

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202</p> <hr/> <p>Plaintiff: BOCO FARMS, LLC, a Colorado limited liability company and GRANT D. ORVIS, an individual</p> <p>v.</p> <p>Defendants: JARED POLIS, an individual, EAN SEEB, an individual, COURTNEY KRAUSE, an individual, CHRISTOPHER BEALL, an individual, BILLY SEIBER, an individual, KATE GREENBERG, an individual, STEVE SILVERMAN, an individual, HOLLIS GLENN, an individual, WONDIRAD GEBRU, an individual, DANIEL HUSE, an individual, LAURA POTTORFF, an individual, MPG CONSULTING, LLC, a Colorado limited liability company, ADAM ORENS, an individual, SALMERON BARNES, an individual, CLINTON SALOGA, an individual, MORRIS BEEGLE, an individual, and ED LEHRBURGER, an individual</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Pro se Plaintiffs: BoCo Farms, LLC. Grant D. Orvis P.O. Box 98 Hygiene, CO 80533 Telephone: (281) 787-8611 grantorvis@gmail.com</p>	<p>Case Number:</p> <p>Division: Courtroom:</p>
<p style="text-align: center;">COMPLAINT FOR TORTS AND OTHER CAUSES OF ACTION FOR MONEY DAMAGES, CRIMINAL ACTIONS, AND STATUTORY VIOLATIONS, WITH A DEMAND FOR A JURY TRIAL</p>	

COMES NOW, BoCo Farms, LLC “BoCo,” and Grant D. Orvis “Orvis,” or collectively “Plaintiffs,” by and through the undersigned counsel, hereby bring this Complaint against Defendants Jared Polis (“Polis”), Ean Seeb (“Seeb”), Courtney Krause (“Krause”), Christopher Beall (“Beall”), Billy Seiber (“Seiber”), Kate Greenberg (“Greenberg”), Steve Silverman (“Silverman”), Hollis Glenn (“Glenn”), Wondirad Gebru (“Gebru”), Daniel Huse (“Huse”),

Laura Pottorff (“Pottorff”), MPG Consulting, LLC (“MPG,”) Adam Orens (“Orens,”) Salmeron Barnes, (“Barnes,”) Clinton Saloga (“Saloga,”) Morris Beegle, (“Beegle”), and Ed Lehrburger, (“Lehrburger,”), collectively “Defendants,” or non-collectively “defendants.” Plaintiffs will only use the last name for any individual person named or discussed within any part of this Complaint. Plaintiffs hereby submit the following Complaint regarding the above-captioned matter:

ACRONYMS USED IN COMPLAINT

United States Department of Agriculture (“USDA”),
The Colorado Office of the Governor (“Governor”)
The Colorado Office of the Attorney General (“AG”),
The Colorado Department of Agriculture (“CDA”),
The Colorado Department of Public Health and Environment (“CDPHE”),
The Colorado Department of Personnel and Administration (“DPA”),
Colorado State University (“CSU”),
Colorado Hemp Advisory Committee (“HAC”),
Colorado Hemp Advancement and Management Plan (“CHAMP”),
Colorado Hemp Plan Submission, (Plan”)
Colorado Hemp Center of Excellence (“COE”),
Request for Proposal #2020*0230 (“RFP”)
Colorado Open Records Act (“CORA”),
USDA Interim Final Rule (“IFR”),
Hemp Industries Association (“HIA”), and
The Texas Department of Agriculture (“TDA”).

STATUS OF INDIVIDUALS NAMED AS DEFENDANTS

Polis, Governor of the State of Colorado,
Seeb, Special Advisor on Cannabis for Polis,
Krause, Deputy Legal Counsel for Polis,
Beall, former Deputy Attorney General for the AG,
Seiber, Senior Assistant Attorney General representing CDA,
Greenberg, Commissioner of CDA,
Silverman, Deputy Commissioner of CDA,
Glenn, Director of Inspection and Consumer Services Division at CDA,
Gebu, Director of Plant Industry Division at CDA,
Huse, former Procurement Director at CDA,
Pottorff, former Plant Health and Certification Section Chief at CDA,
Orens, Owner of MPG,
Barnes, Managing Partner of MPG,
Saloga, Employee of MPG,
Beegle, senior member of Colorado hemp industry, and
Lehrburger, senior member of Colorado hemp industry and former Chairman of the HAC.

RELEVANT INDIVIDUALS NOT NAMED AS PLAINTIFFS OR DEFENDANTS

Brian Koontz (“Koontz”), Industrial Hemp Program Manager at CDA,
Jordan Beezley (“Beezley”), Policy Advisor and Legislative Liaison at CDA,
Beverly Zubke (“Zubke”), Assistant to Greenberg and Silverman at CDA,
John Addison (“Addison”), International Marketing Specialist at CDA,
Ashley Warsh (“Warsh”), International Marketing Specialist at CDA,
Lawrence Pacheco (“Pacheco”), Director of Communications at AG,
Veronica Carpio (“Carpio”), senior member of Colorado hemp industry,
Bill Althouse (“Althouse”), HAC and COE Steering Committee member,
Micah Schwalb (“Schwalb”), Colorado attorney,
Dion Oakes (“Oakes”), Colorado hemp farmer,
Don Coram (“Coram”), Colorado State Senator for District 6,
Jeni Arndt (“Arndt”), Former Colorado State Representative for District 53, and,
Phil Weiser (Weiser), Colorado Attorney General.

RELEVANT DEFINITIONS FROM 2018 USDA IFR

“Cannabis” is the Latin name of the plant that, depending on its THC concentration level, is further defined as either “hemp” or “marijuana.” Cannabis is a genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis are subspecies thereof. For the purposes of this part, Cannabis refers to any form of the plant where the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined. This term is important in describing regulations that apply to plant production, sampling or handling prior to determining its THC content.

“Delta-9 tetrahydrocannabinol,” also referred to as “Delta-9 THC” or “THC” is the primary psychoactive component of cannabis, and its regulation forms the basis for the regulatory action of this part. As mandated by the Act, legal hemp production must be verified as having THC concentration levels of 0.3 percent on a dry weight basis or below. For the purposes of this part, delta-9 THC and THC are interchangeable.

“Hemp” is defined by the 2018 Farm Bill as “the plant species Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

“Marihuana” (or “marijuana”) means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or

preparation of such plant, its seeds or resin. The term ‘marihuana’ does not include hemp, as defined in section 297A of the Agricultural Marketing Act of 1946, and does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination (7 U.S.C. 1639o(1)). “Marihuana” also means all cannabis that tests as having a concentration level of THC on a dry weight basis of higher than 0.3 percent.

INTRODUCTION AND STATEMENT OF CASE

Plaintiffs apologize to this Court, as much of the information in this Complaint stems from the hard work of Frank H. Robison, Atty Reg. No. 45749. Plaintiffs have been working with Mr. Robison on this Complaint for the past eight months. Mr. Robison also represents the Plaintiffs on two other cases currently before the Denver District Court and the Court of Appeals, 2020CV030611 and 2021CA001697, respectively. Unfortunately, Mr. Robison passed away on Sunday. We learned of his passing this morning. He was our friend, and we are devastated.

Due to Mr. Robison’s passing, this Complaint is not as complete as Plaintiffs would like, but nevertheless, need to file to ensure compliance with Statutes of Limitations. Plaintiffs will look to find new representation and file an amended and fully complete Complaint pursuant to Rule 15 when they are capable of doing so. Plaintiffs appreciate any leniency allowed by this Court in dealing with this matter.

This is a *seemingly* complex case that has taken Plaintiffs over a year to investigate using the Colorado Open Records Act and through first-hand interactions with defendants, third parties, and other public and private sources. Much of the information that give rise to the allegations herein come from CORA requests after February 9, 2021, which sets the date for the statute of limitations with respect to claims against defendants for libel and slander. This Complaint falls within the statute of limitations for all other claims for relief.

As it pertains to the length of this Complaint, the Undersigned Counsel is managing a dichotomy that exists in the Colorado Rules of Civil Procedure. Plaintiffs are required to provide a short and plain statement of the claim showing that the pleader is entitled to relief, [C.R.C.P. 8](#) (a)(2) and Plaintiffs are required to plead with particularity [C.R.C.P. 9](#)(b). Plaintiffs have spent thousands of dollars investigating CORA requests in order to obtain the information in this Complaint. Other information plead with particularity comes directly from open public meetings and are important as they are matters of public interest and concern. Much of the information that is plead upon information and belief comes from CORA requests and open public meetings that Plaintiffs have yet to review and/or transcribe. Plaintiffs have in their possession more than 400 pages of documents from CORA requests that have not been added into this Complaint with particularity but are plead upon information and belief. Furthermore, Orvis and Undersigned Counsel have been quoted tens of thousands of dollars to fulfill CORA requests for information

that is relevant to this Complaint¹. Providing enough factual information is an important step in the pleading standards of the C.R.C.P. and the precedent set in *Warne v. Hall*. Some of the claims within this Complaint may seem fantastical, but the Plaintiffs request that this Court understand that Plaintiffs and Plaintiffs' counsel have investigated the allegations, and in the view of Plaintiffs' counsel, he has a duty to Plaintiffs to file this Complaint because justice requires it. The Plaintiffs further request that this Court understand that although this Complaint is long, it could be much longer and filled with more particularity. The public and the private actors named in this Complaint should not be able to abuse the public trust or damage Plaintiffs as they have willfully and wantonly done. The Plaintiffs request that this Court take the allegations in this Complaint seriously and accept them as true.

Furthermore, Undersigned Counsel is managing various other issues:

- Weiser signed the Undersigned Counsel's Masters of Laws Degree from the University of Colorado Law,
- Various defendants are or perhaps were, professional or personal acquaintances of Undersigned Counsel.
- Undersigned Counsel is a lifelong Democrat and, as far as he can recall, the only time he did not vote a straight Democratic ticket was when Dan Rostenkowski was on the ballot for Congress in 1994 in Illinois; he abstained.

The foregoing stated, BoCo and Orvis have been systematically attacked and damaged by the Defendants in willful and wanton disregard to their life, livelihood, and professional career. But for their resilience, the causes of action would have been covered up and swept away by the Defendants. Pursuant to C.R.C.P 11,

the signature of an attorney constitutes a certificate by him that [the Complaint], it is well grounded in fact and is warranted by existing law . . . and that it is not interposed for any improper purpose, such as to harass . . . see [C.R.C.P. 11](#).
(Emphasis added).

The Undersigned Counsel would not sign this Complaint (or any complaint for that matter) if he did not think this case merits the careful consideration of this Court and he respectfully asks for it. To be sure, Undersigned Counsel expects the Defendants to unleash a flurry of motions to dismiss and/or strike. This being said, Plaintiffs deserve an opportunity to be heard and conduct discovery, no matter how Defendants respond to this Complaint.

I. Bid Rigging, Abuse of Public Office, and Respective Conspiracies

This is a case that arises through a series of acts that leads to these causes of action, torts, civil and criminal statutory violations, and breaches of contract.

¹ Orvis has not paid for every CORA request but should be allowed to receive this information via discovery.

The civil and criminal schemes in which all public and state official defendants conspired with private citizen defendants to rig the bidding processes ensured that MPG would be awarded the most lucrative hemp related contracts in CDA history—CHAMP, the Plan, IFR comments, and RFP. The civil conspiracies in this case guaranteed a predetermined outcome from start to finish. The contracts awarded are a product of a corrupt bid rigging scheme and because the entire process was corrupt, nothing that resulted from it, including the scoring of proposals can be relied upon as legitimate. In addition, defendants Beegle and Lehrburger knowingly and willfully participated in the scheme after the awards of the contracts by accepting things of value from Governor and CDA.

The Colorado Antitrust Act prohibits a broad range of conduct alleged in this Complaint, known as bid rigging under section § 6-4-106, C.R.S.,

(1) It is illegal for any person to contract, combine, or *conspire with any person to rig any bid, or any aspect of the bidding process, in any way related to the provision of any commodity or service.*” § 6–4–103, C.R.S. (Emphasis added).

With respect to certain defendants, Plaintiffs seek damages. With respect to other defendants Plaintiffs seek a ruling from this Court that this and various other civil and criminal statutes have been violated with a means of preventing these violations from happening again.

II. Libel, Slander, Defamation and Respective Conspiracies

This case is also about the libel, slander, and backlisting that has ruined Plaintiffs’ professional career and business in the Colorado hemp industry. Different defendants are implicated in different causes of action. Defendants have damaged Plaintiffs with willful and wanton intent. Seeb, Silverman, Seiber, Orens, and Barnes’s actions are the most egregious, but upon information and belief, the other defendants should be held accountable for damaging Plaintiffs reputation and ability to work in the Colorado hemp industry.

III. Negligence, Negligent Misrepresentations and Respective Conspiracies

The number of torts committed in this case extends from tortious interference with prospective business opportunity to negligent misrepresentations.

Introduction Summary

From start to finish this Complaint is long, but it weaves together and addresses a seemingly complex web of acts that give rise the various causes of action. Plaintiffs respectfully ask this Court to consider the causes of action carefully. Plaintiffs’ life, livelihood, and business have been altered in a way that money damages alone will not suffice. Holding that certain

defendants violated civil and criminal statutes is also necessary. At least one defendant has referred to Orvis as a “sore loser,” “disgruntled,” “blacklisted,” and accused Orvis of committing crimes. Far from it, Orvis is doing what everyone in a democracy should do, asking this Court to hold public and private actors accountable for actions that damaged him and his business, BoCo with respect to matters of public concern.

PARTIES, JURISDICTION, AND VENUE
Plaintiffs: Grant Orvis, Ph.D. and Boco Farms, LLC

Orvis has been involved in the Colorado hemp industry since 2014 and registered BoCo in 2015 with the Colorado Secretary of State. Prior to the acts in this complaint, Plaintiffs have been invited to participate in all activities at the Colorado Department of Agriculture and the Governor’s Office in regard to industrial hemp. Since the acts giving rise to this Complaint, Plaintiffs have not been gainfully employed or involved in any matters involving the executive branch of Colorado Government with respect to industrial hemp.

1. BoCo is a Colorado limited liability company with a principal mailing address of P.O. Box 98, Hygiene, CO 80533.
2. Orvis is an individual resident of the State of Colorado, with a mailing address of P.O. Box 98, Hygiene, CO 80533.
3. Orvis holds a Ph.D. in Molecular Genetics and Reproductive Biology and has been breeding cannabis since 2015.
4. BoCo owns seed and fiber genetics.

Defendants: Governor and Governor’s Office

The defendants at the Governor’s office are not defendants in all causes of action. Upon information and belief, Polis and Seeb participated in bid rigging; some disparaged, defamed, and slandered Plaintiffs; yet others committed civil and criminal statutory violations such as abuse of the public office. The allegations, for the most part, are alleged in their individual capacities or are non-torts. The tort actions were properly preserved on August 6, 2021. Therefore, they comply with the Colorado Government Immunity Act as well as the various precedents set by the Colorado Supreme Court.

5. Polis is the Governor and a resident of Colorado with an address of 400 East 8th Avenue, Denver, CO 80203.
6. Seeb is a public official and a resident of Colorado with an unknown address.

Defendants: Colorado Attorney General’s Office:

The defendants at AG are not defendants in all causes of action. Upon information and belief, Seiber, Beall, and Krause participated in bid rigging; some disparaged, defamed, and slandered Plaintiffs; yet others committed civil and criminal statutory violations such as abuse of the public office. The allegations, for the most part, are alleged in their individual capacities or are non-torts. The tort actions were properly preserved on August 6, 2021. Therefore, they comply with the Colorado Government Immunity Act as well as the various precedents set by the Colorado Supreme Court.

7. Beall is a public official and a resident of Colorado with an unknown address.
8. Seiber is a public official and a resident of Colorado with an unknown address.
9. Krause is a public official and a resident of Colorado with an unknown address.

Defendants: Colorado Department of Agriculture:

The defendants at CDA are not defendants in all causes of action. Upon information and belief, some participated in bid rigging; some disparaged, defamed, and slandered Plaintiffs; yet others committed civil and criminal statutory violations such as abuse of the public office. The allegations, for the most part, are alleged in their individual capacities or are non-torts. The tort actions were properly preserved on August 6, 2021. Therefore, they comply with the Colorado Government Immunity Act as well as the various precedents set by the Colorado Supreme Court.

10. Greenberg is a public official and a resident of Colorado with an unknown address.
11. Silverman is a public official and a resident of Colorado with an unknown address.
12. Glenn is a public official and a resident of Colorado with an unknown address.
13. Gebru is a public official and a resident of Colorado with an unknown address.
14. Huse is a former public official and now resides in Nebraska with an unknown address.
15. Pottorff is a public official and a resident of Colorado with an unknown address.

Defendants MPG:

16. MPG is a Colorado limited liability company listed with the Colorado Secretary of State as having a principal office address of 1312 17th Street, Suite 2075. Denver, CO 80202.

17. According to MPG's website, the office address is 2420 17th Street. Denver, CO 80202. <http://mpg.consulting/>.

18. Orens is an individual resident of the State of Colorado, and upon information and belief, resides at 3354 W. 36th Avenue. Denver, CO 80211.

19. Barnes is an individual resident of the State of Texas, with an unknown residence.

20. Saloga is an individual resident of the State of Colorado, with an unknown residence.

21. Beegle is a resident of Colorado with an unknown address.

22. Lehrburger is a resident of Colorado with an unknown address.

23. Jurisdiction is proper in the State of Colorado pursuant to C.R.S. § 13-1-124 (1)(a) and (b) (2021).

VENUE

24. Venue in this Court is proper pursuant to C.R.C.P. 98(c) as Governor, AG, and MPG's principal office street address lies in the City and County of Denver, many of the acts took place within the City and County of Denver, all contracts are Colorado related, and the actions of Defendants are of public interest or concern in the State of Colorado. Therefore, the Denver District Court holds jurisdiction over this lawsuit.

FACTUAL BACKGROUND²

25. Although in chronological order, the following is an important timeline,

- a. CHAMP – August 2019 through March 2021,
- b. Plan – January/February 2020 through June 2020,
- c. IFR comments – December 2019 through January 2020, and
- d. RFP – May 2020 – present.

26. Polis was the author of the language in the 2014 Farm Bill that federally legalized hemp specifying a total THC concentration of 0.3% or below on a dry weight basis.

27. Orvis began working in the industrial hemp industry in 2014. See e.g., <https://www.youtube.com/watch?v=nt4J53a6gxs>

28. Orvis is a senior member of the industrial hemp industry in Colorado.

² To best of Plaintiffs ability the Background is presented in chronological order. That said, when appropriate, Plaintiffs include Factual Background “sections” as they relate to CHAMP, the Plan, IFR comments, Variety Trials, and RFP to assist review. Interspersed, the Court will find information regarding the libel and slander of BoCo and specifically, Orvis.

29. Upon information and belief, Orens caused MPG to be incorporated with the Colorado Secretary of State in 2014.

30. Upon information and belief, in 2020, MPG changed its website from being marijuana focused to indicate that MPG is “dedicated to helping business, governments, and investors succeed in the regulated cannabis and hemp markets.”

31. In 2015, Orvis caused BoCo to be registered with the Colorado Secretary of State.

32. Orvis was appointed to the HAC for CDA by the chairs of the Colorado House and Senate Agricultural Committees and served from 2015-2018.

33. In 2018, Orvis was appointed by the chairs of the House and Senate Agricultural Committees as a member of a workgroup created through a bill sponsored by Coram and Arndt, SB18-235.

34. The SB18-235 workgroup came to the determination that the State of Colorado should pursue a hemp Center of Excellence designation by the USDA.

MUCH OF THE FOLLOWING SECTION RELATES TO CHAMP AND THE PLAN

35. Also in 2018, the 2018 Farm Bill was signed into legislation and the USDA subsequently promulgated the IFR.

36. A major point in the Farm Bill and the IFR was the allowable concentration of total THC for plants to be considered hemp.

37. The 2018 Farm Bill and the IFR mirror 2014 Farm Bill in the rule that hemp cannot test above 0.3% total THC.

38. Under the IFR, the USDA promulgated rules that are clear regarding legal total THC levels.

39. The IFR further states that “when a hemp sample tests above the acceptable hemp THC level, the material from the production area which the sample represents must be destroyed.”

40. Under federal law and USDA rule, if Colorado wished to regulate its own hemp program, it was required to submit a State Plan (“Plan”) for approval by the USDA.

41. In 2019, the Colorado General Assembly passed SB19-220, which required the Commissioner of CDA (Greenberg) to “work with private industry” to develop and submit the Plan in accordance with the requirements prescribed by the USDA. Governor Polis signed the bill into law on May 29, 2019, at 5:41 p.m.

42. In response to SB19-220, Colorado created CHAMP, and monies were budgeted for CDA to hire a contractor to write the State Plan and CHAMP report.

43. The CHAMP workgroups began in summer 2019, ended in spring 2020, and were unaffected by the pandemic.

44. Seeb, Krause, Silverman, Seiber, Glenn, Gebru, Pottorrrff, and Kootnz were intimately involved in the CHAMP Cultivation workgroup meetings and/or Executive Committee meetings.

45. CDA contracted with CSU for CHAMP.

46. A total of \$250,000 was budgeted by four state agencies and CSU provided an estimated budget of \$249,999.71.

47. The purpose of the contract was to create the CHAMP Report and that goal was divided into various primary and sub-activities.

48. Sub-Activity #1 required CSU to “conduct a solicitation for the selection of a qualified consultant to lead this project and write the Plan.”

49. Sub-Activity #3 dealt with the full CHAMP Report and divided it into two parts. Part 1 was specific to the Plan and required that the Plan “be submitted to the USDA in accordance with the Farm Bill 2018 and any regulation or guidance provided by the USDA.” Part 2 dealt with “all topics and key takeaways” from the CHAMP workgroups.

50. The full CHAMP Report was to be a combination of the Plan submission to USDA and the full CHAMP report submitted to the State. The contract further specified a timeline for delivering the Plan and final CHAMP Report. Specifically, the contract states that the Contractor “shall submit” the final Plan to the *Executive Committee* no later than November 1, 2019, and the full CHAMP Report was to be submitted to the *Executive Committee* no later than June 15, 2020.

51. The contract set to be terminated on June 30, 2020.

52. CSU sub-contracted with MPG for CHAMP.

53. Despite the terms of the contract between CSU and CDA, CSU did not conduct a solicitation to identify a qualified contractor, but rather CSU selected MPG via a “Sole Source Determination.”

54. Upon information and belief, MPG was illegitimately awarded the CHAMP contract based on their direct connections to Seeb and Polis.

55. Upon information and belief, the bid rigging schemes described in this Complaint started before or when MPG was awarded the CHAMP contract.

56. Upon information and belief, MPG, Orens, Barends, Seeb, Polis, and CSU conspired to ensure that the CHAMP contract was awarded by CSU to MPG.

57. The contract states that “the Contractor shall not begin work before receiving a fully executed agreement and instructions to proceed.”

58. The contract between CSU and MPG was not executed until December 2019.

59. MPG began working on CHAMP in August of 2019.

60. Upon information and belief, MPG, Orens, Barnes, and Saloga knew they held no viable or executed contract with CSU when they began working on CHAMP but proceeded to do so regardless because, in part, of relationships with Polis and Seeb.

61. The deliverables within the contract between CSU and MPG are divided into three phases with Phase 3 relating to the Plan, specifically to “develop USDA Hemp Plan based on federal requirements as defined in the 2018 Farm Bill and USDA Rulemaking.”

62. Phase 3 also required the contractor to work with the CHAMP Executive Committee and “to incorporate their comments and revisions into the USDA Hemp Plan.”

63. All deliverables were due by June 30, 2020.

64. The contract terminated on June 30, 2020.

65. The contract between CSU and MPG was not extended by either party.

66. Upon information and belief, MPG was paid approximately \$130,000 to write the Plan and CHAMP report.

67. Orvis was a member of the CHAMP Executive Committee and the CHAMP Cultivation workgroup.

68. Between the CHAMP workgroup and executive committee meetings, conference calls, as well as reviewing and editing deliverables, Orvis volunteered over sixty hours of his time.

69. CDA, CSU, and MPG did not provide the CHAMP Executive Committee and specifically Orvis with any copy of the Plan prior to the Plan’s submission to USDA as required by the contract.

70. At the first R&D and Seed CHAMP workgroup meeting, the qualifications of MPG, Orens, Barnes, and Saloga were questioned by Carpio.

Carpio: I am wondering why Marijuana Policy Group is in charge of writing a hemp plan for USDA?

Glenn: Because they have the experience, they have the experience in just all *Cannabis*.

Carpio: What experience do they have in hemp?

Glenn: Clinton.

Saloga: Well, I wouldn't say our experience is specific to hemp, but rather the development of policies that are functional, cost effective, and balance the goals of the agencies and stakeholders. So our expertise is more about policy development in a space in where we have operated in *Cannabis* where hemp will have some similarities, not exactly and we hope not a lot of similarities in terms of regulatory structure, but the way that we've talked internally is that many of the policies solutions for hemp will fall somewhere between corn and marijuana as an agricultural commodity and a crop that is going to be at such a large scale has a lot in common with agriculture which the State has already developed many functioning policies for different crops. But because of the USDA and federal guidelines, we do have to consider some of the things that apply to *Cannabis*. So, that's how we kind of envision our role and how our expertise applies to this.

71. On several occasions Lehrburger publicly and privately questioned the qualifications of MPG.

72. On several occasions Beegle publicly and privately questioned the qualifications of MPG. As examples, *see* ¶¶ 303, 307, 314, and 333.

73. Knowledge and experience in the hemp industry was a key requirement of the contracts involved in this case and were serious matters of public concern. As examples, *see* ¶¶ 303 and 307.

74. MPG falsified its experience and expertise in hemp. As examples, *see* ¶¶ 70, and 201-217.

THE FOLLOWING SECTION RELATES TO THE RFP

75. A deliverable of the CHAMP Cultivation workgroup was to finalize the suggestion made by the SB18-235 workgroup.

76. During the second CHAMP Cultivation workgroup, Orvis suggested that Colorado appropriate money and hire a contractor to develop the COE.

77. The Cultivation workgroup concluded that the State should appropriate money and hire a contractor to develop a strategic plan for the COE.

THE FOLLOWING SECTION RELATES TO THE PLAN

78. Another deliverable of the Cultivation workgroup was to determine what Colorado should require be done with non-compliant plant material (material testing above 0.3% total THC).

79. Orvis led a sub-workgroup to address the deliverable from the preceding paragraph.

80. The sub-workgroup and eventually the entire Cultivation workgroup concluded that Colorado ***must require destruction*** of flower from plants testing above 0.3% total THC.

81. The sub-workgroup and eventually the entire Cultivation workgroup further concluded that Colorado ***must allow*** stalks and seeds from plants testing above 0.3% but below 1% total THC into the open market.

82. The conclusion of the Cultivation workgroup was consistent with the precedent set in *Hemp Indus. Ass'n v. DEA*, 357 F.3d 1012 (9th Cir. 2004) that,

the listing of “marijuana” in Schedule I excludes the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

83. The Cultivation workgroup further concluded that the State should follow the rules set by the USDA in the IFR.

84. On December 17, 2019, from 1-3pm, a CHAMP Executive Committee meeting was held.

85. At this CHAMP Executive Committee, Silverman and Orvis met and spoke for the first and only time.

86. At this CHAMP Executive Committee, Orvis spoke in length about the conclusions of the Cultivation workgroup as it related flower vs. stalk and seeds as well as following the IFR.

87. No public official or other member of the CHAMP Executive Committee objected to Orvis' comments and the conclusions of the CHAMP Cultivation workgroup in regard to what should be in the Plan.

MUCH OF THE FOLLOWING SECTION RELATES TO IFR COMMENTS

88. Upon information and belief and on or around December 17, 2019, MPG obtained a subcontract or deal to write the IFR comments based on their direct connections to Seeb and Polis.

89. Upon information and belief, no procurement process was held for a qualified candidate to write the IFR comments.

90. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, Orens, Barnes, and Saloga were intimately involved in the language used in the IFR comments.

91. MPG was paid approximately \$20,000 to write the comments to the IFR.

92. On January 14, 2020, and through a supplemental budget request, CDA obtained \$138,204 “from the Industrial Hemp Registration Program Cash Fund to hire a contractor to establish a Center of Excellence for industrial hemp in Colorado.”

93. The Industrial Hemp Registration Program Cash Fund is a statutorily created cash fund for which all hemp registration monies are placed for use by the hemp program at CDA. The fund is required pursuant to Amendment 64, which required that the hemp program be self-funded.

