

Jefferson County Court
100 Jefferson County Parkway
Golden CO 804016002 United States

JAKE MORPHONIOS
KERNERSVILLE NC 27284

44-1014

To: Jake Morphonios

Subject: Service of documents in 2019C670.

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- Court Location: Jefferson County
- Case Number: 2019C670
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- Filed Document Title(s):

- Order: Motion to Dismiss
- Submitted on Date/Time: Thu Jun 13 18:30:04 MDT 2019
- Submitted by Authorizing Organization:
- Submitted by Authorizing Attorney: Jefferson County Court

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COUNTY COURT, JEFFERSON COUNTY, COLORADO Court Address: 100 Jefferson County Parkway, Golden, CO, 80401-6002	DATE FILED: June 13, 2019
Plaintiff(s) STEVE QUEST v. Defendant(s) JAKE MORPHONIOS	<div style="text-align: center;">△ COURT USE ONLY △</div> Case Number: 2019C670 Division: H Courtroom:
Order: Motion to Dismiss	

The motion/proposed order attached hereto: GRANTED IN PART.

The Court has reviewed this motion and the Plaintiff's reply. The Court finds the complaint for slander **not plead with specificity**, nor has a motion to amend been filed by the Plaintiff. The Court finds that **the Plaintiff does not offer facts** in his reply that would meritoriously challenge the assertions made by the Defendant in his motion that this court does not have jurisdiction over him such that this suit should continue here in Jefferson County, Colorado. Further, the Court finds that **service of process may be defective** under C.R.C.P. 304(d)(1). **The motion to dismiss is granted** in part under C.R.C.P. 341(b)(1) and C.R.C.P. 398. The dismissal for lack of jurisdiction is a dismissal without prejudice.

Issue Date: 6/13/2019



THOMAS E VANCE
 County Court Judge

DISTRICT COURT OF JEFFERSON COUNTY STATE OF COLORADO 100 Jefferson County Parkway Golden, CO 80401	19 MAY 13 AM 10:27 <div style="text-align: center;">COURT USE ONLY</div>
Plaintiff: STEVE QUEST v. Defendant: JAKE MORPHONIOS	
	Case Number: 19C670 Courtroom: 2G Division: H
DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT	

COMES NOW, the Defendant, Jake Morphonios, pro se, and for his Motion to Dismiss states as follows:

I. INTRODUCTION

Defendant Jake Morphonios is an independent journalist with a background in financial crimes investigation who investigates geopolitical conflicts in the Middle East, as well as other topics including political corruption and government coverups. He publishes his reports primarily on his YouTube channel, Blackstone Intelligence Network.

On April 6, 2019, defendant conducted a live broadcast discussing defamation lawsuits by parents of children who were killed in the 2012 Sandy Hook School Shooting. Defendant had interviewed Sandy Hook parents who lost children in the massacre and was talking to his

audience about the importance of treating the grieving parents with compassion and civility, as opposed to the actions of anonymous “internet trolls” who tormented the parents of with false claims of them being “paid crisis actors” and that their children never actually died.

During this broadcast, several anonymous “trolls” entered the online forum and began to disrupt the program. One anonymous provocateur cycled through multiple fake accounts during the broadcast. Defendant learned after the broadcast was over that some of these troll accounts were being operated by Plaintiff, Steve Quest, and other unnamed associates.

II. DEFENDANT IS NOT SUBJECT TO PERSONAL JURISDICTION IN COLORADO

This Court lacks personal jurisdiction over defendant. He does not have systematic contacts with Colorado sufficient to warrant exercising general personal jurisdiction over him. Additionally, there do not exist sufficient contacts with Colorado in relation to the alleged conduct to warrant the exercise of specific personal jurisdiction over him. Furthermore, exercising personal jurisdiction over defendant would not comport with due process under the Colorado constitution. For these reasons, this Court should dismiss the Complaint with prejudice pursuant to Rule 12(b)(2).

A. Standard for Exercising Personal Jurisdiction

Rule 12(b)(2) provides for the dismissal of actions and claims where the Court lacks personal jurisdiction over a defendant. In reviewing a Rule 12(b)(2) motion, the plaintiff bears the burden

of establishing that personal jurisdiction exists. *Soma Med. Int'l v. Std. Chtd. Bank*, 196 F.3d 1292, 1295 (10th Cir.1999). Before a nonresident defendant may be subjected to a Colorado court's jurisdiction, the plaintiff must comply with the requirements of Colorado's long-arm statute, section 13-1-124, C.R.S.2013, and constitutional due process. *Archangel*, 123 P.3d at 1193-94; see *Gognat v. Ellsworth*, 224 P.3d 1039, 1052-53 (Colo.App.2009), *aff'd*, 259 P.3d 497 (Colo.2011).

