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I. Nature of the Case

1. Plaintiff Scott Booth is an active, highly visible role model, volunteer, and small business owner in the amateur and commercial archery community in Texas. He prepares and trains youth and adult athletes for recreation and competition which can lead to participation in Olympic level events.

2. As a volunteer or coach, Plaintiff Booth is required to be a member of Defendant USA Archery, a National Governing Body (NGB) under the aegis of the U.S. Olympic and Paralympic Committee (USOPC). Given the circumstances alleged, NGB membership is mandatory.

3. With compulsory membership in Defendant USA Archery, Plaintiff Booth is also theoretically subject to oversight by Defendant U.S. Center for SafeSport, Inc. Deference to Defendant SafeSport is also mandatory under the circumstances.

4. The USOPC is a quasi-public, quasi-private entity that oversees America's Olympic and amateur athletes. It is comprised of numerous NGBs that have sport specific responsibilities to their respective Olympic and amateur athletes.

5. Defendant SafeSport is a private corporation created by the U.S. Congress in response to sexual abuse scandals such as the Larry Nassar, USA Gymnastics debacle.

6. While SafeSport's original purpose to educate, investigate, and sanction allegations of sexual abuse may be noble, in reality Defendant SafeSport deviates from and exceeds its statutory, contractual, and common law duties. Instead, Defendant SafeSport operates as a law enforcement and judicial agency attempting to supplant existing criminal and civil justice systems.

7. As will be established in this case, despite the altruistic intent, Defendant SafeSport: denies constituents due process of law; imposes an obtuse social agenda unrelated to its charter and intended purpose; circumvents federal and state constitutions; circumvents federal and state statutes and common law; conducts illegal secret investigations with arbitrary rules, hidden evidence, and clandestine star chamber type proceedings; all while interfering with, eliminating, or obstructing representation by counsel; and without a meaningful opportunity to respond to, or reject, false allegations.

8. With the assistance and participation of all the Defendants, SafeSport exceeded its statutory, contractual, and common law authority by “convicting” Plaintiff Booth of an alleged SafeSport process violation without a substantive hearing for supposedly failing to sanction an employee in his business who was also a member of Defendant USA Archery. Plaintiff Booth denies any misconduct.

9. The essence of the case is this: following a then anonymous and inappropriate allegation that Plaintiff Booth failed to punish an employee in accord with Defendant SafeSport’s desired agenda, all the Defendants combined to intentionally target Plaintiff Booth for personal and commercial destruction; forced his absence from his successful business; interfered with his family relations; and removed him from personal participation in archery and archery related events.

10. Defendants’ intentional conduct subjected Plaintiff Booth to embarrassment, humiliation, loss of business, economic, and other damages.

11. Defendant SafeSport's conduct was in violation of its charter, is in violation of a Master Services Agreement to which SafeSport, the USOPC, USA Archery, and compulsory members are parties, is violative of federal and state statutes, common law, and equity.

12. Most damaging, Defendant SafeSport condemned Plaintiff Booth "guilty" of misconduct in the same manner it punished the employee. Defendants SafeSport and USA Archery suspended Plaintiff Booth, trumpeting the penalty on their public disciplinary website lists and member registrations.

13. Emboldened by the improper public conviction, Defendant Haynes Requa falsely accused Plaintiff Booth of actively assisting the employee in different alleged criminal conduct on a public social media platform – all without any semblance of a due process hearing recognizable to the American system of justice before imposing what turned into a life altering sentence.

14. As of the date of this Complaint, Plaintiff Booth remains suspended and with restrictions affecting his business. Worse, Defendants SafeSport, USA Archery, and Requa continue to interfere and restrict Plaintiff Booth's interaction with his children and family at public events in Texas and the rest of the nation. See relevant portions of USA Archery and SafeSport public suspension lists attached as Exhibit 2.

15. As will be shown in this litigation, Defendant SafeSport is a rogue entity that attempts to extend its jurisdiction over people and behavior whom it does not have authority; it presumes guilt; it shifts the burden of proof; it denies an accused a fair

and impartial investigation; it denies participants an open and fair due process hearing providing an opportunity to respond, or test evidence through cross examination; and it imposes severe personal and economic sanctions without resort to historic concepts of due process of law.

16. Not only does Defendant SafeSport damage those wrongfully accused, but it also violates the public trust further damaging other victims, the community, and the public it was supposedly empowered to protect:

The fact that the technique of guilt by association was used in the prosecutions at Nuremberg does not make it congenial to our constitutional scheme. When we make guilt vicarious we borrow from systems alien to ours and ape our enemies. Those short-cuts may at times seem to serve noble aims; but we depreciate ourselves by indulging in them. When we deny even the most degraded person the rudiments of a fair trial, we endanger the liberties of everyone. We set a pattern of conduct that is dangerously expansive and is adaptable to the needs of any majority bent on suppressing opposition or dissension.

Joint Anti-Fascist Refugee Comm. v. McGrath, 341 U.S. 123, 178-179 (1951).

17. In a survey, the Center for Prosecutorial Integrity referenced over twenty million people being falsely accused. “False allegations harm the social standing, career prospects, and mental health of the accused; diminish the credibility of future victims; and undermine the integrity of our legal system.” (Center for Prosecutor Integrity Press Release, attached as Exhibit 3).

18. Here, the Defendants assumed a collective role similar to the Orwellian “Ministry of Truth,” where clandestine officials appoint themselves responsible for disseminating propaganda to manipulate predetermined outcomes. *Missouri v. Biden*, 2023 U.S. Dist. LEXIS 114585, page 69, 22-cv-01213, Document 293, Page

154 (WD La, 07/04/2023); aff'd in part, rev'd in part, 83 F.4th 350 (5th Cir. 2023).

Such behavior is not only reckless but also works to foster mistrust in the system by undermining due process and other commonly accepted rights.

19. As alleged in this Complaint, Plaintiff Booth claims that the Defendants:
- (a) Violated, and continue to violate the Texas Free Enterprise and Antitrust Act restraining trade and monopolizing the relevant market;
 - (b) Violated, and continue to violate the Texas Deceptive Trade Practices and Consumer Protection Act holding themselves out as an administrative agency with unilateral disciplinary authority;
 - (c) Violated the Texas Constitution preventing Plaintiff Booth from his rights to a remedy in open court;
 - (d) Violated Plaintiff Booth's Texas Constitution right to be free from injury to his lands, goods, person, or reputation;
 - (e) Violated Plaintiff Booth's right to remedy by due course of law;
 - (f) Violated Plaintiff Booth's right to a jury trial;
 - (g) Engaged in a malicious prosecution;
 - (h) Engaged in a civil conspiracy depriving Plaintiff Booth of constitutional, statutory, common law, and equitable rights and protections;
 - (i) Committed defamation *per se*; and
 - (j) Tortiously interfered with contracts.

20. Plaintiffs seek equitable relief to stop the Defendants' conduct and substantial money damages for the injuries inflicted by the Defendants.

21. The standards currently in place are for everyone's protection, especially victims. Unfortunately, when standards are not applied fairly to one person, then the process does not work for, or protect, anyone.

II. Parties, Agents & Co-Conspirators

22. Plaintiff Scott Booth is an individual who currently resides within the jurisdiction of this court, in Magnolia, Montgomery County, Texas.

23. Texas Archery, LLC is Plaintiff Booth's retail and coaching business that operates a commercial facility domiciled in Spring, Harris County, Texas. Texas Archery is a single member limited liability company.

24. Archery Booth, LLC is a single member limited liability company and the sole Member of Texas Archery, LLC. Plaintiff Booth is the Member of Archery Booth, LLC, also domiciled in Magnolia, Montgomery County, Texas.

25. Established under 36 USC § 220541, Defendant SafeSport, Inc., represents itself to the public as a private entity organized under the laws of Colorado. Defendant SafeSport is domiciled in Colorado, operates, and submits itself to the jurisdiction of every state.

26. At all times relevant, Ju'Reise Colón was the Chief Executive Officer (CEO) of Defendant SafeSport (called "CEO Colón").

27. Defendant SafeSport has theoretical authority under federal law to investigate and resolve allegations of physical, emotional, or sexual abuse and other misconduct concerning individuals who participate in the Olympic & Paralympic Movement, including those events, programs, activities, or competitions under the oversight of the U.S. Olympic & Paralympic Committee (the "USOPC"), the national governing bodies (the "NGBs" or "NGB"), and their local affiliated organizations. However, it lacks authority to execute sanctions against persons deemed to have violated the process provisions of Defendant SafeSport's Code.

28. Defendant SafeSport acts as an errant administrative agency by imposing penalties without a trial, attempting to supersede existing state and federal civil and criminal justice systems, and other existing protections for claimants, victims, and respondents.

29. As currently structured, participants in an Olympic NGB have no option but to submit to Defendant SafeSport oppression. Athletes, coaches, and participants are bound to their relevant NGB (hence stripped of the ability to control or choose another athletic organization or affiliation), as Defendant SafeSport asserts that submission is mandatory for any participant in an NGB governed Olympic sport.

30. 36 U.S.C. § 220541 (a)(1)(H) provides protection against the excesses of Defendant SafeSport and Defendant USA Archery. According to that portion of the statute, any action against an individual within its jurisdiction is required to be “carried out in a manner that provides procedural due process to the individual.”

31. Additional possible protection against Defendant SafeSport is found in a Master Services Agreement (the MSA) between the USOPC, the NGBs, and Defendant SafeSport. The MSA is now a matter of public record. *See USA Swimming v. SafeSport*, District Court, Denver, Colorado, Ct. No. 24 CV 307248, Exhibit 1.

32. Among other terms and obligations, the MSA requires that Defendant SafeSport “... will provide at least the comprehensive policies and procedures, intake, investigatory, adjudicatory, hearing, and other response and resolution

services (the “R&R Services), as set forth on Exhibit A.” MSA, Part III. A. Response & Resolution Services. Referenced portions and the MSA are attached as Exhibit 1.

33. Defendant SafeSport participated in a conspiracy against Plaintiff Booth, committed overt acts in support of a conspiracy against Plaintiff Booth, or committed tortious and illegal acts against Plaintiff Booth, all actions being within the jurisdiction of this court.

34. Defendant Haynes Requa participated in a conspiracy against Plaintiff Booth, committed overt acts in support of a conspiracy against Plaintiff Booth, falsely accused Plaintiff Booth of criminal conduct publishing on social media, or committed tortious and illegal acts against Plaintiff Booth, all actions being within the jurisdiction of this court.

35. An original “Complainer” in the initial SafeSport investigation against Plaintiff Booth’s employee participated in a conspiracy against Plaintiff Booth, committed overt acts in support of a conspiracy against Plaintiff Booth, or committed tortious and illegal acts against Plaintiff Booth, all within the jurisdiction of this court.²

36. Defendant USA Archery is a trade name for the National Archery Association of the United States, a corporation formed and existing under the laws of Colorado.

² Although the Complainer originally made a secret report to Defendant SafeSport about the questionable allegations that are at the core of the overlapping conflicts, the Complainer has since bragged publicly about the machinations that were taken with Defendant SafeSport and others to improperly damage Plaintiff Booth, his family, and his business. Nonetheless, respecting real victims and need for legitimate protections, for now the Co-Conspirator Complainer remains generically referenced as the “Complainer.”

Defendant USA Archery is domiciled in Colorado Springs, Colorado, operates, and submits itself to the jurisdiction of every state, including Texas.

37. Defendant USA Archery is the NGB for the sport in the United States, transacts business, participated in a conspiracy against Plaintiff Booth, committed overt acts in support of a conspiracy against Plaintiff Booth, or committed tortious and illegal acts against Plaintiff Booth, all within the jurisdiction of this court.

38. Other than publication on a centralized public database and some ability to threaten an NGB charter, Defendant SafeSport does not have authority to enforce sanctions.

39. Enforcement of sanctions defined by Defendant SafeSport is delegated to the NGB. Here, the NGB is Defendant USA Archery, and it also retains independent duties to members such as Plaintiff Booth.

40. The Texas State Archery Association (TSAA) is a corporation formed and existing under the laws of Texas. TSAA is the state affiliate for Defendant USA Archery, and is domiciled in Manvel, Brazoria County, Texas.

41. Un-Named Co-Conspirators 1-25 and others are identified in communications, investigation materials (and elsewhere) that Defendant SafeSport attempts to keep hidden under the rubric of confidentiality, participated in a conspiracy against Plaintiff Booth, committed overt acts in support of a conspiracy against Plaintiff Booth, or committed tortious and illegal acts against Plaintiff Booth, all within the jurisdiction of this court.

42. The acts alleged against Defendants in this Complaint were authorized, ordered, or done individually, by officers, agents, employees, or representatives, while actively engaged in the management and operation of Defendant SafeSport and Defendant USA Archery's business or affairs, and in furtherance, aiding, or assisting in the deceptions, monopoly, conspiracy, or other illegal activities.

43. Plaintiffs anticipate there may be other potential people or entities not named as defendants who participated or may have participated, performed acts, or made statements as co-conspirators in the schemes alleged, in furtherance, aiding, or assisting in the deceptions, monopoly, conspiracy, or other illegal activities.

Those people or entities are currently identified as the Unnamed Co-Conspirators.

44. The Defendants and Co-Conspirators purposely participated in the schemes, causing, or assisting in the damage imposed in the State of Texas. Additional co-conspirators will be named, or added as defendants, as events and information are further developed, as appropriate or necessary to the allegations of the Complaint, and any amendments or supplements.

III. Jurisdiction & Venue

45. The subject matter in controversy and damages are within the jurisdictional limits of this court. This is a suit for damages in excess of \$100,000, equitable relief, and exclusive of penalties, court costs, or attorney's fees.

46. This court has jurisdiction over the parties and claims. All acts complained of occurred, and real or personal property is or was located, in the Southern District of Texas.

47. Jurisdiction and venue over Defendants is pursuant to 28 USC § 1331, 28 USC § 1343, 28 USC § 1367, 28 USC §1391, and 28 USC §§ 2201-2202 because:

- (a) the case arises under the laws of the United States, the U.S. Constitution, the Due Process Clause of the Fifth Amendment to the Constitution, and the Equal Protection Clause of the Constitution;
- (b) an actual controversy exists among the parties;
- (c) any state law claims are so related that they form part of the same case or controversy under Article III of the United States Constitution; and
- (d) direct action claims are allowed according to *Axon Enterprise v FTC*, 598 US 175 (2023) and *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024).

IV. Facts Supporting All Claims

A. Defendants' Attacks Against Plaintiff Booth

48. At the start of the persecution, Plaintiff Booth was a 51-year-old member of Defendant USA Archery.

49. Plaintiff Booth participated in the sport of archery for at least ten years prior to this Complaint.

50. He is a former President of the Texas State Archery Association (TSAA).

51. Plaintiff Booth was a member of the TSAA Board for at least five years and served in many other volunteer positions over the years.

52. He obtained a Level 3 USA Archery Coach certificate, and a Level 2 Judge certificate.

53. Plaintiff Booth purchased and successfully operated his archery business.

54. In 2022, Dakota Taylor was the Texas State Adult Senior Archery Champion.

55. One of Plaintiff Booth's children was also an age group Texas State Archery Champion in 2022.

56. Plaintiff Booth hired Mr. Taylor to work at his archery shop in 2023, one week before learning about a suspension imposed by Defendant SafeSport.