94. Upon information and belief and on January 15, 2020, certain defendants held a conference call with the USDA to discuss the Plan and an intent to subvert the 0.3% total THC requirement in direct contradiction of the CHAMP Cultivation workgroup and Executive Committee.

95. On January 19, 2020, at 5:44 p.m. Seeb emailed Orens and other public officials regarding Governors review of the IFR comments and that it had been completed.

96. Upon information and belief, Polis is one of the individuals at Governor who approved the language in the IFR comments.

97. On January 20, 2020, at 7:25 a.m., Orens replied all stating, “We have now received confirmation that the Gov office and AG office have completed their review. We can give an estimate of turnaround time based on an assessment of the comments received.”

98. Upon information and belief, Weiser is one of the individuals at AG who approved the language in the IFR comments.

99. Upon information and belief, and on January 20, 2020, at 6:08 p.m. Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately one page and is currently under review by the Court of

Appeals, Case 2021CA001697, as to whether or not it consists of attorney-client privileged information.

100. Upon information and belief, and on January 22, 2020, at 9:23 p.m., Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately one page and is currently under review by the Court of Appeals, Case 2021CA001697, as to whether or not it consists of attorney-client privileged information.

101. On January 23, 2020, at 9:50 a.m. Orens emailed Gebru, Silverman, Glenn, Seiber, Saloga, Krause, Koontz, Pottorff, Schwalb, and Seeb regarding comments to the IFR. “To ensure a smooth editing and submittal process can each department designate 1 person to edit the document? Billy for AG and Ean for gov office make sense.”

102. On January 29, 2020, Colorado sent the USDA the IFR comments. ***Polis, Weiser, and Greenberg signed the comments.***

103. In part, the comments state that,

Colorado recommends several potential alternative policies that can retain value in the supply chain, including: (1) allowing post-harvest THC testing; (2) allowing hemp that tests over 0.3 percent THC into a separate industrial supply chain for non-consumable uses; (3) allowing THC remediation and destruction via processing; and (4) increasing the allowable THC amount in hemp to 1.0 percent.

104. The statements in the preceding paragraph ignore the conclusions of the CHAMP Cultivation workgroup and Executive Committee that specifically required the destruction of flower but use of the seeds and stalks from plants testing above 0.3% but below 1% total THC.

105. Upon information and belief, Polis, Seeb, Weiser, Seiber, Greenberg, Silverman, Gebru, Glenn, Saloga, Krause, Pottorff, Schwalb, MPG, Orens, Barnes, and Saloga along with other unknown public officials ignored the conclusions made in CHAMP and determined on their own or with other public officials to write comments that contradicted the work and conclusions of the CHAMP Cultivation workgroup and Executive Committee.

106. Upon information and belief, the defendants named in the preceding paragraph knew or should have known that the comments to the IRF violated federal law and rule as well as Colorado law and rule, and the respective contracts.

107. Polis, Seeb, Weiser, Seiber, Greenberg, Silverman, Gebru, Glenn, Saloga, Krause, and Pottorff’s acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil.

108. Polis, Seeb, Weiser, Seiber, Greenberg, Silverman, Gebru, Glenn, Saloga, Krause, and Pottorff's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

MUCH OF THE FOLLOWING SECTION RELATES TO THE PLAN

109. On February 4, 2020, at 12:13 p.m. Silverman emailed Seeb, Gebru, Koontz, Zubke, Beezley, Greenberg, Pottorff, Glenn, and Orens.

Hi folks. Now that we've submitted our comments on the IFR, one of the next big tasks looming before us is finalizing our state plan. Or is it? And if so, when? Those questions and more will be subject of an upcoming call/meeting that Kate would like to convene with the group. Bev Zubke will schedule something soon, perhaps next week.

110. On February 4, 2020, at 12:25 p.m. Seeb added Krause to the email thread.

111. On February 4, 2020, at 2:35 p.m., Orens replied all and added Saloga and Schwalb to the email thread.

We can provide an outline of salient points from our 1/15 meeting to serve as a discussion agenda – along with the strategy and schedule discussion items you suggest. During the 1/15 meeting, we made significant progress on identifying where USDA signaled they would work with us on our departures from the IFR framework.

112. Upon information and belief and on February 4, 2020, at 2:35pm, Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately three pages and is currently under review by the Court of Appeals, Case 2021CA001697, as to whether or not it consists of attorney-client privileged information.

113. Upon information and belief, the USDA did not signal that it would work with Colorado as it relates to movement away from the 0.3% total THC requirement and destruction of flower material that tests above 0.3% total THC.

114. Upon information and belief and after February 4, 2020, certain defendants held a conference call to discuss the Plan as was outlined in Silverman's February 4, 2020, at 12:13pm email.

115. In late February 2020, Orvis learned of the monies budgeted to develop the COE and contacted both Glenn and Seeb requesting that Orvis be a member of the evaluation committee for the COE contract.

116. On March 17, 2020, at 5:30 pm, Koontz emailed Silverman, Gebru, Pottorff, Orens, Greenberg, Seeb, Krause, and Glenn and stated,

Hi Steve, Just checking in to see how it's going with your review of the state plan. Governor's office, AG's office, and CDA has made suggested edits and signed off at the end of the document. It's your turn until th [sic] 20th unless you need more time. We were initially shooting for the beginning of April, however, I'm sure another conversation is in order.

117. On March 23, 2020, at 8:34 pm, Orens emailed Koontz, Silverman, Gebru, Pottorff, Greenberg, Seeb, Krause, and Glenn and stated,

Did Steve review the draft last week and will Ean and Courtney be able to review this week? I just reached out to the AG office and CDA staff to begin working through their comments so we can keep this moving.

MUCH OF THE FOLLOWING SECTION RELATES TO THE VARIETY TRIALS

118. Upon information and belief and in the spring of 2020, Polis and Seeb became involved with creating a partnership between the State of Colorado, Patagonia, Hemp Fortex, and Oakes.

119. Upon information and belief, Oakes is a personal friend of Polis and/or Seeb.

120. Hemp Fortex is a Chinese based business.

121. Upon information and belief, the ownership of Hemp Fortex are *proud and active* member(s) of the Communist Party.

122. Upon information and belief, Polis and Seeb in concert with Patagonia, Hemp Fortex, and Oakes, devised a plan in which Oakes would perform a variety trial of fiber hemp genetics from China and profit from the sale of the material to Patagonia through Hemp Fortex.

123. Polis and Seeb did not reach out to BoCo and Orvis regarding utilization of BoCo's genetics in the variety trial.

124. Upon information and belief, Polis and Seeb did not reach out to any Colorado based companies who breed seed and fiber genetics.

125. Upon information and belief, monies were budgeted but no solicitations occurred.

126. Upon information and belief, Polis and Seeb know that BoCo and Orvis breed and own seed and fiber genetics.

127. Upon information and belief, Polis and Seeb did not reach out to any Colorado seed developer to participate in the variety trial.

128. Upon information and belief, Polis and Seeb did not perform a procurement process to identify businesses and individuals who bred genetics that could have been used in the variety trial.

129. Upon information and belief, Polis and Seeb instead chose to promote Chinese seeds and became personally involved in ensuring that the Chinese seeds would be imported for the variety trial.

130. Upon information and belief, Polis and Seeb did not reach out the hemp industry as a whole to develop a legitimate variety trial throughout the state of Colorado.

131. Upon information and belief, Polis and Seeb's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Polis and Seeb realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Polis and Seeb performed these actions through an element of evil. Finally, Polis and Seeb's acts were intended to help Oakes and/or other businesses/individuals.

132. Polis and Seeb's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

133. Upon information and belief and in the late spring or early summer of 2020, Oakes planted Chinese seeds.

134. Upon information and belief, at some point during the growing season, Polis personally visited the location to check on the crop.

MUCH OF THE FOLLOWING SECTION RELATES TO THE PLAN

135. On April 22, 2020, at 8:28 am, Silverman emailed Koontz, Gebru, Pottorff, Orens, Greenberg, Seeb, Krause, and Glenn and stated, "Good news: Starting today, I am finally reviewing and editing the state plan document. I will put my comments/edits in suggestion mode on the google doc."

136. On April 24, 2020, at 12:19 pm, Greenberg, emailed every current and former private citizen who was also a member of the HAC *except* Orvis to set up a "webinar with Governor Polis."

137. Upon information and belief, Orvis was intentionally left off the email at the order of Polis and/or Seeb.

138. Upon information and belief and on or before April 24, 2020, certain defendants began a campaign to blacklist Orvis and keep him away from the development of the hemp industry in Colorado. *See* the previous two paragraphs.

139. Lehrburger and Beegle informed various hemp stakeholders that Plaintiffs have been “blacklisted” by public officials, implying that these public officials conceived this plan to ensure that Plaintiffs would not and could not participate in any hemp related activities.

140. Upon information and belief, Polis, Seeb, and Greenberg’s acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil, spite, and malice.

141. Polis, Seeb, and Greenberg’s acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

142. On April 24, 2020, at 12:20 pm, Silverman emailed Koontz, Gebru, Pottorff, Orens, Greenberg, Seeb, Krause, and Glenn and stated, “I’m done! See the document for my changes and comments. Well done everyone. This is another stellar document.”

143. Upon information and belief, Silverman knew or should have known the Plan violated federal law and rule, Colorado law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

144. On April 24, 2020, at 3:30 pm, Orens emailed Gebru, Koontz, Pottorff, Glenn, and Saloga stated in part,

I looked over the document – Did plant division talk to Steve during/after he made the comments? On our last call, Plants seemed to be advocating walking back a number of progressive pieces of the plan Steve did not seem to walk any back at all. Here is a list of items in the document not completely in line with the IFR ... 5. *“Hemp value retention program” – aka remediation Remove – cannot implement ... CDA should state precisely what they want to the USDA, including all of the above, except #5. We do not have enough work done on regulating a remediation program to include.* (Emphasis added).

145. Upon information and belief, the “Hemp Value Retention Program” was the idea of Polis and Seeb.

146. Upon information and belief, Polis has investments in hemp through one of Polis’s holding companies including, but not limited to Jovian Capital Holdings, Jovian Holdings, and JPS International.

147. On May 4, 2020, at 12:50 p.m. Zubke emailed Greenberg, Gebru, Pottorff, Koontz, Orens, Krause, Seiber, Seeb, Glenn, and Silverman requesting a meeting “to discuss State Hemp Plan Remaining Issue.”

148. The meeting was scheduled for May 8th at 2:30 pm.

149. Upon information and belief, and on May 8, 2020, at 2:30 pm, Orens or another employee of MPG held a meeting with CDA and Governor regarding “State Hemp Plan Remaining Issues.”

150. Upon information and belief, in that meeting, the parties discussed the intent to write a plan in violation of federal law and rule, Colorado law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

MUCH OF THE FOLLOWING SECTION RELATES TO THE RFP AND PLAN

151. On or around May 10, 2020, Glenn contacted Orvis and stated that Orvis could not be a member of the RFP evaluation committee for the RFP contract because the procurement official (Huse) would be determining the awardee, not the evaluation committee.

152. Upon information and belief, Glenn denied Orvis’ request to participate as a member of the evaluation committee because Glenn was working to rig the RFP by loading the evaluation committee with members who would score in favor of MPG.

153. Upon information and belief, Glenn worked with Huse on developing the RFP, its scoring and point structure, and selection of the evaluation committee. This factual allegation is supported by the conversation between Orvis and Huse. As examples, *see* ¶¶ 315 and 317.

154. Upon information and belief, Glenn chose Seeb, Krause, and Gebru to be members of the evaluation committee.

155. Upon information and belief, Glenn knew or should have known that Seeb, Krause, and Gebru had worked intimately with MPG, Orens, Barnes, and Saloga, and that their involvement in the RFP evaluation committee equated to a conflict of interest.

156. Seeb and Orens have had a personal and professional relationship for more than a decade.

157. Upon information and belief, Glenn knew or should have known that Seeb and Orens has a personal and professional relationship prior to Glenn selecting Seeb as a member of the evaluation committee.

158. Upon information and belief, Glenn contacted MPG, Orens, Barnes, and/or Saloga and provided information in regard to the RFP and its scoring structure.

159. Upon information and belief, Glenn's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Glenn realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Glenn performed these actions through elements of evil, spite, and malice. Finally, Glenn's acts were performed with the intent to help MPG, Orens, Barnes, and Saloga

160. Glenn's acts further constituted an unauthorized exercise of Glenn's official function and scope as an employee of Colorado.

161. On May 11, 2020, at 7:38 a.m., Orens replied or forwarded the email from April 24, 2020, and stated in part,

Hopefully you have been able to consult with Plants Division and Billy [Seiber] in advance and are comfortable moving forward ... I am providing you an email (below) I provided Plants that summarized where we divert from the letter of the IFR – and urged them to consult with you about walking back progressive measures.

162. On May 12, 2020, at 4:06 p.m., Silverman emailed Orens and Greeberg and stated in part, "We're having a meeting on Thursday to revisit the two issues you requested clarification on: Post-harvest sampling and remediation."

163. Upon information and belief and on or after May 14, 2020, Orens held a call with Silverman, Seeb, and other public officials to discuss the Plan and the illegality of the Hemp Value Retention Program. During that call, it was decided by all parties that they would be moving forward with the Hemp Value Retention Program despite its illegality and in direct violation of federal law and rule, Colorado law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

164. On or after May 15, 2020, CDA released RFP #2020*0230.

165. The RFP specifically states that one of the major evaluation criteria is "Knowledge of the Colorado Hemp Industry."

166. The RFP further states that,

CDA is seeking competitive proposals from qualified companies to select a firm to work collaboratively with CDA, *the hemp industry*, numerous institutes of higher education, tribes and other state agencies interested in establishing a collaborative Center of Excellence for education and research funding. (Emphasis added).

167. Upon information and belief and from December 2019 through June 17, 2020, Orens communicated with Seeb on numerous occasions.

168. Upon information and belief, Orens and Seeb discussed the intent to write a Plan in violation of federal law and rule, Colorado law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

169. On May 22, 2020, at 8:55 a.m., Orens emailed Seeb, Greenberg, Glenn, Koontz, Gebru, Pottorff, Silverman, Seiber, Krause, and Saloga and stated in part, “to summarize, we completed the following changes ... 5. “Hemp value retention program” – aka remediation – Added clarifying language i.e. “it’s a vision.” Going forward, can CDA and gov office commit to a review with just a few key persons?”

170. Upon information and belief, Polis was intimately involved in the language used in the Plan.

171. Upon information and belief, and also on May 22, 2020, at 8:55 a.m., Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately one to twenty-six pages and is currently under review by the Court of Appeals, Case 2021CA001697, as to whether or not it consists of attorney-client privileged information.

172. On May 26, 2020, at 10:40 a.m., Seeb replied all to Orens May 22, 2020, email and stated, “We can commit to spending time reviewing week of June 1.”

173. Upon information and belief, “we” in the preceding Paragraph included Polis.

174. On May 26, 2020, at 10:40 a.m., Greenberg replied all to Seeb’s 10:40 a.m. email and stated,

Wondirad and Brian, please finish your final review by end of this week. When you are done, let everyone here know so that Ean & Courtney can review next week. Ean, let us all know when you are done – can you aim for end of next week at the latest? Then I will give a final review. Goal is to have the final ready by June 15.

175. On May 26, 2020, at 10:48 a.m., Seeb replied all to Greenberg’s 10:40 a.m. email and stated, “We will have it done by the end of next week.”

176. On May 26, 2020, at 1:26 p.m., Orens replied all to Seeb’s 10:48 a.m. email and stated, “Thanks all. Feel free to reach out if there are questions.”

177. Upon information and belief, and on May 26, 2020, at 3:11 p.m., Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately three to twelve pages and is currently under review by the Court of

Appeals, Case 2021CA001697, as to whether or not it consists of attorney-client privileged information.

178. Upon information and belief, and on May 28, 2020, at 9:33 a.m., Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately three pages and is currently under review by the Court of Appeals, Case 2021CA001697, as to whether or not it consists of attorney-client privileged information.

179. Upon information and belief, and on May 29, 2020, at 9:37 a.m., Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately three to six pages and is currently under review by the Court of Appeals, Case 2021CA001697, as to whether or not it consists of attorney-client privileged information.

180. On June 4, 2020, at 12:42 p.m., Silverman replied all to Orens's May 26, 1:26 p.m. email and stated, "just checking to see where we are with Gov's office review."

181. On June 4, 2020, at 2:45 p.m., Seeb replied all to Silverman's 12:42 p.m. email and stated, "We have until COB tomorrow and are currently reviewing!"

182. On June 5, 2020, at 8:42 a.m., Silverman emailed Gebru and Orens and stated, "would it be helpful for me to review the latest version of the plan even while we're still waiting for Governor's office review? If so, I'd be happy to work that into my work day today. Thanks.—Steve."

183. On June 5, 2020, at 5:16 p.m., Seeb replied all to his June 4, 2:45 p.m. email and stated, "Gov's office review is complete. Thank you for all of your efforts through all of this. Thoroughly impressive, respectful, and visionary. Looking forward to upcoming week on this project!"

184. Upon information and belief, Seeb knew or should have known that the comments in the preceding paragraph violated federal law and rule, Colorado law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

185. On June 5, 2020, at 5:22 p.m., Gebru replied all to Seeb's 5:16 p.m. email and stated, "Thanks for your review and coordination. We have all finished and look to hear from Adam the next step toward finalizing the project."

186. Upon information and belief, Gebru knew or should have known that the comments in the preceding paragraph violated federal law and rule, Colorado law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee. An as example, *see* ¶ 272.

187. On June 5, 2020, at 8:08 p.m., Orens replied all to Gebru's 5:22 p.m. email and stated, "do you mean the state is finished reviewing? Kate and Steve, and AG office too? We

will need an indication when the state is finished reviewing in total – and then we can finalize it and return a version for signatures.”

188. Upon information and belief, the word “signatures” in the preceding paragraph relate to Polis, Weiser, and Greenberg.

189. Upon information and belief, Polis and Weiser knew or should have known the legal ramifications of putting their signature on an document that is contrary to federal law and rules, state law and rules, as well as the respective contracts and conclusions of the CHAMP Cultivation workgroup and Executive Committee.

190. Upon information and belief, Polis and Weiser never intended to sign the Plan because they knew the legal ramifications described in the preceding paragraph.

191. On June 6, 2020, at 9:22 a.m., Gebru replied all to Orens’ June 5, 8:08 p.m. email and stated, “Yes, all have completed their review.”

192. On June 8, 2020, at 9:24 a.m., Greenberg replied all to Gebru’s June 6, 9:22 a.m. email and stated, “I have not finalized review.”

193. On June 8, 2020, at 11:31 a.m., Gebru replied all to Greenberg’s 9:24 a.m. email and stated, “Thanks, for letting me know. We will wait for your review to the end of the week and close all review windows and finalize the document.”

194. On June 8, 2020, at 1:15 p.m., Silverman replied all to Gebru’s 11:31 a.m. email and stated in part, “My review is complete ... Great work everybody. It will certainly be interesting to see how USDA reacts.”

195. Upon information and belief, Silverman knew or should have known that the comments in the preceding paragraph regarding the Plan violated federal law and rule, Colorado law and rule, the respective contracts, the conclusions of the CHAMP Cultivation workgroup and Executive Committee. Furthermore, Silverman knew or should have known the Plan would be rejected by USDA.

MUCH OF THE FOLLOWING SECTION RELATES TO THE RFP

196. By the close of business day on June 8, 2020, MPG and BoCo both applied for the RFP.

197. Pursuant to the terms and items within the RFP, BoCo provided the best proposal that would have incorporated the whole hemp industry and was the most advantageous to Colorado and the hemp industry.

198. If not for the big rigging scheme described *infra*, BoCo would have been awarded the contract. See ¶ XYZ.

199. Upon information and belief, and during the time MPG was hired to write a compliant Plan and CHAMP report, MPG, Orens, Barnes, and Saloga were instead writing a 53-page proposal for the RFP.

200. Upon information and belief and in the proposal, Orens, Barnes, and Saloga willfully and wantonly, with the intent of personal gain, made numerous misrepresentations regarding their experience in the industrial hemp industry and the experience of MPG as an entity.

201. In their proposal, MPG, Orens, Barnes, and Saloga list CDA as a client.

202. CDA *was not* a client of MPG, Orens, Barnes, and Saloga.

203. Upon information and belief, and when submitting the proposal, MPG, Orens, Barnes, and Saloga knew or should have known CDA was not their client.

204. In their proposal, MPG, Orens, Barnes, and Saloga list CDPHE as a client.

205. CDPHE *was not* a client of MPG, Orens, Barnes, and Saloga.

206. Upon information and belief, and when submitting the proposal, MPG, Orens, Barnes, and Saloga knew CDPHE was not their client.

207. In their proposal, MPG, Orens, Barnes, and Saloga list Governor as a client.

208. Governor *was not* a client of MPG, Orens, Barnes, and Saloga.

209. Upon information and belief, and when submitting the proposal, MPG, Orens, Barnes, and Saloga knew Governor was not their client.

210. In their proposal, MPG, Orens, Barnes, and Saloga list AG as a client.

211. AG *was not* a client of MPG, Orens, Barnes, and Saloga.

212. Upon information and belief, and when submitting the proposal, MPG, Orens, Barnes, and Saloga knew AG was not their client.

213. In their proposal, MPG, Orens, Barnes, and Saloga list TDA as a client.

214. TDA *was not* a client of MPG, Orens, Barnes, and Saloga.

215. Upon information and belief, and when submitting the proposal, MPG, Orens, Barnes, and Saloga knew TDA was not their client.

216. In their proposal, MPG, Orens, Barnes, and Saloga list the following individuals as “contacts” for the “clients” listed above.

- a. Hollis Glenn (CDA),
- b. Jeff Lawrence (CDPHE),
- c. Ean Seeb (Gov. Office),
- d. Steve Silverman (CDA),
- e. Billy Seiber (AG),
- f. Kate Greenberg (CDA Commissioner),
- g. Wondirad Gebru (CDA Plant Industry Division Director).

217. In their proposal, MPG, Orens, Barnes, and Saloga make numerous statements regarding their “experience” and “expertise” in hemp, including, but not limited to; (emphasis added).

- a. MPG has deep and pertinent experience facilitating and guiding *hemp related policy* through stakeholder engagement in work leading the CHAMP,
- b. MPG Consulting principals have *deep expertise in developing the hemp* regulatory structure in Colorado,
- c. MPG has a rare combination: decades of experience in economic, policy, business, management, public finance, and regulatory consulting; and *experience with the Colorado hemp* and legal marijuana industry/regulatory interface,
- d. MPG Consulting is a Denver, Colorado based, globally recognized policy and strategic advisory firm, *known for shaping newly regulated hemp* and cannabis markets,
- e. MPG Consulting is internationally recognized experts in developing *evidence-based hemp* and cannabis policy, and
- f. MPG has demonstrated unparalleled *expertise in the hemp industry* and strong track record of executing projects for CDA.

218. Upon information and belief, and when submitting the proposal, MPG, Orens, Barnes, and Saloga knew the statements regarding their “experience” and “expertise” in the industrial hemp industry as outlined in the preceding paragraph were false.

219. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, Huse, and Pottorff, knew MPG, Orens, Barnes, and Saloga had little to no knowledge or experience with hemp and allowed them to make these misrepresentations in their proposal. *See ¶ 70.*

220. Upon information and belief, Glenn’s statements to Orvis that Huse would be selecting the winner of the RFP and not an evaluation committee were false.

221. Glenn was a recipient on numerous emails between public and private defendants.

222. Upon information and belief, Glenn's acts as it relates to keeping Orvis off the evaluation committee and stacking it with Seeb, Krause, and Gebru were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Glenn realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Glenn performed these actions through an element of evil. Finally, Glenn's acts were intended to help MPG, Orens, Barnes, and Saloga.

223. Glenn's acts further constituted an unauthorized exercise of Glenn's official function and scope as an employee of Colorado.

224. On or around June 12, 2020, at an unknown time, Seeb returned the conflict-of-interest form to Huse stating that he held no conflicts of interest as it relates to the RFP and any of its offerors.

225. Seeb provided highly biased scores that were intended to bring down the chances of BoCo and Orvis winning the award while helping MPG to win the award.

226. Upon information and belief, Seeb cannot justify the scoring for the RFP.

227. Upon information and belief, Seeb knew or should have known that Seeb's work with MPG, Orens, Barnes, and Saloga on the IFR comments, Plan, CHAMP, and history with MPG, Orens, Barnes, and Saloga created a conflict of interest. Seeb's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Seeb realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seeb performed these actions through an element of evil. Finally, Seeb's acts were intended to help MPG, Orens, Barnes, and Saloga.

228. Seeb's acts further constituted an unauthorized exercise of Seeb's official function and scope as an employee of Colorado.

MUCH OF THE FOLLOWING SECTION RELATES TO THE PLAN

229. Upon information and belief, and on June 12, 2020, at 7:34 p.m., Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately twelve pages and is currently under review by the Court of Appeals, Case 2021CA001697, as to whether or not it consists of attorney-client privileged information.

230. Despite the plain language in the contracts, the Plan was not shared with the Executive Committee, and specifically Orvis, to incorporate comments into the Plan to be submitted to USDA.

231. On June 16, 2020, and unbeknownst to the industrial hemp industry and CHAMP Executive Committee, Greenberg signed and submitted the Plan (written by MPG) to USDA.

232. Notably, Polis and Weiser *did not* sign the Plan.

233. Upon information and belief, Polis and Weiser were intimately involved in the language used in the Plan and knew or should have known the Plan violated federal law and rule, Colorado law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

234. Upon information and belief, the Plan was approved for submission by Polis and Weiser.

235. Upon information and belief, Polis and Weiser's acts as it relates to the submission of an illegal Plan were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil. Finally, Polis's acts were performed with an intent for his personal investments to succeed.

236. Upon information and belief, Polis and Weiser's acts further constituted an unauthorized exercise of their official function and scope as employees of Colorado.

237. Many of the arguments made in the Plan are similar to the IFR comments and contradict the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

238. As part of a letter to USDA, Greenberg claimed the Plan had "been widely vetted in the CHAMP stakeholder process."

239. The statements regarding vetting of the Plan by the CHAMP stakeholder process were false.

240. Upon information and belief, Greenberg knew or should have known that the statements signed by Greenberg were false.

241. CDA, CSU, and MPG did not follow the conclusions of the Cultivation Workgroup when writing the Plan in contradiction to their respective contracts.

242. Upon information and belief, defendants knew the statements made by Greenberg were false.

243. The Plan attempted to change federal and state law as well as rule, specifically as it relates to dealing with the required destruction of non-compliant plant material (above 0.3% total THC on a dry-weight basis).

244. Any material above 0.3% total THC on dry-weight basis is non-compliant and the 2018 Farm Bill along with the corresponding USDA rule specified that non-compliant plant material must be destroyed.

245. The Plan quotes 7 CFR § 990.3(a)(3)(i) and later states that CDA intends to create the “Hemp Value Retention Program” that,

will offer two options for farmers to sell their products into a restricted processor pool and retain some value in the crops they produce that test conclusively between 0.3 percent and 1.0 percent THC at post-harvest: (1) an industrial processing channel; and (2) a THC remediation channel.

246. The statements made in the Plan in the preceding paragraph directly contradict the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

247. On June 16, 2020, at 5:20 p.m., Orvis texted Orens and asked, “Does the State plan that is soon to be submitted say that the state wants to allow extraction of non-compliant flower for use in the supply chain? This is Grant Orvis btw.”

248. On June 16, 2020, at 7:03 p.m., Orens responded “Let’s chat about it? Are you around tomorrow 11a?”

249. On June 16, 2020, at 7:26 p.m., Orvis responded, “11:35.”

250. On June 16, 2020, at 8:00 p.m., Orens responded, “Am good between 11a and 1p.”

251. On June 16, 2020, at 8:09 p.m., Orens stated, “Give me a call tomorrow btw 1130 n noon we’ll be good.”

THE FOLLOWING SECTION RELATES TO THE RFP

252. On June 16, 2020, at 8:48 p.m., Krause emailed Huse her score sheets for the RFP evaluation and stated, “I do not have any conflicts of interest.”

253. Krause provided highly biased scores.

254. Upon information and belief, Krause cannot justify the scoring for the RFP.

255. Upon information and belief, Krause knew the scoring provided was intended to lower the chances of BoCo winning the award while helping MPG to win the award.

256. Upon information and belief, Krause knew or should have known that Krause’s work with MPG, Orens, Barnes, and Saloga on the IFR comments, Plan, and CHAMP created a

conflict of interest. Krause's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Krause realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Krause performed these actions through elements of evil, spite, and malice. Finally, Krause's acts were intended to help MPG, Orens, Barnes, and Saloga.

