looks like this:



22. By default, Twitter webpages and their associated timelines are visible to everyone with internet access, including those who are not Twitter users. However, although non-users can view users' Twitter webpages, they cannot interact with users on the Twitter platform.

23. Twitter users can subscribe to other users' messages by "following" those users' accounts. Users see all tweets posted or retweeted by accounts they have followed. This display is labeled "Home" on Twitter's site, but it is often referred to as a user's "feed."

24. Twitter permits users to establish accounts under their real names or pseudonyms. Users who want to establish that they are who they claim to be can ask Twitter to "verify" their accounts. When an account is verified, a blue badge with a checkmark appears next to the user's name on his or her Twitter page and on each tweet the user posts.

25. Beyond publishing tweets to their followers, Twitter users can engage with one another in a variety of ways. For example, they can "retweet" (republish) the tweets of other users, either by publishing them directly to their own followers or by "quoting" them in their own tweets. When a user retweets a tweet, it appears on the user's timeline in the same form as it did on the original user's timeline, but with a notation indicating that the post was retweeted. This is a recent retweet by @laurenboebert:

Lauren Boebert Retweeted



.@Channel4News tried to spread fake news about President Trump!

Not on @LaurenBoebert's watch!



7:35 PM · Jan 13, 2021 · Twitter for iPhone

1.5K Retweets 234 Quote Tweets 5K Likes



26. A Twitter user can also reply to other users' tweets. Like any other tweet, a reply can be up to 140 characters in length and can include photographs, videos, and links. When a user replies to a tweet, the reply appears on the user's timeline under a tab labeled "Tweets & replies." The reply will also appear on the original user's feed in a "comment thread" under the tweet that prompted the reply. Other users' replies to the same tweet will appear in the same comment thread. Reply tweets by verified users, reply tweets by users with a large number of followers, and tweets that are "favorited" and retweeted by large numbers of users generally appear higher in the comment threads.

27. A Twitter user can also reply to other replies. A user whose tweet generates replies will see the replies below his or her original tweet, with any replies-to-replies nested below the replies to which they respond. The collection of replies and replies-to-replies is sometimes referred to as a "comment thread." Twitter is called a "social" media platform in large part because of comment threads, which reflect multiple overlapping conversations among and across groups of users. Below is a recent @laurenboebert tweet that prompted over ten thousand replies:



Lauren Boebert ✓
@laurenboebert



Twitter randomly shut my account down with no explanation.

They do this to thousands of conservatives every single day.

When the press reported the ban, it was lifted.

What about the thousands of Americans who have been banned and are never heard from again?

1:35 PM · Jan 13, 2021 · Twitter Web App

13.8K Retweets **1.8K** Quote Tweets **55.3K** Likes



28. A Twitter user can also “favorite” or “like” another user’s tweet by clicking on the heart icon that appears under the tweet. By “liking” a tweet, a user may mean to convey approval or to acknowledge of having seen the tweet.

29. A Twitter user can also “mention” another user by including the other user’s Twitter handle in a tweet. A Twitter user mentioned by another user will receive a “notification” that he or she has been mentioned in another user’s tweet.

30. Tweets, retweets, replies, likes, and mentions are controlled by the user who generates them. No other Twitter user can alter the content of any retweet or reply, either before

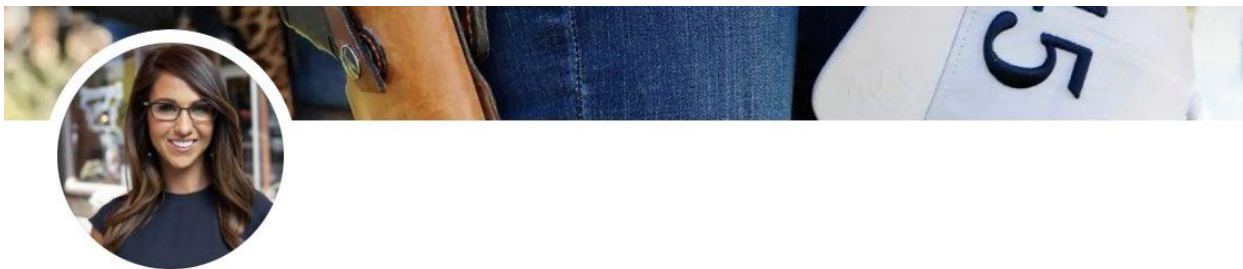
or after it is posted. Twitter users cannot prescreen tweets, replies, likes, or mentions that reference their tweets or accounts.