57. At the time, Mr. Taylor also served as webmaster and provided IT support for TSAA.

58. On May 31, 2023, Plaintiff Booth received notice of a summary suspension issued by Defendant SafeSport against Mr. Taylor.

59. The next day, on June 1, 2023, Defendant Booth conferred with the TSAA Vice President and the TSAA Secretary about the suspension notice. The decision was made that Mr. Taylor would be suspended from all USA Archery sanctioned events and removed from his position as webmaster.

60. Plaintiff Booth informed Mr. Taylor of the suspension and removal on the same day on June 1.

61. Plaintiff Booth also informed Mr. Taylor that he was removed as a coach of Texas Archery JOAD (a USA Archery Team) and that he could not coach at Texas Archery, thereby completing any ostensible obligation he had per the Defendant SafeSport Code.

62. Nevertheless, on October 12, 2023, a person named Natasha Mitchell called Plaintiff Booth as part of a deceptive, underhanded, and coercive plan to trap and ultimately destroy Plaintiff Booth. Mitchell said she was calling on behalf of Defendant SafeSport and wanted to ask questions about Mr. Taylor's case. But after grilling Plaintiff Booth, and without providing details about the allegations against

him, Mitchell then told Plaintiff Booth that Defendant SafeSport was, in reality, investigating Plaintiff Booth, not Mr. Taylor.

63. In a clandestine Notice of Allegation (the NOA) dated October 26, 2023, Defendant SafeSport opened case number 2023-04588 against Plaintiff Booth.

64. The NOA alleged a secret anonymous report that Plaintiff Booth engaged in behavior that constituted an abuse of Defendant SafeSport process, retaliation, and aiding and abetting Mr. Taylor.

65. During the relevant time, it was difficult, if not impossible for Plaintiff Booth to know what process was theoretically abused, who or what was being retaliated against, or what was being aided or abetted since the Complainer was still anonymous and Defendant SafeSport did not (and does not) provide details of secret allegations in their possession.

66. Among other things, Defendant SafeSport asserted that:

Since May 31, 2023 ... you failed to update ... TSAA about [Mr. Taylor's] temporary suspension status ... Since May 31, 2023 ... you claimed the reported allegations are "malicious" "invalid" and claimed the report was made now to prevent [Mr. Taylor] from making the National Team [and] ... On or around September 14, 2023, it is alleged that you engaged in behaviors that constitute Aiding and Abetting [by allowing Mr. Taylor] to register in the Texas Ringer [while Mr. Taylor] ... is currently suspended from all USA Archery sanctioned events ...

67. The NOA is contrary to communication and direction provided to Plaintiff Booth by Defendant SafeSport about Mr. Taylor.

68. The NOA imposed an immediate determination of guilt without any due process hearing whatsoever. The NOA immediately suspended Plaintiff Booth, stating: "Beginning on October 26, 2023 [Plaintiff Booth] is prohibited from

participating, in any capacity, in any event, program, activity ... organized by, or under the auspices of the ... (USOPC), the National Governing Bodies, a Local Affiliated Organization as defined by the Code, or **at a facility under the jurisdiction of the same.**" (emphasis added).

69. Under the circumstances of Defendant SafeSport's secret, fraudulent, and illegal processes, such unilateral suspension decimated Plaintiff Booth's personal and professional life. As a direct result of Defendants' illegal conduct (together or separately), Plaintiff Booth suffered losses of over \$100,000 in 2023 and 2024. The losses continue to date.

70. Defendant SafeSport's secret, fraudulent, and illegal processes placed restrictions on Plaintiff Booth at public archery events, including a prohibition against coaching his children. The prohibition and restrictions continue to date.

71. Under the circumstances of Defendant SafeSport's secret, fraudulent, and illegal process, the damage inflicted by all the Defendants interfering with Plaintiff Booth and his family will last the rest of their lives.

B. Recent Developments Regarding Defendant SafeSport's Defective Operations

72. A recent development about Defendant SafeSport's operations can now be publicly shared and considered in context of Defendant SafeSport's illegal and inequitable conduct here.

73. An American Arbitration Association panel (whose membership included a retired appellate court justice) ruled that an NGB such as Defendant USA Archery has independent duties to its members to ensure that those members are provided

basic due process before any Center-inspired public (and highly damaging) accusation of abuse can be made public.

74. The arbitration panel harshly dismissed the same stance taken by Defendant SafeSport here; and noted that independent duties and protections to citizens are swept away once Defendant SafeSport assumes jurisdiction.

75. The arbitration decision posted the week of February 26, 2024, on the U.S. Olympic Committee (USOPC) website, Governance/Section-10.³ The arbitration panel's findings illustrate the fallacy of Defendant SafeSport's existence, operations, and actions when it said:

SUMMARY

Our ruling is a comprehensive evaluation of a jurisdictional issue that has not been directly addressed by any prior court or administrative authority. The question asked is simple but frustrating. What administrative or judicial body has the jurisdictional authority to address a conflict between the rules and procedures of the U.S. Center for SafeSport (CSS and the SafeSport Code) and the conflicting due process protection identified in Section 220522(a)(8) and potentially Section 220541(a)(1)(H) of the Ted Stevens Olympic and Amateur Sports Act, 26 U.S.C. 220501, et seq. (the Ted Stevens Act) ... *Giorgio*, Final Decision, pg. 1.

For nearly ten years, Respondent [the NGB] and the USOPC have failed to take the steps necessary to address the conflict between the due process rights provided by the CSS/SafeSport Code and the [predetermination hearing] right identified in Section 220522(a)(8) and potentially Section 220541(a)(1)(H) of the Ted Stevens Act. This case only scratched the surface regarding the reasons why Respondent [the NGB] and the USOPC agreed to remove the longstanding right that an accused Olympic participant was afforded a pre-determination hearing (PDH) under Section 220522(a)(8) when

³ *Giorgio v. United States Equestrian Fed.*, Case Number: 01-20-0015-8031, American Arbitration Association.

<https://www.usopc.org/governance/section-10>
https://assets.contentstack.io/v3/assets/blt9e58afd92a18a0fc/blte91288d0112f4740/65e0cc942568ef2d326cc03a/Giorgio_et_al_v._Equestrian_12.27.23_Final_Award_UA.pdf

the SafeSport system was implemented after the Dr. Larry Nassar scandal in women's gymnastics ... *Id.*, pg. 3.

The issue is whether Claimants could prevail in federal court regarding the legal conflict between the rules and procedures of [Defendant SafeSport] and the SafeSport Code and the conflicting due process protection identified in Section 220522(a)(8) and other sections of the Ted Stevens Act. As discussed in the analysis above, Claimants clearly have a valid procedural due process claim to adjudicate and this Panel agrees that Claimants could prevail when this conflict of law issue is eventually addressed in federal court (emphasis in original) ... *Id.*, pg. 13.

The USOPC and [Defendant SafeSport] efforts to diminish or minimize this right to procedural due process has been set up for a rebuke by a federal court since the passage and implementation of the original version of the SafeSport Code in 2017 ... In the meantime, hundreds of accused Olympic participants may continue to be inappropriately deprived of a legal right to a PDH in their cases ... *Id.*, pg. 16.⁴

76. Here, Plaintiffs assert due process and other claims for adjudication. The arbitration panel invited a court (such as this one) to rebuke Defendant SafeSport and its hasty, ill-advised attacks against individuals like Plaintiff Booth.

77. Here, no appropriate finding was made by a properly constituted agency following an acceptable and fair investigation or adjudication process, protocol, rules, or standards.

78. Defendant SafeSport and the other co-conspirators predetermined Plaintiff Booth's guilt, purposely disregarding rules, or duties in place to protect an investigation or conduct a proper investigation.

79. Although the events depicted here, orchestrated by Defendant SafeSport are all substantively wrong, specifics include, but are not limited to:

⁴ Subsequent enforcement of the *Giorgio* AAA findings are now pending in the US District Court, Western District of Virginia, Ct. No. 3:24cv00030.

- no pre-sanction hearing occurred;
- no in person cross-examination occurred or was allowed;
- respondent was not allowed to see original evidence or test the truth, falsity, or reliability;
- no presumption of innocence but rather a presumption that false accusations were true;
- the burden of proof is shifted to the respondent;
- the accusers' information was accepted without question while the respondent's information and response was ignored;
- there was a conflict of interest combining investigation of alleged violation and sanction by one person or agency;
- no right to appeal was provided or is available prior to sanction or sentence;
- no ability to appeal prior to sanction or sentence;
- the sanctions or findings were publicly declared and final without prior notice or the ability to appeal; and
- the sanctions are arbitrary and capricious, imposing irreparable injury on Plaintiff Booth.

C. Legislative History of the U.S. Olympic Movement

80. In 1978, Congress passed the Ted Stevens Olympic and Amateur Sports Act (the "Ted Stevens Act"), 36 U.S.C. § 220501, *et seq.*, which governs Olympic and amateur sports in the United States. Under the Ted Stevens Act, the USOPC is responsible for governing the Olympic movement in the United States.

81. Since 1978, the number of athletes under the "Olympic umbrella" has grown exponentially and includes hundreds of thousands of amateur athletes who have no Olympic aspirations or chance at competing at the Olympic level.

82. Under the statutory framework of the Ted Stevens Act, the USOPC recognizes an NGB for each Olympic sport, and each NGB is a member of the USOPC.

83. The Ted Stevens Act sets forth specific eligibility criteria and conditions that an entity must meet to serve as an NGB. 36 U.S.C. § 220522 states in part:

§ 220522. Eligibility requirements

An amateur sports organization, a high-performance management organization, or a paralympic sports organization is eligible to be certified, or to continue to be certified, as a national governing body only if it—

(5) demonstrates that it is autonomous in the governance of its sport, except with respect to the oversight of the organization, in that it—

(A) independently decides and controls all matters central to governance;

(B) does not delegate decision-making and control of matters central to governance; and

(C) is free from outside restraint;

(8) provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, sex, age, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate ...

84. With respect to each NGB, 36 U.S.C. § 220524 states: “Nothing in this section shall be construed to preempt or otherwise abrogate the duty of care of a national governing body under State law or the common law.”

85. Eligibility criteria include a requirement that an NGB independently assure "notice and a hearing" before declaring a member of the Olympic movement ineligible to participate. 36 U.S.C. § 220522(8).

86. An NGB can, and should, lose its status as an NGB if it fails to fulfill the eligibility criteria and conditions in 36 U.S.C. § 220522, including the notice and hearing requirements of § 220522(8).

87. Under the original Ted Stevens Act, NGBs, including Defendant USA Archery, were responsible for policing emotional, physical, and sexual abuse in their sports. In past situations, NGBs provided members with notice and a hearing before ruling on their eligibility to participate due to allegations of emotional, physical, or sexual abuse.

D. History of Defendant SafeSport and the SafeSport Code

88. Before 2014, the USOPC began the process of creating Defendant SafeSport as an entity within its authority.

89. In 2014, Defendant SafeSport was incorporated with the principal office address at One Olympic Plaza, Colorado Springs, Colorado (the same address as the USOPC at the time).

90. The original registered agent was Malia Arrington, a USOPC Director.

91. Defendant SafeSport is managed by a board of directors. According to the Center's Articles of Incorporation, "The number of directors, their term of office and manner of their selection and election shall be determined according to the Bylaws of the [Center] from time to time in force."

92. According to Defendant SafeSport's Bylaws, Directors have total control over the make-up of the Board of Directors. The Bylaws provide: "Directors shall be elected by the Board of Directors at the annual meeting of the Board of Directors ...

Any vacancy in the Board of Directors shall be filled by the Board of Directors, [and] ... Any director may be removed with or without cause by the affirmative vote of at least two-thirds (2/3) of the directors then in office."

93. Defendant SafeSport's Board of Directors also controls its governance and affairs. The Articles of Incorporation provide that "The initial Bylaws of the [Center] shall be adopted by the [Center's] board of directors. Except to the extent otherwise provided by the Bylaws, the board shall have the power to alter, amend or repeal the Bylaws from time to time in force and to adopt new Bylaws. Such Bylaws may contain any provision for the regulation or management of the affairs of the [Center] which are not inconsistent with law or these Articles of Incorporation, as the same may from time to time be amended."

94. The USOPC formed a working group with NGBs to draft policies and procedures governing emotional, physical, and sexual abuse, including the complaint, investigation, and adjudication process for claims. These policies and procedures came to be known as the Defendant's "SafeSport Code."

95. From the outset, the USOPC attempted to deny participants a pre-determination hearing as a matter of course despite the statutory right to a due process hearing granted to participants under the Ted Stevens Act federal legislation.

96. October 10-11, 2013 USOPC Board Minutes state, "The new entity would focus on sexual misconduct (and any related behaviors) and have the authority to investigate, make findings and issue disciplinary measures. The entity would be

focused on an investigation-based procedure rather than a criminal-type process.

While due process must be respected, with the process contemplating the possibility of a hearing before the AAA upon request, the primary goal of the structure is to ensure that as much accurate information is collected as possible.”

97. While drafting the original SafeSport Code, officials at USOPC circulated a draft that failed to provide notice and a hearing before Defendant SafeSport issued a final decision on a participant's eligibility. Instead, the draft Code only provided for a hearing after appealing a final decision to an arbitrator – and at the participant's expense.

98. An NGB General Counsel involved with the working group recognized the apparent conflict between the draft Code's failure to provide a hearing before a final decision, and the statutory requirement that NGBs provide a hearing before ruling on a participant's eligibility contained in 36 U.S.C. § 220522(8). The NGB General Counsel raised this issue to the working group leader via email. The General Counsel specifically pointed out that under the Code, participants would be deprived of a hearing that they are afforded in every other context of sport, including anti-doping cases that are adjudicated through the U.S. Anti-Doping Agency (USADA).

99. Despite being aware of the NGBs' statutory requirement to provide a pre-determination hearing to participants, the USOPC didn't include a pre-determination hearing in the original Code.

100. The original Code became effective on March 3, 2017. At that time, Safe Sport was under the jurisdiction of the USOPC. The USOPC required all NGBs to sign off on the Code.

101. The original Code included three separate sections: (1) SafeSport Code for the U.S. Olympic and Paralympic Movement; (2) SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement; and (3) Supplemental Rules for U.S. Olympic and Paralympic Movement Arbitration.

102. The original Code governed anyone within the Olympic movement, including but not limited to athletes, coaches, trainers, team staff, medical or paramedical personnel, administrators, officials, other athlete support personnel, NGB employees, and volunteers.

103. The original Code provided that Defendant SafeSport had exclusive authority to investigate and resolve allegations of sexual misconduct.

104. The original Code provided that Defendant SafeSport had discretionary authority over other allegations as follows: "On the written request of the NGB or USOPC, [Defendant SafeSport] may, in its discretion, accept authority over alleged violations of any prohibited conduct under the [Defendant SafeSport] Code."

105. This discretionary authority included allegations of emotional or physical misconduct, including bullying behaviors, hazing, and harassment. If the NGB or USOPC didn't request Defendant SafeSport to accept authority over alleged violations of the Defendant SafeSport Code, then the NGB would investigate using their own rules.

106. At the time, and before Defendant SafeSport's unconstitutional, unilateral operations expanded to the behemoth it is today, some NGBs recognized the duty and provided pre-determination hearings.

107. The investigation and resolution procedures in the original Code did not provide a hearing before Defendant SafeSport issued a decision on whether a violation occurred and any sanction to be issued. Instead, the original Code only provided a limited opportunity for an accused to provide limited evidence to an investigator. The original Code also called for Defendant SafeSport to remove the identity of witnesses from the written decision so they could not be identified by an accused.