257. Upon information and belief, Krause's acts further constituted an unauthorized exercise of Krause's official function and scope as an employee of Colorado.

258. Gebru *did not sign* a conflict-of-interest form to perform the evaluation of the RFP proposals.

259. Gebru provided highly biased scores.

260. Upon information and belief, Gebru cannot justify the scoring for the RFP

261. Upon information and belief, Gebru knew or should have known the scoring provided was intended to lower the chances of BoCo winning the award while helping MPG to win the award.

262. Upon information and belief, Gebru knew or should have known that Gebru's work with MPG, Orens, Barnes, and Saloga on the IFR comments, Plan, and CHAMP created a conflict of interest. Gebru's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Gebru realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Gebru performed these actions through elements of evil, spite, and malice. Finally, Gebru's acts were intended to help MPG, Orens, Barnes, and Saloga.

263. Upon information and belief, Gebru's acts further constituted an unauthorized exercise of Gebru's official function and scope as an employee of Colorado.

THE FOLLOWING SECTION RELATES TO THE PLAN

264. On June 17, 2020, at 11:05 a.m., Orens texted Orvis,

Hey – Hollis reached out to me this morning and requested that if any stakeholders reach out to refer them to Wondirad Gebru at CDA Plants. wondirad.gebru@state.co.us. He is point man to answer questions. There is a press release on it tomorrow and I am happy to talk after.

265. On June 17, 2020, at 11:07 a.m., Orvis sent a text message to Orens and Glenn asking, "Hollis. Two days ago, you told me to reach out to and speak with Adam. I did that and

he is telling me today that he can't speak with me because you just told him not to. What's going on?"

266. Orens and Glenn did not respond to Orvis.

267. Upon information and belief, certain defendants wrote a Plan that they knew or should have known violated federal and state laws and rules as well as the IFR despite the plain language in the contracts and the findings of the CHAMP Cultivation workgroup and Executive Committee.

268. Upon information and belief, certain defendants knew the statements made in the Plan contradicted the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

269. Upon information and belief, certain defendants willfully and wantonly ignored the conclusions of the CHAMP Cultivation workgroup when writing the Plan.

270. On numerous occasions during Executive Committee meetings, Orvis pointed out the conclusions made by the CHAMP Cultivation workgroup as they related to writing a compliant Plan, the destruction of non-compliant flower, and the exemption of seeds and stalks. No Executive Committee member objected to the statements of Orvis.

271. Upon information and belief, certain defendants willfully and wantonly ignored Orvis' comments.

272. On June 17, 2020, Orvis contacted Gebru to discuss the Plan and CHAMP in general. During the call, Gebru admitted that CDA knew the Plan did not satisfy the requirements within federal and state laws and rules as well as the respective contracts and conclusions of the CHAMP Cultivation workgroup and Executive Committee. Gebru and CDA further expected the Plan to be rejected by the USDA:

Orvis: I think they're going to deny our State Plan.

Gebru: I absolutely... I expect ... We also expect [that].

273. On June 17, 2020, at 1:15 p.m., Orvis texted Orens, "Spoke with Wondirad. Did they tell you that the State expects the plan to be rejected?"

274. On June 17, 2020, at 2:52 p.m., Orens responded, "They are trying to see if they can have negligence remain at 1%. That would be where they get rejected I believe."

275. Upon information and belief, Orens knew his statements to Orvis were misleading. Orens knew the "Hemp Value Retention Program" violated federal and state laws and rules, the respective contracts, as well as contradicted the conclusions of the CHAMP Cultivation workgroup and Executive Committee. As an examples, *see* ¶ 144.

THE FOLLOWING SECTION RELATES TO THE RFP AND PLAN

276. On June 17, 2020, CDA issued a Determination of Award Memorandum that it had awarded the RFP to MPG.

277. As stated *supra* and for important reference, Seeb and Gebru are listed as contacts for MPG's claim that Governor and CDA are clients of MPG, respectively.

278. Orens and Seeb have a more than 10-year personal and professional relationship with one another.

279. Seeb was an owner of a marijuana business, Denver Relief and/or Denver Relief Consulting.

280. Upon information and belief, Orens was hired as a Market Data Advisor for Denver Relief Consulting.

281. At the time of Orens's hiring, Seeb was an owner of Denver Relief Consulting.

282. Upon information and belief, Orens and Seeb have worked as partners, employee/employer, and contractors on several other marijuana projects.

283. Upon information and belief, Orens and Seeb participated together as board members of national marijuana associations and/or their committees.

284. Upon information and belief, Orens knew Seeb was a member of the evaluation committee for the RFP and did not find this to be a conflict of interest.

285. Upon information and belief, Seeb claimed that he had previous business dealings with all offerors to the RFP.

286. Seeb has never done business or had any personal or professional dealings with BoCo and Orvis.

287. On June 18, 2020, at 11:37 am, Silverman emailed Koontz, Gebru, Pottorff, Seiber, Greenberg, Saloga, Orens, Glenn, Beezly, Krause, Seeb, and stated,

I just wanted to offer congratulations to this group on the occasion of our having submitted the State Plan to USDA. This was a tremendous, collaborative effort and I think we should all be proud of the final product. Huge thanks are due to Adam and Clint for their leadership and authorship. And a big round of applause is owed to Courtney, Ean, and Billy for their support, leadership, and incisive advice and editing. And of course our own CDA team did a great job of handling every aspect of the project, including making sure that we were obtaining sufficient stakeholder involvement. Of course, we all may have a bit more work to

do depending on how USDA reacts to this submission. In any event, more than ever I feel we should celebrate every victory and submitting a visionary plan like the one we submitted today is a significant victory worthy of celebration.

288. Upon information and belief, Silverman knew or should have known the plan was not vetted by stakeholders, was not provided to the CHAMP Executive Committee for review, and directly circumvented the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

289. On June 18, 2020, at 1:38 p.m., Orvis emailed Seeb with an urgent request to speak with Polis. “False statements were made in the plan and it appears the stakeholder process was circumvented. It’s important that the governor become aware of these mistakes before the USDA really looks at the plan.”

290. Upon information and belief, Seeb shared Orvis’s request with Polis who instructed Seeb not to allow such a meeting because the language in the Plan was done at the instruction of Polis.

291. On June 18, 2020, at 2:16 p.m., Huse wrote to the offerors of the RFP informing them that MPG had been “unanimously” selected for the award of the RFP.

292. On June 18, 2020, at 2:44 pm, Orvis emailed Greenberg and Gebru regarding the Plan submitted to USDA and stated,

Considering the urgency of this, I thought I’d write you. I’d like to set up a call with you ASAP. False statements were made in the plan and it appears the stakeholders process was circumvented. It’s important that you become aware of these mistakes before the USDA really looks at the plan. I worry about the USDA filing an injunction to cease operations based on the admissions made in this plan. I am happy to make any time work for the call.

293. Greenberg and Gebru did not respond to Orvis or set up a call.

294. On June 19, 2020, at 11:34 p.m., Orvis emailed Huse, Greenberg, Gebru, Glenn, Seiber, Pacheco, Seeb, and other public officials regarding the selection of MPG for the RFP.

I hypothesize this process has been arbitrary and capricious and CDA possesses too many conflicts of interest to be in charge of awarding this contract and/or participating in the review. Clearly, the governor’s office is conflicted as well. I’m formally requesting that the CDA and Jared Polis’ office recuse themselves from this process and allow for an independent and unbiased review through OEDIT via a hemp stakeholder process. After all, the funds for this contract came from hemp registrants. In the least, they should have a vote in who leads this contract forward.

295. Nobody responded to Orvis' email.

296. Upon information and belief and on or around June 20, 2020, Silverman and Seiber took control of the procurement process from Huse and decided amongst themselves that Seeb's presence on the evaluation committee was *not* a conflict of interest. This factual allegation is supported by ¶¶ 315 and 335.

297. The Colorado Government Immunity Act does not protect public and state officials from criminal activities outside the scope of their employment or in violation of statutory requirements.

298. Upon information and belief, the actions of Silverman and Seiber in the paragraph 296 were a result of the bid rigging process to ensure MPG received the RFP contract.

299. On June 22, 2020, at 12:01 p.m., Orvis emailed Seeb, Pacheco, Seiber, Greenberg, Glenn, Koontz, Pottorff, Gebru and other public officials a copy of comments he was going to send to the USDA regarding the Plan and areas where it violated federal law, the IFR, Colorado law and rules, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

300. Upon information and belief, Orvis's email and comments to the USDA regarding the Plan were shared with Polis and Weiser.

301. Upon information and belief Orvis's email and comments to the USDA regarding the Plan were shared with MPG, Orens, Barnes, and Saloga.

302. On June 22, 2020, at 12:07 p.m., Orvis sent his comments regarding the Plan to the USDA.

303. On June 23, 2020, at 7:37 a.m., Beegle emailed Greenberg, other unknown public officials, and in regard to MPG's award of the RPF stated in part,

Kate and everyone who is part of this incredibly poor judgement [*sic*] call to put a special interest marijuana lobby group in charge of the Hemp Center of Excellence. Are you kidding me? I am so incredibly disappointed and embarrassed for our industry right now ... MPG has done nothing for the hemp industry and should have no involvement in a hemp center of excellence. I will also pull all of the other WAFBA hemp brands out of Colorado in utter disgust for you handing over the hemp industry to the marijuana industry. This agency collusion with the marijuana industry must end now. Hemp is an agricultural crop and needs to be recognized and treated as such. It is not marijuana.

304. On June 24, 2020, at 8:05 a.m., Orvis emailed Greenberg, Silverman, Gebru, Koontz, Pottorff, Seeb, other public officials, and the HAC regarding the false statements and violations of the law made in the Plan. The emailed further addressed the irony of the Plan *not*

being signed by Polis or Weiser. Orvis attached a copy of the letter he sent to the USDA regarding the Plan.

305. No public official responded to Orvis' email.

306. On June 24, 2020, at 9:08 a.m., Lehrburger sent Orvis a text message stating, "Thank you for sharing your email. This is a rather dark situation. I'm going to try calling you this evening."

307. On June 25, 2020, CDA held a meeting of the HAC in which Lehrburger addressed the Plan. Lehrburger's comments begin at 1:52:29.

<https://drive.google.com/file/d/1Zblhv2Uxwv7bj31RK5M3GmhUnzIMtmyP/view>

The Colorado plan sent to USDA last week was not properly vetted in my opinion by the stakeholders of CHAMP and certainly not by the Hemp Advisory Committee. And for obvious reasons, why didn't we get a shot at reviewing that final draft before it was sent? I can't answer that. A few people have asked me that and I can't answer that. You know this body had absolutely no say whatsoever in this report submitted to the federal government and you know I'm curious, everybody on this call, everybody in this meeting, you know, what's going on? Are we just kind of getting phased out? And like I started off with Senate Bill 20 197, well it kind of appears that this committee is getting phased out to a big extent, at least from the point of having industry that participates in these meetings that help guide this industry who are looking after not what the federal government or not what our local government is doing but what the people, what the community, what the hemp community is taking the risks, that don't have the steady pay checks from the government, that are out in the fields. These are the people that we have been representing and it's kind of sad that all of a sudden, that if this bill gets signed into law in the next month, that this kind of public and private communication is kind of going away and it's sad and I think it's a sad day for our industry and I hope others comment on this ... One of the reasons that I was part of this CHAMP thing was because of my role in this committee. So as chairman, I tried to call special meetings. I reached out to Kate [Greenberg], to Brian [Koontz], and to Wondirad [Gebu], I just didn't get support and I'm not complaining, I'm letting this committee know that I tried my best to have this committee play a bigger role, to have these people that I've been working with for years and you know, let's be frank, Ben, Chad, I mean these guys, we started together in 2013 and we've seen great progress and a lot of the people that are new now, including the folks that work for CDA are not part of this rich history, didn't attend these meetings, didn't see the little bits of comments and suggestions and guidance that we provided to help shift thinking and rules and regulations and so forth and legislation, so ... I believe this board has been devalued and it's sad. What can we do about it? Probably nothing, but at least I'm representing this board and having what I've observed in CHAMP be available to this body and we have all heard that some people that work for the

government were intimately involved in CHAMP and are intimately involved with this board and I believe that I'm the only one from the private sector that plays this unique role ... I'm really not in favor of submitting documents that so many people, over one hundred people in CHAMP worked thousands of man and women hours on and I don't believe we got a true chance to vet what was being submitted to the federal government. So, with this new situation, there is perhaps not proper representation from stakeholders outside of the government ... The second point is as someone who had a leading role in CHAMP, I just want everyone to know in this body that I have been strongly advocating one thing during 2019 and 2020 and before I tell you what that is, the background to all of this dates back to our very first meeting ... We cannot be like the marijuana industry. I want this group to be our own rules and regulations and we went around the room and we debated that, and we talked about that and we all agreed, we are not going to be like the marijuana industry with these rules, the regs, the cameras, the continuing changing of laws, sometimes week after week. And all of us kind of vowed at that first meeting and subsequent meetings over the years, we don't want to be like the marijuana industry. We don't want to have the same appearance. We don't want to have anything to do with it. It's a different plant. It's a different purpose. It's not about getting high. And what happened with the beginning of CHAMP, the marijuana theme kind of keeps popping up and as the state has developed the state plan, the Marijuana Policy Group was chosen to develop the state plan and during the CHAMP process, the Marijuana Policy Group played a major role in shaping the discussions, the debates, and the outcome of developing the state plan. And again, I'm not complaining, I'm not ... I'm letting everybody know because people have come to me, and I have to defend what's going on. And I just want everybody to know that I've been a huge advocate not to have the Marijuana Policy Group be an intimate part of this hemp program. And I have consistently voiced my strong disapproval of having the Marijuana Policy Group have any kind of major role in our hemp industry ... So as this situation has become more publicized, more people reach out to me to voice their concern on this topic. And as most people know, I've been adamant about this topic from day one. And this is the only form where I can share these facts to the folks that have taken over the decision-making authority in the industry. So, I was recently made aware that the Marijuana Policy Group won the award to manage the Colorado Center of Excellence for the hemp industry. Okay, everybody should be made aware of that, and I hope everybody has an opportunity to hear what I'm saying. Hear about what, it's just not me. It's people in our industry that have voiced these strong concerns. And maybe the state has reasons that I don't know about. Maybe there's things going on behind the scenes that I don't know about and that's probably one hundred percent true, but I just want everybody to know that I have no idea what's going on and I don't know why the Marijuana Policy Group is going to play a bigger role in our hemp industry and I hope our good friends at the Department of Ag, you know, on some level support what I'm saying. Or maybe they can comment. Maybe they know a lot more that I don't know that I know I'm certainly in the dark about. Why was

the industrial hemp Ag Committee totally excluded from any of the vetting process? This is a legitimate question. You know, Wondirad, Brian, maybe you guys can shed some light to us, to the committee members that have been part of this committee and some of us for eight years. So, coming full circle, I want to make my third point. About the whole plant utilization, deemphasizing THC. There's not a well-defined path to deal with "hot hemp" and whether it's point three percent or in the state of Colorado and you go through the path and you fill out the forms and it's one percent, regardless, it's not marijuana ... How about a little elegant solution of if it tests hot, you harvest the tops and you capture the seeds and all the bud and flower, and resinous material goes by the wayside. But at least the farmer can capture the seeds and still sell those seeds for food and feed and then you have the stalks that have zero percent THC ... Why can't we have elegant solutions like this that we can offer the federal government? Again, we, this committee could have offered advice like this. You know, I wasn't on enough committees to get intimate with all the facets of the CHAMP program. But it would be a sad day that the value that this committee has brought to the hemp industry and the liaison between the people in the industry and the government seems to be vanishing. So, you know, I'm kind of hurt by all that. So, this is the kind of input the industry used to be able to debate and get some traction on. We don't get a voice anymore, at least that's what I feel. Let me just conclude by saying this, as the spokesman for the Colorado hemp industry, with the recent events of devaluing the role and the importance of this committee, going forward, how will the hemp industry stakeholders have any say or any representation in our industry? Thank you.

308. No public official answered Lehrburger's questions.

309. Orvis also addressed the Plan and asked Seiber about its legality. Orvis's comments begin at 3:11:25 and the following exchange between Orvis and Seiber begins at 3:14:54:

<https://drive.google.com/file/d/1Zblhv2Uxwv7bj31RK5M3GmhUnzIMtmyP/view>

Orvis: Now, I have one question and it's for Billy [Seiber]. What was the Attorney General's opinion as to the legality of the State Plan?

Seiber: I got bumped off. All I know is that this is someone from BoCo. I'm not quite sure what your name.

Orvis: Billy, it's Grant Orvis.

Seiber: Oh, hi Grant. Hi. Yeah, there is no comment with regard to that question.

310. Upon information and belief, Seiber did not comment because the AG knew the Plan violated federal law and rule, state law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

311. On June 25, 2020, Governor responded to Orvis' CORA request regarding emails between Seeb and MPG that it would take approximately six hours of staff time and cost Orvis \$160. Orvis did not pay the invoice and is not in possession of all the emails.

312. On June 26, 2020, at 8:58 a.m., Orvis sent Lehrburger a text and stated, "Thanks for everything you said yesterday. It was very powerful and at the end when you said you were speaking for the industry was a level of truth that the CDA and this current administration don't want to hear."

313. On June 26, 2020, at 9:35 a.m., Lehrburger responded to Orvis's text and stated, "Welcome to America's politics as usual. We can only speak our minds. Hopefully some of the words will have an effect, like the rap about the MPG..."

314. On June 26, 2020, at 10:09 a.m., Beegle emailed Greenberg, Huse, and Glenn and stated in part.

Please see the attached screenshot of the MPG website. No one knows the legal cannabis and hemp markets better than MPG. That is a flat out lie ... I also found out that the review process of the organizations who submitted proposals was a handful of people, some with direct conflicts of interest that work with MPG, and the optics of cronyism are becoming much greater ... I implore you to do the right thing here.

315. On June 29, 2020, Orvis called and spoke with Huse surrounding the issues with the RFP procurement,

Orvis: I believe some impropriety occurred with Ean being selected. With people who have had, who have been working hand in hand for the past 6 months with MPG. I have a hard time believing that this is an appropriate manner of setting up the evaluation committee. Hollis, specifically being a reference for MPG, having such a big hand in this. Is there an investigation going on into that process?

Huse: I would not use investigation in that heavy term. There were a couple of people who looked into a potential conflict of interest on his part and that has concluded and the word that came back to me was they did not believe there was a conflict.

Orvis: Who was they?

Huse: For right now, I would prefer not to answer that question. I'm not trying to be purposefully evasive. I don't know if I can answer that particular question and if you'll give me just like 24 hours, I will go back to the Commissioner and then ask if I can release that particular piece of information.

Orvis: Okay.

Huse: Again, I'm not trying to be evasive ... because of the people that are involved, it makes me uncomfortable.

Orvis: Because it's like the Governor's office and the Commissioner of Agriculture?

Huse: No, no, no. These are, there are people who are in, uh, above me. Does that make sense?

Orvis: Sure, sure, sure. You got your bosses.

Huse: They exist between me and the Commissioner.

Orvis. Yeah, you got your bosses. You got to keep your job. My guess is one of them is Steve. Yeah, Steve's not going to want you to tell me it's him.

Huse laughs.

316. During the call in the preceding paragraph, Orvis was unaware of Krause and Gebru's participation on the evaluation committee and their intimate involvement in the IFR comments and Plan.

317. During the call, Huse acknowledged that Glenn had been involved in the procurement process and that he selected the evaluation committee.

318. Upon information and belief and on June 29, 2020, Greenberg, Glenn, and other defendants held a conference call with Beegle.

319. On June 29, 2020, at 10:39 p.m., Orvis emailed USDA regarding Orvis's letter about the Plan and requested a call with USDA to discuss.

320. On June 30, 2020, at 6:06 a.m., Bill Richmond from the USDA responded to the email and letter from Orvis. "Your concerns would be best addressed by the CDA."

321. On June 30, 2020, at 12:16 p.m., Orens filed a CORA request with CDA asking for documentation regarding any individuals who had filed CORA requests for MPG's proposal.

322. Orvis was one of the individuals who filed a CORA request for MPG's proposal.

323. Upon information and belief, MPG, Orens, Barnes, and Saloga discussed Orvis inquiring about MPG's proposal and devised a conscious and deliberate decision to pursue a common plan or design to stop Orvis from looking into their qualifications, proposal, and references.

324. By the close of business day on June 30, 2020, MPG did not submit the full CHAMP report as was required in the contract.

325. On June 30, 2020, at 10:13 p.m., Orvis forwarded the email from Bill Richmond at USDA to Greenberg and Seiber. "Who would like to speak with me regarding my concerns to the submission and when can that conversation take place?"

326. Neither Greenberg nor Seiber responded to Orvis's email.

327. On July 1, 2020, at 7:00 p.m., Beegle emailed Greenberg and Glenn and stated in part,

I wanted to thank you for the time on Monday to hear my perspective, Tim's perspective, and others that I know you have reached out to. I hope we can find a path forward so everyone feels good about the direction. Like I said, I don't think MPG should be the group to steer the initial setup and development of the HCOE. The optics on that contract just don't look good and I do not think they are the right group after the reaction that has taken place. However, I don't think they are a bad group or do bad work. I am not opposed (others may be) to having MPG as stakeholders and in the mix for collaboration. It's all cannabis, and I'm fine with marijuana. I just think a qualified hemp stakeholder or a completely unbiased and unrelated qualified entity should steer the development outline for this contract.

328. On July 1, 2020, at 10:45 p.m. Orvis forwarded the email from Bill Richmond at USDA to Greenberg, Seiber, Seeb, Pacheco, and Silverman. "I would much rather my concerns not be publicized along with all my unanswered emails. Who is willing to speak with me?"

329. Nobody responded to Orvis's email.

330. Upon information and belief, Orvis's requests were discussed with Polis and Weiser.

331. Upon information and belief, and June 30, 2020, at an unknown time(s), Orens and/or Barnes and/or Saloga held a conference call with all or some of the following: Glenn, Silverman, Seiber, Huse, and Greenberg to discuss CHAMP, the RFP, and Orvis. On this conference call, defendants defamed Orvis, accused Orvis of committing a crime, asked for help from CDA to blacklist Orvis, and further defamed Orvis.

332. On July 6, 2020, at 6:30 pm, Orens emailed Glenn, Silverman, Seiber, Huse, Greenberg, and cc'd Barnes. In the email, Orens asked for help as a follow up to the June 30, 2020, conference call. In the email Orens,

- a. Accused Orvis of impersonating public officials,
- b. Accused Orvis of harassing MPG's references,
- c. Accused Orvis of disrupting meetings,
- d. Accused Orvis of outbursts during meetings,
- e. Requested CDA intervene and stop Orvis and other members of the hemp industry from checking MPG's references,
- f. Asked for help in moving forward with the RFP contract,
- g. Requested a meeting to discuss the parties in "opposition to the MPG Consulting contract,"
- h. Requested CDA help in separating Orvis and other members of the industry from participating in the RFP and the hemp industry in total,
- i. Referred to Orvis and other senior members of the industry as "fringe industry representatives,"

- j. Asked for help in developing a strategy from keeping Orvis and other members of the hemp industry from participating in the COE and CHAMP, specifically, “requesting CDA become more proactive in trying to prevent such activity,”
- k. Asked for information on who contacted CDA noting that MPG “could help to design communications to contribute to the outreach effort,”
- l. MPG’s desire to become more active in devising “community management,” and
- m. “We will need to re-evaluate our budget for CHAMP and CoE to incorporate additional effort.”

333. On July 8, 2020, at 4:29 p.m., Lehrburger emailed Koontz, Silverman, and Greenberg and stated in part,

What I’m not happy about is the way the CHAMP stakeholders had absolutely no say in the final document that was submitted to the Sec. of the U.S. Dept. of Ag. I believe this was a total communication failure to all the stakeholders of CHAMP. As a representative of the hemp community who does not work for the CO government, everyone I know outside of the government agrees with this position. The second point Mr. Silverman brought up after my comments was, he stated that he knew nothing about the situation of having the Marijuana Policy Group (MPG) play such an important role in the CO hemp industry. This is baffling to me. Again, a major communication failure. I have been objecting to having MPG be a part of the CO hemp industry since the first day I learned about it. My major conduit was Hollis, who freely called me numerous times as the CHAMP initiative was being rolled out. I voiced my concerns to Hollis, at CHAMP working meetings, at CHAMP executive meetings, and any opportunity that I could. I hope you, Mr. Silverman and Commissioner Kate now know that this is an explosive issue outside the circles of government workers, and if you are not aware of this, you soon will be. This one issue has many folks in our hemp industry very angry ... If you and others who work for the government contemplate building a Center of Excellence for our hemp industry, all I can say is good luck. Without the support of the hemp community, this whole effort could backfire. On some levels, Colorado’s reputation of leading the national hemp industry has recently been in a freefall ... I don’t know who to reach out to. Commissioner Kate knows I have tried to reach out to her at least a dozen times since we met about 18 months ago. She has never returned any of my emails. You have turned down my requests to have various HAC meetings. You turned down my request to have the HAC develop a response to the IFR ... In many ways I feel the whole CHAMP initiative was a big waste of time. Many folks feel the same way. There were topics that made it into the CO response to the IFR that were not vetted at the CHAMP meetings. Conversely, there were topics that were vetted thoroughly at various CHAMP meetings that were not mentioned in the CO response ... I’m now at the point of putting on record that if I cannot get any kind of response to the topics I have been raising and suggestions I have been making

as a true representative of the CO hemp industry, then it makes no sense for me to continue devoting my free time to the CHAMP and the HAC. I hope Commissioner Kate will finally get back to me so I can begin to understand at least a few of the many questions I raise. I'm clueless with so many things going on behind the scenes regarding the HAC, and am now keenly aware that this is most likely all by design. None of this feels good, and quite the contrary.

334. On July 9, 2020, at 12:20 p.m., Koontz emailed Lehrburger, Silverman, Greenberg, and Gebru in response to Lehrburger's July 8 email and stated,

Your response clearly answers my question and addresses other concerns that I am glad you have brought up, thank you. Kate, Steve, and our other leadership had a long discussion about the HAC and CHAMP on Tuesday and discussed some of the same things you mentioned. Moving forward, we need to clearly communicate expectations regarding what the role of the HAC is, frequency of meetings, and goals. I will circle around with leadership and your concerns will certainly be addressed. As I have said before, your input as a valued expert in the hemp industry is greatly appreciated.

THE FOLLOWING SECTION RELATES TO THE RFP

335. On July 10, 2020, the Orvis spoke with Huse regarding the conflict of interest with Seeb participating as a member of the RFP evaluation committee,

Orvis: And somebody else did all that research for you. Who was that?

Huse: That would have been the Attorney General's office and a member of the Commissioners staff.

Orvis: Can you tell me who those people are?

Huse: Yeah, I'm just going to go ahead and do it because you are going to ask anyway. That would have been Steve Silverman and Billy Seiber.

Orvis: Oh. I called it when we talked.

Huse: Yeah, you did. You did.

336. Upon information and belief, Silverman and Seiber's acts as it relates to taking control of the procurement process and determining Seeb was not conflicted were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil and spite. Finally, Silverman and Seiber's acts were performed with an intent to help MPG, Orens, Barnes, and Saloga win the RFP contract through a bid rigging scheme.

337. Silverman and Seiber's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

338. On July 10, 2020, BoCo filed a protest with CDA regarding the awarding of the contract to MPG.

339. On July 10, 2020, an industry wide protest letter was sent to Polis, Greenberg, and Huse.

340. The industry protest letter was signed by more than one hundred members of the hemp industry including Coram, Lehrburger, Carpio, and Beegle.

341. The protest letter outlined the issues within the industry as it related to Seeb participating in the evaluation committee as well as the false statements made by MPG, Orens, Barnes, and Saloga in their proposal regarding their experience and expertise in hemp.

