

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KONNECH, INC.,

PLAINTIFF,

v.

**TRUE THE VOTE, INC., GREGG
PHILLIPS, and CATHERINE
ENGELBRECHT,**

DEFENDANTS.

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CIVIL ACTION NO. _____

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Plaintiff Konnech, Inc. (“Konnech”), in the above styled cause, and files this Original Complaint, and would respectfully show the Court as follows:

INTRODUCTION

1. Defendants True the Vote, Inc., its founder and President Catherine Engelbrecht, and board member Gregg Phillips (“Defendants”) have intentionally, repeatedly, and relentlessly attacked Konnech and its founder Eugene Yu with Defendants’ unique brand of racism and xenophobia by their completely baseless claims that Konnech, its founder, and employees are “Chinese operatives,” who are spearheading a “Red Chinese communist op run against the United States,” that Konnech is tied to the Confucius Institute, which Defendants say is part of the Chinese Communist Party, that Konnech was the subject of a long-running FBI counterintelligence investigation, that Konnech obtained contracts with certain U.S. city and county voting districts after bribing public officials, and that the Chinese Communist Party is somehow controlling U.S. elections through Konnech because its founder and some of its employees are of Chinese descent. Defendants’ false accusations of treason, espionage, bribery, and election fraud, which they peddle

to enrich themselves at Konnech's expense, are completely fabricated and constitute defamation *per se*.

2. The truth is that Konnech is a U.S. company founded and operated by a U.S. citizen who has no affiliation with the Chinese Communist Party whatsoever. Konnech obtains its contracts through transparent public government bidding processes, and has never engaged in bribery or any other criminal activity of any sort. All of Konnech's U.S. customer data is secured and stored exclusively on protected computers located within the United States. Konnech's software products are not involved in any way in the registration of voters, the production, distribution, scanning, or processing of ballots, or the collection, counting or reporting of votes. Indeed, Konnech never handles any ballots and no ballots or other voting counts ever enter any of Konnech's computer servers. It thus begs the question how Defendants could believe that Konnech could ever be involved in election fraud—or how it otherwise could have helped “steal” the 2020 Presidential Election from former President Donald Trump—when Konnech has had no involvement with ballots in any U.S. election. But the simple matter is, Defendants have no regard for the truth or the consequences of their actions, because the truth would not profit them.

3. Indeed, Defendants are in business to capitalize from their claim that the 2020 Presidential Election was “stolen.” Defendants Phillips and Engelbrecht have been referred to as the “Bonnie and Clyde” of election fraud¹, and they have enriched themselves by spreading conspiracy theories, which they present as factual in nature, about the 2020 Presidential Election, largely funded by money funneled through Defendant True the Vote, which some commentators

¹ See Mimi Swartz, *How True the Vote Fabricates Claims of Election Fraud, for Fun and Profit*, Texas Monthly (Aug. 22, 2022), available at, <https://www.texasmonthly.com/news-politics/true-the-vote-election-fraud/>.

have called a “big grift.”² Defendants were in fact the subject of a suit filed in 2020 by a conservative megadonor, who, after speaking with Defendant Engelbrecht, donated \$2.5 million to help fund Defendant True the Vote’s efforts to fight election fraud. The donor later discovered, however, that his money was instead siphoned through Defendant True the Vote, and other entities established by Defendants Phillips and Engelbrecht, for their own personal gain.³

4. Defendants most recently capitalized on their claims of election fraud through their involvement in the production of a so-called “documentary” titled *2000 Mules* in which they sought to convince their followers that people, who they refer to as “mules,” were paid to collect and deposit fake ballots into ballot boxes for the 2020 Presidential Election which they contend changed its outcome. The theories peddled in *2000 Mules*, however, have been repeatedly disproven.⁴ Apparently realizing that their *2000 Mules* tale had run its course, Defendants Phillips

² See Cassandra Jaramillo, *She Helped Create the Big Lie. Records Suggest She Turned It Into a Big Grift*, *Reveal News* (June 8, 2022), available at, <https://revealnews.org/article/true-the-vote-big-lie-election-fraud/>.

³ See *Eshelman v. True the Vote, Inc., OSPEC Group, LLC, Engelbrecht, Bopp, Jr., Phillips, and The Bopp Law Firm*, 4:2020-cv-04034, filed November 25, 2020 in the U.S. District Court for the Southern District of Texas; see also Richard Salame, *Was Election Denial Just a Get-Rich-Quick Scheme? Donors’ Lawsuits Look for Answers* (Feb. 6, 2021), available at, <https://www.typeinvestigations.org/investigation/2021/02/06/was-election-denial-just-a-get-rich-quick-scheme-donors-lawsuits-look-for-answers/>.