First, Colorado's long-arm statute codifies the "minimum contacts" test of *International Shoe Co. v. Washington*, 326 U.S. 310, 319, 90 L. Ed. 95, 103 (1945), and extends the courts' jurisdiction to the maximum extent consistent with the Due Process Clause of the Fourteenth Amendment. *Wise v. Lindamood*, 89 F. Supp.2d 1187, 1189 (D. Colo. 1999). Second, the plaintiff must establish that the court's exercise of personal jurisdiction over the non-resident defendant comports with principles of due process. *Peay*, 205 F.3d at 1209.

To meet the requirements of due process, a defendant must have "certain minimum contacts with the forum state so that he may foresee being answerable in court there." *Wise v. Lindamood*, 89 F. Supp.2d 1194 (D. Colo. 1999); see *International Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S.Ct. 154, 90 L.Ed. 95 (1945) ("[D]ue process requires only that in order to subject a defendant to a judgment in personam, if he be not present within the territory of the forum, he have certain minimum contacts with it such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice'" (quoting *Milliken v. Meyer*, 311 U.S. 457, 463, 61 S.Ct. 339, 85 L.Ed. 278 (1940))).

The quantity and nature of these contacts depend on whether the plaintiff alleges general or specific jurisdiction. *Goettman*, 176 P.3d at 67. A court has general jurisdiction if the defendant conducted continuous and systematic activities that are of a general business nature in the forum state. *Id.* A court has specific jurisdiction if the "injuries triggering litigation arise out of and are related to activities that are significant and purposefully directed by the defendant at residents of the forum." *Archangel*, 123 P.3d at 1194 (internal quotation marks omitted). "For a State to exercise jurisdiction consistent with due process, the defendant's suit-related conduct must create a substantial connection with the forum State." *Walden v. Fiore*, 571 U.S., 134 S.Ct. 1115, 1121, 188 L.Ed.2d 12 (2014).

First, the relationship must arise out of contacts that the "defendant himself" creates with the forum State. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475, 105 S.Ct. 2174, 85 L.Ed.2d 528 (1985). Due process limits on the State's adjudicative authority principally protect the liberty of the nonresident defendant — not the convenience of plaintiffs or third parties. See *World-Wide Volkswagen Corp. [v. Woodson]*, 444 U.S. 286, 291-92, 100 S.Ct. 559, 62 L.Ed.2d 490 (1980).... Put simply, however significant the plaintiff's contacts with the forum may be, those contacts cannot be "decisive in determining whether the defendant's due process rights are violated." [*Rush v. Savchuk*, 444 U.S. 320, 332, 100 S.Ct. 571, 62 L.Ed.2d 516 (1980)].

Second, the "minimum contacts" analysis looks to the defendant's contacts with the forum State itself, not the defendant's contacts with persons who reside there. See, e.g., *International Shoe*, [326 U.S.] at 319, 66 S.Ct. 154 (Due process "does not contemplate that a state may make binding judgment in personam against an individual... with which the state has no contacts, ties,

or relations"): Hanson [v. Denckla, 357 U.S. 235, 251, 78 S.Ct. 1228, 2 L.Ed.2d 1283 (1958)] ("However minimal the burden of defending in a foreign tribunal, a defendant may not be called upon to do so unless he has had the 'minimal contacts' with that State that are a prerequisite to its exercise of power over him"). The purpose of the "minimum contacts" requirement is to protect the defendant against the burden of litigation at a distant or inconvenient forum, and to ensure that states do not reach beyond the limits of their sovereignty imposed by their status in the federal system. World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 291-92 (1980). The purposeful availment requirement ensures that defendants will not be haled into a jurisdiction through 'random,' 'fortuitous,' or 'attenuated' contacts. Burger King Corp. v. Rudzewicz, 471 U.S. 462, 475 (1985); see Trierweiler v. Croxton & Trench Holding Corp., 90 F.3d 1523, 1532-33 (10th Cir. 1996). The central concern of any jurisdictional inquiry is the relationship between the defendant, the forum, and the litigation. Shaffer v. Heitner, 433 U.S. 186, 204 (1977).

Thus, "[t]he proper question is not where the plaintiff experienced a particular injury or effect but whether the defendant's conduct connects him to the forum in a meaningful way." *Id.* at 1125. "[A] defendant's relationship with a plaintiff or third party, standing alone, is an insufficient basis for jurisdiction." *Id.* at 1123.