- a. Our concerns also pertain to the poor judgement [*sic*] of the Colorado Department of Agriculture to award contracts of such significance to the State of Colorado to a marijuana stakeholder, the Marijuana Policy Group, that has advised many businesses on how to obtain marijuana licenses and maximize marijuana profits in addition to assisting in Marijuana policy and over burdensome regulations here in Colorado and nationwide.
- b. The industry (via registration fees) is paying for this contractor, yet we were given no say in who was awarded the contract. We have always and will always remain united against marijuana becoming involved in hemp and we will not allow CDA to undermine our goals by awarding such an important contract to the Marijuana Policy Group.
- c. The decision to award the contract to a marijuana stakeholder “*is a step backwards for the hemp industry in Colorado and is not the legislative intent, but rather a slap in the face to the industry that has worked so hard to legalize, legislate and push forward since 2012 and the passing of Amendment 64*” according to Senator Don Coram.
- d. Furthermore, Marijuana Policy Group has failed to communicate with key hemp stakeholders and failed to meet the deadline to finalize the CHAMP deliverables. Those deliverables, which required significant changes by the Executive Committee, are now months late, yet Marijuana Policy Group has found the time to write and submit a 53 page proposal for the Hemp Center of Excellence RFP.
- e. Marijuana Policy Group reached out directly to Mr. Dan Huse, the procurement director and Marijuana Policy Group have implied to certain hemp stakeholders that CDA “*helped them*” obtain the COE contract.
- f. Perhaps most importantly, we are concerned about how this relation and direct tie in with the Marijuana Industry will look to the USDA, FDA and DEA. Colorado has lost its leadership role in the United States related to hemp. Colorado’s hemp stakeholders need the USDA and the FDA to support Colorado. This becomes more difficult when CDA selects a marijuana-stakeholder to lead the charge and build Colorado’s flagship institution, the COE. In fact, we think decisions of this nature vindicate the DEA’s decision

to be actively involved in hemp plans at the state and federal levels, which is a giant step back for the hemp industry in Colorado

342. On July 23, 2020, HIA sent an official letter and protest to Greenberg and Huse and stated in part.

The HIA is dismayed that the Colorado Department of Agriculture would award a Hemp Center of Excellence contract to a group, the MPG Consulting, a consultancy firm for the marijuana industry. While MPG Consulting may be composed of skilled and accomplished professionals their expertise and experience has been narrowly focused on advising businesses on strategies to maximize profits within the marijuana industry. During the CHAMP stakeholder process, their lack of knowledge was evident as many discussion topics bordered on overly redundant regarding supply chain or regulatory issues that have been resolved years ago ... Hemp is an agricultural crop providing real economic benefit to our farmers, and the state. Since the cultivation of this crop is managed by our Department of Agriculture and has different stakeholders, hemp must not be confused with marijuana. Marijuana is a Department of Revenue, Marijuana Enforcement Division, regulated product and subject to DEA. Agriculture commodities such as hemp, industrial products made from hemp, and the enormous variety of down-line products derived from hemp, involve different leaders, different agencies on state and federal levels and profoundly different markets, and are 100% legal federally. The US hemp industry encompasses products including food, fiber, construction materials, bioeconomy ... Sustainable agriculture and much more – none of which are true of marijuana. Hemp farmers do not want association with marijuana ... Colorado, under the guidance of Governor Polis and Commissioner Kate Greenberg, should continue to show leadership in hemp cultivation, harvesting, processing, research and revenue. However, further conflating and confusing hemp and marijuana by awarding the Hemp Center of Excellence to a marijuana consultancy firm like MPG Consulting is a step in the wrong direction. We believe this confusion will limit long-term effectiveness of the Hemp Center for Excellence in serving the distinct needs of the hemp industry and agricultural sector. In fact, we worry that having a marijuana group provide a Center of Excellence proposal to USDA will jeopardize the approval as USDA is very hostile to marijuana ... The HIA would like to support the hemp center of excellence, as part of our mission to advance the hemp economy and educate the market. We are an organization flush with the right resources needed to make a Center of Excellence for hemp a success. However, we see an inherent conflict and disconnect with awarding this contract to a group fundamentally connected to the marijuana industry, with no experience in the agriculture of hemp or experience in creation of hemp derived products ... We recommend that you redo the proposal/awarding processes to rectify the appearance of any potential conflict of interest, and appropriately address the needs of a burgeoning hemp agricultural economy.

343. On July 24, 2020, Huse and CDA denied BoCo's protest.

MUCH OF THE FOLLOWING SECTION RELATES TO THE PLAN

344. Upon information and belief, and on July 27, 2020, at 5:10 p.m., Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately fourteen pages and is currently under review by the Court of Appeals, Case 2021CA001697 as to whether or not it consists of attorney-client privileged information.

345. On July 27, 2020, at 5:16 p.m., the *USDA rejected the Plan*.

346. Within the rejection, the USDA identified ten areas where the Plan *did not satisfy the requirements* of federal law and USDA rule.

347. Relating to this case, the following rejections apply.

- a. Colorado did not provide an "Acceptable Hemp THC Level Definition."
- b. Colorado did not provide "procedures that prohibit handling, processing, or entering the stream of commerce of any hemp grown in a lot where the acceptable hemp THC level is noncompliant."
- c. Colorado did not provide acceptable "procedures for plants that do not meet the requirements of this part."

348. The parts of the Plan in the preceding paragraph that were rejected by the USDA are the same parts of the Plan that Orvis had identified in the letter sent to the USDA.

349. The USDA agreed with Orvis's assessment regarding the legality of the Plan.

350. The Plan as written by MPG and other defendants also violated C.R.S. § 35-61-101, *et seq.* as it relates to SB19-220 and SB20-197, the respective contracts, and contradicted the conclusions of the CHAMP Cultivation workgroup and Executive Committee.

351. As it relates to SB20-197, CDA provided written comments to the bill and stated, "**This bill is necessary for Colorado to have a federally compliant hemp program beginning on October 31, 2020. Without passage of this bill there will not be a legal hemp program in Colorado later this year.**" (Emphasis not added)

352. On July 30, 2020, at 4:17 p.m., Lehrburger emailed Greenberg and stated, "Please make arrangements to set aside time for a very short, like 2-min. call with me."

353. Upon information and belief, Greenberg and Lehrburger spoke on or around August 6, 2021, and discussed the issues Lehrburger discussed *supra* in regard to the COE and the continued participation of MPG in the hemp industry.

354. On August 7, 2020, BoCo filed an Appeal to the RFP with DPA.

355. On August 11, 2020, Orvis filed a CORA request regarding communications between Kachina Weaver and Governor. The request was limited to communications concerning hemp and SB20-197.

356. On August 24, 2020, Governor responded to Orvis's August 11 CORA request that it would take approximately five staff hours to complete and cost Orvis \$115.

357. Orvis *did not* pay the invoice and does not possess these communications. Orvis should be allowed discovery of these documents.

358. On September 11, 2020, Lehrburger emailed Polis, Greenberg, Koontz, Glenn, and Gebru and stated,

Since 2018, there have been some very noticeable changes in the CO hemp industry, and not always for the better. I feel it is important that we schedule a face-to-face meeting to provide my personal observations regarding the status of the hemp industry and recommendations for dealing with many of the challenges our hemp industry is trying to deal with. I strongly believe this will be well worth your time ... During the past 12 months, it has become extremely unsettling to witness the obvious dissatisfaction from the hemp community as a result of the chaos and poor communications from CDA's hemp division. I have reached out to several people at CDA with hopes of creating less of a divide and further hopes of mending many bad feelings between CDA and various leaders in the CO hemp community. Every attempt seems to have failed. I now feel it is my responsibility to inform you, as our Governor, of some disturbing developments that have been going on during these past few years ... Regardless of my attempts to create a better environment, things appear to continue to deteriorate ... On an unrelated note, the excellent letter of support that you signed and that accompanied our company's grant proposal to the Dept. of Energy is still in a holding pattern. Thank you for providing your letter of support!

359. Upon information and belief, Polis signed the letter in an attempt to appease and get Lehrburger to back off the complaints surrounding the Plan, CHAMP, the RFP, and other hemp related issues.

360. Upon information and belief, Polis's acts in signing the letter of support for Lehrburger were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Polis realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Polis performed these actions through an element of evil. Finally, Polis's acts were intended to help Lehrburger.

361. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

362. On September 14, 2020, at 6:37 p.m., Greenberg forwarded Lehrburger's September 11 email to Beezley and stated, "Can you just let Govs team know we've got it under control?"

363. On September 21, 2020, the DPA agreed with BoCo and determined that CDA violated the Procurement Code when it allowed Seeb to participate in the evaluation committee.

364. In part, DPA stated,

Here, Mr. Seeb and Mr. Orens have had a long professional relationship and have established themselves as leaders and experts in the marijuana industry ... As an evaluation Committee member, Mr. Seeb had a duty to avoid any actual or perceived conflicts of interest ... Mr. Seeb's relationship with Mr. Orens presents a perceived conflict of interest and Mr. Seeb should have been removed from the Evaluation Committee upon learning the identity of the responsible offerors ... My decision is to cancel CDA's award to MPG.

365. Upon information and belief and on or after September 21, 2020, Orens contacted Huse and was very upset that CDA allowed the award to MPG to be cancelled. Orens further attempted to bully and intimidate Huse into helping MPG obtain the second award.

366. Upon information and belief and on or after September 21, 2020, Polis instructed Seeb, Seiber, Greenberg, Silverman and/or other unknown defendants to ensure that MPG received the award for the RFP.

367. Upon information and belief, Polis's acts in in ordering that MPG obtain the award were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Polis realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Polis performed these actions through an element of evil. Finally, Polis's acts were intended to help MPG, Orens, Barnes, and Saloga despite.

368. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

369. On September 21, 2020, at 5:19 p.m. and after hearing of DPA's decision, Lehrburger sent a text message to Orvis, Beegle, Carpio, and other hemp industry members and stated, "Love all this great news!! Please know I'm conflicted to talk about anything regarding the CDA HAC. You'll hear some thunder if they give me time and let me speak on Thursday."

370. Upon information and belief and on or around September 22, 2020, Huse was instructed by Silverman and Seiber to wait until December of 2020 to put together a new evaluation committee and to do whatever needed to happen to ensure that MPG would receive the RFP contract. The details of this bid rigging process are discussed *infra*, ¶¶ 466-468.

371. On September 23, 2020, Lehrburger emailed all other members of the HAC, numerous public officials, Greenberg, and Polis, which constituted a violation of the Colorado Sunshine Law and stated in part,

I'm writing this email as a founding member of the CO Hemp Advisory Committee (HAC) and as a representative of the greater CO hemp community and industry. Tomorrow is an important day as many of you will be attending a HAC meeting for the first time ... To make matters worse, I believe the MPG was awarded the contract to take the lead in developing the CO Hemp Center of Excellence. The vetting and award process in favor of the MPG has caused an uproar within our hemp community. As you can imagine, I'm right in the middle of all of this disruption. I have been bombarded with complaints from folks within our hemp community during the past year about these topics. During all of this, the HAC was never involved with any vetting, discussion or providing advice regarding MPG's selections/awards. I believe the first time MPG's name came up at any HAC meeting was during our most recent meeting earlier this summer when I had the floor for 15 minutes ... At the most recent HAC meeting, I conveyed these exact concerns during the meeting on behalf of the CO hemp industry. I must share that a number of folks who joined the zoom meeting were fully supportive of my testimony regarding 1) the lack of transparency and communication with CDA; and 2) the MPG situations previously discussed. During this meeting, directly after my 15-minute rap, Steve Silverman, the CO Deputy Ag Commissioner stated he knew nothing about the MPG situation and thanked me for bringing this to his attention. So the dozen-plus times I objected verbally and in writing to the MPG's intimate involvement within our hemp industry during the past 15 months, this was evidently never communicated to CDA top brass ... It's my understanding the USDA has "rejected" the CO state hemp plan.

372. On September 23, 2020, Orens sent a text message to Carpio referencing the July 10, 2020, letter signed by 100+ industry members as,

A hit piece 'petition' full of slander and lies. I have no desire to engage with people who resort to tactics like that ... I am happy to talk to others, your colleagues, etc. but you have burned your bridge with us. The only way we would talk to you again is if you publicly apologize and retract that. We both know it is full of just false information.

373. Upon information and belief, Orens knew or should have known the statements made in the preceding paragraph were false.

374. After learning of the Sept. 23, 2020, text from Orens to Carpio, Orvis reached out to Orens via text message on November 2, 2020, requesting a telephone call to discuss the issue.

375. On September 24, 2020, CDA held an HAC meeting. At this meeting Lehrburger again addressed the public's concerns surrounding CDA's behavior in the hemp industry.

THE FOLLOWING SECTION RELATES TO THE VARIETY TRIAL

376. Upon information and belief and sometime in the fall of 2020, Oakes harvested the Chinese genetics that Polis and Seeb helped to import.

377. Upon information and belief, Patagonia, and Hemp Fortex rejected the fiber grown by Oakes.

378. Upon information and belief and after learning of the rejection of the fiber grown by Oakes, Polis and Seeb ordered or instructed CDA to find a way to help Oakes process the fiber or seeds from the harvest.

379. Upon information and belief, Polis and Seeb's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil. Finally, Polis and Seeb's acts were intended to help Oakes.

380. Upon information and belief, Polis and Seeb's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

MUCH OF THE FOLLOWING SECTION RELATES TO THE RFP

381. On September 24, 2020, at 5:09 p.m., Lehrburger sent a text to Orvis, Beegle, Carpio, and other senior member of the hemp industry referencing the HAC meeting and stated, "It did turn a bit ugly at the end. This was the first time since the polis admin. That the people have spoken. I'm very pissed at Billy S. [Seiber] and Steve S. [Silverman]."

382. On September 30, 2020, at 5:15 p.m., Lehrburger sent a text to Orvis, Beegle, Carpio, and other senior members of the hemp industry referencing the HAC meeting and stated in part,

The CDA and I have been scrapping. Total shit show mode. I'll explain later. It's bad. They tried to have a special 3-hour meeting tomorrow and I objected heavily

... I informed them today I am booked all day on the 6th. This will mean the [sic] will probably go ahead and have the meeting on the 6th.”

383. Upon information and belief, Governor has had more procurement contracts protested in the first two years of the administration than John Hickenlooper had in his entire eight years as Governor.

384. Upon information and belief and on or before October 13, 2020, Governor, at the instruction of Polis, issued the following statement in regard to DPA’s decision to terminate the award due to the conflicts of interest with Seeb,

We are aware of DPA’s decision and that CDA is reviewing it and will decide on a future process. To be clear, Mr. Seeb has no financial ties to Mr. Orens nor does he have any interest in Mr. Orens’ business. Mr. Seeb is an experienced professional who understands the real-world decisions that Colorado makes to ensure our state remains a leader in the hemp industry. Given his many years of experience and long history of working with the industry, it is expected that Mr. Seeb will know a variety of people working on marijuana and hemp matters throughout the country.

385. On October 13, 2020, at 1:34 p.m., Carpio texted Orvis, Beegle, Lehrburger, and other senior members of the hemp industry and stated,

I’m really disappointed in the comment from polis office about Ean. This was great opportunity for him to support us and address the situation and concerns, yet chose not to. Ouch!!! Ean & MPG has proven not to be the right people to advise polis/Colorado in hemp matters and keep us as national leaders.

386. On October 14, 2020, at 9:52 a.m., Lehrburger texted Orvis, Beegle, Carpio, and other senior members of the hemp industry and stated,

I sent polis a letter on 9/11 requesting to meet with him and his staff. I copied CDA top brass. I forwarded letter to Ean and Mara to make sure polis reads the letter. Zero response!!! It’s now important to have a meeting with polis. This is a defining moment for all of us. Without a meeting and an opportunity to get straight talk, things should get ugly.

387. On October 16, 2020, at 1:40 p.m., an employee of Governor emailed Beegle and stated,

I wanted to reach out to see if you had time on Tuesday, October 20 from 11:30-12 pm to talk to Governor Polis about challenges in hemp. I have also Cc’d the Executive Director of Colorado’s Department of Agriculture Kate Greenberg as she will be on the call as well. If this time does not work, we also have from 5-5:30 that evening as well.

388. On October 16, 2020, at 2:24 p.m., Beegle responded to the 1:40 p.m. email and stated in part,

One more thing, I am travelling with Ed Lehrburger for these meetings and Ed is the Chariman for the Colorado Hemp Committee. Would it be okay to have Ed join on the call as his is familiar with all of the details of the situation we are looking to discuss?

389. On October 20, 2020, from 5:00-5:30 p.m., Beegle and Lehrburger held a conference call with Polis and Greenberg.

390. On October 20, 2020, at 8:11 p.m., Beegle texted Orvis, Carpio, Lehrburger, and other senior members of the hemp industry and stated,

I am in Ohio with Ed and we had a call this evening with Jared [Polis] and Kate [Greenberg]. Just the 4 of us. They reached out and wanted to hear our concerns which we candidly communicated. We can provide more details next week when we return but I will say Jared offered up a hemp industry zoom call with 20-30 stakeholders with him and Kate before the end of the year and probably next month. Overall a good call and they seem to want to listen to us. Step in the right direction.

391. On October 21, 2020, at 5:57 a.m., Beegle emailed several employees of Governor, Greenberg, and Lehrburger and stated, “All, thank you for getting this meeting put together Ed and I appreciate you taking the time to discuss the hemp industry challenges with us.”

392. On October 29, 2020, from 1:00-2:30 p.m. CDA held a meeting of the CHAMP Executive Committee. At the meeting, Orvis again pointed out the conclusions of the CHAMP Cultivation workgroup to which no Executive Committee member objected.

393. On October 29, 2020, at 2:19 p.m., Lehrbuger texted Orvis, Carpio, Beegle, and other members of the hemp industry and stated, “I was invited to meet with Hollis [Glenn] next week 1 on 1 to go over this.”

394. On October 29, 2020, at 6:18 p.m., Orvis emailed Glenn, Silverman, and Greenberg requesting to “set up a call to discuss the concerns I brought up today regarding the circumvention of the Cultivation workgroup in both the State Plan and CHAMP Report?”

395. Nobody responded to Orvis’s email and no call was set up.

396. On October 30, 2020, at 4:00 a.m., Beegle texted Orvis, Carpio, Lehrburger, and other senior members of the hemp industry and stated,

Polis offered up a stakeholders zoom meeting with him and Kate and 20-30 of us before the end of the year and I believe we can push for before end of November. I will message them tomorrow and push to get them to commit to a date. We need to choose our group wisely as much as we can.

397. On November 2, 2020, Orvis filed a CORA request with CDA for communications between Glenn and Orens. The CDA quoted Orvis \$75 to fulfill the request.

398. Orvis did not pay the \$75 and is not in possession of these communications.

399. On or around November 2, 2020, Lehrburger had a telephone call with Glenn.

400. On November 3, 2020, at 12:30 p.m., Lehrburger sent a text to Orvis, Carpio, Beegle and other senior member of the hemp industry and referencing the November 2, 2020, call with Glenn stated in part,

I only had time to insist on new language. The first was to change the Objective Statement, which was so poorly and pompously crafted. The second was to insist on adding clear and concise language throughout that will exclude having to destroy grain and stalks from any hot hemp. I'm sending over some language for Hollis to consider on this second point. I did not have time to get into other points. At the end, he apologized a number of times [sic] for poor communications and let me know all the top brass knows how poorly their communications have been and how they all want to change this for the better.

401. On November 3, 2020, at 4:48 p.m., Beegle responded to the 12:30 p.m. Lehrburger text and stated, "In the end the industry will win. They fucked up and are backpedaling."

402. On November 3, 2020, at 8:05 a.m., Orens emailed Orvis and Glenn and stated in part,

I have no desire to engage with you specifically Grant – you need to address your conduct reaching out and harassing our professional references after receiving their contact info through your COE RPF CORA request. You burned your bridge with us.

THE FOLLOWING SECTION WEAVES BETWEEN CHAMP, PLAN, RFP, AND OTHER CAUSES OF ACTION

403. On November 4, 2020, at 8:18 p.m., Orvis emailed the CHAMP Executive Committee and Board of Directors and stated,

I wanted to write you all to address the issue I again brought up last week regarding the finalized deliverable on non-compliant plant material. As we all

learned at the meeting, it appears that the CDA and other members leading the groups disregarded the conclusion made by the Cultivation workgroup and let the Processing workgroup discuss that topic. Due to the lack of transparency from the CDA, I started reaching out to members of the processing workgroup. What I have been told shocked me.

1. The CDA and other members never let the processing workgroup know that the Cultivation workgroup had finalized that deliverable, nor was that conclusion presented to them.

2. The conversations in the processing group went ‘off the rails’.

3. It is uncertain if the workgroup actually came to a consensus.

When I explained the Cultivation workgroup conclusion, there was no argument against it, but rather that it was a good idea that should have been implemented.

In spite of this, the CDA ignored the Cultivation workgroup conclusion and went with something entirely different that was then put into the State plan. As noted, the State plan was not accepted by the USDA. Numerous areas violated the IFR, including the ‘deliverable’ from the processing group in the absence of the conclusion of the Cultivation workgroup.

Today I learned of the contract for the CHAMP report. Attached you will find the part of the contract as it relates to what must happen when a consensus is not reached (4b). This did not happen and it appears this contract may have been breached in several other areas as well.

Therefore, I am requesting that this committee also request that we finalize that deliverable by bringing the Cultivation and Processing workgroups together. Finalizing this deliverable and coming to a consensus should take less than one hour and I believe the members of the separate workgroups will take this task on. The individuals I have already spoken with said they would be happy to participate.

Failing to do so is highly irresponsible and demonstrates willful negligence to the time members of the Cultivation workgroup put into finalizing that deliverable.

404. Orvis sent the email to Lehrburger, Beegle, Carpio, and other senior members of the hemp industry.

405. On November 4, 2020, at 8:40 p.m., Beegle sent a text to Orvis, Lehrburger, Carpio, and other senior members of the hemp industry and in reference to the Orvis’s email stated, “Great job Grant. That’s what I call dropping Boomstalks.” Beegle further added a flexing arm emoji.

406. Upon information and belief and in response to Orvis’s November 4 email, certain defendants defamed Orvis and continued discussing ways to blacklist and separate BoCo and Orvis from the Colorado hemp industry.

407. On November 5, 2020, at 7:23 a.m., Lehrburger responded to Orvis and referenced the November 4 email to the CHAMP Executive Committee and Board of Directors and stated, “Nice job Grant!!!!!!”

408. On November 6, 2020, at 9:58 a.m., Glenn emailed the CHAMP Executive Committee and Board of Directors.

409. On November 13, 2020, at 2:11 p.m., an employee of Governor emailed Beegle, Lehrburger, and other individuals to invite them to a secret meeting with Polis.

I wanted to extend an invitation to join the Governor for a virtual conversation with Hemp Industry leaders. Governor Polis cares deeply about creating a “Colorado for All” and will be hosting this meeting to learn more about your priorities, as the administration plans next steps to help all in industries thrive – especially in the midst of an ongoing public health crisis ... This meeting is invite-only, so we ask that you refrain from forwarding to others or posting the invitation to online platforms.

410. On November 13, 2020, at 4:47 p.m., Orvis emailed Orens, Silverman, Greenberg, and Glenn and stated in part,

I just received a copy of your contract with CSU including the scope of work and deliverables. In there it specifies you are required to work with the Executive Committee in several areas. Based on this, I believe your refusal to speak with me and lack of work with the EC directly violates this contract. Would you like to retract your denial to speak with me and actually have a conversation about your work performance, why you were willing to write a CHAMP report and plan that not only violated your duties in the contract, but also violated federal law in contravention of the determinations made by the Cultivation workgroup?

411. No public official responded to Orvis.

412. Orens refused to speak with Orvis.

413. Orvis forwarded the email to Lehrburger, Carpio, Beegle and other senior members of the hemp industry.

414. On November 13, 2020, at 6:12 p.m., Beegle sent a text to Orvis, Lehrburger, Carpio, and other senior members of the hemp industry and in reference to Orvis’s email stated, “Dropping more boomstalks ... I like it.”

415. On November 13, 2020, Orvis filed a CORA request with Governor for communications between “Kara Powell to Morris Beegle and/or Ed Lehrburger between 11-10-2020 and 11-13-2020.”

416. On November 13, 2020, at 4:54 p.m., Orvis filed a CORA request with CDA for communications between CDA and Orens in which Orvis is referenced. CDA quoted Orvis \$90 to fulfill the request.

417. Orvis did not pay the invoice and is not in possession of the communications.

418. On November 16, 2020, at 7:47 a.m., Lehrburger emailed Powell and Beegle regarding furthering communications and requested that Orvis, Carpio, and Gordon be invited to attend the secret meeting and discuss hemp related issues with Polis.

419. On November 16, 2020, at 8:10 a.m., Powell responded to Lehrburger, "I am happy to send invitations to the three leaders you have proposed."

420. On November 16, 2020, at 8:15 a.m., Beegle emailed Powell and Lehrburger regarding the secret meeting with Polis.

Can you clarify for me if this meeting is in addition to the proposed meeting Governor Polis suggested during our last conversation on October 20th when Ed and I joined the Governor and Commissioner Greenberg on a call, at which time Governor Polis suggested we have an expanded zoom meeting for 20-30 hemp industry stakeholders?

421. On November 16, 2020, at 8:30 a.m., Powell emailed Beegle. "Yes, this is the larger hemp stakeholder meeting that Governor Polis proposed during the call on October 20. I will send invites to the individuals you sent over before my reply."

422. On November 16, 2020, at 4:49 p.m., Lehrburger emailed the CHAMP Board of Directors and Executive Committee and stated in part,

I hope that: 1) CDA has integrated clear and concise language into the final CHAMP Report that states if there is hot hemp grown in CO (or anywhere in the US) that must be destroyed, the grain and stalk portions of the plant, that contain zero THC, can be utilized, sold and/or processed into value-added products.

423. Upon information and belief and on or before November 17, 2020, Polis and/or Seeb ordered that all active members of the HAC be invited to the secret meeting.

424. On November 17, 2020, at 8:34 a.m., Powell emailed Beegle and Lehrburger regarding their request to have Orvis and Carpio invited to the secret meeting with Polis.

It appears I've had a miscommunication with our team, and I sincerely apologize for the back and forth ... Due to the limited availability of time to discuss issues with the Governor, we must strictly adhere to the maximum number of attendants originally invited to participate.

425. Upon information and belief, Polis and Seeb refused to have Orvis attend the meeting, disparaged Orvis and Carpio, and ordered Powell to rescind the invitation.

426. Upon information and belief, Polis and Seeb's acts as it relates to the three preceding paragraphs were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil.

427. Upon information and belief, Polis and Seeb's acts further constituted an unauthorized exercise of Polis and Seeb's official function and scope as an employee of Colorado.

428. Beegle and Lehrburger informed Orvis that the invitation had been rescinded and further informed Orvis that the entire HAC had been invited to the secret meeting.

429. The HAC is regulated by the Open Meetings Law, § 24-6-401, *et seq.*, C.R.S. and the secret meeting with all members of the HAC would have violated this statute.

430. On November 17, 2020, at 8:14 p.m., Orvis emailed Seeb, Krause, Greenberg, Silverman, Glenn, Gebru, Pottorff, Koontz, and Seiber regarding Polis's secret meeting invitation to the entire HAC, and stated in part,

Please note that public business as it relates to hemp that is discussed at this meeting falls within the scope of the Colorado Sunshine Law and requires said meeting to be within an open public forum. Not allowing for an open public forum will of course put the Governor at odds with not only Statute, but also his ethical obligations to the people of the State (see Amendment 41). Further, participation by any State employee at this meeting violates said Statute as well as their ethical obligations to the people of Colorado. If said meeting does occur and does so outside of an open public meeting, I will pursue my full legal options, including the filing of ethical complaints against those who participate as well as costs and legal fees incurred in pursuing relief from the Courts (Statute already allows this) ... Please make sure he [Polis] becomes aware of this so that he may make his own decisions on whether or not he wants to risk a complaint with the IEC and the 'black eye' that will come from the fallout in the media.

431. Upon information and belief, Orvis's email was shared and discussed with Polis.

432. Upon information and belief, Polis only allowed certain individuals access to discuss hemp issues because Polis knew or should have known that Polis was behind the rejected Plan and circumvention of the hemp industry.

433. Upon information and belief, Polis did not want to allow Orvis to participate in the hemp industry because Polis knew or should have known that Polis was incapable of justifying Governor and CDA's actions surrounding the IFR comments, CHAMP, the Plan, the RFP contract, and the involvement of MPG.

434. Upon information and belief, Polis's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Polis realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Polis performed these actions through an element of evil.

435. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

436. On November 18, 2020, the invitation to all members of the HAC was rescinded except for Lehrburger.

437. Upon information and belief, the invitations to the HAC were ordered to be rescinded by Polis and as a direct result of Orvis's November 17 email.

438. Despite having extra space after removing all of the HAC except Lehrburger, Orvis and Carpio were not allowed to participate in the secret meeting with Polis.

439. Upon information and belief, Polis has stated that Polis wants Orvis out of the industry and has instructed Governor and CDA to ensure that Orvis is "blacklisted" and is unable to participate in the hemp industry. Polis has done so through consistent and continued defamation of Orvis.