108. Under the original Code, to get a limited post-determination hearing, an accused was required to request arbitration within five (5) business days and to pay a fee of \$5,200.00. In addition, the accused was also charged a "room fee" of \$400.00, which was not identified in the Code.

109. The original Code limited the scope of arbitration as follows: "Arbitration shall resolve only whether a Responding Party violated the SafeSport Code for the U.S. Olympic and Paralympic Movement (Code) and/or the appropriate sanction (if any). Challenges to, or complaints about, any organizational practices or procedures shall not be addressed and the arbitrator shall be limited to evaluating whether a Covered Individual violated the Code, and, if so, the appropriate sanction."

110. Thus, the original Code procedures did not provide any opportunity for an accused to be heard on the issue of whether the Code, or Defendant SafeSport's

policies and practices, violated his or her rights under the Ted Stevens Act or any other source.

111. Despite an NGB 's obligation to protect its members' rights and to provide a hearing before declaring them ineligible, neither Defendant USA Archery nor any other NGB took any action to protect its members' rights under the Ted Stevens Act.

112. Instead, the NGBs acquiesced to the "workaround" drafted by the USOPC and Defendant SafeSport to avoid their obligation to provide a hearing before declaring someone ineligible to participate.

113. At the time, the USOPC created Defendant SafeSport and the first version of the Code, the USOPC and Defendant SafeSport were aware that the Ted Stevens Act required NGBs to provide a hearing before declaring participants ineligible yet they ignored that statutory requirement in the Code.

114. In March 2018, Congress passed the United States Center for Safe Sport Authorization Act of 2018 (the "2018 Amendment"), which amended the Ted Stevens Act in several respects. The 2018 Amendment made Defendant SafeSport independent from the USOPC and gave Defendant SafeSport considerable legislative, regulatory, administrative, and judicial powers, essentially creating a governmental prosecutorial agency under cover of a private entity using secret, clandestine methods.

115. The 2018 Amendment declared that Defendant SafeSport "**shall ... serve as the independent national safe sport organization** and be recognized worldwide as the independent national safe sport organization for the United States," and "**exercise jurisdiction** over the [USOPC], each national governing body, and each paralympic sports **organization with regard to safeguarding athletes against abuse, including emotional, physical, and sexual abuse, in sports.**" 36 U.S.C. § 220541 (a)(l)(A)-(B). (Emphasis added).

116. The 2018 Amendment also provided broad regulatory and enforcement powers to Defendant SafeSport, including mandating that Defendant SafeSport shall "maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution ... of alleged sexual abuse in violation of the Center's policies and procedures," and "ensure that the [these] mechanisms ... provide fair notice and an opportunity to be heard" 36 U.S.C. § 220541(a)(l)(D)-(E).

117. In the 2018 Amendment, Congress not only gave federal regulatory and enforcement authority to Defendant SafeSport but also gave it federal legislative authority. The 2018 Amendment provides that the policies and procedures in the SafeSport Code "shall apply as though they were incorporated in and made a part of section 220524 of this title." 36 U.S.C. § 220541(b).

118. Defendant SafeSport's policies codified in 36 U.S.C. § 220524 were ultimately issued by Defendant SafeSport without ever being reviewed by Congress or any proper federal agency.

119. The Code ostensibly governs the conduct of every participant in Olympic and amateur sports in the entire United States.

120. In the 2018 Amendment, Congress required that Defendant SafeSport publicly identify persons found to violate the Code on its website.

121. Although the 2018 Amendment also included a requirement that Defendant SafeSport "ensure that the mechanisms" for reporting, investigating, and resolving Defendant SafeSport allegations provide "fair notice and an opportunity to be heard," Defendant SafeSport never changed the Code to provide a pre-determination hearing to participants before making a final decision.

122. While granting federal legislative and executive authority to the Center, Congress did not provide for any substantive oversight of the Center's activities by a federal administrative agency or department of the Executive Branch. The only oversight of the Center was a minimal reporting obligation to the Government Accounting Office ("GAO"), which is an independent agency created by Congress to assist Congress, and its oversight only pertained to fiscal issues and ensuring the Center remained independent from the USOPC and NGBs.

123. The only other review called for in the 2018 Amendment is a requirement that Defendant SafeSport "submit an annual report to Congress." 36 USC § 220543(b).

124. After Congress passed the 2018 Amendment, Defendant SafeSport revised or edited the Code but did not provide for a hearing before issuing a final decision.

125. Instead, the SafeSport Code still provided for an appeal to an arbitrator at the expense of the accused and limited the scope of the appeal to whether the accused violated the Code and, if so, whether the sanctions were appropriate.

126. In or around March 2017, the USOPC changed its arrangement with Defendant SafeSport to a contractual relationship. The terms are now contained in a Master Services Agreement between the USOPC, the Center, and the NGBs, including Defendant USA Archery.

127. The USOPC required all NGBs to sign the Master Services Agreement.

128. The Master Services Agreement attempts to delegate all responsibility for the adjudication and determination of SafeSport violations to the Center by the USOPC and the NGBs.

129. In the Master Services Agreement, the USOPC and the NGBs specifically represented that they had the "right to grant the rights [being transferred] under this MSA to [the Center]."

130. The Master Services Agreement contains a requirement that the parties comply with the law.

131. In 2020, Congress passed the Empowering Olympic and Amateur Athletes Act of 2020, which amended the Ted Stevens Act in several respects.

132. A significant change under the 2020 Amendment, is that Congress added § 220541(a)(1)(h), which requires Defendant SafeSport to provide "procedural due process" to an accused in every step of its investigation and resolution process.

133. Defendant SafeSport revised or amended the Code effective April 15, 2019.

134. Defendant SafeSport revised or amended the Code effective April 1, 2020.
135. Defendant SafeSport revised or amended the Code in 2021-2023.
136. Defendant SafeSport revised or amended the Code yet again effective April 1, 2024.
137. None of these revisions included participation or oversight by Congress, provided an opportunity for public comment or participation in the rule-changing process, or otherwise followed a legal, constitutional, or statutory process.
138. Although the 2022 version of the SafeSport Code added the language from the clarifying and superseding due process provisions contained in the 2020 Amendment to the Ted Stevens Act, Defendant SafeSport did not change its operations to provide a hearing to participants before issuing a final decision.
139. Notably in all the machinations with various SafeSport versions, no change was made to an NGB's independent duties to provide due process to its members, and to be free from the outside, oppressive, restraint imposed by Defendant SafeSport's operations. 36 U.S.C. § 220522 (5).
140. In this case, and many others since Defendant SafeSport began operating beyond its charter, Defendant USA Archery abdicated the duty to operate autonomously "in the governance of its sport [and] ... free from outside restraint." 36 U.S.C. § 220522 (5).
141. To the Plaintiff's knowledge, Defendant SafeSport has never provided a pre-determination hearing to a participant before issuing a final decision in direct violation of the due process required by the statute, § 220541(a)(l)(h).

142. Defendant SafeSport also does not provide any notice of pending amendments to the Code. Instead, Defendant SafeSport includes the following provisions:

The Code is administered by the Center. The USOPC, NGBs, and Local Affiliated Organizations (LAOs) must comply, in all respects, with these policies and procedures and shall be deemed to have incorporated the provisions into their relevant policies as if they had set them out in full therein.

Participants are responsible for knowing the information outlined herein and, by virtue of being a Participant, have expressly agreed to the jurisdiction of the Center and this Code's policies and procedures, including those governing arbitration. The Center reserves the right to make changes to the Code as necessary. Once posted online, notice has been provided and changes are effective immediately unless otherwise noted.

See, e.g., SafeSport Code (effective April 1, 2023), pg. 1.

143. Every version of the Code has severely restricted the scope of issues upon which an accused could be heard, thereby denying accused participants any meaningful opportunity to be heard. The Code has never provided a pre-determination hearing and has always provided for post-determination arbitration at the accused's expense.

144. The Code has limited the scope of authority of an arbitrator to the substantive issues of whether the Code was violated or whether the penalty is appropriate.

145. The Code has always denied the right to appeal the arbitrator's decision.

146. Despite providing no due process safeguards, the Code has always contained a provision that persons found in violation without a hearing will be publicly identified on Defendant SafeSport's website.

147. Defendants have been able to deprive participants of their rights to a pre-determination hearing since 2017 by manipulating the procedures in the SafeSport Code to avoid any adjudication of the lawfulness of the Code procedures by a court or a proper, neutral, arbitrator.

148. For years, the Code provided that issues relating to Defendant SafeSport's policies and procedures are not within the scope of the arbitrator or any other method of accountability. Accordingly, when participants contested the lawfulness of the procedures during an arbitration, Defendant SafeSport successfully argued that the arbitrator lacked the authority to rule on these issues.

E. Defendant SafeSport's Persecution Methods

149. Defendant SafeSport is required to follow due process. 36 U.S.C. § 220541 (a)(1)(H).

150. Examples and standards of common concepts of procedural due process applicable to administrative action such as Defendant SafeSport and Defendant USA Archery's operations can be found at 5 U.S.C. § § 554-557, regardless of any characterization as either public or private action.

151. Fundamental, minimal standards include:

- (b) Persons entitled to notice ... shall be timely informed of—
 - (1) the time, place, and nature of the **hearing**;
 - (2) the legal authority and jurisdiction under which the **hearing** is to be held; and

(3) the matters of fact and law asserted

When private persons are the moving parties, other parties to the proceeding shall give prompt notice of issues controverted in fact or law; and in other instances agencies may by rule require responsive pleading. In fixing the time and place for **hearings**, due regard shall be had for the convenience and necessity of the parties or their representatives.

(c) The agency shall give all interested parties opportunity for—

(1) the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment when time, the nature of the proceeding, and the public interest permit; ...

(d) The employee who presides at the reception of evidence pursuant to section 556 of this title [internal cites omitted] shall make the recommended decision or initial decision required by section 557 of this title, unless he becomes unavailable to the agency. Except to the extent required for the disposition of ex parte matters as authorized by law, such an employee may not—

(1) consult a person or party on a fact in issue, unless on notice and opportunity for all parties to participate; or

(2) be responsible to or subject to the supervision or direction of an employee or agent engaged in the performance of investigative or prosecuting functions for an agency.

5 U.S.C. § 554 (emphasis added).

152. Further example of standards includes those found at 5 U.S.C. § 556:

(d) Except as otherwise provided by statute, the proponent of a rule or order has the burden of proof... A party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(e) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 of this title [internal cite omitted] and, on payment of lawfully prescribed costs, shall be made available to the parties. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

153. The American Bar Association also provides guidance to appropriate prosecution and investigation conduct in *ABA Standards for Criminal Justice: Prosecutorial Investigations*.

STANDARD 1.2 GENERAL PRINCIPLES

(a) An individual prosecutor is not an independent agent but is a member of an independent institution the primary duty of which is to seek justice.

(b) The prosecutor's client is the public, not particular government agencies or victims.

(c) The purposes of a criminal investigation are to:

(i) develop sufficient factual information to enable the prosecutor to make a fair and objective determination of whether and what charges should be brought and to guard against prosecution of the innocent, and

(ii) develop legally admissible evidence sufficient to obtain and sustain a conviction of those who are guilty and warrant prosecution.

(d) The prosecutor should:

(i) ensure that criminal investigations are not based upon premature beliefs or conclusions as to guilt or innocence but are guided by the facts;

(ii) ensure that criminal investigations are not based upon partisan or other improper political or personal considerations and do not invidiously discriminate against, nor wrongly favor, persons on the basis of race, ethnicity, religion, gender, sexual orientation, political beliefs, age, or social or economic status;

(iii) consider whether an investigation would be in the public interest and what the potential impacts of a criminal investigation might be on subjects, targets and witnesses; and

(iv) seek in most circumstances to maintain the secrecy and confidentiality of criminal investigations.

https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archive/crimjust_standards_pinvestigate

154. When Defendant SafeSport opens a case against a respondent such as Plaintiff Booth, Defendant SafeSport withholds and hides documents and investigation material. Defendant SafeSport does not allow a respondent access to hard copies to either investigate, respond, or defend against charges. Defendant SafeSport does not identify witnesses, a complaining witness, or allegation details. Defendant SafeSport does not allow cross-examination as may be required for full and true disclosure of the facts.

155. Although Defendant SafeSport publicly acknowledges a duty to follow common expectations of fairness, its daily operations ignore the essential elements, instead attempting to override our existing criminal and civil justice system, replacing it with arbitrary operations where the ends justify the means persecuting activity or individuals deemed undesirable.

156. Defendant SafeSport's code references due process, yet it purposely skips the elements brazenly conceding that it combines investigation, prosecution, adjudication, and sanction functions unlike any other public or private administrative agency in the country.

157. For example, the SafeSport Code memorializes systemic defects in section XI,

Resolution Procedures:

A Formal Resolution occurs after the Center has completed an investigation and either closes the matter or, if a violation is found, issues its Decision. A Respondent may request a hearing of the Center's Decision. (XI, I. 3.) (no hearing until after sanction, combining investigation, prosecution, sanction);

Throughout the resolution process, Claimant(s) and Respondent(s) each have the right to choose and consult with an advisor. The advisor may be any

person, including an attorney, who is not otherwise a party or witness involved in the investigation or hearing. The Claimant and Respondent may be accompanied by their respective advisors at any meeting or proceeding related to the investigation, hearing and resolution of a report under these procedures. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the Claimant or Respondent, or otherwise participate in such meetings and/or proceedings except as provided herein. *(XI, J. 2.)* (preventing and interfering with any defense, representation, and the attorney/client relationship);

No audio or video recording of any kind is permitted during interviews or meetings, except as authorized and conducted by the Center. *(XI, K.)* (failing to preserve evidence, preventing any transcript, or record for review at any hearing or appeal);

The investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator will not consider statements of opinion as to any person's general reputation for any character trait, rather than direct observations or reasonable inferences from the facts. *(XI, M.)* (investigator replacing or eliminating any independent finder of fact, combining investigation, prosecution, sanction); and

The Center will determine whether there is sufficient information, by a preponderance of the evidence, to support a finding that Respondent violated the Code. If there is a finding that the Respondent violated the Code, the Decision will note the violation and identify an appropriate sanction(s). The Claimant and Respondent will be notified of the Decision. Such Notice of Decision will set forth any violation(s) of the Code, as supported by the rationale set forth in the Decision and Investigation Report; the sanction(s) imposed against the Respondent (if applicable); and the rationale for any sanction(s) imposed. The Notice of Decision is considered confidential, however, the outcome reflected in the Decision—including whether a violation was found, the nature of the underlying misconduct, and any sanctions imposed—is not. *(XI, O.)* (no hearing until after sanction, combining investigation, prosecution, sanction, eliminating concepts of due process).