B. General Jurisdiction Inapplicable to Defendant

Defendant is not subject to personal jurisdiction in Colorado under the principle of general jurisdiction. Plaintiff has not alleged that defendant has systematic contacts with Colorado to find general jurisdiction applicable. Consequently, Plaintiff has waived any general jurisdiction

argument. Assuming, arguendo, the Plaintiff has not waived this argument, defendant does not have sufficient contacts with Colorado to warrant application of general jurisdiction over him.

General jurisdiction can only occur where the defendant is either domiciled in the forum state or has "substantial, continuous, and systematic general business contacts" with the forum.

Helicopteros Nacionales de Colombia, S.A., 466 U.S. at 414- 416, 104 S.Ct. at 1873;

Trierweiler, 90 F.3d at 1533. The Defendant is neither domiciled in nor has "continuous and systematic general business contacts" with Colorado to warrant general jurisdiction.

Defendant is a citizen and resident of North Carolina. He does not live in Colorado and has never lived in Colorado. Defendant has never had a Colorado driver's license, paid rent in Colorado, owned property in Colorado or sought to buy or sell goods in Colorado. He has no offices, agents, employees, phone numbers or mailing addresses in Colorado. Defendant has no bank accounts, licenses or other operations in Colorado. Defendant does not generate any revenues from Colorado. In short, Defendant has no connections to Colorado. Therefore, this Court lacks personal jurisdiction over defendant. For this reason, this Court should dismiss the Complaint as to defendant pursuant to Rule 12(b)(2) with prejudice.

C. Specific Jurisdiction Inapplicable to Defendant

In *Giduck v. Niblett*, 2014 COA 86, (Colo. App. 2014), in which Colorado resident plaintiffs alleged that a foreign defendant had committed defamation by posting statements on the internet, the Court granted defendant's motion to dismiss, in part, because plaintiffs failed to allege that

defendant conducted continuous and systematic activities of a general business nature in Colorado. The Court also reasoned that plaintiffs failed to make a prima facie showing of specific personal jurisdiction over the foreign defendant because: 1) plaintiff's allegation of harm over the internet was insufficient to establish minimum contacts in Colorado by defendant; 2) no defamatory statements were directed at the forum but were, instead, distributed widely over the internet.

Defendant has not committed any acts that give rise to sufficient contacts with Colorado for this Court to exercise specific personal jurisdiction. The Plaintiff does not allege specific jurisdiction over defendant in his Complaint. Thus, the Plaintiff has waived any specific jurisdiction argument. Assuming, arguendo, the Plaintiff has not waived this argument, defendant does not have sufficient contacts with Colorado to warrant application of specific jurisdiction over him.

This Court has specific jurisdiction only if the "injuries triggering litigation arise out of and are related to activities that are significant and purposefully directed by the defendant at residents of the forum." *Archangel*, 123 P.3d at 1194. And, "For a State to exercise specific jurisdiction consistent with due process, the defendant's suit-related conduct must create a substantial connection with the forum State." *Walden v. Fiore*, 571 U.S., 134 S.Ct. 115, 1121, 188 L. Ed.2d 12 (2014).

Specific jurisdiction may be exercised where the defendant has "purposefully directed" its activities toward the forum jurisdiction and where the underlying action is based upon activities

that arise out of or relate to the defendant's contacts with the forum. *Kuenzle v. HTM Sport-Und Freizeitgeräte AG*, 102 F.3d 453, 456-7 (10th Cir. 1996).

To support specific jurisdiction, there must be "some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws." *Hanson v. Denckla*, 357 U.S. 235, 253, 2 L. Ed. 2d 1283 (1958); see also *Fidelity and Cas. Co. of N. Y. v. Phila. Resins Corp.*, 766 F.2d 440, 445 (10th Cir. 1985). This requirement of "purposeful availment" for purposes of specific jurisdiction precludes personal jurisdiction as the result of "random, fortuitous, or attenuated contacts." *Bell Helicopter Textron, Inc.*, 385 F.3d at 1296 (quoting *Burger King*, 471 U.S. at 475 (citations and internal quotation marks omitted)).

In this, the Plaintiff cannot establish specific personal jurisdiction over defendant as there has been no availing of Colorado privilege. The Plaintiff alleges that defendant made unspecified derogatory statements against him to a broad, non-local internet audience. At the time of the alleged statements, defendant had no knowledge of the personal identity or state of residence of plaintiff as the plaintiff was not using his true name, but was hiding behind a string of fake, anonymous user names.

However, even if defendant had been aware of the true identity behind the anonymous profiles, the act of stating a personal opinion or referring to publicly available information about the plaintiff from across the country cannot give rise by itself to specific personal jurisdiction. No act is alleged against defendant that he purposefully availed himself of the privilege of

conducting activities in the state of Colorado, thus invoking the benefits and protections of its laws.