440. Upon information and belief, Polis's acts as it relates to the defamation and blacklisting of Orvis were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Polis realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Polis performed these actions through an element of evil.

441. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

442. Upon information and belief, Seeb has defamed Orvis to public officials, members of the hemp industry, and other individuals with intent to harm Orvis and his reputation.

443. Upon information and belief, Seeb's acts as it relates to the defamation and blacklisting of Orvis were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences.

Furthermore, Seeb realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seeb performed these actions through an element of evil.

444. Upon information and belief, Seeb's acts further constituted an unauthorized exercise of Seeb's official function and scope as an employee of Colorado.

445. On November 18, 2020, at 11:00 a.m., Polis held the secret meeting with the specially selected stakeholders.

446. Beegle recorded the secret meeting and emailed a copy of the recording to Lehrburger, Orvis, Carpio, and other senior members of the hemp industry. In the meeting, Polis states that Governor and CDA are open to discuss any hemp related issues with all members of the hemp industry.

447. Upon information and belief, Polis knew or should have known that the statements made in the preceding paragraph were false as it related to Orvis.

448. On November 19, 2020, Beegle and Seeb exchanged several emails about setting up a call to discuss moving forward after the secret meeting with Polis.

449. Upon information and belief, Polis and Seeb devised a plan to provide Lehrburger and Beegle with things of value in order for them to drop the complaints they had against MPG's involvement in CHAMP, the IFR comments, and RFP.

450. On December 2, 2020, Governor responded to Orvis's November 13 CORA request regarding emails between Powell, Beegle and Lehrburger that "the Governor's Office has no public records responsive to your request."

451. On December 2, 2020, at 5:50 p.m., Orvis forwarded the Governor's response to Beegle and Lehrburger.

452. On December 2, 2020, at 5:58 p.m., Beegle responded, "Looking back I see one email on the 13th, and several between the 14th-17th, and one on the 19th I sent to thank them for the meeting."

453. Upon information and belief, Polis and/or Seeb ordered Governor to make false statement to Orvis in regard to the communications requested.

454. Upon information and belief and on or around December 6, 2020, Huse initiated the second RFP process as was ordered by Silverman and Seiber.

455. The RFP was intended to be a one-year process and by waiting until December 2020, to form the second evaluation committee, Huse ensured that BoCo's proposal was nullified because BoCo's proposal could no longer fit the new and shortened timeline.

456. Upon information and belief, Huse's actions in the preceding paragraph were part of the bid rigging scheme to provide MPG with the RFP contract.

457. On or around December 8, 2020, Orvis spoke with Zubke in regard to speaking with Greenberg and Silverman surrounding Orvis's concerns with what was happening in the hemp industry.

458. Zubke stated that Greenberg and Silverman would never have the time to speak with Orvis.

459. Upon information and belief, the statement made by Zubke in the preceding paragraph was a direct result of the defamation and blacklisting of Orvis to guarantee that Orvis could not participate in the Colorado hemp industry.

460. On December 9, 2020, at 1:12 p.m., Seeb emailed Addison and Warsh and stated, "Have either of you ever met Morris Beegle? I would like to provide a long overdue introduction if not."

461. Upon information and belief, Seeb's emails were intended to help Beegle in the profit of his business in exchange for Beegle's compliance in the bid rigging schemes put forth by Polis and Seeb.

462. Upon information and belief, Polis, Seeb and Greenberg conspired to influence Beegle to stop arguing against MPG's involvement in the hemp industry.

463. On December 9, 2020, at 1:15 p.m., Warsh responded to Seeb's 1:12 p.m. email and stated, "I do not believe so. The name doesn't ring a bell."

464. On December 9, 2020, at 1:17 p.m., Seeb responded to Warsh and stated in part, "He created the NoCo hemp expo amongst many other things. Will intro you now..."

465. On December 9, 2020, at 3:37 p.m., Seeb emailed Beegle, Addison, and Warsh and stated in part,

Ashley is a Director of International Markets and John is an International Specialist - both at the Markets Division in the Colorado Department of Agriculture ... Hemp industry entrepreneur Morris Beegle is the co-founder of the WAFBA (We Are For Better Alternatives) family of companies which includes the world's leading annual hemp exposition, NoCo Hemp Expo, "the largest hemp-centric conference and trade show on the planet." Since 2012, Beegle has been developing global brands in the hemp space and with 8 companies, from NoCo, the Colorado Hemp Company, to Let's Talk Hemp, Silver Mountain Hemp Guitars, and more, Beegle is world renowned as an educator, advocate, and facilitator for the benefits of hemp and cannabis in manufacturing, nutrition, and

related sectors. Morris presents at roughly a dozen conferences per year, travelling across several continents from North America, to expos burgeoning in Europe, UK, Nepal and beyond. Beegle's also an avid rock and roll enthusiast, his U.S. based Silver Mountain Hemp company manufactures specialized guitars, speaker cabinets, accessories and components molded from hemp composites. His company Tree Free Hemp supplies USA manufactured hemp paper and printing services. The Colorado Hemp Company provides creative direction for brand, media and event production. Let's Talk Hemp is an education and advocacy platform and monthly podcast that integrates into conferences, festivals, and broadcast media channels. Additionally, Morris is involved in numerous projects outside of WAFBA, including serving as the music and production director for Realities Ride, the largest annual poker run event and kids-at risk fundraiser on earth. He holds advisory positions at HempToday.net, Hempstead Project H.E.A.R.T., and PureHemp Technology. In 2015, Beegle's Colorado Hemp Company was awarded Hemp Company of the Year by The Cannabist Awards. The NoCo Hemp Expo was voted Hemp Event of the Year by the Hemp Industries Association two years running in 2017 and 2018. Mr. Beegle was recently honored with the Lifetime Achievement Award by the Colorado Music Business Association. Obviously lots to talk about! I know a conversation is in order. Please let me know how I may be able to assist. I'd love to join the conversation if it's appropriate but please do not plan one around my schedule.

466. On December 10, 2020, at 11:15 a.m., Huse emailed Brad Erker (an evaluator for the second evaluation of the RFP) requesting score sheets.

467. On December 10, 2020, at 11:32 a.m., Erker responded to Huse and stated, "I didn't fully realize how many pages would be in the documents, or that the scores would be due today, so won't be able to read every word before I give scores."

468. On December 10, 2020, at 11:33 a.m., Huse responded to Erker and stated, "I totally get it and it can be overwhelming at times, Do what you can."

469. Upon information and belief, other evaluators did not complete reviewing all of the proposals to the RFP.

470. The allegations in the preceding four paragraphs are an example of the bid rigging that took place to ensure that MPG won the award to the RFP contract.

471. On December 11, 2020, from 2:30 p.m. – 3:00 p.m., Seeb, Beegle, Addison, and Warsh held a Webex meeting.

472. Upon information and belief, that meeting discussed the fiber variety trial, helping Oakes, as well as who was allowed to participate in hemp decortication in Colorado.

473. On December 11, 2020, at 3:00 p.m., Warsh emailed Lehrburger and stated in part,

Hello Ed, Hope you are doing well. We spoke a few months ago and we just spoke with Morris Beegle who mentioned you for potential decortication. We are interested in seeing if you might be able to help us with some decortication for fiber or at least have a discussion?

474. Upon information and belief, Warsh was working to find an outlet for the crop grown by Oakes in an attempt to help Oakes.

475. Upon information and belief, Warsh's acts were not willful and wanton as Warsh was ordered to help Oakes by a currently unknown defendant(s).

476. Upon information and belief, Lehrburger and Beegle became part of the bid rigging scheme because Lehrburger and Beegle were offered things of value from Governor and CDA as explained *infra*. As examples, *see* ¶¶ 478, 479, 487, 490, and 491.

477. On December 14, 2020, at 7:45 a.m., Orvis filed a CORA request with Governor for communications between Kara Powell and/or Seeb with Beegle and Lehrburger between November 13-19, 2020, stating, "I have already confirmed that several emails exist."

478. On December 14, 2020, at 9:33 a.m., Lehrburger emailed Greenberg and Seeb and stated,

We are thrilled that the USDA came out with a \$150 million hemp solicitation for grants last week. It will be focused on developing academic R&D within the hemp supply chain ... Last night I had quite an idea. I was thinking of having CDA and/or the Gov's office work with us to apply for funds.

479. Upon information and belief, Greenberg, Seeb, Silverman, Polis and/or other defendants determined that providing Lehrburger with an opportunity to "partner" with Colorado for the USDA grant would help to flip Lehrburger's continued protesting of the Plan, CHAMP, RFP, and MPG's involvement in the hemp industry.

480. Upon information and belief, Greenberg and Silverman immediately set up a conference call with Lehrburger and several other public officials. This factual allegation is supported *infra* by ¶ 487 and 490.

481. The actions of defendants in the preceding two paragraphs are examples of how Orvis has been defamed and blacklisted as the defendants refused to speak with Orvis. *See* ¶ 459.

482. Upon information and belief, Greenberg, Seeb, and/or other defendants's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they

realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through elements of evil, spite, and malice. Finally, their acts were intended to help Lehrburger in return for compliance with Polis's orders.

483. Upon information and belief, Greenberg, Seeb, and/or other defendants' acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

484. On December 14, 2020, at 3:18 p.m., CDA informed certain offerors that they had not been selected for the award to the RFP.

485. MPG and another offeror were selected for oral interviews.

486. On December 14, 2020, at 5:10 p.m., Beegle sent a text to Orvis, Lehrburger, Carpio, and other senior members of the hemp industry and stated in part,

Do we know if mpg reapplied for sure? Based on what has transpired I find it unlikely they would get the gig ... The main goal is going to be broad stakeholder involvement and I think that point has been made pretty clear from the industry the last 5-6 months.

487. On December 15, 2020, at 8:25 a.m., Silverman emailed Lehrburger, Zubke, Seeb, and Greenberg and stated,

Hi, Ed. First of all, thanks for reaching out on this. We are aware of this new USDA grant opportunity and welcome your input on how we might be able to make the best use of it for our Colorado hemp community. We think we first need to pull together an internal meeting this week to discuss the possibilities (and challenges) presented by this opportunity and then we think it would make sense to have a deeper conversation with you about your proposal. We might be able to have both conversations this week, especially if you're available to chat some time on Friday.

488. On December 15, 2020, at 11:28 a.m., Zubke emailed Lehrburger, Silverman, Seeb, and Greenberg and stated, "Thank you Ed. We can Join via ZOOM this Friday Dec 18 at 4:00pm. I just sent over a calendar invite, I will let you know the participants on our end once I get a fuller picture of who is all available."

489. Upon information and belief, Addison was informed of the meeting with Lehrburger.

490. On December 15, 2020, at 12:04 p.m., Addison emailed Zubke, Warsh, and Gebru in regard to the request from Lehrburger to be added to the grant application, as well as the upcoming meeting with Lehrburger, and stated,

Oh shit Strap me – this is another meeting. Okay I get it – this is ED wanting to head up or take over this grant project for pure vision now. Where is my bloody straight jacket Okay I need to chin wag with Abdel. Here are my thoughts on this. 1] At this time we already have CSU and Adams state Uni plus Dion plus Bill plus SUI already working with us on submitting a grant to cover hemp. 2] ***We also have Ean Seeb the proverbial tail wagging happy puppy wanting to add and keep adding to the players and scope of this Hemp grant that we are working on.*** Runaway train comes to mind if we are not careful. 3] Now we have Ed from Pure Vision wanting the State to do and or back him to do the grant through him and his company or contacts. WOW. (Emphasis added).

491. Upon information and belief and on or before December 17, 2020, certain public official defendants communicated with Lehrburger that the state would allow Lehrburger and/or Lehrburger’s company to be named on the USDA grant application in return for Lehrburger giving up the protests in regard to CHAMP, Plan, RFP, and MPG.

492. On December 17, 2020, at 10:02 a.m., Lehrburger sent an email to Orvis, Beegle, Carpio, and other senior members of the hemp industry and stated in part,

Dear fellow hemp-inspired friends, as you know, this week we had our last 2020 Hemp Advisory Committee meeting. I went over the current status of the Hemp COE, which is no company has been selected to replace the MPG contract. With all the commotion around MPG winning the award during the last round, I firmly believe that the CDA and the Gov’s office know many mistakes were made in the previous selection of MPG to lead the HCOE. All this history was brought out into the light for the most part due to the aggressive efforts that all of us have been involved with, especially by Frank and Grant. These efforts definitely moved the needle. I also firmly believe the CDA wants to move on from this dark chapter and become a lot more aligned with the CO hemp community. With this being shared, I hope all of us can turn the page and move on. I know this is easy for me to say as I do not have the time, nor the financial stake invested in these combative and legitimate efforts that some of you have. From my perspective, the primary mission was to vehemently object to the MPG contract award. We, as representatives of personal interests and the greater hemp community did a great job with this mission. I truly appreciate your efforts more than you may realize. The very first time I became aware of MPG’s involvement with CHAMP, which was in July of 2019, I made a big stick about it to many folks within CDA, the Gov’s office and within our hemp community. At that time, I had no idea of the history shared between Adam and Ean. Ean recently called Morris and they talked for about an hour. He did the same with me the following day the letter signed by all of us was published. Morris can provide details if he wants, but overall, Ean is trying hard to save face and move on. Last evening Morris, Tim and I got together for a pizza. We all agreed it’s time for at least the three of us to move on from the MPG saga and try hard and work cohesively with the folks at CDA and the Gov’s

office. I hope you too will share these sentiments. Finally, Morris and I are planning to write another letter to Kate and Jared. The letter is intended to offer peace and provide guidance and suggestions how the public sector can become more aligned with the greater CO hemp community. Feel free to provide comments that you believe we should mention. Again, thank you for your efforts to bring the dark acts to light and move the CO hemp industry in a more positive direction.

493. On December 17, 2020, at 10:38 a.m., Beegle replied all to Lehrburger's 10:02 a.m. email and stated,

Thanks for sending this Ed. And to summarize the call I had with Ean, which was the first time we've ever spoken on the phone or had a real conversation, here is the gist of what was said. He said he is not a bad guy, there has never been a coordinated conspiracy by CSU, CDA, himself, MPG, the Governor, and various agencies to engineer any sort of marijuana hijack of the hemp program. He understands the appearance of conflict of interest because of his history with MPG and Adam, but he has history with Sam, Hoban, VS, and lots of people from his private sector days like anybody who goes to work in government. He said he [*sic*] nothing to do with the COE at this point and the goal of Gov Polis is to engage as many stakeholders as possible for both hemp and marijuana and build the state models the rest of the country wants to emulate. And they want to put a lot of focus on the fiber and grain opportunities as well as climate driven initiatives. Everyone here has a seat at the table if they want it. We can be at war with them moving forward or try diplomacy and pretty much get what we want, and that's for all of our voices to be heard and everyone contributes to the growth and success of our industry.

494. Upon information and belief, Seeb, at the direction of Polis, informed Beegle that the Governor would allow Beegle to hold NoCo in person in the spring of 2021 and promised that Polis would even be the keynote speaker in exchange for Beegle giving up on his arguments to the RFP, other hemp related issues as well participation and knowledge of the defamation and blacklisting of Orvis.

495. Upon information and belief, Polis and Seeb's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil. Finally, Polis and Seeb's acts were intended to help Beegle in exchange for Beegle giving up the protests in regard to CHAMP, Plan, COE, and MPG.

496. Upon information and belief, Polis and Seeb's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

497. On December 17, 2020, Governor responded to Orvis's Dec. 14 CORA request that "the Office must extend the response period by up to seven working days."

498. On December 17, 2020, at 12:27 p.m., Zubke emailed Lehrburger, Silverman, Seeb, and Greeberg and named eight other public officials who were going to participate on the December 18 call with Lehrburger.

499. Upon information and belief, the call was intended to finalize the naming of Lehrburger and Lehrburger's company on the USDA grant application.

500. On December 18, 2020, at 4:00 p.m., certain defendants and/or other public officials held a Zoom call with Lehrburger and discussed their intent to put Lehrburger on the grant application in order for Lehrburger to give up the complaints in regard to CHAMP and RFP. They further requested Lehrburger's assistance in getting other members of the hemp industry to give up on their protests.

501. Upon information and belief, CDA and CSU added Lehrburger and/or Lehrburger's company to the grant application for submission to USDA.

502. Upon information and belief and on or around December 18, 2020, CDA held oral interviews for the RFP.

503. Upon information and belief and during their oral interview, MPG made material misrepresentations regarding their experience and expertise in hemp.

504. Upon information and belief, the material misrepresentations were made with the intent of influencing decisions in their favor and against other offerors.

505. Three of the five evaluators chose MPG and specifically stated that one of the main reasons for selecting MPG was their experience and expertise in hemp.

506. On December 22, 2020, Tom Lipetzky selected MPG stating, "they also bring significant depth of understanding of the industry's state of play," and "their revised approach takes into account the tighter timeline for completion, and with their deeper appreciation and understanding of the hemp industry."

507. On December 23, 2020, Brad Erker stated, "they seemed to have been the lead consultant on the prior hemp projects, and probably the most connected in the industry at this point."

508. On December 23, 2020, Brett Rutledge stated, "They know people at the table."

509. On December 30, 2020, Governor responded to Orvis's December 14 CORA request, and this time provided communications that it had previously said did not exist. *See* ¶ 450.

510. Upon information and belief, Governor, at the direction of Polis, has deleted numerous communications and/or documents that are relevant to this case.

511. Upon information and belief, Polis's acts in ordering the deletion of relevant communications were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil.

512. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

513. On December 31, 2020, at 5:40 p.m., Lehrburger emailed Greenberg, Silverman, Seeb, and Beegle and stated in part,

I wanted to let you know that Morris and I have been working behind the scenes to try and get as many folks as possible within our hemp community aligned with the CDA. We all know, 2020 had some very challenging times within our CO hemp industry. It's safe to say there were a lot of mistakes made, but as the year is finally winding down, we are trying our best to smooth things over on the outside. With this, Morris and I have been reaching out to some of the less-than happy folks within our industry. For the most part, I believe we have been successful with our combined efforts to get all aligned with making the CO hemp industry as good as it can be. Morris and I also are planning to write another letter to you and Gov. Polis as a follow-up to our last group conf. call with some updates. Specifically, we reached out to Dr. Grant Orvis, who as I believe you might know, has been a disgruntled man within our hemp industry on a few important levels. I feel that Grant is ready to turn a new leaf and put his bad feelings behind with the hopes of moving on with the CDA with good feelings. With this, since Morris and I have communicated with Grant about a month ago, he's says he's tried to make amends with CDA (which is huge in my book). More recently Grant reached out to me and he let me know that he has tried to reach out to you and Steve with hopes of moving on more harmoniously. He more recently let me know that no one is returning his calls or emails. I let him know that I will communicate with you to give you this update. Please have Steve or someone in your office reach out to Grant with hopes of mending the pains that went down in 2020.

514. Nobody reached out to Orvis.

515. Upon information and belief, the defendants who received Lehrburger's email knew that they would never reach out to Orvis as they had consistently been defaming and blacklisting Orvis.

516. Upon information and belief, the defendants whose acts relate to the defamation and blacklisting of Orvis were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of Orvis, and at times they performed these actions through an element of evil.

517. Upon information and belief, the acts of the defendants who received Lehrburger's email further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

518. On January 4, 2021, CDA issued a Determination of Award Memorandum and again awarded the contract to MPG.

519. On January 5, 2021, CDA informed all the offerors that it had awarded the contract to MPG.

520. On January 5, 2021, CDA published the award to the RFP in the Vendor Self Service System.

521. On January 5, 2021, at 3:52 p.m., Beegle emailed Koontz and asked, "Did CDA award MPG the hemp center of excellence contract again?"

522. On January 5, 2021, at 5:23 p.m., Beegle sent a text to Orvis, Lehrburger, Carpio, and other senior member of the hemp industry and in reference to the selection of MPG for the RFP stated, "So lame. I let Seeb know of my disappointment."

523. Upon information and belief, Beegle did not reach out to Seeb to complain because Beegle has already accepted the offer from Polis and Seeb that NoCo take place in person with Polis being the keynote speaker.

524. On January 5, 2021, at 6:01 p.m., Lehrburger responded to Beegle's text and stated in part,

I am pissed off about all this. So much for my attempts at making peace and trying to smooth things over. No one has ever let me know what's really going on behind the scenes. So much bullshit. Frank, I hope you are successful!!! If you need a witness at any hearing, I will definitely stand up against MPG all day long.

525. On January 6, 2021, at 9:43 a.m., Koontz forwarded Beegle's January 5 email to Gebru and Pottorff and stated, "Morris Beegle asked me if we awarded COE to MPG again. Please let me know when I can respond."

526. On January 6, 2021, at 11:45 a.m., Koontz responded to Beegle's January 5 email and stated, "Hey Morris, I don't know for certain yet."

527. Upon information and belief, Koontz knew or should have known his statements to Beegle in the preceding paragraph were false.

528. Upon information and belief, Koontz was ordered to make false statement to Beegle by Greenberg, Silverman, Gebru, Pottorff, or another superior at CDA.

529. On January 6, 2021, at 12:20 p.m., Beegle responded to Koontz's 11:45 a.m. email and stated in part, "Hemp industry stakeholders are very disappointed. This makes CDA look very bad."

530. On January 6, 2021, at 12:35 p.m., Koontz forwarded Beegle's 12:20 p.m. email to Silverman and Pottorff.

531. On January 6, 2021, at 1:00 p.m., Koontz responded to Beegle's 12:20 p.m. email and stated, "I have not seen that and I understand there is a concern. I have forwarded your email to Steve Silverman."

532. Upon information and belief, Koontz knew or should have known the statements in the preceding paragraph were false.

533. On January 7, 2021, at 10:44 a.m., Beegle emailed Koontz regarding the award of the RFP contract to MPG and stated in part.

Well the whole thing stinks and makes CDA look tone deaf and corrupt based on everything that has gone down the last 6-12 months. MPG has poisoned the situation with the hemp industry. Adam and Sal have talked mad crap about many key hemp stakeholders. Their bid proposal is misrepresentative of what they have actually done within the hemp industry.

534. Upon information and belief, Orvis was one of the key hemp stakeholders who Orens and Barnes "talked mad crap about."

535. On January 7, 2021, at 11:13 a.m., Koontz responded to Beegle's 10:44 a.m. email and stated, "Morris, I will forward your objection to upper management. Appreciate your straight forward feedback."

536. On January 7, 2021, at 11:14 a.m., Koontz forwarded Beegle's 10:44 a.m. email to Pottorff, Silverman, and Gebru.

537. On January 7, 2021, at 12:10 p.m., Pottorff replied all to Koontz's forward of Beegle's 10:44 a.m. email and stated in part,

CDA Hemp program will need to remain unbiased; don't agree or disagree with these types of sentiments. It's unfortunate that Morris, and I'm sure others feel

this way; continue to reiterate that the CDA Plant Industry division was not involved. I would suggest focusing on our future role to make sure the structure of the COE is developed in a collaborative way and that a 5 year strategic plan is developed. There will be plenty of stakeholders (minus Morris) to accomplish the task ahead and come out the other side shining. If the hemp industry in CO is too small to accommodate this task, then they don't need a Center of Excellence, in my opinion.

538. On January 14, 2021, at 9:39 a.m., Orvis emailed Huse, Zubke, Greenberg, and Silverman and stated in part, "Again, when will you be holding debriefings so we can discuss CDA's conflicts of interest, CDA's ethical violations as well as the evaluation committee notes and meetings?"

539. Nobody responded to Orvis's email.

540. On January 14, 2021, at 3:32 p.m., Orvis emailed members of the BBC Research company inquiring about the experience of Orens.

541. BBC Research is listed as a reference for MPG.

542. BBC Research forwarded Orvis's email to Orens.

543. Upon information and belief, Orens, Barnes, and Saloga discussed Orvis inquiring about MPG, Orens, Barnes, and Saloga's backgrounds, and made a conscious and deliberate decision to pursue another common plan or design to stop Orvis from looking into their qualifications, proposal, and references. *See* ¶¶ 544 and 574.

544. On January 14, 2021, at 7:32 p.m., Orens emailed Silverman, Huse, Seiber, Glenn, Pottorff, Gebru, and cc'd Barnes. In the email Orens,

- a. Stated that he had previously tried to get the CDA to act against Orvis,
- b. Asked if the State could "file charges" against Orvis,
- c. Asked if the State could obtain a "restraining order" against Orvis,
- d. Accused Orvis of "impersonation,"
- e. Accused Orvis of "harassment," and
- f. Requested a conference call "to elaborate further."

545. Upon information and belief and on January 14, 2021, at an unknown time, Orens or another employee of MPG communicated with Seiber and/or other public officials. This communication consists of approximately three pages and is currently under review by the Court of Appeals, Case 2021CA001697, as to whether or not it consists of attorney-client privileged information.

546. Upon information and belief and after January 14, 2021, Orens and/or other employees of MPG held a conference call with CDA and/or other public officials, made similar

statements and requests as was in the email from January 14, 2021, at 7:32 p.m., requested CDA intervene and stop Orvis and other members of the hemp industry from checking MPG's references, asked for help in moving forward with the COE contract, asked for help in developing a strategy from keeping Orvis and other members of the hemp industry from participating in the industry/COE and instructed those public officials about how they wanted them to respond to and treat Orvis.

547. Upon information and belief, MPG, Orens, Barnes, and Saloga acts were performed with willful, wanton, and malicious intent to defame and ensure the Orvis would not be able to participate in the development of Colorado's hemp industry.

548. Impersonation is a crime under § 18-5-113, C.R.S.

549. Orvis did not impersonate anyone.

550. Orens knew or should have known the claim of impersonation was false at the time it was published.

551. Harassment is a crime under § 18-9-111, C.R.S.

552. Orvis did not harass anyone.

553. Orens knew or should have known the claim of harassment was false at the time it was published.

554. Upon information and belief, MPG, Orens, and Barnes defamed Orvis to numerous other public officials, members of the Colorado hemp industry, and other individuals. See ¶¶ 332 and 544.

555. On January 14, 2021, at 10:41 p.m., Seiber emailed Beall and upon information and belief, discussed Orvis and the January 14, 2021, at 7:32 p.m., email from Orens.

556. On January 15, 2021, the USDA released the Final Rule to replace the IFR.

557. The Final Rule contains all the same definitions and requirements as it relates to total THC compliance.

558. The Final Rule *does not* contain any of the language related to the Hemp Value Retention Program.

559. The Final Rule *does* contain language exempting seeds and stalks but still requires the destruction of flower. This language is the exact conclusion of the CHAMP Cultivation workgroup and Executive Committee that was *not* put into the Plan.

560. On January 15, 2021, at 8:22 a.m., Silverman emailed Seiber regarding the January 14, 2021, at 7:32 p.m., email from Orens and stated, “I know you’re out until next Tuesday but let’s discuss this when you get back.”

561. On January 15, 2021, at 8:27 a.m., Beall emailed Seiber and upon information and belief, discussed Orvis and the January 14, 2021, at 7:32 p.m., email from Orens.

562. On January 19, 2021, at 9:42 a.m., Seiber emailed Silverman, “I’m wide open after 3:30 if you want to speak then.”

563. On January 19, 2021, at 11:45 a.m., Silverman emailed Seiber and stated, “How about 4 pm?”

564. On January 19, 2021, at 12:34 p.m., Seiber emailed Silverman and stated, “Four will work for me.”

565. Upon information and belief and on or around January 19, 2021, at 4:00 p.m., Seiber and Silverman discussed Orvis and the January 14, 2021, at 7:32 p.m., email from Orens.

566. Upon information and belief, Seiber and Silverman agreed to continue the defamation and blacklisting of Orvis and work towards helping MPG, Orens, Barnes, and Saloga in the bid rigging scheme for the RFP contract.

567. Upon information and belief, Seiber and Silverman’s acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil. Finally, Seiber and Silverman’s acts were intended to help MPG, Orens, Barnes, and Saloga.

568. Upon information and belief, Seiber and Silverman’s acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

569. On January 20, 2021, at 10:59 a.m., Seiber emailed Beall and upon information and belief, discussed Orvis, the January 14, 2021, at 7:32 p.m., email from Orens, and the plan to continue the defamation and blacklisting of Orvis as well as the bid rigging scheme to help MPG win the award to the RFP contract.

570. On January 20, 2021, BoCo filed a protest with CDA of the award to MPG.

571. Upon information and belief and on January 20, 2021, certain public officials contacted MPG, Orens, Barnes, and/or Saloga to let them know BoCo protested the award.