158. There is (or was) an anonymous whistleblower or whistleblowers inside Defendant SafeSport. Referring to a typical investigation against one of the NGBs

and a respondent targeted by Defendant SafeSport in March, 2021 an email circulated that stated as follows:

We work inside of SafeSport in Denver. We must remain anonymous. We fear for our jobs. You were targeted by SafeSport because you gave favorable evidence in support of another Respondent in another ...case. As you now know, SafeSport is fundamentally unfair. There is no actual due process of law. Your name was destroyed without any notice or hearing. You're not alone. Ask [redacted]. We understand from our media contacts that a group of female gymnasts in Texas have hired a lawyer to pursue their own complaints against SafeSport, but they need your help. Please ask around and find out about that group. Their eventual lawsuit might help put an end to SafeSport tyranny before anyone else gets hurt. SafeSport fires anyone who raises concerns about the unfairness of the process ... SafeSport is led by unqualified people who have neither the experience or discretion to guide the agency. If you knew the actual education and experience of the SafeSport leadership, you'd be shocked. The organization is overwhelmingly led by angry [people] with a social agenda ... [redacted]. Please don't share this with anyone, not even attorney [redacted]. We don't know what he might tell [SafeSport] attorney [redacted] and that might start another witch hunt. Like we said, we fear for our jobs. We know that leadership monitors e-mails and phone calls for leaks. Our paranoia is justified.

159. Subsequent emails circulated from the whistleblower(s) between May 7 and May 17, 2021 reveal additional information about Defendant SafeSport's malice and intentional illegal, and unfair practices. Referring to other case or cases and standard operations at Defendant SafeSport, the whistleblower(s) said:

- "You need to know that one woman in SafeSport, Heather O'Brien, was behind the assault on you. She manipulates the other weaklings inside our company to do her bidding."
- "Regardless of who you hire, and you need to hire someone, and when that lawyer starts digging, the truth will come out quickly."
- "Many of us here at SafeSport are lawyers. We know bad things and we see them. Many of us said that the way you were treated was what we call a tort. We really hope you muster the courage and the resources, hire the right lawyer, and go after this place."

- "You simply do not understand who you are dealing with. Most of our leaders do not care if you are innocent. They only care that you are a wealthy male and that you must be diminished. Heather O'Brien is a man-hating, power-hungry zealot. She makes all decisions. She has eliminated any who oppose her. She'd fire us if she knew we were in contact with you. We've told you all that we know. Your choice is clear. Fight or succumb."
- "Ask yourself one more thing. How many other people must be hurt before someone stands up and fights back?"

160. The Movement at Defendant SafeSport is a fraudulent business that targets participation in amateur sports by a person's status contrary to concepts of justice or standards.

F. Defendant SafeSport and the Co-Conspirators' Help Trigger a Congressional Hearing

161. The Movement's existence and operations undermining over two hundred years of our judicial system finally caught the attention of the United States Congress. The Commission on the State of U.S. Olympics and Paralympics (CUSOP) was created in 2020 with the goal of addressing systemic challenges, including The Movement at Defendant SafeSport.⁵

162. Hearings were held and testimony was received in September, 2023.

163. The CUSOP Final Report issued and was published in March, 2024.

164. Since enactment of the Ted Stevens Act, the CUSOP recognized that:

Today, this movement is again in dire need of systemic change. In recent years, it has faced a reckoning over widespread abuse of athletes and associated cover-ups, over disparities in access and accessibility, **and over deficiencies in accountability and due process**. It is again time to re-envision how Olympic and Paralympic sports ought to be organized and

⁵ See <https://www.csusop.org/>, Commission on the State of U.S. Olympics and Paralympics, "Passing the Torch," Final Report, page 7.

governed so we can protect and empower athletes to reach for their best and, in so doing, help demonstrate America's best (emphasis added).⁶

165. Over six years ago, The Movement was publicly alerted to the serious problems in the manner in which it trampled rights.

Han Xiao, then Chair of the AAC and later a Co-Chair of this Commission, warned that SafeSport “*could still fail in its mission to protect athletes. For example, SafeSport efforts could be derailed by the stories we’re hearing suggesting that **the rights of the accused are not being appropriately protected.** In other cases,*” he continued, “*we hear that SafeSport complaints are being used by staff against athletes, as yet another way to exercise power over them.*”⁷

166. The CUSOP Final Report revealed that Defendant SafeSport is a quasi-governmental entity without adequate oversight or accountability. One of the key findings of the study was:

... a lack of transparency, accountability, and due process by USOPC, governing bodies, and SafeSport. This is detrimental both to the movement and to the millions of Americans who participate in it. Congress took it upon itself in 1978 to create quasi-governmental entities to oversee movement sports and to look after the well-being of athletes. However, as has been pointed out, USOPC, as a private, quasi-governmental entity, does not have sufficient incentives or resources to be its own public watchdog over the system and the organizations falling under its purview. The same can be said for SafeSport.⁸

167. Emphasizing the lack of accountability and transparency the Final Report said the Commission “encountered great difficulty soliciting voluntary disclosure of key documents from USOPC, governing bodies, and SafeSport.” One of the key findings and recommendations was that quasi-governmental organizations such as Defendant USA Archery and The Movement at Defendant SafeSport should not

⁶ Final Report at pages 6-7.

⁷ Final Report at page 45.

⁸ Final Report at page 136.

have the ability or be excused from hiding information from Congress or people such as Plaintiff Booth.⁹

168. Discussing the broken system, the Commission also emphasized additional frustrations that are at the core of the illegal conduct foisted upon Plaintiff in this case. The Commission asked for documents. Defendant SafeSport refused to provide requested information. The decision “not to furnish ... requested financial documents detailing spending, as well as those covering certain safety policies, reflect a lack of transparency built into the structure of the current system, one that hinders the movement’s accountability to Congress [and the public].”¹⁰

169. Noting that Defendant SafeSport is not fully meeting its mission and has lost significant trust across The Movement, when she appeared before the Commission, CEO Colón acknowledged Defendant SafeSport’s shortcomings and pledged to do better.¹¹

170. CEO Colón conceded that Defendant SafeSport is struggling to fulfill its statutory mission and demanded more money from Congress and the USOPC to ensure Defendant SafeSport’s continued existence.

171. Empty platitudes to continue avoiding personal and organizational accountability, shortly after distracting the Commission, CEO Colón publicly declared they are and will continue unilaterally breaking the law. In a statement to USA Today Sports in May, 2024, CEO Colón said: “Culture change is happening ...

⁹ Final Report at page 138.

¹⁰ Final Report at page 8.

¹¹ Final Report at page 76.

Actions that were once tolerated or ignored are no longer accepted, and accountability is taking root ... Those who cling to toxic tactics will be left behind and on the wrong side of history.”

172. Thereafter, CEO Colón embarked on what can only be described as a fraudulent and wasteful boondoggle to the Paris Olympic Games, to “champion respect” via videos posted to Defendant SafeSport or Colón’s social media accounts.

173. Another blatant example apparently misconstruing Defendant SafeSport’s mission to: “Resolve abuse and misconduct reports and to developing and enforce policies, procedures, and training to prevent abuse and misconduct” in American athletics under the aegis of the USOPC; CEO Colón included at least two other senior members of the Defendant SafeSport administration (Ms. Hannah Hinton, Vice President of Organizational Development and Compliance and Ms. Monica Rivera, Vice President of Education and Research) on the unnecessary, expensive, wasteful, boondoggle to the Paris Olympics.

174. The disgusting public images of Defendant SafeSport’s leadership diverting resources from the children and adult constituents of sports in the United States – the same people that Defendant SafeSport is supposed to be protecting – encapsulates the fraudulent scheme that is “The Movement” at Defendant SafeSport.

175. Defendant SafeSport repeatedly attempts to declare legal and cultural independence from the USOPC, lest anyone complain about an appearance of impropriety, that Defendant SafeSport is beholden to, or influenced by, the USOPC.

176. Yet, there is CEO Colón and the most senior administrators spending precious Defendant SafeSport funds or resources to openly fraternize with USOPC officials at the Paris Olympics.

177. In this case, it is the Defendants' actions that cannot be tolerated or accepted. "On the wrong side of history" (to quote CEO Colón), eviscerating the numerous protections guaranteed by our Constitutional system of justice, The Movement at Defendant SafeSport is broken, and Defendants should be held accountable according to established law and precedent.

V. Applicable Law, Statutes, Policies, or Procedures

178. Article I, Section I of the United States Constitution states: "All legislative Powers granted herein shall be vested in a Congress of the United States." U.S. Const. Art. I, § 1.

179. Article I, Section 9 of the United States Constitution states: "No Bill of Attainder or ex post facto Law shall be passed." U.S. Const. Art. I, § 9.

180. Article II, Section 1 of the United States Constitution states: "The Executive power shall be vested in a President," who must "take Care that the Laws be faithfully executed." U.S. Const. Art. II, § 1, cl. 1; U.S. Const. Art. II, § 3.

181. Article III, Section 1 of the United States Constitution states: "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." U.S. Const. Art. III, § 1.

182. Article III, Section 2 of the United States Constitution states: "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States..." U.S. Const. Art. III, § 2.

183. The Fifth Amendment to the United States Constitution provides that no person shall be "be deprived of life, liberty, or property, without due process of law."

184. The Fourteenth Amendment to the United States Constitution provides that no state shall deprive any person of "life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

185. 42 U.S.C. § 1983 allows a civil action for deprivation of rights. "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

186. Action by Defendant SafeSport must be "carried out in a manner that provides procedural due process to the individual." 36 U.S.C. § 220541(a)(l)(H).

187. At all times relevant, the Texas Constitution, Article I, § 8 stated in part: "Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press."

188. At all times relevant, the Texas Constitution, Article I, § 13 stated in part:

“All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.”

189. At all times relevant, the Texas Constitution, Article I, § 15 stated in part:

“The right of trial by jury shall remain inviolate.”

190. At all times relevant, the Texas Constitution, Article I, § 19 stated in part:

“No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.”

191. At all times relevant, the Texas Constitution, Article I, § 27 stated in part:

“The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.”

192. The Texas Free Enterprise and Antitrust Act (Free Enterprise Act) (Tex. Bus. & Com. Code § 15.05) states in part that:

Every contract, combination, or conspiracy in restraint of trade or commerce is unlawful ... (b) It is unlawful for any person to monopolize, attempt to monopolize, or conspire to monopolize any part of trade or commerce... (e) It is unlawful for an employer and a labor union or other organization to agree or combine so that ... (1) a person is denied the right to work for an employer because of membership or nonmembership in the labor union or other organization; or (2) membership or nonmembership in the labor union or other organization is made a condition of obtaining or keeping a job with the employer.

193. The Texas Deceptive Trade Practices and Consumer Protection Act (DTCPA) (Tex. Bus. & Com. Code § 17.46) stated in part: “Deceptive Trade Practices

Unlawful. (a) False, misleading, or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful ... (b)... the term “false, misleading, or deceptive acts or practices” includes, but is not limited to, the following acts ... [1-34].”

194. At all times relevant, Section 17.50 of the DTCPA provided for a private cause of action for violations “specifically enumerated in a subdivision of Subsection (b) of Section 17.46 of this subchapter; and ... (3) any unconscionable action or course of action by any person.”

195. Defendant SafeSport identifies and confirms operational defects and probable due process shortcuts in its annual reports. In 2022, Defendant SafeSport publicly declared that it operates contrary to the federal charter, compromising independence, and improperly mixing investigation, adjudication, and sentencing in hundreds – if not all – of the cases opened by Defendant SafeSport:

To fulfill its **federal mandate** to safeguard athletes in amateur sport from abuse and misconduct, the Center works to prevent inappropriate activity by:

- Accepting and facilitating reports through a **confidential online portal**
- Investigating and adjudicating alleged violations of the **SafeSport Code**
- Determining and issuing sanctions, including **public sanctions**, based on findings of abuse or misconduct, as well as process violations such as retaliation and failure to report ...

In 2022, 520 cases proceeded to informal and formal resolutions, reflecting the Center’s commitment to timely resolutions and fair and full investigations of evidence. While thorough investigations can be time-intensive and laborious, procedural refinements and efficiencies enabled cases to be resolved in less time, on average, than in prior years. And for the second consecutive year, the Center resolved more cases than it opened—surpassing the 12,000-case milestone for lifetime case resolutions—reflecting

a substantial reduction, despite the sharp increase in reports, in case backlog that the Center experienced in earlier years.

In 2022, 482 individuals were sanctioned based on a SafeSport Code violation, which in some cases led to a listing on the Centralized Disciplinary Database (CDD)—published on the Center’s website since 2017 and now listing more than 1,800 adult individuals restricted from sport participation.

The Center continues to explore new ways to increase efficiencies and better leverage its unique dataset to advance its mission. To this end, the Center has begun the process of developing its own customized internal case management system to improve not only case efficiencies, but also the collection of data to analyze trends and inform education and training.

Defendant SafeSport Annual Report 2022, page 9.

196. The reference to increased efficiencies and leveraging a unique dataset is a deceptive business practice describing Defendant SafeSport taking shortcuts circumventing the obligation to adhere to concepts of due process contrary to the mission imposed by the enabling statute.

197. The reference to “fair and full investigations of evidence” is a lie, intended to deceive and hide how Defendant SafeSport really operates, prejudging, rushing to judgment, and otherwise operating contrary to fundamental concepts of fairness, justice, due process, transparency, or equity.

198. From at least 2021, Defendant SafeSport, its senior management, inside and certain outside counsel, operate the agency and investigations in a clandestine environment where the ends justify the means, arbitrarily picking targets to prosecute.

199. *Axon Enterprise v FTC*, 598 US 175 (2023) provides for a direct action against an administrative agency or a body such as Defendant SafeSport acting as an

administrative agency when “the agencies, as currently structured, are unconstitutional in much of their work.”

200. A direct action against an administrative agency was bolstered by *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024). *Loper* affirmed that Article III of the U.S. Constitution assigns the power and responsibility to adjudicate “Cases” and “Controversies” to the judiciary, not a rogue agency like The Movement at Defendant SafeSport.

201. The Fifth Circuit also rejected an unconstitutional agency similar to Defendant SafeSport (and Defendant USA Archery) in *National Horsemen’s Benevolent and Protective Assoc. v. Black*, 53 F.4th 869 (5th Cir. 2022) (settled constitutional principle forbids private entities from exercising unchecked government power); *National Horsemen’s Benevolent and Protective Assoc. v. Black*, 107 F.4th 415 (5th Cir. 2024) (The Act’s enforcement provisions violate the private nondelegation doctrine that is forbidden by the Constitution).

202. As currently structured, Defendants’ operations are facially unconstitutional, illegal in application, unfair, deceptive, and unconscionable in their work.

VI. Basis for Recovery

203. The facts alleged support claims including, but not limited to:

- (a) Violations of the laws of the United States, the U.S. Constitution, the Due Process Clause of the Fifth Amendment to the Constitution, and the Equal Protection Clause of the Constitution;
- (b) Violations of the Separation of Powers doctrine;
- (c) Violations of 42 U.S.C. § 1983 depriving the enumerated statutory and common law rights;
- (d) Breach of the Texas Constitution right to speak, write or publish opinions on any subject (Tex. Const. Art. I, § 8);

- (e) Breach of the Texas Constitution right to a remedy in open court (Tex. Const. Art. I, § 13);
- (f) Breach of the Texas Constitution right to be free from injury done against Plaintiff Booth's lands, goods, person, or reputation (*Id.*);
- (g) Breach of the right to remedy by due course of law (*Id.*);
- (h) Breach of the right to a jury trial (Tex. Const. Art. I, § 15);
- (i) Deprivation of liberty, property, privileges, or immunities, and being disfranchised, without due course of the law (Tex. Const. Art. I, § 19);
- (j) Breach of the right to assemble and apply to those invested with the powers of government for redress of grievances or other purposes (Tex. Const. Art. I, § 27);
- (k) Restraint of trade;
- (l) Breach of the Texas Free Enterprise and Antitrust Act (Free Enterprise Act) (Tex. Bus. & Com. Code §§ 15.01 *et seq.*);
- (m) Deceptive business practices;
- (n) Breach of the Texas Deceptive Trade Practices and Consumer Protection Act (DTCPA) (Tex. Bus. & Com. Code §§ 17.41 *et seq.*);
- (o) Breached the MSA between the USOPC, Defendant USA Archery, the TSAA, and Defendant SafeSport;
- (p) Civil conspiracy;
- (q) Defamation *per se*; and
- (r) Tortious interference with contract.