D. Exercise of Personal Jurisdiction Would be Unreasonable

Even if the Plaintiff could demonstrate the applicability of specific personal jurisdiction, the court must also consider whether the assertion of jurisdiction “comports with ‘traditional notions of fair play and substantial justice’ -- that is, whether it is reasonable under the circumstances of a particular case.” *Metropolitan Life Ins. Co. v. Robertson-Ceco Corp.*, 84 F.3d 560, 568 (2d. Cir. 1996) (quoting *International Shoe Co.*, 326 U.S. at 316, 66 S. Ct. at 158) see also *Bell Helicopter Textron, Inc.*, 385 F.3d at 1296 (citing *Burger King Corp.*, 471 U.S. at 472-74); *Intercon, Inc.*, 205 F.3d at 1247.

Colorado courts consider the following factors to decide whether exercise of jurisdiction is reasonable: (1) the burden on the defendant; (2) the forum state’s interest in resolving the dispute; (3) the plaintiff’s interest in receiving convenient and effective relief; (4) the interstate judicial system’s interest in obtaining the most efficient resolution of controversies; and (5) the shared interest of the several states in furthering fundamental substantive policies. *Bell Helicopter Textron, Inc.*, 385 F.3d at 1296; see also *Burger King*, 471 U.S. at 475, 105 S. Ct. at 2184; *Intercon, Inc.*, 205 F.3d at 1249.

Upon consideration of the five-factor “fairness” test set forth in *Asahi* and *Burger King*, the exercise of jurisdiction by this Court would be unreasonable. *Metropolitan Life*, 84 F.3d at 568

(citing *Asahi Metal Indus. Co. v. Superior Court*, 480 U.S. 102, 113-14, 107 S. Ct. 1026, 1032-33 (1987), and *Burger King*, 471 U.S. at 475, 105 S. Ct. at 2184). First, adjudication in Colorado would impose a significant burden on defendant who resides in North Carolina and has no meaningful presence in Colorado. The burden on defendant to litigate this claim in Colorado is significantly greater than the burden facing Plaintiff. Second, even if the burdens were equal, this factor would tip in favor of defendant because the law of personal jurisdiction is “primarily concerned with the defendant’s burden.” *Terracom v. Valley Nat’l Bank*, 49 F.3d 555 (9th Cir. 1995). For the same reason, the second factor should not be given as much weight as the first. For, this Court’s only interest in adjudicating the dispute arises because Plaintiff resides in Colorado.

Third, adjudication in Colorado will not advance the “interest in obtaining the most efficient resolution of controversies” where defendant, his witnesses, and evidence will be located in North Carolina. For the foregoing reasons, it will be unreasonable to require defendant to defend this action in Colorado. See *Bell Helicopter Textron, Inc.*, 385 F.3d at 1296. Indeed, even if defendant had made a statement about the plaintiff, as the plaintiff’s personal identity and state of residence was unknown due to his use of a various anonymous profile names, defendant could not possibly have anticipated being haled into court in Colorado. To require the defendant to litigate in Colorado would offend traditional notions of fair play and substantial justice. Therefore, Plaintiff’s claims against defendant must be dismissed. See *Burger King Corp.*, 471 U.S. at 472-74, 105 S. Ct. at 2183.

E. Defendant is Not Subject to Jurisdiction

For the foregoing reasons, the Court does not have personal jurisdiction over the foreign defendant and should dismiss the Plaintiff's Complaint against him with prejudice.

III. INVALID SERVICE OF PROCESS

Colorado Rules of Civil Procedure, Rule 4(e)(1), states that personal service must be made:

"Upon a natural person whose age is eighteen years or older by delivering a copy thereof to the person, or by leaving a copy thereof at the person's usual place of abode, with any person whose age is eighteen years or older and who is a member of the person's family."

Additionally, Colorado Revised Statute § 13-1-125 mandates that: "Service of process upon any person subject to the jurisdiction of the courts of Colorado may be made by personally serving the summons upon the defendant or respondent outside this state, in the manner prescribed by the Colorado rules of civil procedure, with the same force and effect as if the summons had been personally served within the state." However, a copy of the plaintiff's complaint was improperly served by a Forsyth County, NC sheriff's deputy who left a copy of the complaint with defendant's minor child, aged 16 years old, at his place of residence.