31. Because all Twitter webpages are by default visible to all Twitter users and to anyone with access to the internet, users who wish to limit who can see and interact with their tweets must affirmatively “protect” their tweets. Other users who wish to view “protected” tweets must request access from the user who has protected her tweets. “Protected” tweets do not appear in third-party search engines, and they are searchable only on Twitter, and only by the user and her approved followers.

32. A user whose account is public (i.e. not protected) but who wants to make his or her tweets invisible to another user can do so by “blocking” that user. (Twitter provides users with the capability to block other users, but, importantly, it is the users themselves who decide whether to make use of this capability.) A user who blocks another user prevents the blocked user from interacting with the first user’s account on the Twitter platform.

33. A blocked user cannot see or reply to the blocking user’s tweets, view the blocking user’s list of followers or followed accounts, or use the Twitter platform to search for the blocking user’s tweets. The blocking user will not be notified if the blocked user mentions her; nor will the blocking user see any tweets posted by the blocked user.

34. If the blocked user attempts to follow the blocking user, or to access the Twitter webpage from which the user is blocked, the user will see a message indicating that the other user has blocked him or her from following the account and viewing the tweets associated with the account. This is an example of a notification from Twitter that a user has been blocked by @laurenboebert:



Lauren Boebert ✓

@laurenboebert

@laurenboebert blocked you

You are blocked from following
@laurenboebert and viewing
@laurenboebert's Tweets.

@laurenboebert is a designated public forum, operated by Boebert, in which political speech is engaged in, disseminated, and debated.

35. Boebert established the @laurenboebert in December 2019 to support her campaign to be the United States Representative for House District 3. After her election in November 2020, and her swearing in on January 3, 2021, she began to use the account as an instrument of her office. Today, she (and her aides) use it almost exclusively as a channel for communicating with the public about her office's policies, actions, and opinions. Because of the way she uses the account, Boebert's tweets from the handle @laurenboebert have become an important source of news and information about her office (and the government), and comment

threads associated with the tweets have become important forums for speech by, to, and from Boebert.

36. Boebert presents the account to the public as one that she operates in her official capacity rather than her personal one. @laurenboebert is controlled completely by her in her official capacity as a United States Representative. Boebert controls who may view her tweets, reply to her tweets, and view the replies to her tweets.

37. @laurenboebert functions as Boebert's official Twitter page. Boebert describes herself in the biography section of @laurenboebert as "Congresswoman for CO-03". The account bears a blue badge indicating it has been verified by Twitter. Boebert's account is generally accessible to the public at large without regard to political affiliation or any other limiting criteria. Any member of the public can view his posts. Boebert has not "protected" her tweets, and anyone who wants to follow the account can do so. She has not issued any rule or statement purporting to limit (by form or subject matter) the speech of those who reply to her tweets. The account has over 400,000 followers. The only users who cannot follow @laurenboebert are those that Boebert and/or her aides have blocked.

38. Boebert uses @laurenboebert to publicize how she votes on legislation. For example, on January 6, 2021, Boebert tweeted from the @laurenboebert account that she had voted against certifying the Electoral College results, thereby announcing to the public that she was attempting to overturn the will of the voters during a free and fair election:



Lauren Boebert ✓
@laurenboebert

...

1776 is the foundation of our country. Today I signed my name to a document to defend that foundation and our freedom.

The violence we saw today is inexcusable. Pray for America.