⁴ See *Fact Check-Does ‘2000 Mules’ provide evidence of voter fraud in the 2020 U.S. presidential election?*, *Reuters* (May 27, 2022), available at, <https://www.reuters.com/article/factcheck-usa-mules-idUSL2N2XJ0OQ>; *FACT FOCUS: Gaping Holes in the Claims of 2k Ballot ‘Mules’*, *Associated Press* (May 3, 2022), available at, <https://www.usnews.com/news/politics/articles/2022-05-03/fact-focus-gaping-holes-in-the-claim-of-2k-ballot-mules>; Tom Dreisbach, *A pro-Trump film suggests its data are so accurate, it solved a murder. That’s false*, *NPR* (May 17, 2022), available at, <https://www.npr.org/2022/05/17/1098787088/a-pro-trump-film-suggests-its-data-are-so-accurate-it-solved-a-murder-thats-fals>; Phillip Bump, *Even the geolocation maps in ‘2000 Mules’ are misleading*, *The Washington Post* (May 19, 2022), available at, <https://www.washingtonpost.com/politics/2022/05/19/even-geolocation-maps-2000-mules-are-misleading/>.

and Engelbrecht declared an end to “mules” at an August 2022 True the Vote, invitation-only event which they called “The Pit.”

5. The Pit, they promised, would be the event where Defendants would finally release “devastating information” that would definitively prove the 2020 U.S. Presidential election was stolen. Instead, Defendants used The Pit as a platform to announce their website, and publicly launch their attack against Konnech by spreading baseless lies.

6. In an attempt to bolster their false accusations, Defendants claim that they have obtained financial and other sensitive personal data of 1.8 million U.S. poll workers—including social security numbers, phone numbers, email addresses, and banking information—from Konnech’s protected computers. As an initial matter, Konnech has never managed customer data for that many poll workers or even a small percentage of that many poll workers. But regardless, based on the extensive security measures Konnech has in place, Defendants could only access *any* of Konnech’s data if they illegally hacked into and stole data from Konnech’s protected computers.

7. Defendants have in fact portrayed their access to Konnech’s protected computers as unauthorized. Defendant Phillips specifically described on a recent podcast how Defendant Engelbrecht had an idea and asked him to look into Konnech’s election software, how he then traveled to a Dallas, Texas hotel room to meet his “analysts,” how they put “towels under the doors” in an effort to conceal their knowingly unlawful conduct, and then how “analysts,” who were acting at his direction, successfully hacked into Konnech’s servers and unlawfully downloaded its data. Defendants even admit *they* are now the subject of an ongoing FBI investigation due to their misconduct targeting Konnech. But apparently undeterred, Defendants

have continued their attacks on Konnech and have publicly and repeatedly declared their intent to release the information they stole from Konnech's servers.

8. Defendants have pushed their false narrative with social media posts that “ReTruth” (the Truth Social equivalent of a Retweet on Twitter) conspiracy theories published by armchair “experts” and anonymous sources. Defendants lead a chorus of online adherents who are encouraged by Defendants—through social media postings and podcast appearances—to engage in further attacks against Konnech. Numerous conspiracy theories attempting to affiliate Konnech with the Chinese Communist Party have appeared online since The Pit. To be clear, Konnech, a previously relatively unknown entity, has gone viral since The Pit, with countless Tweets and Truth Social postings using the #Konnech hashtag. But the consequences of Defendants' actions are far more serious in that Defendants' public smear campaign has resulted in repeated death threats against Konnech's founder and his family which have forced them out of their home in fear for their lives.

9. Defendants' allegation that a vast international conspiracy concerning the U.S. Presidential Election would be ignored by the Federal Government—and, in fact, concealed by the FBI—but proven by conspiracy theorists and con artists using basic internet searches and posts on social media, demonstrates Defendants' recklessness and disdain for the truth.

10. Defendants know what they are doing is wrong, and have tried, in vain, to avoid responsibility for their misconduct by encouraging and using others to perform their dirty work for them. But Defendants have already gone too far, and they cannot avoid liability for their own misconduct and for masterminding this entirely fabricated conspiracy against Konnech.

11. Absent intervention of this Court, such damaging behavior will continue to occur, which is particularly problematic in light of the upcoming 2022 midterm elections, for which

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