It is not incumbent upon a defendant to do anything to make service of process upon him valid. *Coppinger v. Coppinger*, 130 Colo. 175, 274 P.2d 328 (1954); *Weber v. Williams*, 137 Colo. 269, 324 P.2d 365 (1958). Service on defendant's minor child confers no jurisdiction over defendant. *Havens v. Hardesty*, 43 Colo. App. 162, 600 P.2d 116 (1979). In absence of valid

service of process, the court lacks personal jurisdiction over defendant. United Bank of Boulder, N.A. v. Buchanan, 836 P.2d 473 (Colo. App. 1992).

The plaintiff's complaint should be dismissed on the grounds of improper service of process according to C.R.C.P. 4(e)(1) and C.R.S. § 13-1-125.

IV. PLAINTIFF FAILS TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

Steve Quest alleges in his Complaint that "Jake Rondle Morphonios accused me of vile and disgusting acts during a live broadcast on his Blackstone Intelligence channel, defaming my character in which thousands of people heard this publicly".

This assertion is vague, non-specific and untrue. When alleging defamation, a plaintiff's failure to identify specific false statements reasonably implied from the defendant's speech indicates that speech is a protected expression of opinion. Jefferson Cnty. Sch. Dist. No R-1 v. Moody's Investor's Servs., Inc., 175 F.3d 848 (10th Cir. 1999).

At the time of this broadcast, defendant did not know, nor could have known, who "Steve Quest" was. Defendant made no reference to "Steve Quest" in his broadcast. Reference was only made to a group of anonymous user accounts, including "OctoberReignz" and "Montagraph" that are shared between multiple parties. It is impossible to know the identity of which anonymous individual is operating anonymous internet accounts, especially when those accounts are shared

randomly between multiple parties. In a YouTube video (<https://youtu.be/9aeH6449U0>), "Montagraph" tells his viewers that he has "thousands" of email accounts and "hundreds" of social media accounts.

It was only after receiving a series of threats of violence and intense harassment from Montagraph and associated anonymous accounts following the original broadcast that defendant researched and discovered the possible identities of these anonymous internet provocateurs, among which was the possibility of someone named Steve Quest. Only after plaintiff filed a Complaint using his real name instead of his many anonymous user names did defendant know with certainty who was accusing him of defaming the character of these anonymous "internet troll" profiles. In internet slang, a "troll" is a person who starts quarrels or willfully seeks to cause emotional distress to other people on the internet, often by sowing discord, posting cruel or inflammatory messages to provoke others into displaying emotional responses for the troll's amusement.

Given that plaintiff has, for years, claimed in public videos that nobody knows his name, that he is not "Steve Quest" (see: https://www.youtube.com/watch?v=R_3xMJichh0 & <https://www.youtube.com/watch?v=GpxzOXOkLLU>) and has operated through a series of dozens of anonymous names and accounts, some of which are shared accounts with other anonymous parties - and, given that defendant never referred to "Steve Quest" in any way in his original broadcast, defendant could not have committed defamation against "Steve Quest". Plaintiff therefore has no valid claim upon which relief would be granted under any

circumstance. There is no set of facts asserted by plaintiff that would entitle the plaintiff to the relief requested.

Plaintiff does not allege that defendant had any personal knowledge of his secret identity. Nor does plaintiff even attempt to allege any specific claims of defamation in his Complaint.

C.R.C.P. 12(b)(5) states that a motion “to dismiss for failure to state a claim upon which relief can be granted serves as a test of the formal sufficiency of a plaintiff’s complaint.” *Qwest Corp. v. Colo. Div. of Prop. Taxation*, 304 P.3d 217, 221, (Colo. 2013) (quoting *Pub. Serv. Co. v. Van Wyk*, 27 P.3d 377, 385 (Colo. 2001)). Where “a plaintiff can prove no set of facts in support of her claim which would entitle her to relief,” the motion to dismiss should be granted. *Qwest*, 304 P.3d at 221 (citing *Van Wyk*, 27 P.3d at 385-86). While “the court must accept all well-pleaded facts as true,” it “is not required to accept as true legal conclusions couched as factual allegations,” and “a complaint may be dismissed if the substantive law does not support the claims asserted.” *Western Innovations, Inc. v. Sonitrol Corp.*, 187 P.3d 1155, 1158 (Colo. App. 2008)(citing cases).

In *Warne v. Hall*, 373P.3d 588 (Colo. 2016) the Colorado Supreme Court adopted the US Supreme Court approach to a Motion to Dismiss which is articulated in *Bell Atlantic Corp. v. Twombly*, 550 US 544 (2007) and *Ashcroft v. Iqbal*, 556 US 662 (2009). *Warne* held that conclusory statements in the complaint are “not entitled to an assumption that they were true” and concluded that the complaint insufficiently alleged plausible grounds for relief because the non-conclusory allegations were “equally consistent with non-tortious conduct”. *Id.* At 596, 597.