204. All claims listed, or potential claims not listed, are in the alternative.

VII. Count One – Declaratory Judgment

205. There is an actual controversy requiring a declaration of the rights and legal relations between the Plaintiffs, Defendants, and other interested parties.

206. Defendants violated Plaintiffs' rights under the Fifth and Fourteenth Amendments of the U.S. Constitution, 42 U.S.C. § 1983, the Texas Constitution, the Texas Free Enterprise Act, and the DTCPA.

207. Defendants acted under color of state and federal law.

208. Plaintiffs are injured in fact; the injuries are and were proximately caused by Defendants' conduct; and it is likely that Plaintiffs' injuries will be redressed by a favorable decision. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149 (2014).

209. Plaintiffs and other interested parties have personal stakes in the outcome of the controversy. The past, present, and future harm is concrete, actual, imminent, impending, and there is a substantial risk that further harm will occur without correction of Defendant SafeSport and the Defendants' operations.

210. Defendant SafeSport's operations are unconstitutional as applied.

211. Both prosecutorial and adjudicative activities are housed in the same agency by design. *Axon Enterprise*, 598 US at 189.

212. Defendants' operations subject Plaintiffs (and every other respondent) to illegitimate proceedings, by illegitimate and unknown decision makers, and decision makers that are unaccountable. As currently structured, Defendant SafeSport's operations are "impossible to remedy once the proceeding is over." *Axon Enterprise*, 598 US at 191.

213. Defendant SafeSport's operations are unfair, deceptive, unconscionable, a breach of the statutes and other duties requiring due process.

214. As of the date of the posting of the Defendant SafeSport suspension, and persistent reference to guilt in public by Defendant SafeSport, the harm is irreparable, and Plaintiffs do not have an adequate remedy at law.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as follows:

- (a) Declare and enter judgment requiring Defendants' compliance with due process in all operations;
- (b) Declare and enter judgment that Plaintiff Booth has a right to a full and proper due process pre-determination hearing before being announced guilty of misconduct, suspended, or ruled ineligible, and that Defendants

- have violated, and are continuing to violate, those rights by enforcing any suspension or sanction against Plaintiff Booth;
- (c) Declare and enter judgment that the Ted Stevens Act requires notice and a hearing before ruling on allegations and as a result of Defendants' failure to provide those rights, any findings, rulings, suspension, or sanctions imposed are void;
 - (d) Declare and enter judgment that Defendants violated Plaintiffs' rights to due process, that a post-deprivation hearing is, or was, insufficient to remedy the harm, and that any findings, rulings, suspension, or sanctions imposed are void;
 - (e) Declare and enter judgment that Defendant SafeSport is an illegitimate agency, engaged in illegitimate proceedings, and that any actions against Plaintiffs are void;
 - (f) Declare that Defendant USA Archery is in violation of 36 U.S.C. § 220522 and issue an order to show cause as to why the national governing body charter issued to Defendant USA Archery should not be revoked;
 - (g) Declare and enter judgment that Defendants violated Plaintiffs' right to a jury trial;
 - (h) Declare and enter judgment that Defendants cease and desist all attempts or representations at supplanting existing investigation, prosecution, judicial, and administrative agency functions;
 - (i) Declare and enter judgment that Defendants cease and desist all attempts or representations of any right or ability to publicly discipline individuals outside existing civil or criminal justice systems;
 - (j) Declare and enter judgment that Defendants cease, desist, and correct all unfair, unconscionable, deceptive practices;
 - (k) That Plaintiffs be awarded all costs, expenses, attorney's fees, or damages; and
 - (l) For such other, different, or additional relief as the Court may find appropriate.

VIII. Count Two – Unconstitutional Delegation of Power and Violation of the Separation of Powers

215. Article I, Section I of the United States Constitution states: “All legislative Powers granted herein shall be vested in a Congress of the United States.” U.S. Const. Art. I, § 1.

216. Article II, Section 1 of the United States Constitution states: "The Executive power shall be vested in a President," who must "take Care that the Laws be faithfully executed." U.S. Const. Art. II, § 1, cl. 1; U.S. Const. Art. II, § 3. See also *Seila Law, LLC v. Consumer Financial Protection Bureau*, 591 U.S. 207, 140 S. Ct. 2183, 2197 (2020). "The entire 'executive Power' belongs to the President alone." *Id.*

217. Article III, Section 2 of the United States Constitution states: "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States..." U.S. Const. Art. III, § 2. Accord, *Loper Bright Enterprises v. Raimondo*, 603 U. S. ____ (2024).

218. With exclusive legislative authority vested in Congress, executive authority vested in the Executive Branch, and legal and statutory authority vested in the Judicial Branch, Congress cannot circumvent the separation of powers attempting to shift responsibility to other entities, especially entities operating in combination like Defendant SafeSport and the USOPC - whether they are characterized as private or governmental.

219. The Supreme Court consistently recognizes that the United States Constitution does not permit Congress to delegate exclusive authority of a branch of the federal government to a private entity.

220. "The nondelegation doctrine is rooted in the principle of separation of powers that underlies our tripartite system of Government." *Mistretta v. United States*, 488 U.S. 361,371 (1989).

221. "That Congress cannot delegate legislative power ... is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution." *Marshall Field & Co. v. Clark*, 143 U.S. 649, 692 (1892).

222. Likewise, "[f]ederal lawmakers cannot delegate regulatory authority to a private entity. To do so would be 'legislative delegation in its most obnoxious form.'" *Ass 'n of Am. Railroads v. U.S. Dep 't of Transp.*, 721 F.3d 666, 670 (D.C. Cir. 2013) (quoting *Carter v. Carter Coal Co.*, 298 U.S. 238, 311 (1936)). See also *Dep't. of Transp. v. Ass 'n of Am. Railroads*, 575 U.S. 43, 64 (2015) (Alito, concurring) (also quoting *Carter v. Carter Coal Co.*, 298 U.S. 238, 311).

223. The Ted Stevens Act expressly grants executive, regulatory, authority to Defendant SafeSport in violation of the nondelegation doctrine.

224. "As Madison explained, 'If any power whatsoever is in its nature Executive, it is the power of appointing, overseeing, and controlling those who execute the laws.'" *Seila Law, LLC*, 591 U.S. 207, 140 S. Ct. at 2197 (citing 1 Annals of Cong. 463 (1789)).

225. In *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123 (1951), the Supreme Court eloquently explained why branding people through a rogue agency,

without a hearing, with no right to appeal, and with no accountability does not fit our system.

Man being what he is cannot safely be trusted with complete immunity from outward responsibility in depriving others of their rights. At least such is the conviction underlying our Bill of Rights ... Secrecy is not congenial to truth-seeking and self-righteousness gives too slender an assurance of rightness ... No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it ... *Id.*, at 171-172.

226. Although Congress declared in the Ted Stevens Act that Defendant SafeSport is not a "state actor," the Supreme Court warned courts that this language is a red flag. "One way the Government can regulate without accountability is by passing off a Government operation as an independent private concern. Given this incentive to regulate without saying so, everyone should pay close attention when Congress 'sponsors corporations that it specifically designates **not** to be agencies or establishments of the United States Government.'" *Dep't. of Transp. V. Ass'n of Am. Railroads*, 575 U.S. 43, 57 (2015) (Alito, concurring) (Emphasis in original).

"Perhaps the most telling indication of a severe constitutional problem with an executive entity is a lack of historical precedent to support it." *Seila Law, LLC*, 591 U.S. 207, 140 S. Ct. at 2201 (citing *Free Enterprise Fund v. Public Accounting Oversight Board*, 561 U.S. 477,483 (2010) (internal quotations omitted)).

227. The Defendant SafeSport and USOPC structure unconstitutionally vests significant governmental power in the hands of private corporations managed by a board of directors unaccountable to anyone but themselves. The Defendant SafeSport board is not elected by the people, nor meaningfully controlled by

someone who is elected or accountable. Yet the board may unilaterally without meaningful supervision attempt to amend federal statutes, issue final regulations, oversee adjudications, set enforcement priorities, initiate prosecutions, and determine penalties to impose on private parties.

228. The Ted Stevens Act unconstitutionally grants Defendant SafeSport – a private, independent, self-regulatory, corporation - the power to draft, implement, administer, and enforce federal law and policy regarding emotional, physical, and sexual abuse in Olympic and amateur sports.

229. As drafted, Defendant SafeSport has regulatory control over virtually anyone participating in amateur sports in the United States, including players, coaches, administrators, referees, and other officials.

230. Defendant SafeSport is charged with developing programs and promulgating rules covering all facets of emotional, physical, and sexual abuse in Olympic and amateur sports in the United States.

231. Further, the Ted Stevens Act grants Defendant SafeSport the authority to enforce alleged rules violations and requires SafeSport to publicly identify anyone found to be in violation.

232. Defendant SafeSport is funded by the USOPC, NGBs, and receives a grant from the United States Department of Justice.

233. Plaintiffs seek a declaration that the Congressional grants of authority to Defendants contained in The Ted Stevens Act are unconstitutional grants of legislative, executive, and judicial power in violation of the nondelegation doctrine.

234. In addition, Plaintiffs seek a declaration that Defendants were, and are, without authority to create a SafeSport Code or enforce the rules and regulations contained in the SafeSport Code, that each of the penalties issued by Defendant SafeSport and enforced by the USOPC or an NGB be stricken, and that each of the Defendants be enjoined from continuing to enforce any sanctions against Plaintiffs.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as follows:

- (a) Declare and enter judgment that the Congressional grants of authority to Defendants contained in The Ted Stevens Act are unconstitutional grants of legislative, executive, and judicial power in violation of the nondelegation doctrine;
- (b) Declare and enter judgment that Defendants were, and are, without authority to create a SafeSport Code or enforce the rules and regulations contained in the SafeSport Code, that any findings, rulings, suspension, sanctions, or penalties issued by SafeSport and enforced by the USOPC or an NGB be stricken and expunged;
- (c) Declare and enter judgment that each of the Defendants be prohibited from enforcing, or attempting to enforce, any suspension or sanction against Plaintiffs;
- (d) That Plaintiffs be awarded all costs, expenses, attorney's fees, or damages; and
- (e) For such other, different, or additional relief as the Court may find appropriate.

IX. Count Three – Violation of the Appointments Clause

235. If it should be found that the grant of power makes Defendant SafeSport a public entity, it would still be unconstitutional because appointment of its Board of Directors violates the Appointments Clause of the United States Constitution.

236. Under the Appointments Clause, only the president, a head of a department, or a court of law may appoint an officer of the United States. *U.S. Const.* Art. II, Sec. 2, Cl.2.

237. If Defendant SafeSport is deemed public, the Board of Directors would be officers of the United States because they "occupy a continuing position established by law" and exercise "significant authority pursuant to the laws of the United States." *Lucia v. SEC*, 585 U.S. ___, 138 S. Ct. 2044, 2051 (2018) (internal quotation marks omitted).

238. Defendant SafeSport's Board members are not appointed by the president, a head of a department, or a court of law. Instead, they are elected by Board members *i.e.*, themselves.

239. Thus, Defendant SafeSport's structure and operations violate the Appointments Clause.

240. Plaintiffs and other participants are harmed by the unconstitutional appointment of Defendant SafeSport because they are subjected to policies and procedures that violate the Ted Stevens Act and the United States Constitution. Plaintiffs and other participants are further harmed by the unconstitutional appointment of the Center because the dues and fees paid by them to Defendant USA Archery have financed the Center.

241. Plaintiffs seek a declaration that the Ted Stevens Act, specifically Defendant SafeSport's existence, operation, or authority, violates the Appointments Clause of the United States Constitution.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as follows:

- (a) Declare and enter judgment that the Ted Stevens Act and Defendant SafeSport's existence, operation, or authority, violates the Appointments Clause of the United States Constitution;
- (b) That Plaintiffs be awarded all costs, expenses, attorney's fees, or damages; and
- (c) For such other, different, or additional relief as the Court may find appropriate.

X. Count Four – Violation of the Ted Stevens Act

242. The Ted Stevens Act granted the right to a pre-determination hearing to participants since at least 1978.

243. Congress reiterated this right when it amended the Ted Stevens Act in 2018. The 2018 Amendment granted authority to Safe Sport to draft, implement, investigate, and adjudicate allegations of emotional, physical, and sexual abuse of athletes in Olympic and amateur sports. The 2018 Amendment did not in any way abrogate or amend the requirement set forth in 36 U.S.C. § 220522(8).

244. In fact, the statute authorizing the Center, 36 U.S.C. § 220541, reinforces the requirement in 36 U.S.C. § 220522(8) and mandates that Defendant SafeSport's procedures must give fair notice and opportunity to be heard. 36 U.S.C. § 225041(a)(5).

245. The two provisions must be read in harmony with one another given that they are both within the Ted Stevens Act and that Congress did not create an exception to § 220522(8) when it enacted § 220541(a)(5). *United States v. Banker*, 876 F.3d 530 (4th Cir. 2017) (absent an indication that we should do otherwise, the Court should interpret statutes *in pari materia*, that is, in a consistent manner in

which adjacent statutory subsections that refer to the same subject matter are read harmoniously to ensure that a statutory scheme is coherent and consistent).

246. Congress again reiterated the right to a pre-determination hearing when it amended the Ted Stevens Act in 2020. In the 2020 Amendment, Congress expressly required SafeSport to provide "procedural due process" in every action it takes against a participant. Also in the 2020 Amendment, Congress did not remove the pre-determination right granted to participants under § 220522(8).

247. When Congress required Defendant SafeSport to provide "notice and an opportunity to be heard, and "procedural due process," it meant that Defendant SafeSport was required to provide procedural due process within the meaning of the Fifth Amendment to the United States Constitution.

248. Congress found that the statutory benefits granted in the Ted Stevens Act, either separately or in combination with the potential stigma and harm to a participant's name, honor, integrity, and reputation as a result of identifying them on Defendant SafeSport's public website, required the protections of due process in Defendant SafeSport's policies and procedures to deprive them of those rights.

249. When Congress grants statutory rights to individuals and directs an agency to establish a procedure affecting those rights, "it can be assumed that Congress intends that procedure to be a fair one." *Marincas v. Lewis*, 92 F.3d 195,203 (3rd Cir. 1996) (also stating doubt that Congress intended to provide a procedure that fails to provide basic due process).

250. Congress adopted the language contained in the Ted Stevens Act, the 2018 Amendment, and the 2020 Amendment in light of the history of American jurisprudence defining "notice and an opportunity to be heard," and "procedural due process." "Many controversies have raged about the cryptic and abstract words of the Due Process Clause but there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and an opportunity for hearing appropriate to the nature of the case." *Mullane v. Central Hanover Trust Co.*, 339 U.S. 306,313 (1950). "We have described 'the root requirement' of the Due Process Clause as being 'that an individual be given an opportunity for a hearing **before** he is deprived of any significant property interest." *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532,542 (1985) (emphasis in original) (quoting *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971)).