2:57 PM · Jan 6, 2021 · Twitter for iPhone

1.8K Retweets **473** Quote Tweets **13.3K** Likes



39. Additionally, on January 14, 2021, Boebert relayed on the @laurenboebert account her vote on impeachment:



40. Boebert also relayed her official policy position on invoking the 25th Amendment, or entering expedited impeachment proceedings, in response to the insurrection at the Capitol from @laurenboebert:



41. Boebert uses @laurenboebert to release public statements from her office. For example, on January 8, 2021, Boebert tweeted a video statement about the insurrection at the Capitol on January 6, 2021:



Lauren Boebert ✓
@laurenboebert



We are the United States of America. Freedom will find a way to persevere. God bless each and every one of you. You are all in my prayers.



10:23 AM · Jan 8, 2021 · Twitter Media Studio

2K Retweets **462** Quote Tweets **11K** Likes



42. The tweets from @laurenboebert also contain speech from Boebert’s office that is of significant public concern. For example, prior to the insurrection at the Capitol on January 6, 2021, Boebert tweeted from the @laurenboebert “This is 1776” as a signal to those who had

gathered at the Capitol:



43. In response to this tweet, there were widespread calls for Boebert to resign. Some of these call for resignation were disseminated across Twitter through #RecallBoebert.¹ Others were published in opinion pieces questioning Boebert's fitness for office.² And, there were numerous news articles covering the tweet and fallout from it.³

44. Later, while the insurrection was ongoing, Boebert tweeted from the @laurenboebert account about the location of United States Speaker of the House Nancy Pelosi (and other members of Congress):

¹ Twitter, *Search: #RecallBoebert*, https://twitter.com/hashtag/RecallBoebert?src=hashtag_click&f=live.

² Mike Littwin, *In the madness that has overtaken Washington, Colorado's Lauren Boebert brings her own*, THE COLORADO SUN, <https://coloradosun.com/2021/01/13/donald-trump-boebert-capitol-littwin-opinion/>

³ See e.g., Caitlin Kim, *Rep. Lauren Boebert Remains Defiant In Face Of Calls To Resign*, CPR NEWS, <https://www.cpr.org/2021/01/12/rep-lauren-boebert-remains-defiant-in-face-of-calls-to-resign/>; Heather Willard, *Anti-Lauren Boebert group stages rally outside district offices in Pueblo*, THE PUEBLO CHIEFTAIN, <https://www.chieftain.com/story/news/2021/01/08/puebloans-call-lauren-boeberts-resignation-removal/6599800002/>.



45. This tweet was also met with widespread calls for Boebert to resign that were disseminated across Twitter through #RecallBoebert⁴ and news articles covering the tweet and fallout from it.⁵

46. Because of the way Boebert uses @laurenboebert, the account has become an important channel for news about her office and the United States government. Those who are blocked from the account are impeded in their ability to learn information that is shared only through that account.

47. The comment threads associated with tweets from @laurenboebert are important forums for discussion and debate about Boebert, her decisions, and government policy.

⁴ Twitter, *Search: #RecallBoebert*, https://twitter.com/hashtag/RecallBoebert?src=hashtag_click&f=live.

⁵ See Shannon Larson, *A Colorado Republican tweeted about Pelosi's location during the Capitol siege. She's now facing calls to resign*, THE BOSTON GLOBE, <https://www.bostonglobe.com/2021/01/12/nation/colorado-republican-tweeted-about-pelosis-location-during-capitol-siege-shes-now-facing-calls-resign/>.

Typically, tweets from @laurenboebert generate thousands of replies, retweets, and quote tweets. Some of the replies generate an equal number of replies in turn. The @laurenboebert account is a kind of digital town hall in which Boebert and her aides use the tweet function to communicate news and information to the public, and members of the public use the reply function to respond to Boebert and her aides so as to exchange views with one another.

Boebert blocked Buentello from viewing, replying to, and participating in the reply threads of @laurenboebert because Buentello criticized Boebert's incitement of the Capitol insurrection.

48. Buentello is actively engaged in current affairs and holding elected officials to account. She is a former member of the Colorado House of Representatives. She represented the 47th district, which includes parts of Fremont and Pueblo counties and all of Otero County, for one term. She served on the Rural Affairs and Agriculture Committee, and was the vice-chair of the Education Committee. Buentello is a constituent of Boebert's.