The Plaintiff does not allege conduct in his Complaint that amounts to a violation of law, nor does he list all of the elements of proof for the alleged violation. Plaintiff fails to indicate any measurable injury resulting from actions by the defendant. As plaintiff's Complaint is critically deficient, makes no specific claims of wrongdoing by defendant, relying on conclusory statements alone, and fails to state any specific claim upon which relief can be granted, defendant moves for the Court to dismiss the plaintiff's Complaint with prejudice according to C.R.C.P. 12(b)(5).

V. DISMISSAL WITH PREJUDICE BASED ON FRIVOLOUS & VEXATIOUS COMPLAINT

Black's Law Dictionary defines frivolous as "lacking a legal basis or legal merit" and vexatious as "without reasonable or probable cause," Black's Law Dictionary (10th ed. 2014). Colorado Law states an action is frivolous "if the proponent has no rational argument to support the claim based on the evidence or the law" and vexatious if it is "manipulated in bad faith." Pat's Const. Serv., Inc. v. Ins. Co. of the W., 141 P.3d 885, 890 (Colo. App. 2005); E-470 Pub. Highway Auth. V. Jagow, 30 P.3d 798, 805 (Colo. App. 2001), aff'd, 49 P.3d 1151 (Colo. 2002).

Plaintiff's Complaint is both frivolous and vexatious. It attempts, in bad faith, to manipulate the Court and use it as a weapon of harassment in an ongoing cruel and concerted attempt to intimidate, bully and torment the defendant as well as to provide self-promotion and internet fame for the plaintiff.

On November 25, 2018, Plaintiff, using the moniker "Montagraph", posted a video <https://www.youtube.com/watch?v=5hJ77LRVn58>. In his video description, published 5 months before filing his claim against the defendant, Plaintiff writes "The tables are turning on all of the people that accuse others of vile and disgusting things." See **EXHIBIT 1**. This is the exact wording and phraseology used by the Plaintiff in his conclusory Complaint against the defendant. In the video, he states on camera starting at minute mark 23:37 that he is going to begin suing many people to make himself rich. He states: "You're just going to make me rich. Truly. You're going to make me so wealthy. Cause I'm gonna file one at a time, one at a time. When that one's done, two weeks later I'm gonna hit them with another one. Hit them with another one and another one. You are going to make me a very rich man." In another video, Plaintiff brags about how he is going to file lawsuits against "big" YouTube channels. He repeats his intention to get rich off of lawsuits against other YouTube channel owners in multiple videos. Defendant is clearly one of the channels being targeted by Plaintiff for the purpose of making him "rich" – a position further evidenced by Plaintiff's multiple public social media messages directed at the defendant following the broadcast in question.

Using different accounts, Plaintiff made the following threats of financial harm to the defendant:

"Fuck you... Get your checkbook ready. You have placed your livelihood in jeopardy... I am going to financially ruin you and beyond." See **EXHIBIT 2**.

"You will be ruined for life dummy." See **EXHIBIT 3**.

"You are an idiot. I will take your last dollar motherfucker." See **EXHIBIT 4**.

Plaintiff has a public history of relentless cyberstalking and making threats of violence against his victims. In this video (<https://www.youtube.com/watch?v=wXs1hjJjyPo>), he tells a female private investigator that because she called him on the phone, she has put her own life “in jeopardy”, stating “You know something you stupid woman, you’ve placed yourself into real life jeopardy... just wait for what I have in store for you.” See **EXHIBIT 5**. After defendant responded to plaintiff’s threats by saying that it is wrong to threaten women, plaintiff responded with an additional threats, “Mr. Quest is coming for you! Bet on that. IN PERSON”. See **EXHIBIT 6**. “Sorry for your luck Jake. I have your exact location and will be seeing you face to face. Sure will. You can show me how tough you are.” See **EXHIBIT 7**. “Prepared to be stomped on relentlessly.” See **EXHIBIT 8**.

Following these threats, defendant filed a report (OCA 201903049) with the Forsyth County, NC Sheriff’s Department on April 7th, 2019 to document Plaintiff’s threats of violence. See **EXHIBIT 9**. Defendant advised plaintiff that the report had been filed. Plaintiff responded publishing more than 10 videos making various threats against defendant, including threats to sue. Plaintiff created public videos of himself visiting defendant’s online donation sites and filing false allegations against plaintiff in an attempt to have his accounts shut down and denied future ability to receive viewer support – the primary source of defendant’s income. Plaintiff also recorded and published a video of himself filing a false report to the FBI against the defendant.