251. Fair notice and opportunity to be heard for USOPC athletes has a meaning that is set forth in the Act in §220522(8), and in the USOPC's long-established hearing process rules which include but are not limited to the following rights:

- (a) Each party will have the right to appear personally and through a representative;
- (b) Respondents will receive written notice of any alleged violation or complaint against them, along with a reference to potential consequences;
- (c) Respondents will be given a reasonable time before a hearing in which to prepare a defense;
- (d) A Hearing Panel will hold the hearing in as prompt and timely a manner as is practicable under the circumstances. The Hearing Panel will strive to schedule a hearing within ninety (90) days of the determination that a Complaint is properly filed, and to issue its written decision within thirty (30) days after a hearing;
- (e) parties will be given a reasonable opportunity to present and examine evidence, cross-examine witnesses, and present argument;

- (f) The parties may present live witnesses or affidavits or other witness statements and documentary proof to support their arguments subject to limiting rulings by a Hearing Panel. The Hearing Panel will typically give less weight to affidavits or witness statements when the author is not subject to cross-examination at the hearing;
- (g) all parties will receive a written decision from the Hearing Panel, which will include notice of the applicable appeal procedures;
- (h) subject to applicable provisions related to Temporary Measures, individuals will be provided with fair notice and opportunity for a hearing before being declared ineligible to participate; and
- (i) in cases where a temporary measure is implemented, the opportunity for a hearing will be provided on an expedited basis so as to hear the matter as soon as practicable.

252. The legislative history of the 2018 Amendment indicates that Defendant SafeSport is modeled on the USADA, an independent body authorized to adjudicate athlete doping cases. (Senate Report 115-443).

253. Unlike Defendant SafeSport, the USADA's adjudication process provides for a pre-determination hearing by a neutral arbitrator, which allows determinations of ineligibility without potentially risking breach of the numerous Constitutional, statutory, and other duties.

254. The Ted Stevens Act requires that Defendant SafeSport provide notice and a pre-determination hearing to participants.

255. Plaintiffs seek a declaration that the Ted Stevens Act grants participants, including Plaintiff Booth, the right to a hearing before Defendant SafeSport can issue a decision on allegations against him; that Defendant SafeSport's policies and procedures violated Plaintiff Booth's rights by failing to provide a hearing before Defendant SafeSport issued a decision on allegations against him; that Defendant SafeSport's provision of an arbitration hearing does not comply with the Ted

Stevens Act; and that any suspension or sanction imposed by Defendant SafeSport against Plaintiffs is void.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as follows:

- (a) Declare and enter judgment that the Ted Stevens Act grants participants, including Plaintiff Booth, the right to a hearing before Defendant SafeSport can issue a decision on allegations against him;
- (b) Declare and enter judgment that Defendant SafeSport's policies and procedures violated Plaintiff Booth's rights by failing to provide a hearing before Defendant SafeSport announced a decision against him;
- (c) Declare and enter judgment that Defendant SafeSport's provision of an arbitration hearing does not comply with the Ted Stevens Act;
- (d) Declare and enter judgment that any suspension or sanction imposed by Defendant SafeSport against Plaintiff Booth is void;
- (e) Declare that Defendant USA Archery is in violation of 36 U.S.C. § 220522 and issue an order to show cause as to why the national governing body charter issued to Defendant USA Archery should not be revoked
- (f) That Plaintiffs be awarded all costs, expenses, attorney's fees, or damages; and
- (g) For such other, different, or additional relief as the Court may find appropriate.

XI. Count Five – Due Process Violations under the Fifth Amendment

256. The Ted Stevens Act and the SafeSport Code violate the Plaintiffs' rights to Due Process under the Fifth Amendment to the United States Constitution by failing to provide a pre-determination hearing.

257. "While the legislatures may elect not to confer a property interest ... it may not constitutionally authorize the deprivation of such an interest, once conferred, without appropriate procedural safeguards ... The adequacy of statutory procedures for deprivation of a statutorily created property interest must be analyzed in

constitutional terms." *Logan v. Zimmerman Brush Co.*, 455 U.S. 422,432 (1982) (internal quotations and citations omitted).

258. "The fifth amendment enjoins the federal government from depriving any person of 'life, liberty, or property, without due process of law.'" *McNeill v. Butz*, 480 F.2d 314, 318 (4th Cir. 1973).

259. The Supreme Court of the United States has long held that "[w]here a person's good name, reputation, honor, or integrity are at stake because of what the government is doing to him, notice and an opportunity to be heard are essential." *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971). When a governmental action deprives an individual "of a right previously held under state law," or "a right or status previously recognized by state law is distinctly altered or extinguished," the government must provide a hearing. *Paul v. Davis*, 424 U.S. 693 (1976).

260. In other words, "'liberty' is implicated and procedural due process is required when government action threatens an employee's good name, reputation, honor, or integrity." *McNeill v. Butz*, 480 F.2d 314, 319 (4th Cir. 1973) (citing *Bd. of Regents v. Roth*, 408 U.S. 564, 573 (1972); *Wisconsin v. Constantineau*, 400 U.S. 433,437 (1971); *Wieman v. Updegraff*, 344 U.S. 183 (1952)).

261. "An essential principle of due process is that a deprivation of life, liberty, or property 'be preceded by notice and an opportunity for hearing appropriate to the nature of the case.'" *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (quoting *Mullane v. Cent. Hanover Bank Trust Co.*, 339 U.S. 306, 313 (1950)).

262. "Due process requires, as a general matter, an 'opportunity to be heard at a meaningful time and in a meaningful manner.'" *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

263. "We have described 'the root requirement' of the Due Process Clause as being 'that an individual be given an opportunity for a hearing **before** he is deprived of any significant property interest.'" *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (emphasis in original) (quoting *Boddie v. Connecticut*, 401 U.S. 371,379 (1971)).

264. The Ted Stevens Act grants constitutionally protected property and liberty interests to participants, including Plaintiff Booth. Plaintiff Booth is or was a member of the USOPC and Defendant USA Archery pursuant to the federal rights granted under the Ted Stevens Act, and eligible to participate in USOPC and USA Archery events.

265. The Ted Stevens Act mandates the procedural requirements under which participants, including Plaintiff Booth, may be deprived of constitutionally protected rights granted by the Act.

266. Defendant SafeSport alters or extinguishes rights afforded under the Act to participants, including their status under the Act, and publication of names of people allegedly found to be in violation of the SafeSport Code without any pre-determination hearing.

267. As a direct, proximate, intentional, cause, such actions stigmatize and threatens Plaintiff Booth's reputation, honor, good name, and integrity, as well as causing other harm and damage.

268. As a direct, proximate, intentional, cause, such actions damage Plaintiff Booth's life, liberty, property, business, ability to work, and earn a living.

269. A post-determination hearing is inadequate and does not provide a meaningful opportunity to be heard, as required by the Fifth Amendment of the United States Constitution.

270. If the Ted Stevens Act and the SafeSport Code fail to require a hearing before depriving Plaintiff Booth and other participants of their constitutionally protected rights, then the Act, the Code, and Defendant SafeSport violate the Fifth Amendment of the United States Constitution.

271. Plaintiffs seek a declaration that the Ted Stevens Act, the Code, and Defendant SafeSport all violate the Fifth Amendment rights to due process, that a post-deprivation hearing is, or was, insufficient to remedy the harm to Plaintiffs, and that the sanctions imposed by the Center are void. Plaintiffs further request that Defendant SafeSport be permanently enjoined from continuing to enforce any suspension or sanction against Plaintiff Booth.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as follows:

- (a) Declare and enter judgment that the Ted Stevens Act the Code, and Defendant SafeSport all violate Plaintiff Booth's Fifth Amendment rights to due process, that a post-deprivation hearing is, or was, insufficient to

- remedy the harm to Plaintiff, and that any suspension or sanction imposed by Defendant SafeSport is void;
- (b) Declare and enter judgment that each of the Defendants be prohibited from enforcing, or attempting to enforce, any suspension or sanction against Plaintiff Booth;
 - (c) That Plaintiffs be awarded all costs, expenses, attorney's fees, or damages; and
 - (d) For such other, different, or additional relief as the Court may find appropriate.

XII. Count Six – Due Process Violations under the Fifth Amendment (alternate)

272. If Defendant SafeSport should be found to be a federal, governmental actor for purposes of the Constitution, Defendant SafeSport and the SafeSport Code violate the rights to Due Process under the Fifth Amendment to the United States Constitution.

273. "The Constitution constrains governmental action 'by whatever instruments or in whatever modes that action may be taken." *Lebron v. National Railroad Passenger Corp.*, 513 U.S. 374, 392 (1995) (citing *Ex parte Virginia*, 100 U.S. 339, 346-47 (1880).

274. Plaintiff Booth is or was a member of Defendant USA Archery.

275. Defendant SafeSport found Plaintiff Booth to be in violation of the Code, suspended him, and published his name on websites, without providing notice or an opportunity to be heard.

276. The Code allegedly prohibits conduct that is abhorrent by its very nature.

277. Being investigated for a violation of the Code threatens a person's reputation, honor, integrity, and good name, as well as other harms.

278. Defendant SafeSport found Plaintiff Booth in violation of the Code and did not give notice of the decision before declaring Plaintiff Booth suspended and ineligible.

279. Defendant SafeSport assumed jurisdiction over the allegations made against Plaintiff Booth.

280. As a direct, proximate, intentional, cause, such actions stigmatize and threatens Plaintiff Booth's reputation, honor, good name, and integrity, as well as causing other harm and damage.

281. As a direct, proximate, intentional, cause, such actions damaged Plaintiffs' life, liberty, property, business, ability to work, and earn a living.

282. Defendant Safe Sport deprived Plaintiff Booth of his protected property interests.

283. Defendant SafeSport deprived Plaintiff Booth of protected liberty interests.

284. Because publication and sanction occur without hearing a post-determination hearing is inadequate and does not provide a meaningful opportunity to be heard.

285. Plaintiffs seek a declaration that Defendant SafeSport violated Fifth Amendment rights to due process, that a post-determination hearing is, or was, insufficient to remedy the harm to Plaintiffs, and that any suspension or sanction imposed by Defendant SafeSport is void. Plaintiffs further request that Defendant SafeSport and Defendant USA Archery be permanently enjoined from continuing to enforce any suspension or sanction against Plaintiffs.

WHEREFORE, Plaintiffs respectfully requests the Court enter judgment in their favor and against Defendants as follows:

- (a) Declare and enter judgment that the Ted Stevens Act the Code, and Defendant SafeSport all violate Fifth Amendment rights to due process, that a post-deprivation hearing is, or was, insufficient to remedy the harm to Plaintiff Booth, and that any suspension or sanction imposed by Defendant SafeSport is void;
- (b) Declare and enter judgment that each of the Defendants be prohibited from enforcing, or attempting to enforce, any suspension or sanction against Plaintiff Booth;
- (c) That Plaintiffs be awarded all costs, expenses, attorney's fees, or damages; and
- (d) For such other, different, or additional relief as the Court may find appropriate.

XIII. Count Seven – Breaches of the U.S. Constitution, the Texas Constitution, and 42 U.S.C. § 1983

286. Defendants violated Plaintiffs' rights under Article I, Section I of the U.S. Constitution; Article II, Section 1 of the U.S. Constitution; the Fifth and Fourteenth Amendments of the U.S. Constitution; 42 U.S.C. § 1983; and the Texas Constitution.

287. Defendants deprived and continue to deprive Plaintiff Booth of his rights to due process and a right to a jury trial under both state and federal law.

288. Defendants acted under color of state and federal law.

289. Defendants had official policies, customs, and practices to eliminate discretionary authority. The Ted Stevens Act (as amended), the Master Services Agreement, and the Code all required Defendants to follow the law, including specific adherence to due process.

290. Defendants breached Article I, Section I of the U.S. Constitution; Article II, Section 1 of the U.S. Constitution; the Fifth and Fourteenth Amendments of the U.S. Constitution; 42 U.S.C. § 1983; and the Texas Constitution in one or more or all of the following ways:

- (a) Depriving Plaintiff Booth of his reputation, honor, good name, and integrity, as well as causing other harm and damage without due process of law contrary to the Fifth and Fourteenth Amendments of the U.S. Constitution;
- (b) Depriving Plaintiff Booth of his life, liberty, property, business, ability to work, and earn a living, as well as causing other harm and damage without due process of law contrary to the Fifth and Fourteenth Amendments of the U.S. Constitution;
- (c) Violated the Texas Constitution preventing Plaintiff Booth from the right to speak, write, or publish his opinions on any subject, Tex. Const. Art. I, § 8;
- (d) Violated the Texas Constitution denying access to open court for redress of injury to Plaintiff Booth's lands, goods, person, or reputation, Tex. Const. Art. I, § 13;
- (e) Violated the Texas Constitution right to a jury trial, Tex. Const. Art. I, § 15;
- (f) Violated the Texas Constitution depriving Plaintiff Booth of liberty, property, privileges, or immunities and disfranchised Plaintiff Booth without due course of law Tex. Const. Art. I, § 19;
- (g) Violated the Texas Constitution preventing Plaintiff Booth from the right to peaceably assemble in public places, Tex. Const. Art. I, § 27;
- (h) Violated, and continue to violate the Texas Free Enterprise Act engaging in an unlawful contract, combination, or conspiracy in restraint of trade or commerce in the state;
- (i) Engaged in a civil conspiracy depriving Plaintiff Booth of constitutional, statutory, common law, and equitable rights and protections; and
- (j) Tortiously interfered with contracts and economic advantage.

291. As a direct and proximate result of the breaches by Defendants, Plaintiff Booth suffered damages in an amount to be proven at trial. Plaintiff's damages include lost earnings; lost earning capacity; lost employment opportunities; lost business opportunities; past, present, and future economic damages; physical and emotional injury; loss of privacy; loss of a normal life; attorney's fees; costs; and expenses. The damages, fees, costs, and expenses continue to accrue.

WHEREFORE, Plaintiffs respectfully requests the Court enter judgment in their favor and against Defendants as follows:

- (a) For all damages in an amount in excess of the jurisdictional limits to be proven at trial including lost earnings, lost earning capacity, lost employment opportunities, lost business opportunities, past, present, and future economic damages, and physical and emotional injury;
- (b) For all costs, expenses, and attorney's fees; and
- (c) For such other, different, or additional relief as the Court may find appropriate.

XIV. Count Eight – Breach of the Texas Free Enterprise Act

292. At all times relevant, Section 15.03 of the Free Enterprise Act stated in part:

Definitions.

- (2) The term “goods” means any property, tangible or intangible, real, personal, or mixed, and any article, commodity, or other thing of value, including insurance.
- (3) The term “person” means a natural person, proprietorship, partnership, corporation, municipal corporation, association, or any other public or private group, however organized, but does not include the State of Texas, its departments, and its administrative agencies or a community center operating under Subchapter A, Chapter 534, Health and Safety Code.
- (4) The term “services” means any work or labor, including without limitation work or labor furnished in connection with the sale, lease, or repair of goods.
- (5) The terms “trade” and “commerce” mean the sale, purchase, lease, exchange, or distribution of any goods or services; the offering for sale, purchase, lease, or exchange of any goods or services; the advertising of any goods or services; the business of insurance; and all other economic activity undertaken in whole or in part for the purpose of financial gain involving or relating to any goods or services.

293. At all times relevant, Section 15.04 of the Free Enterprise Act stated: “The purpose of this Act is to maintain and promote economic competition in trade and commerce occurring wholly or partly within the State of Texas and to provide the

benefits of that competition to consumers in the state. The provisions of this Act shall be construed to accomplish this purpose and shall be construed in harmony with federal judicial interpretations of comparable federal antitrust statutes to the extent consistent with this purpose.”

