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GALLATIN COUNTY CLERK
OF DISTRICT COURT
JENNIFER BRANDON

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DEPUTY

**MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT
GALLATIN COUNTY**

* * * * *

GREG GIANFORTE,) Cause No. DV-12-781B
)
Plaintiff,)
)
vs.) **COMPLAINT AND**
) **DEMAND FOR JURY TRIAL**
)
MONTANA DEMOCRATIC PARTY,)
JAMES WHEELER, and DOES 1-10.)
)
Defendants.)
_____)

* * * * *

COMES NOW the Plaintiff Greg Gianforte and alleges as follows:

Preliminary Allegations

1. The Plaintiff Greg Gianforte ("Plaintiff") resides in Gallatin County, Montana, where he is a business consultant, lecturer, and mentor.
2. The Defendant Montana Democratic Party ("MDP") is a political organization in the State of Montana. The MDP has county committees in almost every county in Montana, including Gallatin County, Montana.

3. The Defendant James Wheeler is a resident of Flathead County, Montana.

4. The Defendant Does are unknown at this time. This Complaint will be amended from time to time to add the real names of Doe Defendants 1-10 as those names become known.

5. Jurisdiction and venue are proper in this Court under § 25-2-122(1)(b), MCA.

Background Facts

6. The Plaintiff was a founder and Chief Executive Officer (“CEO”) of Right Now Technologies, Inc. (“RNT”), which began in Gallatin County in approximately 1997. The Plaintiff started the business himself and grew it to over 1,100 employees in fifteen years. As a founder of the Company and businessman, the Plaintiff took pride in being a prominent leader for entrepreneurial success in Gallatin County and in Montana, his and the company’s strong commitment to its employees and the community, and the positive economic impact the business had on the community.

7. The Plaintiff continues to work and earn a living based on these principles by mentoring and lecturing to start-up businesses, and by acting as a consultant.

8. In 2000, Steve Daines (“Daines”) joined RNT and continued to work there for approximately 12 years. During Daines’ tenure, he held executive roles in RNT, including Vice-President of Customer Services, Vice President of North America Sales, and Vice President of Asia-Pacific. One of Daines’ strengths and job duties was developing RNT’s overseas business; i.e., finding, nurturing, and marketing to overseas businesses that would be interested in purchasing and using software products developed by RNT.

9. Daines is now a Republican candidate for United States Congress, and his campaign is inextricably interwoven with the work he performed and his success in creating jobs while at RNT and while under the Plaintiff's leadership.

10. The Defendants have published and distributed to the public, or caused to be published and distributed to the public, a written advertisement that contains false statements concerning the Plaintiff's leadership of RNT, including the following statements: (1) "Built a business with over \$15 million in government contracts paid with taxpayer money, then shipped the jobs overseas," and (2) "Outsourced jobs from his own business, laying off hardworking Montanans."

11. The aforementioned statements are false.

12. The \$15 million received in government contracts after a competitive bidding process was less than 10% of RNT's total revenue in the year it was received, and it was money paid for in exchange for services that RNT delivered. Furthermore, that money was not used to ship jobs overseas, and the Defendants have no right or basis for saying it was.

13. RNT did not lay off Montana employees to outsource jobs overseas.

14. The articles cited by the Defendants as proof in their advertisement never referenced the outsourcing of jobs by RNT, nor in any reasonable manner supported the false statements.

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COUNT ONE
(Libel under § 27-1-802, MCA)

15. The Plaintiff re-alleges and incorporates as though fully set forth herein all paragraphs above.

16. The Defendants made the aforementioned false and unprivileged statements.

17. The aforementioned false and unprivileged statements were made and published in written advertisements to the public.

18. The aforementioned false and unprivileged statements expose the Plaintiff to hatred, contempt, ridicule, or obloquy or cause the Plaintiff to be shunned or avoided or have a tendency to injure his reputation in his occupation.

PRAAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for the following:

1. For judgment in the Plaintiff's favor against the Defendants on Plaintiff's claim for libel;
2. For damages in an amount to be proven at trial for the injuries to the Plaintiff caused by the Defendants, which award the Plaintiff will contribute to Montana State University to benefit the Bootstrap Montana program;
3. For an apology from the Defendants published in all of Montana's major newspapers;
4. For an award of attorney's fees and costs;
5. For an award of post-judgment interest in the amount allowed by law; and

6. For such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands a trial by jury of all issues triable as of right by jury.

DATED this 18th day of October, 2012.

WITTICH LAW OFFICES, P.C.

By: Margot B. Ogburn
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