These videos provided lurid entertainment for the plaintiff’s viewing audience, many of whom followed the example of the plaintiff and joined in the campaign of harassment against

defendant. Defendant then stated in a public video that if the threats did not stop, defendant would initiate proceedings to compel plaintiff to cease and desist. However, plaintiff preempted such litigation on April 11th by filing his vexatious Complaint against defendant.

As there is a demonstrable history of cyberstalking, harassment and threats of violence against the defendant by the plaintiff, and, as Plaintiff's complaint is nothing more than an additional form of vexation, defendant requests that the Court dismiss plaintiff's Complaint with prejudice to prevent plaintiff from continuing to use the Court as a means of both harassment and self-promotion on YouTube.

VI. CONCLUSION

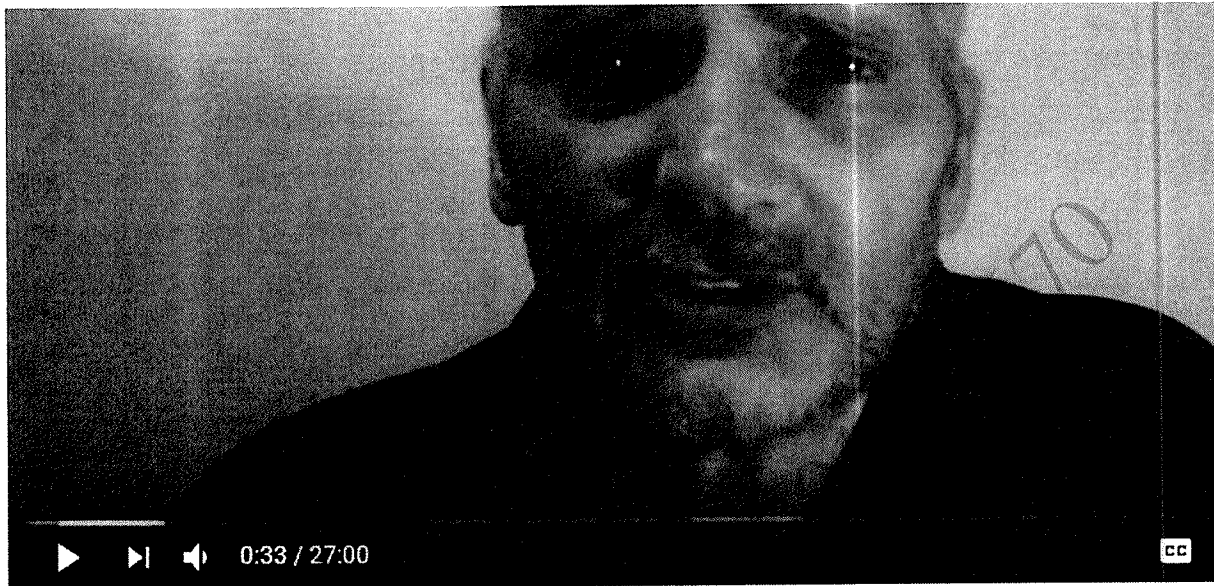
Plaintiff's frivolous lawsuit is an attempt to continue a campaign of harassment against the defendant. Defendant is not subject to the jurisdiction of Colorado, whether general or specific, pursuant to Rule 12(b)(2). Defendant was not served process properly as mandated by C.R.C.P. 4(e)(1). Plaintiff fails to state a claim upon which relief can be granted as required by C.R.C.P. 12(b)(5). Defendant therefore respectfully requests that the Court dismiss plaintiff's Complaint with prejudice and enter an Order for defendant's costs.

Dated: May 24, 2019

Respectfully submitted,



EXHIBIT 1



#unrig

Chatty Do = Crokin - Evidence - A.I. - UnrigMyScam

3,826 views

284 26 SHAR



Montagraph

REPOSTED ON NOV 25 2018

The Tables Are Turning On All Of The People That Accuse Others Of Vile And Disgusting Things Without Evidence! Crokin, Is A Fine Example Of What Happens To Those Who Point Fingers Without Proof!

EXHIBIT 2



Montagraph @Montagraph · 3m

Replying to @morphonios

FU, I AM COMING FOR YOU, LEGALLY! Get your check book ready! I record is PERFECT! Not like yours! Why is you video on private Hot shot? I am cutting an OctoberReignz video, right now:) You will pay dearly, boi



EXHIBIT 3



EXHIBIT 4



OctoberReignz 38 minutes ago Blocked words

YOU ARE AN IDIOT, I WILL TAKE YOUR LAST DOLLAR mthrfckr

EXHIBIT 5



Montagraph, Umbrella Man, October Reignz, Threats life of Women who dared call his Cell Phone!