572. On January 21, 2021, at 2:06 p.m., Pottorff emailed Orens, Barnes, and Gebru, and stated.

Hi Adam and Sal: I'm guessing you may have heard, CDA received 2 protests regarding the COE contract. Dan has 10 business days to resolve these protests. Therefore, notwithstanding anything unforeseen, we can begin working on the COE February 3. Looking forward to proceeding. I will be in touch in early February.

573. Upon information and belief, the statements made by Pottorff in the preceding paragraph outlines defendants continuance of the bid rigging scheme to help MPG win the award to the RFP contract.

574. On January 21, 2021, at 2:19 p.m., Barnes emailed Pottorff, Orens, Gebru, and Huse, and stated.

Laura – Thank you for the update. We look forward to working with you and the CDA on this project. While we understand that there was a certain degree of inevitability in regards to [*sic*] protest we would like to understand what the CDA / State plans to do about getting certain folks to stop harassing our previous employers / contacts in the guise of doing diligence for the CDA? Please see the email highlighted below. In addition to contact [*sic*] BBC Research, Grant has contacted my previous employer and my Army Commander (while he deployed for the BLM protests) stating that he had was conducting diligence for the CDA COE project. We would very much like to hear the CDA's / state position on what the plan is to deter Grant and his associates from further contact with our network in the CDA's name.

575. Barnes accused Orvis of criminal impersonation pursuant to § 18-5-113 C.R.S.

576. Barnes knew or should have known the claim of impersonation was false at the time it was published.

577. Barnes accused Orvis of criminal harassment pursuant to § 18-9-111, C.R.S.

578. Barnes knew or should have known the claim of harassment was false at the time it was published.

579. Upon information and belief, certain public officials spoke with MPG, Orens, Barnes, and Saloga and discussed the concerted effort to defame and blacklist Orvis and ensured that they and Polis intended to help them at all costs.

580. On January 21, 2021, at 2:53 p.m., Pottorff emailed Orens, Barnes, Gebru, and Huse, and stated, "Thank you Sal; I will check with Dan, Wondirad and Billy about the issue you've brought up."

581. Upon information and belief, the intentionally false statements made by Orens and Barnes influenced the actions of public officials.

582. Upon information and belief, certain public officials were communicating with MPG, Orens, Barnes, or Saloga about the COE during the protest period in which CDA was not statutorily allowed to communicate with MPG, Orens, Barnes, and Saloga in regard to the COE.

583. On January 29, 2021, 3:16 p.m., Koontz emailed Orens and discussed varietal information needed to move forward with the COE. This communication was in reference to important parts of the COE and was made during the protest period in which CDA was not statutorily allowed to communicate with MPG, Orens, Barnes, and Saloga in regard to the COE.

584. On February 3, 2021, CDA denied BoCo's protest.

585. On February 3, 2021, CDA sent an email to hemp stakeholders announcing that it was "seeking applicants for a Hemp Center of Excellence (COE) steering committee." Other important notes regarding the steering committee are as follows,

- a. The 7-10 member COE steering committee will guide CDA and its [sic] contractor in the development of a 5-year strategic plan, mission of the COE and governance structure.
- b. The purpose of the committee is to develop the organizational structure and a 5-year strategic plan for the implementation of a Hemp Center of Excellence (COE). This will include (but is not limited to):
 - i. What is the mission and vision of the Hemp COE?
 - ii. What will the structure/framework of the COE be?
 - iii. How will the COE be managed/governed?
 - iv. How will the COE be funded?
 - v. How will project support be awarded?

586. Upon information and belief, MPG, Orens, Barnes, and Saloga refused to work with Orvis and other members of the hemp industry. MPG, Orens, Barnes, and Saloga further demanded that CDA and other public officials find a way to help them accomplish this goal.

587. On or around February 3, 2021, certain defendants continued the defamation and blacklisting of Orvis.

588. Upon information and belief, defendants acts described in the preceding paragraph were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of Orvis, and at times they performed these actions through an element of evil.

589. Upon information and belief, their acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

590. On February 3, 2021, at 8:49 p.m., Lehrburger sent a text to Orvis, Carpio, Beegle and other senior members of the hemp industry, and stated in part,

We all feel your pain and disgust with how MPG won the award. We all agree with your position. I hope you realize that ultimately, this decision was made by polis. That's it. You (and perhaps Grant) are going to have a very difficult time fighting the CO system. Like bro Mo, I'm moving on and now I'm distancing from all the BS. I plan to wind down my 9-year position with HAC, which will end in 5 months, and be done with all things dealing with our state govt. There's an old expression that is very appropriate here. "Don't sue the city hall." I have been fighting for the hemp industry since our first meeting in early 2013. In 2020, I got of a [*sic*] taste of true politics. What I stood for, was ignored. You hopefully know that I was the first and loudest person to object to MPG. This was in July in 2019, way before CoE. I will continue to advocate for our industry but have given up on the MPG fight. Polis has won this fight.

591. Replying to and referencing Orvis, Lehrburger continued in part,

We all must choose our paths. You have chosen to be a very squeaky wheel. You have burned many bridges at CDA because of your combative communication style. You may consider quitting your abrasive style. This might be a valuable lesson for your budding career ... I urge you to let go of the MPG battle ... MPG won. You lost. Get the fuck over it Grant. Don't play your trump card. He lost too ... You should quit being a sore loser ... Billy [Seiber] is definitely the devil. We should all agree on this.

592. Upon information and belief, Lehrburger's abrupt change in position as it relates to Orvis and Orvis's communications with CDA, and Governor are a direct result of CDA and Governor providing business opportunities to Lehrburger. As examples, *see* ¶¶ 358, 478, 487, 490, 713, and 717.

593. On February 5, 2021, at 10:11 a.m., Pottorff emailed Barnes, Orens, Gebru, and Huse, and stated in part,

Hi Sal and Adam: Good news, all protests have been denied ... As you know I solicited applications for our steering committee ... Happy to meet soon to make sure we are aligned and ready to go. Just as an FYI – I am proposing to communicate with those that ask, that the process will still involve stakeholder input but will not be from the widespread community it will be targeted. As we discussed before, at minimum there needs to be a survey that goes out to collect feedback, if the wider community will not be engaged in other ways. Looking forward to getting started!

594. Upon information and belief, Pottorff's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Pottorff realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Pottorff performed these actions through an element of evil. Finally, Pottorff's acts were intended to help MPG, Orens, Barnes, and Saloga.

595. Upon information and belief, Pottorff's acts further constituted an unauthorized exercise of Pottorff's official function and scope as an employee of Colorado.

596. Upon information and belief and between February 5, 2021, and February 9, 2021, Pottorff, Gebru, MPG, Orens, and Barnes planned to speak.

597. Upon information and belief and during this meeting, Pottorff, Gebru, MPG, Orens, and Barnes discussed Orvis and demanded that CDA find a way to not allow Orvis and other members of the hemp industry to participate in developing the 5-year strategic plan for the COE.

598. The demands made in the preceding paragraph are similar to the demands made on July 6, 2020, July 14, 2021, when MPG and Orens requested CDA and AG help in separating certain individuals including Orvis from participating in the hemp industry. *See* ¶¶ 332 and 544.

599. This demand directly contradicts the requirements of the RFP that the hemp industry be involved in development of the COE strategy. *See* ¶ 166.

600. On or before February 9, 2021, Silverman contacted Lehrburger and made "harsh comments" about Orvis and Carpio.

601. Upon information and belief, Silverman made defamatory statements about Orvis to Lehrburger, including but not limited to "sore loser", that Orvis had "burned his bridges", that he was "blacklisted," and CDA was no longer going to allow Orvis to participate in the Colorado hemp industry.

602. Upon information and belief, Silverman made defamatory statements about Orvis to public officials, members of the hemp industry, and other individuals.

603. Upon information and belief, the defamatory statements made by Silverman and towards Orvis were a direct cause of the defamation and demands made by MPG, Orens, Barnes, Greenberg, Seiber, Seeb, and Polis.

604. Upon information and belief, Silverman's acts in the four preceding paragraphs were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Silverman realized or should have realized the actions were dangerous, violated the

constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Silverman performed these actions through an element of evil. Finally, Silverman's acts were intended to help MPG, Orens, Barnes, and Saloga.

605. Upon information and belief, Silverman's acts further constituted an unauthorized exercise of Silverman's official function and scope as an employee of Colorado.

606. Upon on information and belief, Beegle informed members of the hemp industry and other individuals that Orvis has been "blacklisted" by the CDA, was a "sore loser," had "burned his bridges," and that the CDA was not going to allow Orvis to participate in the industry at all.

607. Upon on information and belief, Lehrburger informed members of the hemp industry and other individuals that Orvis has been "blacklisted" by the CDA, was a "sore loser," had "burned his bridges," and that the CDA was not going to allow Orvis to participate in the industry at all.

608. Upon information and belief, members of the hemp industry have stated that they will not work with Orvis on future hemp endeavors because of the defamation and harm to Orvis by Defendants. These members may include, but are not limited to Michael Bowman, Hunter Buffington, Tim Gordon, Garrett Graff, Bob Hoban, Samantha Walsh, Dion Oakes, Rick Trojan, etc.

609. On February 11, 2021, the issue regarding MPG's involvement in the hemp industry was partly addressed at CDA's SMART Act hearing before the Joint Agriculture Committees. At time stamp 2:48:28, the following quote from the hearing begins:

<https://sg001-harmony.sliq.net/00327/Harmony/en/View/EventListView/20210216/32>

Senator Coram: I'm going to ask Representative Arndt to comment on this because I don't think there is anybody in the General Assembly that has ... we've said from day one that hemp and marijuana are definitely separate. And I'm frankly very frustrated that we end up with a Marijuana Policy Group with the Center of Excellence. Had I known that was going to happen, I certainly wouldn't have ran the legislation because I don't think it has been an advocate for hemp and I think I would request a very long, long day here. Again, taking this, I don't mean to beat a dead horse today, but there are so many unanswered questions on this and other issues that we must bring this back before the committee in person.

Senator Donovan: Representative Arndt, do you care to comment?

Representative Arndt: Thank you Senator Coram. That was my understanding as well from last summer when I was first contacted by several people who are concerned about this very issue, so thank you for coming and presenting to our committee. It is absolutely critical that we keep a bright line between marijuana and hemp in order to protect our hemp crop, so I would be looking forward to learn more as well.

610. During the hearing, Greenberg stated that CDA and CDA staff would discuss the hemp industry with any member who wishes to speak with them.

611. Upon information and belief, Greenberg knew the statement in the preceding paragraph was false in regard to Orvis.

612. Upon information and belief, Greenberg's acts as it relates to the false statements made to the Colorado House and Senate Agricultural Committees were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Greenberg realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of Orvis, and at times Greenberg performed these actions through an element of evil.

613. Upon information and belief, Greenberg's acts further constituted an unauthorized exercise of Greenberg's official function and scope as an employee of Colorado.

614. On February 16, 2021, at 7:29 a.m., Orvis filed a CORA request with CDA for communications between Billy Seiber and Adam Orens from May 1, 2020, through February 15, 2021.

615. On February 18, 2021, BoCo filed an appeal of the second RFP award with DPA.

616. On February 22, 2021, at 5:13 p.m., CDA responded to Orvis's February 16 CORA request and provided seven responsive documents. CDA further noted that "additional responsive emails have been deemed privileged and withheld due to attorney-client privilege." The "privileged communications" are currently under review by the Court of Appeals, Case 2021CA001697, as to whether or not they consist of attorney-client privileged information.

617. On February 24, 2021, at 2:13 p.m., Silverman emailed Orvis about reaching out to MPG references and stated in part, "We understand that you have reached out to certain past employers or customers of MPG ... We have not asked you to conduct any reference checks on our behalf."

618. Upon information and belief, Silverman knew or should have known that Orvis had not impersonated any employee of Colorado.

619. Upon information and belief, Silverman's email to Orvis was in response to the demands of MPG, Orens, and Barnes.

620. Upon information and belief, Silverman's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Silverman realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Silverman performed these actions through

an element of evil. Finally, Silverman's acts were intended to help MPG, Orens, Barnes, and Saloga.

621. Upon information and belief, Silverman's acts further constituted an unauthorized exercise of Silverman's official function and scope as an employee of Colorado.

622. Upon information and belief, MPG, Orens, Barnes, and Saloga are aware that the State **did not** "file charges" against Orvis for impersonation or harassment.

623. Upon information and belief, MPG, Orens, Barnes, and Saloga are aware that the State **did not** file a "restraining order" against Orvis.

624. On February 25, 2021, at 8:25 a.m., Orvis replied to Silverman's February 24 email, added Greenberg and Zubke and stated in part,

When did you first become aware of the misrepresentations made by MPG in their proposal? I have sent you, Kate, and Bev numerous emails requesting phone calls to discuss the issues I outlined over the last year. I wish to discuss all issues surrounding hemp at the CDA. At the SMART Act meeting on Feb 11, Kate said she and her team are happy to meet with anyone in the industry. When can we make that happen?

625. Nobody responded to Orvis's email.

626. On February 27, 2021, at 7:22 a.m., Orvis filed a CORA request with Governor for communications between Krause and Orens.

627. Governor did not respond to Orvis's CORA request.

628. Upon information and belief, Governor did not respond to Orvis's CORA request at the order of Polis, and/or Seeb, and/or Krause.

629. On March 2, 2021, at 9:03 a.m., Orvis filed a CORA request with CDA for "emails to or from Adam Orens containing the key word "CHAMP". Please only provide emails from July 1, 2020 through March 1, 2021."

630. On March 2, 2021, MPG signed a contract with CDA to perform the COE contract. Within the contract specific language addresses how MPG will work with the industry.

- a. CDA will select members for a Hemp COE Steering Committee,
- b. The role of the Hemp COE Steering Committee will be to provide advice and comment to CDA,
- c. Facilitate meetings to obtain advisement from identified Steering Committee in development of the Hemp COE Strategic Plan, and
- d. Conducting interviews with selected stakeholders.

631. Upon information and belief and because of the demands of MPG, Orens, Barnes, and Saloga, Orvis and other members of the hemp industry were not allowed to participate in the discussions surrounding the 5-year strategic plan for the COE.

632. On March 4, 2021, at 10:03 a.m., Orvis emailed the CDA about the intention to file an application for an Order to Show Cause pursuant to C.R.S. § 24-72-204(5) in regard to the communications being withheld from Orvis's February 16, 2021, at 7:29 a.m., CORA request.

633. On March 4, 2021, at 2:48 p.m., Orvis sent a follow-up email to the CORA request filed on February 27 with Governor.

634. On March 4, 2021, at 4:35 pm, Governor responded to the February 27 CORA request that it "has no public records responsive to your request."

635. The statement by Governor in the preceding paragraph is *false*. As examples, *see* ¶¶ 101, 117, and 169.

636. Upon information and belief, Polis ordered Krause to delete communications relevant to this case.

637. On March 5, 2021, DPA denied BoCo's appeal.

638. On March 8, 2021, at 4:41 p.m., CDA responded to Orvis' March 2 CORA request and quoted him \$30 to fulfill the CORA request. Orvis did not pay the charge and is not in possession of the requested communications.

639. On March 16, 2021, Orvis filed an Order to Show Cause regarding the communications between Orens and Seiber in Broomfield District Court, Case #2021CV030103. That case is currently in the Appellate Court, Case #2021CA001697 for which the communications have been addressed *supra*.

640. On March 19, 2021, BoCo filed an appeal with the Denver District Court regarding the award of the RFP contract to MPG. Case #2021CV148.

641. From March 25-27, 2021, the NoCo Hemp Expo was held in person.

642. On March 27, 2021, from 1:30 p.m. – 1:55 p.m., Polis was the keynote speaker at the NoCo Hemp Expo.

643. Polis's acts allowed Beegle to advertise and profit from Polis's allowance that NoCo Hemp Expo take place in person and performing the keynote speech.

644. Upon information and belief, Polis's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil. Finally, Polis's acts were intended to help Beegle in exchange for Beegle giving up the arguments and opposition to MPG in regard to the industry. These claims are addressed *supra* ¶¶ 494 and 523.

645. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

646. During the keynote speech, Polis stated in part,

I am so excited to join the NoCo Hemp Expo 2021 ... I want thank ... Morris Beegle. The team and the state of Colorado, including the Department of Agriculture ... Looking at the future of Colorado hemp, I see great opportunities that are before us that before today could only be the stuff of dreams. You know, for over a decade, I've been determined to help grow a globally competitive, American made hemp industry in Colorado ... We need to work together ... I'm very proud to help amplify the voices of this community with the voice that I have ... High profit margins and improved quality of life are really important from what we can accomplish here ... I'm very excited about fiber as the market hits maturity ... My administration will continue to advance and protect hemp excellence. Defend the industry, accelerate the industry. Promote entrepreneurship, innovation, success ... The 2018 Farm Bill gave us a unique opportunity to establish a comprehensive blueprint for hemp in Colorado. Builds our momentum, meets the demand of our supply chain links, makes them stronger. To chart that blueprint we established the Colorado Hemp Advancement and Management Plan or the CHAMP initiative ... It also represents a lot of hard work from stakeholders and some compromise and some difficult discussions ... As of today, this is the new news we are breaking, we are releasing the CHAMP report. A lot of hard work went into that and for those of you that participated, thank you ... They developed comprehensive recommendations around each level of the supply chain. A cohesive framework for success in Colorado ... a way to retain value of non-USDA compliant plant material in the market. We know we can do that ... CHAMP also moves us boldly forward to establish a hemp center of excellence. A world-class center where Colorado can continue to lead and reach new heights ... There was over two hundred stakeholders hosted by our state agencies. These are real, authentic, deep conversations. They get heated at times and that's okay. We try to come to consensus where we can, but as a whole, as a whole, I believe that they will move the hemp industry forward in Colorado and help establish our leadership role ... So when the USDA included oversight requirements in an interim final rules for a nationally regulated hemp industry framework that threatened to overlook what we've done, we didn't back down.

We got ready for a fight ... The negative affects regarding criminal recourse for hemp crops that tested above point three percent THC in the IFR disproportionately affected farmers ... Farmers like Dion Oakes of Wright Oakes Farm in the San Luis Valley ... Two separate times we submitted aggressive comments to the Interim Final Rule ... I was proud to announce that USDA published a Final Rule ... It made changes to the IFR. It cited our comments as the basis for increasing the time to sample from fifteen to thirty days before harvest. Allowing remediation of non-compliant plants into compliant plant biomass ... So Colorado will move forward with submitting a Plan that's progressive by design, aggressive by design, bold by design. In compliance with USDA rules and will reflect several policies, reflected in CHAMP discussions that protect and advance the industry ... Disruptive innovation means reimagining textile applications for hemp fiber. A mission that cuts at the edges of companies like Patagonia where I got to visit some of the hemp production in the San Luis Valley ... I'd like to take this opportunity to say how proud I am of our state's partnership with Patagonia and Hemp Fortex and our local partners, Wright Oakes Farm and Formation Ag ... The partnership between the state and local partners, Patagonia, and Hemp Fortex will lead efforts in production and innovation for fiber and I look forward to building Colorado into the epicenter of the hemp economy ... Know that you can always count on the State of Colorado to listen, to learn, to help you grow your existing hemp adventure or your new hemp adventure. Champions for social equity in hemp and cannabis like Ean Seeb and our terrific state agriculture commissioner Kate Greenberg, who sends her regards, along with our legal team and advocates across multiple state agencies, and CHAMP leadership are ready to serve you and our doors are always open. The door to more opportunity in hemp is one that we will rush through with you.

647. Upon information and belief, Polis personally gains from the States partnership with Hemp Fortex, Wright Oakes Farm, and Formation Ag.

648. Beegle personally gained from Polis's participation at NoCo and, upon information and belief, this was the quid pro quo for Beagle to accept MPG's involvement in the hemp industry.

649. On March 29, 2021, the CHAMP report was officially published, nine months past due.

650. Upon information and belief and in the spring of 2021, Polis and Seeb again became involved with creating a partnership between the State of Colorado, Colorado State University, Patagonia, Hemp Fortex, and Oakes.

651. Upon information and belief, money was appropriated or otherwise acquired to purchase seeds for a new fiber variety trial.

652. Polis, Seeb, CDA, and CSU did not reach out to BoCo and Orvis regarding utilization of BoCo's genetics in the variety trial.

653. Upon information and belief, Polis, Seeb, CDA, and CSU did not reach out to other Colorado seed developers to participate in the variety trial.

654. Upon information and belief, Polis, Seeb, CDA, and CSU did not perform a procurement process to identify businesses and individuals who breed genetics that could have been used in the variety trial.

655. Upon information and belief, Polis, Seeb, and other defendants's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Polis and Seeb realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Polis and Seeb performed these actions through an element of evil and spite. Finally, Polis, Seeb, and other defendants's acts were intended to help Oakes and/or other businesses/individuals purposefully at the exclusion of hemp stakeholders such as BoCo and Orvis because they were "blacklisted".

656. Upon information and belief, Polis, Seeb, and other defendants's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

657. Upon information and belief and in the late spring or early summer of 2021, Oakes planted Italian and other genetics for the 2021 variety trial.

658. Upon information and belief, the variety trial will lead to multi-million-dollar contracts with Patagonia and/or other companies.

659. BoCo and Orvis should have been given the opportunity to participate in the variety trials.

660. BoCo and Orvis have been damaged by not being able to participate in the variety trials.

661. On April 15, 2021, at 12:48 p.m., Orvis filed a CORA request with CDA for emails between CDA and Lehrburger between December 2020 and April 2021.

662. On April 22, 2021, at 5:27 p.m., CDA responded to Orvis' April 19 CORA request and quoted \$60 to fulfill the request.

663. Orvis paid the \$60.

664. On May 21, 2021, at 2:20 p.m., CDA fulfilled Orvis's April 15 CORA request.

665. On May 27, 2021, at 2:48 p.m., Orvis filed a CORA request for communications between “Billy Seiber and Adam Orens from August 1, 2020, to Dec 20, 2020.”

666. On May 28, 2021, at 12:20 p.m., Gebru emailed Huse and cc’d Greenberg and Silverman referencing MPG and the RFP contract. “Thank you for your support on this project.”

667. Upon information and belief, the support that Huse provided was in ensuring that MPG was given the award at the direction of Polis, Seeb, Seiber, Greenberg, Silverman, and Gebru as part of the bid rigging process.

668. Upon information and belief, Polis, Seeb, Seiber, Greenberg, Silverman and Gebru’s acts in regard to ordering the award of the COE RFP to MPG were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil. Finally, their acts were intended to help MPG, Orens, Barnes, and Saloga.

669. Upon information and belief, Polis, Seeb, Seiber, Greenberg, Silverman and Gebru’s acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

670. On May 31, 2021, at 3:25 p.m., Orvis filed a CORA request with Governor regarding communications between Ean Seeb and John Addison.

671. On June 1, 2021, CDA submitted a revised Plan to the USDA.

672. The revised Plan does not contain the Hemp Value Retention Program and does not violate federal and state laws and rules. Furthermore, it requires the destruction of flower material that tests above 0.3% total THC. Finally, the Plan does contain the seed and stalk exemption that was finalized by the CHAMP Cultivation workgroup and Executive Committee. Finally, and unlike the original Plan, ***Polis signed the revised Plan.***

673. Upon information and belief, MPG, Orens, Barnes, and Saloga were not involved in writing the second state Plan. Their only involvement was in the Plan that was rejected by the USDA.

674. Upon information and belief and even though they ***did not provide*** a compliant Plan or timely CHAMP report, MPG, Orens, Barnes, and Saloga ***kept*** the funds paid to them.

675. On June 3, 2021, at 4:00 p.m., Governor and CDA held a secret Zoom meeting of hand selected stakeholders to discuss water issues surrounding hemp in Colorado.

676. Orvis learned of the meeting, attended, and made comments regarding conclusions made by the CHAMP Cultivation workgroup as it related to water problems and the solutions provided by the workgroup.

677. Upon information and belief Seeb, or Gebru, or other public officials contacted Koontz and questioned “why Grant participated” in the secret meeting.

678. Upon information and belief, the defendants named in the preceding paragraph defamed Orvis and stated that Koontz needed to stop Orvis from continuing to participate in the hemp industry.

679. Upon information and belief, defendants’ acts in the preceding two paragraphs were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil.

680. Upon information and belief, their acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

681. On June 7, 2021, CDA responded to Orvis’s May 27 CORA request that it “does not have any emails responsive to this request.

682. On June 7, 2021, Governor quoted Orvis for a cost estimate of \$221 to fulfill the May 31, 2021, CORA request.

683. Orvis paid \$221.

684. On June 8, 2021, Orvis filed a CORA request with Governor regarding “text messages sent to or from Ean Seen from June 1-4, 2021.”

685. On June 8, 2021, CDA through unknown means awarded a \$50,000 grant to WO Investments for which Oakes is a “Co-Owner.”

686. Upon information and belief, the money was awarded to Oakes in part because of the failed variety trial with Patagonia and Hemp Fortex, and at the instructions of Polis and Seeb.

687. Upon information and belief, the money was awarded to Oakes through improper means.

688. Upon information and belief, certain defendants’ acts in regard to awarding Oakes a \$50,000 grant were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the

constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil. Finally, their acts were intended to help Oakes and/or other businesses/individuals.

689. Upon information and belief, their acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

690. On June 11, 2021, Governor responded to Orvis's June 8 CORA request that it had no public records responsive to the request.

691. Upon information and belief, Governor made false statements in regard to text messages sent to Seeb or Seeb uses a personal cell phone in both his official and non-official functions as an employee of the state of Colorado.

692. Upon information and belief, many public official defendants utilize personal cell phones to inhibit CORA requests regarding their official and non-official actions as employees of Colorado.

693. On June 11, 2021, at 2:52 p.m., Althouse emailed Gebru and the other members of the COE steering committee and stated in part, "my comments all show my worry that farmers are not front and center. If the farmer is not convinced that hemp will increase his profits, there will be no hemp industry. We have put the horse ahead of the cart."

694. Upon information and belief, Althouse's comments were based on the facts that MPG, Orens, Barnes, and Saloga were not working with the hemp industry and were instead writing a COE strategic plan that they knew or should have known would fail because it did not address the needs of farmers.

695. BoCo's appeal to Denver District Court along with another appeal to the RFP were consolidated on July 9, 2021.

696. That consolidated appeal is currently under review. *Case #2021CV030611*.

697. On June 25, 2021, at 11:35 a.m., Orvis filed a CORA request with AG regarding the "redacted emails" previously provided by AG.

698. On July 2, 2021, at 11:31 a.m., AG responded to Orvis's June 25 CORA request and unredacted the sender, receiver, subject, and date for the emails requested by Orvis. AG kept all other parts of the emails redacted and claimed attorney-client privilege. This CORA response gives rise to the factual allegations described in ¶¶ 555 and 560-564.

699. On July 14, 2021, Governor informed Orvis that it had received the \$221 payment for the May 31, 2021, CORA request and indicated that it would need until July 23, 2021, to provide the requested documents.

700. On July 23, 2021, Governor responded to the May 31 CORA request with 446 pages of documents.

701. On August 6, 2021, Plaintiffs had delivered via certified mail, a demand letter to the AG pursuant to the Colorado Government Immunity Act, which preserved Plaintiff's tort claims against public official defendants based upon the February 9, 2021 date that Plaintiffs first learned of the defamation.

702. On August 19, 2021, Orvis filed a CORA request with Governor for any communications between any employee of Governor and between Orens and Barnes.

703. On August 24, 2021, Governor responded that it has no public records responsive to the August 19, 2021, CORA request.

704. Upon information and belief, Governor knew or should have known that the statement in the preceding paragraph was false. Seeb and Krause communicated with Orens, Barnes, and MPG on numerous occasions as described with particularity *supra*. As examples, *see* ¶¶ 95, 101, 117, and 169.

705. Upon information and belief, Governor does not possess communications because Polis ordered those communications be deleted.

706. On August 31, 2021, the HAC held a meeting in which Althouse addressed working with MPG on the 5-year strategic plan for the COE.

https://drive.google.com/file/d/1qD0iXJtpqyo07mDIV7tqbnBn311xG_nM/view

I was the rep from the Advisory Committee for the Center of Excellence, and I was kind of disappointed that we didn't have any extensive discussion about how to foster research and development or what research and development might look like, or barriers to research and development.

707. Upon information and belief, Althouse and other members of the COE Steering Committee complained about how MPG handled the development process and that the work product provided by MPG *was not* in the best interest of the industry.

708. Upon information and belief, Governor and CDA are *not* pursuing a COE because the 5-year strategic plan provided by MPG, Orens, Barnes, and Saloga required so much capital that Colorado doesn't possess the needed funds to appropriate it.