294. At all times relevant, Section 15.05 of the Free Enterprise Act stated in part:

(a) Every contract, combination, or conspiracy in restraint of trade or commerce is unlawful.

(b) It is unlawful for any person to monopolize, attempt to monopolize, or conspire to monopolize any part of trade or commerce.

(e) It is unlawful for an employer and a labor union or other organization to agree or combine so that:

(1) a person is denied the right to work for an employer because of membership or nonmembership in the labor union or other organization;
or

(2) membership or nonmembership in the labor union or other organization is made a condition of obtaining or keeping a job with the employer.

295. At all times relevant, Section 15.21 of the Free Enterprise Act stated in part:

Suits by Injured Persons or Governmental Entities.

(a) Suit to Recover Damages.

(1) Any person or governmental entity, including the State of Texas and any of its political subdivisions or tax-supported institutions, whose business or property has been injured by reason of any conduct declared unlawful in Subsection (a), (b), or (c) of Section 15.05 of this Act may sue any person, other than a municipal corporation, in district court in any county of this state in which any of the named defendants resides, does business, or maintains its principal office or in any county in which any of the named plaintiffs resided at the time the cause of action or any part thereof arose and shall recover actual damages sustained, interest on actual damages for the period beginning on the date of service of such person’s pleading setting forth a claim under the antitrust laws and ending on the date of judgment (the rate

of such interest to be in accordance with Texas law regarding post judgment interest rates and the amount of interest to be adjusted by the court if it finds that the award of all or part of such interest is unjust in the circumstances), and the cost of suit, including a reasonable attorney's fee; provided, however, that if the trier of fact finds that the unlawful conduct was willful or flagrant, it shall increase the recovery to threefold the damages sustained and the cost of suit, including a reasonable attorney's fee; provided that interest on actual damages as specified above may not be recovered when recovered damages are increased threefold ...

(b) Suit for Injunctive Relief. Any person or governmental entity, including the State of Texas and any of its political subdivisions or tax-supported institutions, whose business or property is threatened with injury by reason of anything declared unlawful in Subsection (a), (b), or (c) of Section 15.05 of this Act may sue any person, other than a municipal corporation, in district court in any county of this state in which any of the named defendants resides, does business, or maintains its principal office or in any county in which any of the named plaintiffs resided at the time the cause of action or any part thereof arose to enjoin the unlawful practice temporarily or permanently ...

296. Plaintiffs are persons engaged in trade or commerce as referenced in Texas. Tex. Bus. & Com. Code §§ 15.03 (2), (3), (4), (5).

297. Defendants and the named, unnamed, potential, Co-Conspirators are persons engaged in trade or commerce as referenced in Texas. Tex. Bus. & Com. Code §§ 15.03 (2), (3), (4), (5).

298. Defendants breached the Free Enterprise Act, their duties, and obligations in one or more or all the following ways:

- (a) Combining in restraint of trade or commerce through exclusive, mandatory, membership contracts;
- (b) Conspiring to combine in restraint of trade or commerce through exclusive, mandatory, membership contracts;
- (c) Combining in restraint of trade or commerce through the use of adhesion membership contracts that are void as against public policy;

- (d) Conspiring to combine in restraint of trade or commerce through the use of adherence membership contracts that are void as against public policy;
- (e) Combining in restraint of trade or commerce through exclusive, mandatory, illegal disciplinary proceedings;
- (f) Conspiring to combine in restraint of trade or commerce through exclusive, mandatory, illegal disciplinary proceedings;
- (g) Monopolizing the archery market;
- (h) Attempting to monopolize the archery market;
- (i) Conspiring to monopolize the archery market;
- (j) Unlawfully agreeing or combining so that Plaintiff Booth is or was denied the right to work because of membership or nonmembership in the USA Archery organization;
- (k) Unlawfully agreeing or combining so that Plaintiff Booth's membership or nonmembership in the USA Archery organization is or was a condition of obtaining or keeping a job;
- (l) Stealing tangible, intangible, things of value including the Texas Constitution right to a remedy in open court prior to passing judgment and imposing sentence;
- (m) Stealing tangible, intangible, things of value including the Texas Constitution right to be free from injury to Scott's goods, person, or reputation;
- (n) Stealing tangible, intangible, things of value including the Texas Constitution right to remedy by due course of law; and
- (o) Stealing tangible, intangible, things of value including the Texas Constitution right to a jury trial.

299. Plaintiff Booth is a person whose business or property has been injured because of conduct declared unlawful by Section 15.21 (a).

300. Plaintiff Booth is a person whose business or property has been, or continues to be, injured because of conduct declared unlawful by Section 15.21 (b) and requiring injunctive relief to stop the Defendants' unlawful conduct.

301. Defendants acted more than negligently. They acted – and continue to act – willfully, intentionally, or flagrantly.

302. As a direct result of Defendants' actions or failure to act, Plaintiff Booth, the market, and the public have sustained actual damages, attorney's fees, costs, and expenses, and continue to be damaged in amounts to be shown at trial over \$100,000.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as follows:

- (a) For all actual damages in an amount in excess of the jurisdictional limits to be proven at trial;
- (b) For market damage in amounts to be shown at trial over \$100,000;
- (c) For treble damages for Defendants' willful or flagrant conduct in an amount to be shown at trial over \$100,000;
- (d) For all costs, expenses, expert fees, and attorney's fees; and
- (e) For such other, different, or additional relief as the Court may find appropriate.

XV. Count Nine – Breach of the Texas Deceptive Trade Practices Act

303. At all times relevant, Section 17.44 of the DTCPA stated in part:

“Construction and Application ... This subchapter shall be liberally construed and applied to promote its underlying purposes, which are to protect consumers against false, misleading, and deceptive business practices, [and] unconscionable actions ...”

304. At all times relevant Section 17.45 of the DTCPA stated in part:

- (1) “Goods” means tangible chattels or real property purchased or leased for use.
- (2) “Services” means work, labor, or service purchased or leased for use, including services furnished in connection with the sale or repair of goods.
- (3) “Person” means an individual, partnership, corporation, association, or other group, however organized.
- (4) “Consumer” means an individual, partnership, corporation, this state, or a subdivision or agency of this state who seeks or acquires by purchase or lease, any goods or services, except that the term does not include a business consumer that has assets of \$25 million or more, or that is owned or controlled by a corporation or entity with assets of \$25 million or more.
- (5) “Unconscionable action or course of action” means an act or practice which, to a consumer’s detriment, takes advantage of the lack of knowledge, ability, experience, or capacity of the consumer to a grossly unfair degree.
- (6) “Trade” and “commerce” mean the advertising, offering for sale, sale, lease, or distribution of any good or service, of any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value, wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this state.

305. At all times relevant, Section 17.46 of the DTCPA stated in part:

Deceptive Trade Practices Unlawful.

- (a) False, misleading, or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful and are subject to action by the consumer protection division under Sections 17.47, 17.58, 17.60, and 17.61 of this code.
- (b) Except as provided in Subsection (d) of this section, the term “false, misleading, or deceptive acts or practices” includes, but is not limited to, the following acts:
 - (1) passing off goods or services as those of another;
 - (2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
 - (3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another;
 - (4) using deceptive representations or designations of geographic origin in connection with goods or services;
 - (5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not; ...

(7) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(8) disparaging the goods, services, or business of another by false or misleading representation of facts; ...

(9) advertising goods or services with intent not to sell them as advertised; ...

(12) representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law ...

306. At all times relevant, Section 17.50 of the DTCPA stated in part:

Relief for Consumers

(a) A consumer may maintain an action where any of the following constitute a producing cause of economic damages or damages for mental anguish:

(1) the use or employment by any person of a false, misleading, or deceptive act or practice that is:

(A) specifically enumerated in a subdivision of Subsection (b) of Section 17.46 of this subchapter; and

(B) relied on by a consumer to the consumer's detriment; ...

(3) any unconscionable action or course of action by any person; ...

(b) In a suit filed under this section, each consumer who prevails may obtain:

(1) the amount of economic damages found by the trier of fact. If the trier of fact finds that the conduct of the defendant was committed knowingly, the consumer may also recover damages for mental anguish, as found by the trier of fact, and the trier of fact may award not more than three times the amount of economic damages; or if the trier of fact finds the conduct was committed intentionally, the consumer may recover damages for mental anguish, as found by the trier of fact, and the trier of fact may award not more than three times the amount of damages for mental anguish and economic damages;

(2) an order enjoining such acts or failure to act;

(3) orders necessary to restore to any party to the suit any money or property, real or personal, which may have been acquired in violation of this subchapter; and

(4) any other relief which the court deems proper ...

307. Plaintiff Booth is a person engaged in trade or commerce as referenced in the DTCPA, Texas. Tex. Bus. & Com. Code §§ 17.45.

308. Plaintiff Booth is a consumer as referenced in the DTCPA, Texas. Tex. Bus. & Com. Code §§ 17.45.

309. Defendants and the named, yet unnamed, potential, Co-Conspirators are persons engaged in trade or commerce as referenced in the DTCPA, Texas. Tex. Bus. & Com. Code §§ 17.45.

310. Defendants and the named, yet unnamed, potential, Co-Conspirators are persons that engaged in unconscionable actions or course of actions to Plaintiff Booth's detriment, taking advantage of the lack of ability or capacity of the consumer to avoid, respond, or correct the actions to a grossly unfair degree.

311. Defendants breached the DTCPA, unlawfully engaging in false, misleading, or deceptive practices contrary to Section 17.46 of the DTCPA in one or more or all the following ways:

- (a) Passing off goods or services as those of another referencing, employing, or attempting to employ a SafeSport Code;
- (b) Passing off goods or services as those of another referencing, employing, or attempting to function as a national governing body;
- (c) Passing off goods or services as those of another referencing, employing, or attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (d) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services regarding a SafeSport Code;

- (e) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services regarding a national governing body;
- (f) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services regarding a judicial, administrative agency that provides a predetermination hearing according to due process;
- (g) Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another regarding a SafeSport Code;
- (h) Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another regarding a national governing body;
- (i) Causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another regarding functioning as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (j) Representing that goods or services have sponsorship, approval, characteristics, uses, or benefits which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection with a valid SafeSport Code which the person does not have;
- (k) Representing that goods or services have sponsorship, approval, characteristics, uses, or benefits which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection with a valid national governing body which the person does not have;
- (l) Representing that goods or services have sponsorship, approval, characteristics, uses, or benefits which they do not have or that a person has sponsorship, approval, status, affiliation, or connection with a valid national governing body which the person does not have;
- (m) Representing that goods or services have sponsorship, approval, characteristics, uses, or benefits which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not have regarding the defendant entities functioning autonomously and independently, does not delegate decision-making and control of matters central to governance, and is free from outside restraint;

- (n) Representing that goods or services have sponsorship, approval, characteristics, uses, or benefits which they do not have or that a person has sponsorship, approval, status, affiliation, or connection which the person does not have regarding providing fair notice and opportunity for a hearing before declaring an individual ineligible to participate;
- (o) Representing that goods or services are of a particular standard, quality, or grade, if they are of another regarding a SafeSport Code;
- (p) Representing that goods or services are of a particular standard, quality, or grade, if they are of another regarding functions as a national governing body;
- (q) Representing that goods or services are of a particular standard, quality, or grade, if they are of another regarding attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (r) Disparaging the goods, services, or business of another by false or misleading representation of facts asserting that Plaintiff Booth was guilty of any misconduct;
- (s) Disparaging the goods, services, or business of another by false or misleading representation of facts publishing that Plaintiff Booth was guilty of any misconduct;
- (t) Advertising goods or services with intent not to sell them as advertised regarding a SafeSport Code;
- (u) Advertising goods or services with intent not to sell them as advertised regarding functions as a national governing body;
- (v) Advertising goods or services with intent not to sell them as advertised regarding attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (w) Representing that an agreement confers or involves rights, remedies, or obligations which it does not have, or which are prohibited by law regarding a SafeSport Code;
- (x) Representing that an agreement confers or involves rights, remedies, or obligations which it does not have, or which are prohibited by law regarding functioning as a national governing body;

- (y) Representing that an agreement confers or involves rights, remedies, or obligations which it does not have, or which are prohibited by law regarding attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (z) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, taking advantage of the lack of ability or capacity of the consumer to avoid, respond, or correct the actions to a grossly unfair degree employing adhesion contracts regarding membership;
- (aa) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, taking advantage of the lack of ability or capacity of the consumer to avoid, respond, or correct the actions to a grossly unfair degree employing an arbitrary suspension process;
- (bb) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, conditioning the right work on membership in Defendant's organization;
- (cc) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting Texas Constitutional rights to a remedy in open court prior to passing judgment and imposing sentence;
- (dd) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting Texas Constitutional rights to be free from injury to goods, person, or reputation;
- (ee) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting Texas Constitutional rights to a remedy by due course of law prior to passing judgment and imposing sentence;
- (ff) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting Texas Constitutional rights to a jury trial prior to passing judgment and imposing sentence;
- (gg) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting or abrogating the duty of care under State law or the common law; and
- (hh) Otherwise engaging in false, misleading, deceptive, or unconscionable practices.

312. As referenced by Section 17.50 of the DTCPA, Plaintiff Booth is a consumer that suffered, and continues to suffer, economic damages and mental anguish caused by Defendants' false, misleading, deceptive, unconscionable acts and practices.

313. Plaintiff Booth relied upon Defendants' false, misleading, deceptive, unconscionable acts or practices to his detriment.

314. Defendants' acts or practices were committed knowingly or intentionally.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as follows:

- (a) For all actual damages in an amount in excess of the jurisdictional limits to be proven at trial;
- (b) For three times the mental anguish damages shown at trial that were committed knowingly by Defendants;
- (c) For three times the economic damages shown at trial that were committed intentionally by Defendants;
- (d) For prejudgment interest;
- (e) For all costs, expenses, expert fees, and attorney's fees; and
- (f) For such other, different, or additional relief as the Court may find appropriate.

XVI. Count Ten – Indemnity and Breach of the Master Services Agreement

315. At all times relevant, Defendant SafeSport, the USOPC, and Defendant USA Archery agreed to, and were supposed to comply with the terms of the MSA, Ex 1.

316. According to the MSA, the USOPC paid Defendant SafeSport good and valuable consideration in the amount of \$20,000,000.00 (twenty million dollars) in 2023 and 2024 for the benefit of all parties identified.

317. The MSA, Part III. Response & Resolution. A.2. Enforcement states in relevant part: The USOPC will promptly enforce the Center's eligibility

determinations and other sanctions as to USOPC Participants ...except to the extent that the Center's processes and determinations hamper the USOPC's ability to make employment decisions **or comply with any applicable law or regulation.**" (emphasis added).

318. The MSA, Part X. Representations and Warranties, 12 | Page, states in relevant part: "Further, the Center represents and warrants that it will not amend or modify its exclusive subject matter jurisdiction over allegations of sexual misconduct to include misconduct that is not sexual misconduct without prior agreement of the Parties."

319. The MSA, Part XI. General Terms. 1. Federal Legislation. states in relevant part: "The Parties acknowledge that federal law imposes certain rights and obligations on the Center and the USOPC."