1,693 views

24 21 SHARE SA

EXHIBIT 6



Montaqrgraph

@Montaqrgraph

Follow

Replying to @morphonios

Is that all you have, that was 9 years ago DUMMY and she was a Private Investigator whos dox are splashed all over the net, you DMFKR Look up Statement Of Claim. Mr Quest is coming for you! Bet on that, IN PERSON

4:44 AM - 1 Apr 2019



EXHIBIT 7



Montaqrgraph @Montaqrgraph · 11m

Replying to @morphonios

Is that all you have, that was 9 years ago DUMMY and she was a Private Investigator whos dox are splashed all over the net, you DMFKR Look up Statement Of Claim. Mr Quest is coming for you! Bet on that, IN PERSON



Montaqrgraph @Montaqrgraph · 11m

Replying to @morphonios

Her name is Ms Strauss of Ace Of Spades Investigators in which I traced her unavailable call and pinpointed her to an INCH of where she sat! I have your Exact location as Well Jake, sure do. Don't get mad when you are forced to Prove your Defamation and you wont be able too! \$\$\$



Montaqrgraph @Montaqrgraph · 11m

Replying to @morphonios

No one threatened to kill anyone, dummy! Open your ears. You too have placed your livelihood in jeopardy as well. Enjoy your fame! I am going to financially RUIN YOU and beyond!

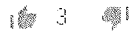


EXHIBIT 8



2019C010 41 minutes ago (edited)

Prepare to be STOMPED on relentlessly for your gross defamation!



REPLY

Hide replies ^



Jay Banks 32 minutes ago

I Love it when MONTY STRIKE BACK 🍌



REPLY

EXHIBIT 9

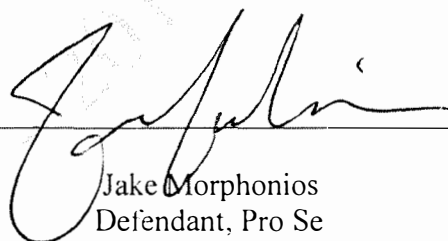
Agency Name FORSYTH COUNTY SHERIFF'S		INCIDENT/INVESTIGATION REPORT		OCA	
ORI NC 0340000				Date Time Reported 04 07 2019 20:40	
#1	Crime Incident(s) Fcs Police Service-information Provided	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Conv	At Found 04 07 2019 20:39	Last Known Secure 04 07 2019 20:38	
#2	Crime Incident	<input type="checkbox"/> Att <input type="checkbox"/> Com	Location of Incident Kernersville NC	Offense Tract Z2	
#3	Crime Incident	<input type="checkbox"/> Att <input type="checkbox"/> Com	Premise Type OTHER RESIDENCE - SINGLE	Victim Residence Type <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Multi Family	
MO	How Attacked or Committed Information Provided About Threats Out Of Jurisdiction.		Forcible <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapon Tools Not Applicable:none	
V I C T I M	# of Victims 0	Type <input type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> I.E. Officer Line of Duty <input type="checkbox"/> Other Unknown	Injury <input type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Broken Bones <input type="checkbox"/> Severe Lacerations <input type="checkbox"/> Internal <input type="checkbox"/> Unconscious <input type="checkbox"/> Other Major	Drug Alcohol Use: <input type="checkbox"/> Yes <input type="checkbox"/> Unknown <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Victim Business Name (Last, First, Middle)		Victim of Crime #	DOB	Age
	Home Address		Home Phone		
Employer Name Address		Business Phone		Mobile Phone	
VYR Make Model Style Color Lic Liv		Vin			
O F F I C E R S	CODES: V- Victim (Denote V2, V3) O- Owner (if other than victim) R- Reporting Person (if other than victim)				
	Type: <input checked="" type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> I.E. Officer Line of Duty <input type="checkbox"/> Other Unknown				
	Code RP	Name (Last, First, Middle) MORPHONIOS, JAKE	Victim of Crime #	DOB	Age 45
Home Address		Home Phone			
Employer Name Address		Business Phone		Mobile Phone	
I N V O L U N T A R Y	Type: <input checked="" type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> I.E. Officer Line of Duty <input type="checkbox"/> Other Unknown				
	Code IO	Name (Last, First, Middle) QUEST, STEVE	Victim of Crime #	DOB	Age 55
		Race W Sex M			
		Race U Sex M			

Certificate of Service

The undersigned hereby certifies that on May 25, 2019, a true and correct copy of the DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT was sent to the following:

Steve Quest
98 Wadsworth BLV #127-245
Lakewood, Colorado 80226

Via USPS overnight delivery,
Signature confirmation requested.



Jake Morphonios
Defendant, Pro Se