709. Upon information and belief and *despite providing a failed 5-year strategic plan*, MPG, Orens, Barnes, and Saloga *kept* the funds paid to them.

710. Upon information and belief, MPG, Orens, Barnes, and Saloga have been unjustly enriched by keeping this money. This is money that should have been awarded to Plaintiff-BoCo.

711. Upon information and belief, MPG, Orens, Barnes, and Saloga knew the 5-year strategic plan they wrote went against the recommendations of the steering committee and the industry as it related to developing a legitimate COE. These actions violate the plain language in the RFP as well as the contract signed by MPG.

712. In the fall of 2021, Oakes harvested the variety trial.

713. Upon information and belief, Seeb, Greenberg, and Silverman connected Lehrburger with Oakes so that Lehrburger could perform research and development of hemp-based toilet paper.

714. Upon information and belief, the preceding paragraph occurred as part of the bid rigging process to get Lehrburger to give up his public complaints regarding MPG and the various contracts.

715. Upon information and belief and on or around December 8, 2021, Polis held a conference call or met with hemp business professionals in order to solicit funds for reelection as Governor. Polis was asked about the rejection of the first Plan by USDA to which Polis put all blame on CDA and denied having knowledge of the language being used or the fact that it violated federal law and rules, Colorado law and rules, the respective contracts, and the conclusions of the CHAMP Cultivation Workgroup and Executive Committee.

716. Upon information and belief, Polis knew or should have known that the statements made in the previous paragraph were false as Polis and Governor were intimately involved in the language used in the Plan. As examples, *see* ¶¶ 41, 187-190, 232-236, 300, 646, and 672.

717. On December 15, 2021, the CDA held an HAC meeting in which Koontz acknowledged Lehrburger was performing research and development on hemp-based toilet paper. *See* ¶ 713.

718. At the HAC meeting from the preceding paragraph, Silverman announced that the CDA was requesting five million dollars from the legislature to provide funding to develop hemp processing plants in Colorado.

719. Upon information and belief, public official defendants have already decided which individuals and businesses they will fund.

720. Upon information and belief, BoCo and Orvis will not be one of them.

721. The information in the preceding three paragraphs relate to a cause of action not addressed in this Complaint as BoCo and Orvis learned of it on December 15, 2021, and public officials refuse to speak with them about it.

722. Upon information and belief, MPG, Orens, Barnes, and Saloga continue to make material misrepresentations about their experience and expertise in hemp.

723. Upon information and belief, MPG, Orens, Barnes, and Saloga continue to make false and defamatory statements about Orvis

724. Upon information and belief, Polis, Seeb, Greenberg, Silverman, and other certain defendants continue to make false statements about what happened in the hemp industry as it relates to the IRF comments, Plan, CHAMP, COE, the variety trials, and partnerships with Patagonia, Hemp Fortex, and Oakes.

725. Upon information and belief, Polis, Seeb, Greenberg, Silverman, and other defendants continue to make false and defamatory statements about Orvis.

C.R.C.P. 19 DISCLOSURES

726. Pursuant to C.R.C.P. 19, Plaintiffs are required to disclose parties that may have an interest in the subject matter of this action.

727. Plaintiffs believe that Carpio has also been defamed by certain defendants but does not possess the evidence to support such a claim. Carpio also believes that not enough evidence yet exists to claim that certain defendants defamed Carpio. However, Carpio has stated that if such evidence comes to light through discovery, depositions, and/or other means, Carpio reserves the right to be added as a Plaintiff to this case.

728. The claims in this lawsuit may include all current and former hemp registrants. However, Plaintiff is not in possession of who those registrants are and therefore cannot provide the Court with an accurate list of registrants. Said list can only be obtained through discovery and may be subject to C.R.C.P. 23.

729. The Plaintiffs believe that all taxpayers whose taxes went into the contracts, plus all hemp registrants, members of the CHAMP workgroups, CHAMP Executive Committee, CHAMP Board of Directors, and the HAC, *may* hold an interest in the civil and criminal actions, if any arise, of defendants.

730. Plaintiffs reserve the right to disclose other said parties as they become available.

C.R.C.P. 23 DISCLOSURES

731. Monies spent that relate to this case, IFR Comments, Plan, and CHAMP, were paid by the taxpayers of the state of Colorado.

732. Monies spent on the RFP for the COE were paid by hemp registrants.

733. The Plaintiffs believe that all taxpayers whose taxes went into the contracts addressed *supra*, all hemp registrants, members of the CHAMP workgroups, CHAMP Executive Committee, CHAMP Board of Directors, and the HAC *may* hold an interest in the civil and criminal actions of defendants.

734. The class of individuals who hold an interest to this action are too numerous and outside of Plaintiffs' knowledge to identify without mandatory discovery and are most likely subject to C.R.C.P. 23.

735. The Plaintiffs believe that with the class of individuals, there are questions of law or facts common to the class and Plaintiffs request discovery before moving this case as one of a class action.

FIRST CLAIM FOR RELIEF
(DEFAMATION - LIBEL PER SE AGAINST ORENS AND BARNES)

736. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

737. Orvis is a private citizen and not a public official or public person.

738. Orvis is a sole proprietor of BoCo.

739. The matter for which the libel per se occurred is a matter of public interest or general concern. As examples, *see* ¶¶ 304, 333, 339-342, 369, 371, 375, 381, 382, 423, 428-430, 436, 590, 609, and 706.

740. The matter for which the libel per se occurred involved Plaintiff's trade, business, and profession.

741. Orens and Barnes published the statements in the same or substantially similar words. As examples, *see* ¶¶ 331, 332, 544, 575, and 577.

742. The substance or gist of at least one statements made by Orens and Barnes, and towards Orvis were false at the time they were published.

743. Upon information and belief, if the statements made by Orens and Barnes were true, the AG would have charged Orvis with criminal actions.

744. Orvis has not been charged with any criminal actions.

745. At least one statement contained therein was defamatory.

746. At least one statement contained therein was about Orvis.

747. At least one statement contained therein was false.

748. At least one statement contained therein influenced the actions of public officials.

749. At the time of publication, Orens and Barnes knew that the statements made towards Orvis were false or made the statements with reckless disregard as to whether they were false.

750. At least one statement contained therein caused harm to BoCo and Orvis's reputation and personal humiliation.

751. At least one statement contained therein caused BoCo and Orvis specific monetary losses.

752. As a direct and proximate consequence of Orens and Barnes's conduct, BoCo and Orvis have suffered damages in an amount to be proven at trial.

753. Orens and Barnes are jointly and severally liable for BoCo and Orvis's damages.

754. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

SECOND CLAIM FOR RELIEF
(DEFAMATION - LIBEL PER QUOD AGAINST ORENS AND BARNES)

755. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

756. Orvis is a private citizen and not a public official or public person.

757. Orvis is a sole proprietor of BoCo.

758. The matter for which the libel per quod occurred is a matter of public interest or general concern. *See* ¶ 739.

759. Orens and Barnes published the statements in the same or substantially similar words. *See* ¶ 741.

760. The substance or gist of at least one statement made by Orens and Barnes, and towards Orvis were false at the time they were published.

761. At least one statement contained therein was defamatory.

762. At least one statement contained therein was about Orvis.

763. At least one statement contained therein was false.

764. At least one statement contained therein influenced the actions of public officials.

765. The readers of the publications understood the statements to be defamatory.

766. At the time of publication, Orens and Barnes knew that the statements made towards Orvis were false or made the statements with reckless disregard as to whether they were false.

767. At least one statement contained therein caused harm to BoCo and Orvis's reputation and personal humiliation.

768. At least one statement contained therein caused BoCo and Orvis specific monetary losses.

769. As a direct and proximate consequence of the conduct of Orens and Barnes, BoCo and Orvis have suffered special damages in an amount to be proven at trial.

770. Orens and Barnes are jointly and severally liable for BoCo and Orvis's damages.

771. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

THIRD CLAIM FOR RELIEF
**(DEFAMATION - SLANDER PER SE AGAINST POLIS, SEEB, SEIBER,
GREENBERG, SILVERMAN, ORENS, AND BARNES)**

772. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

773. Orvis is a private citizen and not a public official or public person.

774. Orvis is a sole proprietor of BoCo.

775. The matter for which the slander per se occurred is a matter of public interest or general concern. *See ¶¶ XYZ, XYZ, and XYZ.*

776. The matter for which the slander per se occurred involved Plaintiff's trade, business, and profession.

777. Polis published the statements in the same or substantially similar words. *See ¶¶ XYZ.*

778. Upon information and belief, Polis's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Polis realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Polis performed these actions through an element of evil.

779. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

780. Seeb published the statements in the same or substantially similar words. See ¶¶ XYZ.

781. Upon information and belief, Seeb's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Seeb realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seeb performed these actions through an element of evil.

782. Upon information and belief, Seeb's acts further constituted an unauthorized exercise of Seeb's official function and scope as an employee of Colorado.

783. Seiber published the statements in the same or substantially similar words. See ¶¶ XYZ.

784. Upon information and belief, Seiber's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Seiber realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seiber performed these actions through an element of evil.

785. Upon information and belief, Seiber's acts further constituted an unauthorized exercise of Seiber's official function and scope as an employee of Colorado.

786. Greenberg published the statements in the same or substantially similar words. See ¶¶ XYZ.

787. Upon information and belief, Greenberg's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Greenberg realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Greenberg performed these actions through an element of evil.

788. Upon information and belief, Greenberg's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

789. Silverman published the statements in the same or substantially similar words. *See* ¶¶ XYZ.

790. Upon information and belief, Silverman's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Silverman realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Silverman performed these actions through an element of evil.

791. Upon information and belief, Silverman's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

792. The substance or gist of at least one statement made by Polis, Seeb, Seiber, Greenberg, and Silverman, and towards Orvis were false at the time they were published. *See* ¶¶ XYZ, XYZ, and XYZ.

793. At least one statement contained therein was defamatory.

794. At least one statement contained therein was about Orvis.

795. At least one statement contained therein was false.

796. At the time of publication, Polis, Seeb, Seiber, Greenberg, and Silverman knew or should have known that the statements made towards Orvis were false or made the statements with reckless disregard as to whether they were false.

797. At least one statement contained therein caused harm to BoCo and Orvis's reputation and personal humiliation.

798. At least one statement contained therein caused BoCo and Orvis specific monetary losses.

799. As a direct and proximate consequence of Polis, Seeb, Seiber, Greenberg, and Silverman's conduct, BoCo and Orvis have suffered damages in an amount to be proven at trial.

800. Polis, Seeb, Seiber, Greenberg, and Silverman are jointly and severally liable for BoCo and Orvis's damages.

801. Orens and Barnes published the statements in the same or substantially similar words. *See* ¶¶ XYZ, XYZ, and XYZ.

802. The substance or gist of at least one statement made by Orens and Barnes, and towards Orvis were false at the time they were published. **See ¶¶ XYZ, XYZ, and XYZ.**

803. At least one statement contained therein was defamatory.

804. At least one statement contained therein was about Orvis.

805. At least one statement contained therein was false.

806. At least one statement contained therein influenced the actions of public officials.

807. At the time of publication, Orens and Barnes knew that the statements made towards Orvis were false or made the statements with reckless disregard as to whether they were false.

808. At least one statement contained therein caused harm to BoCo and Orvis's reputation and personal humiliation.

809. At least one statement contained therein caused BoCo and Orvis specific monetary losses.

810. As a direct and proximate consequence of Orens and Barnes's conduct, BoCo and Orvis have suffered damages in an amount to be proven at trial.

811. Orens and Barnes are jointly and severally liable for BoCo and Orvis's damages.

812. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

FOURTH CLAIM FOR RELIEF
**(DEFAMATION - SLANDER PER QUOD AGAINST POLIS, SEEB, SEIBER,
GREENBERG, SILVERMAN, ORENS, AND BARNES)**

813. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

814. Orvis is a private citizen and not a public official or public person.

815. Orvis is a sole proprietor of BoCo.

816. The matter for which the slander per quod occurred is a matter of public interest or general concern. **See ¶¶ XYZ, XYZ, and XYZ.**

817. Polis published the statements in the same or substantially similar words. **See ¶¶ XYZ.**

818. Upon information and belief, Polis's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Polis realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Polis performed these actions through an element of evil.

819. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

820. Seeb published the statements in the same or substantially similar words. *See ¶¶ XYZ.*

821. Upon information and belief, Seeb's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Seeb realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seeb performed these actions through an element of evil.

822. Upon information and belief, Seeb's acts further constituted an unauthorized exercise of Seeb's official function and scope as an employee of Colorado.

823. Seiber published the statements in the same or substantially similar words. *See ¶¶ XYZ.*

824. Upon information and belief, Seiber's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Seiber realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seiber performed these actions through an element of evil.

825. Upon information and belief, Seiber's acts further constituted an unauthorized exercise of Seiber's official function and scope as an employee of Colorado.

826. Greenberg published the statements in the same or substantially similar words. *See ¶¶ XYZ.*

827. Upon information and belief, Greenberg's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Greenberg realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Greenberg performed these actions through an element of evil.

828. Upon information and belief, Greenberg's acts further constituted an unauthorized exercise of Silverman's official function and scope as an employee of Colorado.

829. Silverman published the statements in the same or substantially similar words. *See* ¶¶ XYZ.

830. Upon information and belief, Silverman's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Silverman realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Silverman performed these actions through an element of evil.

831. Upon information and belief, Silverman's acts further constituted an unauthorized exercise of Silverman's official function and scope as an employee of Colorado.

832. The substance or gist of at least one statement made by Polis, Seeb, Seiber, Greenberg, and Silverman, and towards Orvis were false at the time they were published. *See* ¶¶ XYZ, XYZ, and XYZ.

833. At least one statement contained therein was defamatory.

834. At least one statement contained therein was about Orvis.

835. At least one statement contained therein was false.

836. At the time of publication, Polis, Seeb, Seiber, Greenberg, and Silverman knew or should have known that the statements made towards Orvis were false or made the statements with reckless disregard as to whether they were false.

837. At least one statement contained therein caused harm to BoCo and Orvis's reputation and personal humiliation.

838. At least one statement contained therein caused BoCo and Orvis specific monetary losses.

839. As a direct and proximate consequence of Polis, Seeb, Seiber, Greenberg, and Silverman's conduct, BoCo and Orvis have suffered damages in an amount to be proven at trial.

840. Polis, Seeb, Seiber, Greenberg, and Silverman are jointly and severally liable for BoCo and Orvis's damages.

841. Orens and Barnes published the statements in the same or substantially similar words. *See* ¶¶ XYZ, XYZ, and XYZ.

842. The substance or gist of at least one statement made by Orens and Barnes, and towards Orvis were false at the time they were published. *See ¶¶ XYZ, XYZ, and XYZ.*

843. At least one statement contained therein was defamatory.

844. At least one statement contained therein was about Orvis.

845. At least one statement contained therein was false.

846. At least one statement contained therein influenced the actions of public officials.

847. The readers of the publications understood the statements to be defamatory.

848. At the time of publication, Orens and Barnes knew that the statements made towards Orvis were false or made the statements with reckless disregard as to whether they were false.

849. At least one statement contained therein caused harm to Orvis's reputation and personal humiliation.

850. At least one statement contained therein caused Orvis specific monetary losses.

851. As a direct and proximate consequence of MPG, Orens, and Barnes's conduct, Orvis has suffered damages in an amount to be proven at trial.

852. Orens and Barnes are jointly and severally liable for Orvis' damages.

853. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

FIFTH CLAIM FOR RELIEF

(CIVIL CONSPIRACY TO DEFAME ORVIS AND BOCO BY POLIS, SEEB, SEIBER, GREENBERG, SILVERMAN, GEBRU, GLENN, POTTORFF, MPG, ORENS, BARNES, BEEGLE, AND LEHRBURGER)

854. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

855. Polis, Seeb, Seiber, Greenberg, Silverman, Gebru, Glenn, Pottorff, MPG, Orens, Barnes, Beegle, and Lehrburger came to a meeting of the minds, knowingly and willfully conspired, and agreed to engage in a scheme to defame, blacklist, and eliminate BoCo and Orvis from participating in the development of the hemp industry. *See ¶¶ XYZ.*

856. Polis, Seeb, Seiber, Greenberg, Silverman, Gebru, Glenn, Pottorff, MPG, Orens, Barnes, Beegle, and Lehrburger committed and caused to be committed one or more overt and

unlawful acts in the furtherance of the conspiracy, including but not limited to the defamatory acts described *supra*. See ¶¶ XYZ.

857. The matter for which the conspiracy occurred is a matter of public interest or general concern. See ¶¶ XYZ, XYZ, and XYZ.

858. Upon information and belief, Polis, Seeb, Seiber, Greenberg, Silverman, Gebru, Glenn, and Pottorff's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil.

859. Upon information and belief, Polis, Seeb, Seiber, Greenberg, Silverman, and Gebru's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.

860. As a direct and proximate result of Polis, Seeb, Seiber, Greenberg, Silverman, Gebru, Glenn, Pottorff, MPG, Orens, Barnes, Beegle, and Lehrburger's conspiracy to defame BoCo and Orvis, BoCo and Orvis suffered damages in an amount to be determined at trial.

861. As a direct and proximate result of Polis, Seeb, Seiber, Greenberg, Silverman, Gebru, Glenn, Pottorff, MPG, Orens, Barnes, Beegle, and Lehrburger's conspiracy to defame BoCo and Orvis, BoCo and Orvis suffered *special* damages in an amount to be determined at trial.

862. Polis, Seeb, Seiber, Greenberg, Silverman, Gebru, Glenn, Pottorff, MPG, Orens, Barnes, Beegle, and Lehrburger are jointly and severally liable for BoCo and Orvis' damages.

863. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

SIXTH CLAIM FOR RELIEF
**(RECKLESS DISREGARD BY POLIS, SEEB, SEIBER, GREENBERG, SILVERMAN,
ORENS, AND BARNES)**

864. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

865. Orvis is a private citizen and not a public official or public person.

866. Orvis is a sole proprietor of BoCo.

867. The matter for which the reckless disregard occurred was a matter of public interest or general concern. See ¶¶ XYZ, XYZ, and XYZ.

868. The substance or gist of at least one statement made by Polis, Seeb, Seiber, Greenberg, Silverman, Orens, and Barnes, and towards BoCo and Orvis were false at the time they were published. *See* ¶¶ XYZ, XYZ, and XYZ.
869. At least one statement contained therein was defamatory.
870. At least one statement contained therein was about BoCo and Orvis.
871. At least one statement contained therein influenced the actions of public officials.
872. Upon information and belief, Polis, Seeb, Seiber, Greenberg, Silverman, Orens, and Barnes, stated and published the statements with reckless disregard as to whether they were false.
873. Upon information and belief, Polis, Seeb, Seiber, Greenberg, Silverman, Orens, and Barnes, believed that the statements were false or had serious doubts as to their truth.
874. Upon information and belief, Polis, Seeb, Seiber, and Silverman's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil.
875. Upon information and belief, Polis, Seeb, Seiber, and Silverman's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.
876. As a direct and proximate consequence of Polis, Seeb, Seiber, Greenberg, Silverman, Orens, and Barnes's conduct, BoCo and Orvis have suffered damages in an amount to be proven at trial.
877. As a direct and proximate consequence of Polis, Seeb, Seiber, Greenberg, Silverman, Orens, and Barnes's conduct, BoCo and Orvis have suffered special damages in an amount to be proven at trial.
878. Polis, Seeb, Seiber, Greenberg, Silverman, Orens, and Barnes, are jointly and severally liable for BoCo and Orvis's damages.
879. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

SEVENTH CLAIM FOR RELIEF
**(TORTIOUS INTERFERENCE OF THE RFP CONTRACT BY POLIS, SEEB, KRAUSE,
SEIBER, GREENBERG, SILVERMAN, GEBRU, GLENN, HUSE, MPG, ORENS,
BARNES, AND SALOGA)**

880. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.
881. Upon information and belief, Polis instructed public officials to work in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis.
882. Upon information and belief, Seeb instructed public officials and/or was instructed by Polis to work in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis.
883. Seeb knew Orvis wished to participate as a member of the RFP evaluation committee and knew or should have known that Seeb was conflicted as a member of the evaluation committee. *See* ¶ XYZ.
884. As an evaluator to the RFP and an individual who worked intimately with MPG, Orens, Barnes, and Saloga, Seeb used bias to score in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis. *See* ¶ XYZ.
885. Upon information and belief, Krause instructed public officials and/or was instructed by public officials to work in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis.
886. As an evaluator to the RFP and an individual who worked intimately with MPG, Orens, Barnes, and Saloga, Krause used bias to score in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis. *See* ¶ XYZ.
887. Upon information and belief, Seiber instructed public officials and/or was instructed by public officials to work in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis.
888. Seiber was involved in the decision by CDA that Seeb *was not* ethically conflicted. *See* ¶ XYZ.
889. Seiber's actions violated state statute.
890. Upon information and belief, Greenberg instructed public officials and/or was instructed by public officials to work in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis.

891. Upon information and belief, Greenberg knew or should have known of the complaints from the industry and failed to act or was instructed not to act. See ¶ XYZ.
892. Greenberg's actions violated state statute.
893. Upon information and belief, Silverman instructed public officials and/or was instructed by public officials to work in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis.
894. Silverman was involved in the decision by CDA that Seeb *was not* ethically conflicted. See ¶ XYZ.
895. Silverman's actions violated state statute.
896. Upon information and belief, Gebru instructed public officials and/or was instructed by public officials to work in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis.
897. As an evaluator to the RFP and an individual who worked intimately with MPG, Orens, Barnes, and Saloga, Gebru used bias to score in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis. See ¶ XYZ.
898. Upon information and belief, Glenn instructed public officials and/or was instructed by public officials to work in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis.
899. Glenn was involved in development of the RFP, scoring structure, and selected Seeb, Krause, and Gebru to be evaluators to the RFP despite Glenn's knowledge of their intimate involvement with MPG, Orens, Barnes, and Saloga, Gebru. See ¶ XYZ.
900. As the individual who selected the evaluation committee, Glenn with willful and wanton intent kept Orvis from participating as a member of the evaluation committee.
901. Had Orvis been a member of the evaluation committee, the fraud of MPG would never have been awarded.
902. Upon information and belief, Glenn purposefully worked in favor of MPG, Orens, Barnes, and Saloga, and against BoCo and Orvis.
903. Upon information and belief, Huse instructed public officials and/or was instructed by public officials to work in favor of MPG, Orens, Barnes, and Saloga and at the expense of BoCo and Orvis.
904. Huse failed to perform duties imposed by Colorado statute.

905. Huse allowed other public officials to become involved in the RFP and make decisions which Huse knew favored MPG, Orens, Barns, and Saloga, and at the expense of BoCo and Orvis. *See* ¶ XYZ.
906. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, and Huse's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil.
907. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, and Huse's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.
908. MPG, Orens, Barnes, and Saloga made material misrepresentations regarding their experience and expertise when applying for the RFP. *See* ¶¶ XYZ and XYZ.
909. MPG, Orens, Barnes, and Saloga were awarded the contract in part based upon the material misrepresentations. *See* ¶ XYZ.
910. MPG, Orens, Barnes, and Saloga were awarded the contract in part based upon the civil conspiracies with public officials. *See* ¶ XYZ.
911. If not for the material misrepresentations and civil conspiracies of MPG, Orens, Barnes, and Saloga, BoCo would have been awarded the contract.
912. Upon information and belief, MPG, Orens, Barnes, and Saloga knew or should have known the statements and claims made in the proposal were false.
913. Upon information and belief, MPG, Orens, Barnes, and Saloga knew or should have known Orvis through BoCo applied for the proposal.
914. The material misrepresentations made by the MPG, Orens, Barnes, and Saloga wrongfully interfered with BoCo and Orvis's ability to be awarded the contract.
915. MPG, Orens, and Barnes used deceit, intimidation, and deliberate disparagement to gain favor in the RFP process at the expense BoCo and Orvis. *See* ¶ XYZ.
916. BoCo and Orvis were damaged because of the material misrepresentations, civil conspiracies, and other actions of Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga.

917. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

EIGHTH CLAIM FOR RELIEF
**(NEGLIGENCE BY POLIS, SEEB, KRAUSE, SEIBER, GREENBERG,
SILVERMAN, GEBRU, GLENN, HUSE, MPG, ORENS, BARNES, AND
SALOGA)**

918. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

919. Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, and Huse, as public officials and employees of Colorado, owed a duty to follow federal and states laws and rules, as well as the respective contracts entered into by Colorado.

920. Polis breached those duties. *See* ¶ XYZ.

921. Seeb breached those duties. *See* ¶ XYZ.

922. Krause breached those duties. *See* ¶ XYZ.

923. Seiber breached those duties. *See* ¶ XYZ.

924. Greenberg breached those duties. *See* ¶ XYZ.

925. Silverman breached those duties. *See* ¶ XYZ.

926. Gebru breached those duties. *See* ¶ XYZ.

927. Glenn breached those duties. *See* ¶ XYZ.

928. Huse breached those duties. *See* ¶ XYZ.

929. Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, and Huse's breaches of those duties and further actions resulted in injuries to BoCo and Orvis.

930. Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, and Huse's breaches of those duties and further actions resulted in pain and suffering, inconvenience, emotional stress, and impairment of quality of life for BoCo and Orvis.

931. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, and Huse's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings,

and safety of BoCo and Orvis, and at times they performed these actions through an element of evil.

932. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, and Huse's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.
933. Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga's involvement, their actions, statements, and written documents regarding the IFR comments, Plan, CHAMP Report, proposal for the RFP, and the selection of MPG as the awardee for the RFP are matters of public interest or concern and violated public confidence. *See ¶¶ XYZ and XYZ.*
934. Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga's involvement, their actions, statements, and written documents regarding the IFR comments, Plan, CHAMP Report, proposal for the RFP, and the selection of MPG as the awardee for the RFP were fraudulent and deceitful. *See ¶¶ XYZ and XYZ.*
935. Based upon the applicable laws, rules, contracts, and conclusions of the CHAMP Cultivation workgroup and Executive Committee, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga should have taken different actions as it related to writing the IFR comments, Plan, CHAMP Report, writing the RFP, selecting evaluators for the RFP, and evaluation of the RFP.
936. Based upon the applicable laws and rules, MPG, Orens, Barnes, and Saloga should have taken different actions as it related to writing their proposal to the RFP and identifying their experience and expertise in the hemp industry.
937. As a member of the CHAMP Cultivation workgroup and Executive Committee, and as an offeror to the RFP, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga owed a legal duty to BoCo and Orvis. *See ¶¶ XYZ and XYZ.*
938. SB19-220 and SB20-197 further solidified those duties as they relate to following the law and writing a compliant Plan. *See ¶¶ XYZ and XYZ.*
939. Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga breached the contracts. *See ¶¶ XYZ and XYZ.*
940. Upon information and belief, MPG, Orens, Barnes, and Saloga willfully and wantonly violated their duties when they wrote IFR comments and the Plan in violation of federal law, USDA rule, Colorado law and rules, and directly contradicted the conclusions of the CHAMP Cultivation workgroup and Executive Committee. *See ¶¶ XYZ and XYZ.*

941. Upon information and belief, MPG, Orens, Barnes, and Saloga willfully and wantonly violated their duties when they failed to write a CHAMP Report based on the conclusions of the CHAMP workgroups within the time requirements of the contract. *See* ¶¶ XYZ and XYZ.
942. Upon information and belief, MPG, Orens, Barnes, and Saloga willfully and wantonly violated those duties by making deceptive and material misrepresentations in their proposal to the RFP. *See* ¶¶ XYZ and XYZ.
943. MPG, Orens, and Barnes engaged in a scheme to defame Orvis and stop him from questioning MPG, Orens, Barnes, and Saloga as it related to the IFR comments, Plan, CHAMP Report, and qualifications for the RFP. *See* ¶¶ XYZ and XYZ.
944. As a direct and proximate result of Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga's negligence, BoCo and Orvis have suffered pain and suffering, inconvenience, emotional stress, impairment of quality of life based upon the loss of business opportunities both known and unknown to BoCo and Orvis.
945. As a direct and proximate result of Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga's negligence, BoCo and Orvis have suffered damages in an amount to be determined at trial.
946. As a direct and proximate result of Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga's negligence, BoCo and Orvis have suffered *special* damages in an amount to be determined at trial.
947. Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Gebru, Glenn, Huse, MPG, Orens, Barnes, and Saloga are responsible for the damages *individually and severally*.
948. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

NINTH CLAIM FOR RELIEF
(NEGLIGENT MISREPRESENTATION BY MPG, ORENS, BARNES, AND SALOGA)

949. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.
950. MPG, Orens, Barnes, and Saloga negligently misrepresented material facts. *See* ¶¶ 187-206 XYZ and XYZ.

