

NO. D-1-GN-19-004577

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

Plaintiffs,

vs.

**MICHAEL QUINN SULLIVAN;
and UNKNOWN NAMED POLITICAL
COMMITTEE**

Defendants.

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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

98TH JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs, the Texas Democratic Party and Ana-Maria Ramos, file this Original Petition complaining of Defendant Michael Quinn Sullivan (hereinafter "Sullivan") and an Unknown Named Political Committee and in support thereof would show the Court as follows:

Preliminary Statement

According to numerous sources that are publicly reported, Speaker of the Texas House of Representatives Dennis Bonnen was recorded in a meeting with Sullivan soliciting political expenditures and/or contributions in exchange for government benefits that the Speaker promised to deliver. Moreover, the recording also includes comments by the Speaker seeking coordination with Sullivan and his associated political committee. Empower Texans, with respect to numerous upcoming elections including at least ten different races for district offices in the Texas House of Representatives. Plaintiff Ramos, upon information and belief, is one of the candidates mentioned in this recording as a target of the coordinated political efforts between the Speaker and Sullivan. This suit, through contemporaneously filed discovery requests, seeks

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

Parties

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

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

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

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

Venue

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

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

Facts/Law

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Texas Election Code

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

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

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

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

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

Claims for Relief

1. Declaratory Judgment

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

2. Claims for Damages

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

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

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

3. Injunctive Relief

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

Prayer

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

Respectfully submitted,

TEXAS DEMOCRATIC PARTY

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