49. On the morning of January 6, 2021, Boebert posted a tweet saying "This is 1776" which many have interpreted as a call to the insurrectionists who would later riot outside the Capitol and storm into it.

50. Later that day, armed insurrectionists stormed the United States Capitol. The traitors murdered a Capitol police officer, delayed the vote to certify the presidential election results, and forced congressional delegates (and their staff) to hide from the violent mob.

51. While congressional delegates were fleeing from the violent and murderous mob, Boebert tweeted out the location of the Speaker of the House (who the mob was searching for) and the location of herself (and other congressional representatives).

52. Condemnation of Boebert's actions were swift. #RecallBoebert went viral on Twitter. News organizations published opinion pieces calling for Boebert's resignation.

53. Buentello began criticizing Boebert’s actions immediately from her Twitter account, @Bri4CO. The afternoon of the insurrection, Buentello tweeted (tagging @laurenboebert) calling for Boebert’s recall and calling her actions seditious:



54. Buentello continued tweeting (and retweeting) criticism of the Senators and Representatives, including Boebert, who voted against certification, and who fanned the flames of the insurrection.

55. Less than twenty-four hours after Buentello’s tweet tagging @laurenboebert and criticizing her, Boebert blocked Buentello from the @laurenboebert account:



Representative Bri Buentello ✓
@Bri4CO



I feel so honored! It's funny how free speech is allegedly sacred to these "constitutionalists" until they're criticized. Also, any friends out there familiar with #1A laws? She is my Congresswoman, after all.

#copolitics

CC: @ChieftainNews, @DailySentinelGJ
@WoodrowForCO



Lauren Boebert ✓

@laurenboebert

@laurenboebert blocked you

You are blocked from following
@laurenboebert and viewing
@laurenboebert's Tweets.

8:00 AM · Jan 7, 2021 · Twitter for iPhone

19 Retweets 8 Quote Tweets 168 Likes



56. Boebert blocked Buentello in retaliation for her criticism. Her retaliatory actions were premised on Buentello's political opposition to Boebert's words and actions stoking the fire of the insurrection.

57. Boebert's blocking of Buentello was viewpoint-based. Had Buentello posted in support of Boebert's attempts to overturn a free and fair election, Boebert would not have blocked Buentello. The blocking of Buentello imposes an unconstitutional restriction on her speech in a designated public forum and her right to petition the government for redress of grievances.

58. Buentello can no longer view Boebert's Twitter feed. She can no longer reply to Boebert's tweets. And, she can no longer participate in the discussions in the replies to Boebert's tweets. Each new tweet by Boebert is a piece of information that Buentello is foreclosed from receiving and a potential discussion (in the replies to that tweet) in which Buentello cannot participate.

STATEMENT OF CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

First Amendment

Free Speech

(Plaintiff Against Defendant)

59. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

60. At all times relevant to this Complaint, Defendant was acting under the color of law as an elected Congressional Representative.

61. Plaintiff was engaged in First Amendment-protected speech in her posting Tweets online about Defendant and viewing Defendant's tweets.

62. Plaintiff's speech was on a matter of public concern and did not violate any law.

63. By blocking Plaintiff from her official Twitter account Defendant prevented Plaintiff from exercising her First Amendment rights, including her right to speak freely and right to receive information.

64. Defendant's blocking of Plaintiff was a viewpoint-based restriction on speech.

65. Defendant's official Twitter page, @laurenboebert, is a designated public forum.

66. Defendant engaged in this conduct intentionally, knowingly, willfully, wantonly, maliciously, and in reckless disregard of Plaintiff's constitutional rights.

67. Defendant's actions and/or omissions caused, directly and proximately, Plaintiff to suffer damages. The acts and inactions of Defendant caused Plaintiff damages in that she was prevented from speaking freely on a matter of public concerns, among other injuries, damages, and losses.

SECOND CLAIM FOR RELIEF

First Amendment

Right to Petition the Government

(Plaintiff Against Defendant)

68. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

69. At all times relevant to this Complaint, Defendant was acting under the color of law as an elected Congressional Representative.