320. The MSA, Part XI. General Terms. 2. A. Term and Termination. states in relevant part: "Either Party may terminate this MSA for cause if the other Party does not fully cure its material breach hereof (other than an inadvertent breach under Section VII hereof) within 20 business days after the non-breaching Party provides written notice to the breaching Party of such breach."

321. The MSA, Part XI. General Terms. 5. Indemnification states in relevant part:

The Center [SafeSport] agrees to indemnify, defend and hold harmless the USOPC, its officers, directors, employees, volunteers and agents from any against any and all liability, loss, expense (including reasonable attorneys' fees) **or claims for injury or damage sustained by any person(s)** arising out of (i) the Center's performance or non-performance hereunder, ...unless such liability, loss, expense was caused by the gross negligence or willful misconduct of the USOPC (emphasis added).

322. At all times relevant, the parties acknowledged receipt and sufficiency of good and valuable consideration entering into the mutual terms and conditions of the MSA.

323. As a compulsory member of the Defendant USA Archery NGB, Plaintiff Booth is an intended beneficiary of the MSA.

324. As asserted by Defendant SafeSport, Plaintiff Booth was also an agent or volunteer of the USOPC, Defendant USA Archery, and is a direct or intended beneficiary of the terms and conditions of the MSA.

325. Under either law or equity, as a result of the payments, and other good and valuable consideration, Plaintiff Booth is subrogated to or has certain direct rights of recovery or enforcement against Defendant SafeSport, including the right to indemnity.

326. In this case and many others (if not thousands), Defendant SafeSport attempts to “amend or modify its exclusive subject matter jurisdiction over allegations of sexual misconduct to include misconduct that is not sexual misconduct without prior agreement of the Parties.”

327. In this case and many others (if not thousands), Defendant SafeSport failed and continues to fail to comply with “any applicable law or regulation” including, but not limited to:

- (a) the U.S. Constitution, the Due Process Clause of the Fifth Amendment to the Constitution, and the Equal Protection Clause of the Constitution;
- (b) the Separation of Powers doctrine;
- (c) 42 U.S.C. § 1983 deprivations of the enumerated statutory and common law rights;

- (d) the Texas Constitution right to speak, write or publish opinions on any subject;
- (e) the Texas Constitution right to a remedy in open court;
- (f) the Texas Constitution right to be free from injury done against Plaintiff Booth's lands, goods, person, or reputation;
- (g) the right to remedy by due course of law;
- (h) the right to a jury trial;
- (i) deprivation of liberty, property, privileges, or immunities, without due course of the law;
- (j) breach of the right to assemble and apply to those invested with the powers of government for redress of grievances or other purposes;
- (k) restraint of trade;
- (l) breach of the Texas Free Enterprise and Antitrust Act;
- (m) deceptive business practices;
- (n) breach of the Texas Deceptive Trade Practices and Consumer Protection Act;
- (o) civil conspiracy; and
- (p) tortious interference with contract.

328. The conduct and actions described are material breaches of the MSA.

329. As described in detail in the paragraphs incorporated by reference, Plaintiff Booth is "any person" claiming "injury or damage ... arising out of (i) the Center's performance or non-performance hereunder" to whom the Center [Defendant SafeSport] agreed to indemnify, defend, and hold harmless from "any against [sic] any and all liability, loss, expense, (including reasonable attorneys' fees)."

330. To the extent that any condition applies to Plaintiff Booth's exercise of the right to indemnity, defense, fees or any other loss, Plaintiff Booth met or meets all conditions as required by the MSA and Defendant SafeSport's performance is not excused by law or equity.

WHEREFORE, Plaintiff Booth respectfully requests the Court enter judgment in his favor and against Defendant SafeSport as follows:

- (a) Declare and enter judgment that Plaintiff Booth is a person injured or damaged as a direct or proximate result of the Center's [Defendant SafeSport's] performance or non-performance under the Master Service Agreement;
- (b) Declare and enter judgment that the Center was and is in material breach of the Master Service Agreement;
- (c) Declare and enter judgment requiring the Center to disgorge and return all or a pro-rata portion of the \$20,000,000 payment made by the USOPC for 2023 and 2024 representing amounts improperly used or diverted for response and resolution of misconduct other than allegations of sexual misconduct or used or diverted for other unauthorized purposes;
- (d) Declare and enter judgment that as a result of the Center's material breaches, the Master Service Agreement is void and cancelled with respect to Defendant USA Archery;
- (e) Declare that Defendant USA Archery is in violation of 36 U.S.C. § 220522 and issue an order to show cause as to why the national governing body charter issued to Defendant USA Archery should not be revoked;
- (f) For damages in an amount to be shown at trial representing all or a pro-rata portion of the \$20,000,000 payment made by the USOPC for 2023 and 2024 representing amounts improperly used or diverted for response and resolution of misconduct other than allegations of sexual misconduct or used or diverted for other unauthorized purposes;
- (g) Declare and enter judgment that the Center [Defendant SafeSport] must indemnify, defend, and hold Plaintiffs harmless from all liability, loss, expense, injury, damage, and reasonable attorney's fees;
- (h) For all loss, expense, costs, damages, and reasonable attorney's fees in the past, present, and future proximately caused by any breach of the Master Service Agreement by the Center [Defendant SafeSport] in an amount in excess of \$100,000 to be proven at trial or hearing; and
- (i) For such other, different, or additional relief as the Court may find appropriate.

XVII. Count Eleven - Civil Conspiracy

331. Defendants, the named, and unnamed potential Co-Conspirators, all combined to conspire against Plaintiff Booth.

332. The objectives to be accomplished included, but are not limited to:

- (a) Destruction and damage to Plaintiff Booth's career, vocation, ability and right to work, tangible and intangible property, reputation, his person, his character, his physical, and mental health;
- (b) Violations of the Free Enterprise Act restraining trade and commerce;

- (c) Violations of the DTCPA holding themselves out as an illegal administrative agency with unilateral disciplinary authority;
- (d) Deprivations of the enumerated statutory and common law rights under 42 U.S.C. § 1983;
- (e) Violations of the Texas Constitution right to speak, write or publish opinions on any subject;
- (f) Violations of the Texas Constitution right to a remedy in open court;
- (g) Violations of the Texas Constitution right to be free from injury done against Plaintiff Booth's lands, goods, person, or reputation;
- (h) Depriving Plaintiff Booth of the right to remedy by due course of law;
- (i) Depriving Plaintiff Booth of the right to a jury trial;
- (j) Deprivations of liberty, property, privileges, or immunities, without due course of the law;
- (k) Breaches of the right to assemble and apply to those invested with the powers of government for redress of grievances or other purposes;
- (l) Restraint of trade;
- (m) Deceptive business practices;
- (n) Depriving Plaintiff Booth of constitutional, statutory, common law, and equitable rights and protections; and
- (o) Tortiously interfering with contracts.

333. Each of the Defendants combined, participated, aided, or assisted one or more or all of the unlawful acts alleged.

334. As a direct and proximate result, Plaintiffs suffered damages.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as follows:

- (a) For all damages in an amount in excess of the jurisdictional limits to be proven at trial;
- (b) For all costs, expenses, and attorney's fees; and
- (c) For such other, different, or additional relief as the Court may find appropriate.

XVIII. Count Twelve - Tortious Interference with Contract

335. Prior to Defendants' unlawful conduct as alleged, Plaintiff Booth enjoyed multiple contracts, contractual relationships, and prospective economic advantages including but not limited to medical and health benefits, coaching, ongoing and viable businesses, sponsorships, endorsements, referrals, and employment opportunities.

336. Defendants willfully, maliciously, and intentionally interfered with Plaintiff Booth's contracts, contractual relationships, and prospective economic opportunities in one or more, or all of the following ways:

- (a) Misrepresenting use or application of a SafeSport Code;
- (b) Attempting to function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (c) Misrepresenting that Defendants provide fair notice and opportunity for a hearing before declaring an individual ineligible to participate;
- (d) Misrepresenting that Defendants function as a judicial, administrative agency that provides a predetermination hearing according to due process;
- (e) Disparaging Plaintiff Booth's reputation publishing false statements that Plaintiff Booth was guilty of any misconduct;
- (f) Failing to provide a predetermination due process hearing before imposing a sentence;
- (g) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting his Texas Constitution right to a remedy in open court prior to passing judgment and imposing sentence;
- (h) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting his Texas Constitution right to be free from injury to person, property, or character without a predetermination hearing;
- (i) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting his Texas Constitution right to a remedy by due process of law prior to passing judgment and imposing sentence;
- (j) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting his Texas Constitution right to a jury trial prior to passing judgment and imposing sentence;
- (k) Engaging in unconscionable actions or course of actions to Plaintiff Booth's detriment, preempting or abrogating the duty of care under federal, state, or the common law;

- (l) Depriving Plaintiff Booth of constitutional, statutory, common law, and equitable rights and protections; and
- (m) Otherwise tortiously, illegally, interfering with Plaintiff Booth's contracts and contractual relationships.

337. As a direct and proximate cause of the Defendants' acts as alleged, Plaintiff Booth suffered damages in an amount in excess of \$100,000 to be shown at trial.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendants as follows:

- (a) For all past, present, and future damages in an amount in excess of the jurisdictional limits to be proven at trial;
- (b) For all costs, expenses, and attorney's fees; and
- (c) For such other, different, or additional relief as the Court may find appropriate.

XIX. Count Thirteen – Defamation *per se* against Defendant Haynes Requa

338. On or about September 8, 2024, the TSAA posted an announcement on social media about the arrest of a different person than those identified here. The other person was charged with two counts of possession of child pornography.

339. Responding to the TSAA announcement, Defendant Haynes Requa asked if TSAA had “a statement about the charges of sexual misconduct of Dacota Taylor who was also a board member and active coach?”

340. Later in the same thread, Defendant Haynes Requa then put Plaintiff Booth in the same company with accusations of aiding and abetting an alleged “pedophile’s” access to minors. “While we’re at it, is there a statement about Scott Booth defending ... and aiding and Abetting his access to minors?” Underneath such a disgusting, despicable, false, publication, Defendant Haynes Requa pasted a different publication from Defendant SafeSport and Defendant USA Archery

stating that Plaintiff Booth is temporarily suspended for “aiding and abetting” further connecting him to false allegations of sexual misconduct. (The published document is identified as Exhibit 4 and is incorporated by reference as though fully set forth.¹²

341. On September 12, 2024, a “Cease, Desist, and Retraction” notice was sent to Defendant Haynes Requa at her last known email addresses, at her last known home address by first class mail (regular delivery) and certified mail.

342. Among other things, the notice letter stated in part:

We represent [Plaintiff Booth]. On September 8 and 9, 2024, you posted despicable, disgusting lies about Mr. Booth on the Texas State Archery Association social media thread ... For legal reasons and recognizing civilized behavior, we are not going to repeat or republish the most deplorable parts. However, among other false statements, you said Mr. Booth was “defending ... aiding and abetting his access to minors.”

Whatever crusade you think you may be performing; you should be ashamed speaking about Mr. Booth (or anyone else) in such a manner. As you know, he has children, is an upstanding family man, and is a volunteer in the community.

We are sending this notification because there is a Texas statute requiring it in order to preserve seeking exemplary (punitive) damages in a lawsuit for the type of filth you are publishing ... See Tex. Civ. Prac. Rem. Code §§ 73.054 – 73.059. Absent that requirement, we would already be on the way to filing a complaint in court to stop your harassment. However, the statute states that to preserve the right to seek exemplary damages, you get an opportunity to retract and correct the statements made...

The statute requires that because you published on the Internet and various social media outlets as well, that the “...correction, clarification, or retraction is published with a prominence and in a manner and medium reasonably likely to reach substantially the same audience as the publication[s] complained of...”

¹² Pursuant to Local Rule 83.6, the defamatory material is filed separately under seal. Due to the false, deplorable nature of the publication, it is requested to be kept under seal, confidential, and limited to use as deemed appropriate by the court.

The retraction, clarification, and apology must be published “with a prominence and in a manner likely to reach substantially the same audience” as the original publications and on or before October 12, 2024.

343. Plaintiff Booth made a timely and sufficient request for retraction and correction as required by the Texas Defamation Mitigation Act, Tex. Civ. Prac. Rem. Code §§ 73.051 and following.

344. Long before the problematic aspects of the internet and social media present in this case, “Jonathan Swift observed that ‘[f]alsehood flies, and the truth comes limping after it, so that when men come to be undeceived, it is too late.’” (internal citation omitted), *Warner Bros. Entm’t v. Jones*, 611 S.W.3d 1, 2-3 (Tex. 2020).

345. Defendant Haynes Requa refused to retract or correct the false statements. Defendant Haynes Requa also failed to produce or identify any evidence of the criminal acts alleged against Plaintiff Booth. Now it is too late.

346. Failure to take prompt action to correct or mitigate the falsehoods is illustrative of intent to damage, or at a minimum, negligent in checking and correcting the falsity of the statements made.

347. Defendant Haynes Requa’s false statements are a proximate cause of severe damage to Plaintiff Booth, his reputation, and his business.

348. Defendant Haynes Requa is not a member of the print or broadcast media. The false statements made are not about a public figure.

349. Defendant Haynes Requa’s statements are false; tend to injure Plaintiff Booth’s personal and business reputation; and expose him, his business, and family to public contempt, hatred, or ridicule.

350. Defendant Haynes Requa's statements alleging criminal conduct are defamatory *per se*.

351. Falsely accusing someone of a crime, false accusations of engaging in sexual misconduct, or remarks that adversely reflect on someone's fitness to conduct his business or profession is deemed defamatory *per se*. See, *In re Lipsky*, 460 S.W.3d 579, 596 (Tex. 2015).

352. Disregarding the truth or falsity of the statements identified on September 8 and 9, Defendant Haynes Requa acted: (a) intentionally; (b) with malice; (c) negligently; or (d) is liable without regard to fault.

353. Falling within the definition of defamation *per se*, damage to Plaintiff Booth, his business, and reputation is presumed.

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and against Defendant Haynes Requa as follows:

- (a) For actual or compensatory damages in an amount in excess of the jurisdictional limits to be proven at trial;
- (b) For exemplary damages in an amount to be shown at trial over \$100,000, or such other amount within Constitutional limits sufficient to deter Defendant's past and future conduct;
- (c) For nominal damages sufficient to support a judgment order directing Defendant Haynes Requa compliance with the Texas Defamation Mitigation Act, clearing Plaintiff Booth's name and reputation on the internet, social media, and elsewhere;
- (d) For pre-judgment and post-judgment interest at the maximum legal rate;
- (e) For all costs, expenses, expert fees, and attorney's fees; and
- (f) For such other, different, or additional relief as the Court may find appropriate.

XX. Notice, Conditions Precedent

354. Pursuant to the Free Enterprise Act, Section 15.21 (c), a copy of the Complaint is mailed to the Attorney General's office.

355. Pursuant to the MSA, Part XI. General Terms. 2. A. written notice and an opportunity to cure within twenty business days was provided to Defendant SafeSport and Defendant USA Archery. A copy of the notice is attached as Exhibit 5. On November 22, 2024 through counsel, Defendant USA Archery declined to cure.

356. Pursuant to the Texas Defamation Mitigation Act, Tex. Civ. Prac. Rem. Code §§ 73.051 and following, written notice and an opportunity to mitigate or retract was provided (see ¶¶ 341-343).

XXI. Jury Demand

Plaintiffs demand a trial by jury on all claims to which they are entitled.

Dated: December 20, 2024

Respectfully submitted,

/s/ Steve C. Silvey

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