70. Plaintiff was engaged in First Amendment-protected petitioning in her tweeting.

71. Plaintiff's petitioning was on a matter of public concern and did not violate any law.

72. By blocking Plaintiff, Defendant prevented Plaintiff from exercising his First Amendment rights, including her right to petition the government for redress of grievances, as Plaintiff can no longer reply to Defendant's tweets.

73. Defendant's blocking of Plaintiff was a viewpoint-based restriction on her right to petition.

74. Defendant engaged in this conduct intentionally, knowingly, willfully, wantonly, maliciously, and in reckless disregard of Plaintiff's constitutional rights.

75. Defendant's actions and/or omissions caused, directly and proximately, Plaintiff to suffer damages. The acts and inactions of Defendant caused Plaintiff damages in that she was prevented from speaking freely on a matter of public concerns, among other injuries, damages, and losses.

THIRD CLAIM FOR RELIEF

First Amendment

Retaliation

(Plaintiff Against Defendant)

76. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

77. At all times relevant to this Complaint, Defendant was acting under the color of law as an elected Congressional Representative.

78. Plaintiff was engaged in First Amendment-protected speech and petitioning in her tweeting.

79. Plaintiff's speech and petitioning was on a matter of public concern and did not violate any law.

80. Defendant responded to Plaintiff's First Amendment-protected activity with retaliation, including but not limited to blocking her.

81. Defendant's retaliatory actions were substantially motivated by Plaintiff's exercise of her First Amendment rights.

82. By blocking Plaintiff and deleting her comments, Defendant sought to punish Plaintiff for exercising her First Amendment rights, to silence her future speech, to stop her from petitioning, and to restrict her freedom of expression, along with the future speech and expression of others. Defendant's retaliatory actions would chill a person of ordinary firmness from engaging in First Amendment-protected activity.

83. Defendant's actions and/or omissions caused, directly and proximately, Plaintiff to suffer damages. The acts and inactions of Defendant caused Plaintiff damages in that she was prevented from speaking freely on a matter of public concerns, among other injuries, damages, and losses.

FOURTH CLAIM FOR RELIEF
Colo. Const. Art. II, Section 10
Free Speech
(Plaintiff Against Defendant)

84. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

85. At all times relevant to this Complaint, Defendant was acting under the color of law as an elected Congressional Representative

86. The Free Speech Clause to the Colorado Constitution provides that "[n]o law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact." Colo. Const. Art. II, Section 10.

87. The free speech rights protected by Colo. Const. Art. II, Section 10 are more expansive than those protected by the First Amendment to the United States Constitution.

88. Plaintiff was engaged in protected free speech by tweeting.

89. Plaintiff's speech was on a matter of public concern and did not violate any law.

90. By blocking Plaintiff, Defendant prevented (and continues to prevent) Plaintiff from exercising her right to speak freely.

91. Defendant's blocking of Plaintiff was a viewpoint-based restriction on speech.

92. Defendant's official Twitter page, @laurenboebert, is a designated public forum.

93. Defendant engaged in this conduct intentionally, knowingly, willfully, wantonly, maliciously, and in reckless disregard of Plaintiff's rights under the Colorado Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Court enter judgment in her favor and against Defendant, and award her all relief as allowed by law and equity, including, but not limited to the following:

- a. A declaration that Defendant's blocking of Plaintiff on Twitter violated her constitutional rights;
- b. An injunction requiring that Defendant unblock Plaintiff on Twitter and prohibiting Defendant from blocking Plaintiff on Twitter in the future;
- c. Compensatory damages as allowed by law, including, but not limited to those for past and future pecuniary and non-pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses;
- d. Punitive damages for all claims as allowed by law in an amount to be determined at trial;
- e. Pre-judgment and post-judgment interest at the highest lawful rate;
- f. Attorney's fees and costs, pursuant to 28 U.S.C. § 2412; and

g. Such further relief as justice requires.

DATED this 17th day of January 2021.

KILLMER, LANE & NEWMAN, LLP

s/ Andy McNulty

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