951. The viewers and listeners of those negligent misrepresentations relied upon the misrepresentations when making decisions related to topics of public interest or concern. See ¶ XYZ.
952. BoCo and Orvis were injured when the viewers and listeners of those negligent misrepresentations relied upon the misrepresentations when making decisions related to topics of public interest or concern.
953. Upon information and belief, the negligent misrepresentations made by Orens, Barnes, and Saloga were done for their own personal gain.
954. The negligent misrepresentations were intended to guide the viewers and listeners into taking specific courses of action that benefited MPG, Orens, Barnes, and Saloga at the expense of BoCo and Orvis.
955. Upon information and belief, MPG, Orens, Barnes, and Saloga knew or should have known that the evaluators and public officials would rely upon their negligent misrepresentations. See ¶ XYZ.
956. As a direct and proximate result of MPG, Orens, Barnes, and Saloga's conspiracies, BoCo and Orvis have suffered damages in an amount to be determined at trial.
957. As a direct and proximate result of MPG, Orens, Barnes, and Saloga conspiracies, BoCo and Orvis have suffered *special* damages in an amount to be determined at trial.
958. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

TENTH CLAIM FOR RELIEF
(BID RIGGING BY ALL DEFENDANTS)

959. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.
960. BoCo was a competing bidder with MPG for the award of the contract resulting from the RFP. See ¶ XYZ.
961. The bid rigging to the IFR contract, CHAMP contract, and RFP contract relates to the provision of commodities and/or person and/or services within the definitions of C.R.S. §§ 6-4-103(1), (3), and (4), respectively.
962. In violation of C.R.S. § 6-4-106(1), all Defendants, combined and/or conspired to interfere with, reduce and eliminate competitions for, and thereby rig the bidding process relating to the IFR comments, CHAMP, and RFP. See ¶ XYZ.

963. MPG was awarded the IFR and CHAMP contracts, which should have been submitted to competitive bidding but were not. *See* ¶ XYZ.
964. Upon information and belief, all contracts that were awarded to MPG were predetermined in part by Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, Huse, MPG, Orens, Barnes, and Saloga. *See* ¶ XYZ.
965. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, Huse, MPG, Orens, Barnes, and Saloga, knew or should have known that MPG did not have the qualifications to perform the contracts because they had no experience in the industrial hemp industry. *See* ¶ XYZ.
966. The State awarded MPG the contracts anyway.
967. MPG did not have any hemp industry experience whatsoever. MPG's experience was invented by MPG. *See* ¶ XYZ.
968. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, and Huse allowed MPG, Orens, Barnes, and Saloga's lack of hemp experience to go unchecked in both evaluation committees. *See* ¶ XYZ.
969. Public official defendants defended MPG's lack of hemp experience, which perpetuated the bid rigging scheme. *See* ¶ XYZ.
970. Beegle and Lehrburger conspired with public official defendants to accept items of value in order to remove their vocal complaints and keep the bid rigging scheme in favor of MPG, Orens, Barnes, and Saloga. *See* ¶ XYZ.
971. According to statements made by Beegle and Lehrburger, MPG lacked the experience and qualifications required by the RFP for them to appropriately work in the hemp industry. *See* ¶ XYZ.
972. Beegle and Lehrburger believed that MPG should not be awarded the RFP. *See* ¶ XYZ.
973. Because of the bid rigging schemes between all Defendants MPG obtained approximately \$250,000 in gross revenues from the State of Colorado.
974. The Plan as written by MPG was rejected by USDA. *See* ¶ XYZ.
975. The COE 5-year strategic plan was rejected, and Colorado will no longer be pursuing a hemp COE. *See* ¶ XYZ.

976. BoCo had no chance of winning the the IFR contract, CHAMP contract, and RFP contract because the bid rigging scheme was set when Polis and Seeb became involved in the industrial hemp industry.
977. No company had a chance of winning the IFR contract, CHAMP contract, and RFP contract because competitive bidding was circumvented by Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, and Huse in order to award the contracts to MPG.
978. BoCo and Orvis could have and would have performed any of these contracts to the highest respect of the industry resulting in a compliant Plan and fundable 5-year strategic plan for the COE.
979. Except for the bid rigging scheme planned and executed by all Defendants BoCo would have been awarded the various contracts and \$250,000 of Colorado's monies would have been spent in a manner most effective for Colorado.
980. Some of the actions of public official defendants constitute violations of criminal or other statutory violations which do not provide the Plaintiffs with restitution.
981. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

ELEVENTH CLAIM FOR RELIEF
(CONSPIRACY TO COMMIT BID RIGGING BY ALL DEFENDANTS)

982. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.
983. BoCo was a competing bidder with MPG for the RFP contract. *See ¶ XYZ.*
984. The bid rigging to the IFR, CHAMP, and RFP contracts relate to the provision of commodities and/or person and/or services within the definitions of C.R.S. §§ 6-4-103(1), (3), and (4), respectively.
985. In violation of C.R.S. § 6-4-106(1), Defendants, combined and/or conspired to interfere with, reduce and eliminate competitions for, and thereby rig the bidding process relating to the IFR comments, CHAMP, and RFP. *See ¶ XYZ.*
986. Defendant's acts constituted a conspiratorial agreement pursuant to a common plan or design that was intended to and did interfere with, reduce, and eliminate competition and public complaints for the IFR comments, CHAMP, and RFP contracts.

Injury to Competition – Actual Anticompetitive Effects

987. Upon information and belief, Defendants' conduct has and will continue to have actual detrimental effects on BoCo, Orvis, and other competition. As a result of Defendants' illegal conduct, competition in the procurement processes at CDA, CSU, and potentially other agencies was disrupted with respect to the various contracts. The process was perverted in that:
- a. No procurement process was held for the CHAMP contract. See ¶ XYZ.
 - b. No procurement process was held for the IFR comments. See ¶ XYZ.
 - c. The first procurement of the RFP was rejected because of conflicts of interest. See ¶ XYZ.
 - d. The first procurement of the RFP was also perverted by other conflicts of interest that were not addressed in BoCo's winning appeal. See ¶ XYZ.
 - e. The second procurement was perverted in favor of MPG. See ¶ XYZ.
988. Defendants came to a meeting of the minds, knowingly and willfully conspired, and agreed to engage in a scheme to rig the IFR comments, CHAMP, and RFP processes in order to award the contracts to MPG, Orens, Barnes, and Saloga. See ¶¶ XYZ.
989. Defendants committed and caused to be committed one or more overt and unlawful acts in the furtherance of the conspiracy, including but not limited to rigging the contract processes in order to award the contracts to MPG, Orens, Barnes, and Saloga. See ¶¶ XYZ.
990. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, Pottorff, and Huse's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, they realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times they performed these actions through an element of evil.
991. Upon information and belief, Polis, Seeb, Krause, Seiber, Greenberg, Silverman, Glenn, Gebru, Pottorff, and Huse's acts further constituted an unauthorized exercise of their official function and scope as an employee of Colorado.
992. MPG, Orens, Barnes, and Saloga came to a meeting of the minds, knowingly and willfully conspired, and agreed to engage in a scheme materially misrepresent their expertise, experience, and qualifications in the hemp industry. See ¶¶ XYZ.
993. MPG, Orens, and Barnes committed and caused to be committed one or more overt and unlawful acts in the furtherance of the conspiracy, including but not limited to the material misrepresentations described *supra*. See ¶¶ XYZ.

994. Some of the actions of public official defendants constitute violations of criminal or other statutory violations which do not provide the Plaintiffs with restitution.
995. All damages to BoCo and Orvis are in the past, present, and future, whether so specifically delineated in this Complaint or not.

TWELVTH CLAIM FOR RELIEF
(VIOLATIONS OF C.R.S § 18-8-306 BY ORENS AND BARNES)

996. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.
997. Orens and Barnes accused Orvis of committing criminal impersonation. See e.g., ¶¶ 322 (falsely accused Orvis of impersonation of public officials), 516 (impersonation is a crime), 518.
998. Orens and Barnes accused Orvis of committing criminal harassment. See ¶ XYZ.
999. The statements made by Orens and Barnes towards Orvis were false. See ¶ XYZ.
1000. Upon information and belief, Orens and Barnes knew or should have known the statements made about Orvis was false or made them with reckless disregard as to whether they were false.
1001. Upon information and belief, the intentionally false statements made by Orens and Barnes were intended to influence public officials through deceit.
1002. Upon information and belief, the intentionally false statements made by Orens and Barnes were intended to influence the actions of public officials to act in their favor and against Orvis.
1003. Public officials acted upon the demands of Orens and Barnes. See ¶¶ XYZ.
1004. The actions of MPG, Orens, and Barnes violate C.R.S. §18-8-306 and are a Class 4 felony.
1005. No restitution exists for Orvis for the criminal acts of Orens and Barnes.

THIRTEENTH CLAIM FOR RELIEF
(CIVIL CONSPIRACY TO VIOLATE C.R.S § 18-8-306 BY ORENS AND BARNES)

1006. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

1007. Orens and Barnes, came to a meeting of the minds, knowingly and willfully conspired, and agreed to engage in a scheme to defame and blacklist Orvis. *See ¶¶ XYZ.*
1008. Orens and Barnes committed and caused to be committed at least XYZ overt and unlawful acts in the furtherance of the conspiracy, including but not limited to the defamatory and criminal acts. *See ¶¶ XYZ.*
1009. The statements made by Orens and Barnes towards Orvis were false.
1010. Upon information and belief, Orens and Barnes knew the statements made about Orvis was false or made them with reckless disregard as to whether they were false.
1011. Upon information and belief, the intentionally false statements made by Orens and Barnes were intended to influence public officials through deceit.
1012. Upon information and belief, the intentionally false statements made by Orens and Barnes were intended to influence the actions of public officials to act in their favor and against Orvis.
1013. Orens and Barnes further conspired with public officials to engage in a scheme to defame, blacklist, and eliminate Orvis from participating in the development of the hemp industry. *See ¶¶ XYZ.*
1014. The matter for which the conspiracy occurred is a matter of public interest or general concern. *See ¶¶ XYZ, and XYZ.*
1015. The actions of Orens and Barnes violate C.R.S. §18-8-306 and are a Class 4 felony.
1016. No restitution exists for Orvis for the criminal acts of Orens and Barnes.

FOURTEENTH CLAIM FOR RELIEF
(VIOLATIONS OF C.R.S § 18-8-402(1)(c) BY POLIS, SEEB, KRAUSE, BEALL, SEIBER, GREENBERG, SILVERMAN, GEBRU, GLENN, POTTORFF, AND HUSE)

1017. Polis, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, Saloga, Beegle, Lehrburger, and Oakes. *See ¶¶ XYZ.*
1018. Upon information and belief, Polis's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Polies realized or should have realized the actions were dangerous, violated the constitutional and statutorily

created rights, feelings, and safety of BoCo and Orvis, and at times Polis performed these actions through an element of evil.

1019. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

1020. Seeb, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, Saloga, Beegle, Lehrburger, and Oakes. *See* ¶¶ XYZ.

1021. Upon information and belief, Seeb's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Seeb realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seeb performed these actions through an element of evil.

1022. Upon information and belief, Seeb's acts further constituted an unauthorized exercise of Seeb's official function and scope as an employee of Colorado.

1023. Krause, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, and Saloga. *See* ¶¶ XYZ.

1024. Upon information and belief, Krause's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Krause realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Krause performed these actions through an element of evil.

1025. Upon information and belief, Krause's acts further constituted an unauthorized exercise of Krause's official function and scope as an employee of Colorado.

1026. Beall, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, and Saloga. *See* ¶¶ XYZ.

1027. Upon information and belief, Beall's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Beall realized or should have realized the actions were dangerous, violated the constitutional and statutorily created

rights, feelings, and safety of BoCo and Orvis, and at times XYZ performed these actions through an element of evil.

1028. Upon information and belief, Beall's acts further constituted an unauthorized exercise of Beall's official function and scope as an employee of Colorado.

1029. Sebler, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, Saloga, Beegle, Lehrburger, and Oakes. *See* ¶¶ XYZ.

1030. Upon information and belief, Seiber acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Seiber realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seiber performed these actions through an element of evil.

1031. Upon information and belief, Seiber's acts further constituted an unauthorized exercise of Seiber's official function and scope as an employee of Colorado.

1032. Greenberg, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, Saloga, Beegle, Lehrburger, and Oakes. *See* ¶¶ XYZ.

1033. Upon information and belief, Greenberg's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Greenberg realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Greenberg performed these actions through an element of evil.

1034. Upon information and belief, Greenberg's acts further constituted an unauthorized exercise of Greenberg's official function and scope as an employee of Colorado.

1035. Silverman, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, Saloga, Beegle, Lehrburger, and Oakes. *See* ¶¶ XYZ.

1036. Upon information and belief, Silverman's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Silverman realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights,

feelings, and safety of BoCo and Orvis, and at times Silverman performed these actions through element of evil, spite, and malice.

1037. Upon information and belief, Silverman's acts further constituted an unauthorized exercise of Silverman's official function and scope as an employee of Colorado.

1038. Gebru, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, Saloga, Beegle, Lehrburger, and Oakes. *See ¶¶ XYZ.*

1039. Upon information and belief, Gebru's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Gebru realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Gebru performed these actions through an element of evil.

1040. Upon information and belief, Gebru's acts further constituted an unauthorized exercise of Gebru's official function and scope as an employee of Colorado.

1041. Pottorff, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, and Saloga. *See ¶¶ XYZ.*

1042. Upon information and belief, Pottorff's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Pottorff realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Pottorff performed these actions through an element of evil, spite, and malice.

1043. Upon information and belief, Pottorff's acts further constituted an unauthorized exercise of Pottorff's official function and scope as an employee of Colorado.

1044. Huse, as a public servant and in contemplation of official actions aided, advised, encouraged, and/or instructed public officials at Governor, AG, CDA, and/or other public officials to take actions with the intent to confer special pecuniary benefits upon MPG, Orens, Barnes, and Saloga. *See ¶¶ XYZ.*

1045. Upon information and belief, Huse's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Huse realized or should have

realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Huse performed these actions through elements of evil, spite, and malice.

1046. Upon information and belief, Huse's acts further constituted an unauthorized exercise of Huse's official function and scope as an employee of Colorado.

1047. No restitution exists for Orvis for the criminal acts of the above-named defendants.

FIFTEENTH CLAIM FOR RELIEF
(CIVIL CONSPIRACY TO VIOLATE C.R.S § 18-8-402(1)(c) BY POLIS, SEEB, KRAUSE, BEALL, SEIBER, GREENBERG, SILVERMAN, GEBRU, GLENN, POTTORFF, AND HUSE)

1048. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

1049. Polis, Seeb, Krause, Beall, Seiber, Greenberg, Silverman, Gebru, Glenn, Pottorff, and Huse came to a meeting of the minds, knowingly and willfully conspired, and agreed to engage in a scheme to confer special pecuniary benefits upon MPG, Orens, Barnes, and Saloga. See ¶¶ XYZ.

1050. Polis, Seeb, Krause, Beall, Seiber, Greenberg, Silverman, Gebru, Glenn, Pottorff, and Huse committed and caused to be committed one or more overt and unlawful acts in the furtherance of the conspiracy, including but not limited to the acts described *supra*. See ¶¶ XYZ.

1051. Upon information and belief, Polis, Seeb, Krause, Beall, Seiber, Greenberg, Silverman, Gebru, Glenn, Pottorff, and Huse knew or should have known that their actions violated law.

1052. No restitution exists for Orvis for the criminal acts of the above-named defendants.

SIXTEENTH CLAIM FOR RELIEF
(VIOLATIONS OF C.R.S § 18-8-404(1)(A), (B), AND (C) BY POLIS, SEEB, KRAUSE, BEALL, SEIBER, GREENBERG, SILVERMAN, GEBRU, POTTORFF, AND HUSE)

1053. Upon information and belief, Polis, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, Saloga, Beegle, Lehrburger, and Oakes. See ¶¶ XYZ.

1054. Upon information and belief, Polis's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Polis realized or should have

realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Polis performed these actions through element of evil, spite, and malice. *See* ¶¶ XYZ.

1055. Upon information and belief, Polis's acts further constituted an unauthorized exercise of Polis's official function and scope as an employee of Colorado.

1056. Polis refrained from performing duties imposed by Colorado law. *See* ¶¶ XYZ.

1057. Polis violated state statutes and regulations relating to being Governor of Colorado. *See* ¶¶ XYZ.

1058. Upon information and belief, Seeb, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, Saloga, Beegle, Lehrburger, and Oakes. *See* ¶¶ XYZ.

1059. Upon information and belief, Seeb's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Seeb realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seeb performed these actions through an element of evil. *See* ¶¶ XYZ.

1060. Upon information and belief, Seeb's acts further constituted an unauthorized exercise of Seeb's official function and scope as an employee of Colorado.

1061. Seeb violated statutes and regulations relating to Seeb's office. *See* ¶¶ XYZ.

1062. Upon information and belief, Krause, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, and Saloga. *See* ¶¶ XYZ.

1063. Upon information and belief, Krause's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Krause realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Krause performed these actions through an element of evil. *See* ¶¶ XYZ.

1064. Upon information and belief, Krause's acts further constituted an unauthorized exercise of Krause's official function and scope as an employee of Colorado.

1065. Krause violated statutes and regulations relating to Krause's office. *See* ¶¶ XYZ.

1066. Upon information and belief, Beall, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, and Saloga. *See* ¶¶ XYZ.

1067. Upon information and belief, Beall's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Beall realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of Orvis, and at times Beall performed these actions through an element of evil.
1068. Upon information and belief, Beall's acts further constituted an unauthorized exercise of Beall's official function and scope as an employee of Colorado.
1069. Upon information and belief, Seiber, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, and Saloga. *See* ¶¶ XYZ.
1070. Upon information and belief, Seiber's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Seiber realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Seiber performed these actions through an element of evil. *See* ¶¶ XYZ.
1071. Upon information and belief, Seiber's acts further constituted an unauthorized exercise of Seiber's official function and scope as an employee of Colorado.
1072. Seiber violated state statutes and regulations relating to Seiber's office. *See* ¶¶ XYZ.
1073. Upon information and belief, Greenberg, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, Saloga, Lehrburger, and Oakes. *See* ¶¶ XYZ.
1074. Upon information and belief, Greenberg's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Greenberg realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Greenberg performed these actions through an element of evil. *See* ¶¶ XYZ.
1075. Upon information and belief, Greenberg's acts further constituted an unauthorized exercise of Greenberg's official function and scope as an employee of Colorado.
1076. Greenberg refrained from performing duties imposed on Greenberg by law. *See* ¶¶ XYZ.
1077. Greenberg violated state statute and regulations relating to Greenberg's office.

1078. Upon information and belief, Silverman, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, Saloga, Lehrburger, and Oakes. *See ¶¶ XYZ.*
1079. Upon information and belief, Silverman’s acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Silverman realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Silverman performed these actions through an element of evil. *See ¶¶ XYZ.*
1080. Upon information and belief, Silverman’s acts further constituted an unauthorized exercise of Silverman’s official function and scope as an employee of Colorado.
1081. Silverman violated statutes and regulations relating to Silverman’s office. *See ¶¶ XYZ.*
1082. Upon information and belief, Gebru, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, Saloga, Lehrburger, and Oakes and committed these actions as an unauthorized exercise of Gebru’s official function. *See ¶¶ XYZ.*
1083. Upon information and belief, Gebru’s acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Gebru realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Gebru performed these actions through an element of evil. *See ¶¶ XYZ.*
1084. Upon information and belief, Gebru’s acts further constituted an unauthorized exercise of Gebru’s official function and scope as an employee of Colorado.
1085. Gebru violated statutes and regulations relating to Gebru’s office. *See ¶¶ XYZ.*
1086. Upon information and belief, Pottorff, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, Saloga, Lehrburger, and Oakes and committed these actions as an unauthorized exercise of Pottorff’s official function. *See ¶¶ XYZ.*
1087. Upon information and belief, Pottorff’s acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Pottorff realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Pottorff performed these actions through an element of evil. *See ¶¶ XYZ.*
1088. Upon information and belief, Pottorff’s acts further constituted an unauthorized exercise of Pottorff’s official function and scope as an employee of Colorado.

1089. Upon information and belief, Huse, as a public servant acted with intent to obtain a benefit for MPG, Orens, Barnes, and Saloga, and committed these actions as an unauthorized exercise of Huse's official function. See ¶¶ XYZ.
1090. Upon information and belief, Huse's acts were purposefully committed with willful, wanton, and malicious intent, done heedlessly, recklessly, and/or negligently, with conscious disregard to the consequences. Furthermore, Huse realized or should have realized the actions were dangerous, violated the constitutional and statutorily created rights, feelings, and safety of BoCo and Orvis, and at times Huse performed these actions through an element of evil. See ¶¶ XYZ.
1091. Upon information and belief, Huse's acts further constituted an unauthorized exercise of Huse's official function and scope as an employee of Colorado.
1092. Huse refrained from performing duties imposed upon Huse by law. See ¶¶ XYZ.
1093. Huse violated statutes and regulations relating to Huse's office. See ¶¶ XYZ.
1094. No restitution exists for BoCo and Orvis for the criminal acts of the above-named defendants.

SEVENTEENTH CLAIM FOR RELIEF

(CIVIL CONSPIRACY TO VIOLATE C.R.S § 18-8-404(1)(A), (B), AND (C) BY POLIS, SEEB, KRAUSE, BEALL, SEIBER, GREENBERG, SILVERMAN, GEBRU, POTTORFF, AND HUSE)

1095. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.
1096. No restitution exists for Orvis for the criminal acts of Polis, Seeb, Krause, Beall, Seiber, Greenberg, Silverman, Gebru, Pottorff, and Huse.

EIGHTEENTH CLAIM FOR RELIEF

(CONSTRUCTIVE FRAUD BY POLIS, SEEB, KRAUSE, SEIBER, GREENBERG, SILVERMAN, GEBRU, GLENN, MPG, ORENS, BARNES, AND SALOGA)

1097. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.
1098. The involvement of Defendants, their actions, and written documents regarding the IFR comments, Plan, CHAMP Report, and Proposal for the RFP are matters of public interest or concern and violated public confidence. See ¶¶ XYZ and XYZ.

1099. The involvement of Defendants, their actions, and written documents regarding the IFR comments, Plan, CHAMP Report, and Proposal for the RFP were fraudulent and deceitful. *See* ¶¶ XYZ and XYZ.
1100. As a member of the CHAMP Cultivation workgroup and Executive Committee, and as an offeror to the RFP, Defendants owed a duty to Plaintiffs. *See* ¶¶ XYZ and XYZ.
1101. SB19-220 and SB20-197 solidified those duties as they relate to following the law. *See* ¶ XYZ.
1102. Defendants breached at least one of their contracts and duties to act in the highest of ethical standards.
1103. Upon information and belief, certain defendants willfully and wantonly violated those duties and breached the contract(s) when they wrote IFR comments and the Plan in violation of federal law, USDA rule, Colorado law and rules, and directly contradicted the conclusions of the CHAMP Cultivation workgroup and Executive Committee. *See* ¶¶ XYZ and XYZ.
1104. Upon information and belief, certain defendants willfully and wantonly violated those duties and breached the contract(s) when they failed to write a CHAMP Report based on the conclusions of the CHAMP workgroups within the time requirements of its contract. *See* ¶¶ XYZ and XYZ.
1105. Upon information and belief, certain defendants willfully and wantonly violated those duties and breached the contract(s) by making deceptive and material misrepresentations in their proposal to the RFP. *See* ¶¶ XYZ and XYZ.
1106. The Plaintiffs relied upon certain defendants to write IFR comments and a Plan in compliance with law and rule, the respective contracts, and to follow the conclusions of the CHAMP Cultivation workgroup and Executive Committee.
1107. The Plaintiffs relied upon Defendants to hold themselves to the highest of ethical standards when writing the proposal to the RFP. *See* ¶¶ XYZ and XYZ.
1108. In total, MPG, Orens, Barnes, and Saloga were paid approximately \$250,000.
1109. Under the circumstances, it would be unjust for the MPG, Orens, Barnes, and Saloga to retain the benefit without commensurate compensation back to the Industrial Hemp Registration Program Cash Fund and state agencies that paid MPG, Orens, Barnes, and Saloga.

NINETEENTH CLAIM FOR RELIEF

(CIVIL CONSPIRACY TO COMMITTEE CONSTRUCTIVE FRAUD BY POLIS, SEEB, KRAUSE, SEIBER, GREENBERG, SILVERMAN, GEBRU, GLENN, MPG, ORENS, BARNES, AND SALOGA)

1110. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

1111. The above-named defendants came to a meeting of the minds, knowingly and willfully conspired, and agreed to engage in a scheme to write IFR comments, a Plan, and CHAMP Report in violation of federal law, USDA rule, Colorado law and rule, their respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee. *See* ¶¶ XYZ and XYZ.

1112. The above-named defendants came to a meeting of the minds, knowingly and willfully conspired, and agreed to engage in a scheme to write a proposal to the RFP including material misrepresentations regarding their experience and expertise in the hemp industry.

1113. The above-named defendants committed and caused to be committed at least XYZ overt and unlawful acts in the furtherance of the conspiracy. *See* ¶¶ XYZ and XYZ.

1114. MPG, Orens, Barnes, and Saloga conspired with public officials to engage in a scheme to write IFR comments, a Plan, and CHAMP Report in violation of federal law, USDA rule, Colorado law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee. *See* ¶¶ XYZ and XYZ.

1115. MPG, Orens, Barnes, and Saloga further conspired with public officials to engage in a scheme to win the award to the RFP. *See* ¶¶ XYZ and XYZ.

1116. The matter for which the civil conspiracies occurred is a matter of public interest or general concern and violated the public's confidence. *See* ¶¶ XYZ, and XYZ.

1117. Under the circumstances, it would be unjust for the MPG, Orens, Barnes, and Saloga to retain the benefit without commensurate compensation back to the Industrial Hemp Registration Program Cash Fund and state agencies that paid Defendants.

TWENTIETH CLAIM FOR RELIEF

(UNJUST ENRICHMENT AGAINST MPG, ORENS, BARNES, AND SALOGA)

1118. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.

1119. The IFR comments, CHAMP, and RFP are matters of public interest or concern and the public's confidence was violated by the actions of MPG, Orens, Barnes, and Saloga. *See* ¶¶ XYZ and XYZ.
1120. As a member of the CHAMP Cultivation workgroup and Executive Committee, and as an offeror to the RFP, MPG, Orens, Barnes, and Saloga owed a duty to Plaintiffs. *See* ¶¶ XYZ and XYZ.
1121. In total, MPG, Orens, Barnes, and Saloga were paid approximately \$250,000.
1122. MPG, Orens, Barnes, and Saloga were paid in part through the material misrepresentations made regarding the experience and expertise in the hemp industry.
1123. The MPG, Orens, Barnes, and Saloga were paid in part through the civil conspiracies amongst themselves and public officials.
1124. The MPG, Orens, Barnes, and Saloga profited both monetarily and reputationally at the expense of Plaintiffs, hemp registrants, and taxpayers of Colorado.
1125. Under the circumstances, it would be unjust for the MPG, Orens, Barnes, and Saloga to retain the benefit without commensurate compensation back to the Industrial Hemp Registration Program Cash Fund and state agencies that paid MPG, Orens, Barnes, and Saloga.

TWENTY-FIRST CLAIM FOR RELIEF
(QUANTUM MERUIT BY MPG, ORENS, BARNES, AND SALOGA)

1126. All allegations set forth in this Complaint hereof are incorporated herein as though fully set forth.
1127. Orvis is a senior member of the hemp industry, was on the SB18-235 workgroup, and was a member of the CHAMP Cultivation workgroup and Executive Committee.
1128. MPG, Orens, Barnes, and Saloga obtained the contracts for the IFR comments and CHAMP through illegitimate means. *See* ¶¶ XYZ and XYZ.
1129. Through those contracts, MPG, Orens, Barnes, and Saloga owed a duty to Plaintiffs. *See* ¶¶ XYZ.
1130. MPG, Orens, Barnes, and Saloga wrote comments to the IFR and Plan that they knew violated federal law, USDA rule, Colorado law and rule, the respective contracts, and the conclusions of the CHAMP Cultivation workgroup and Executive Committee. *See* ¶¶ XYZ and XYZ.

1131. The contracts were awarded in part based on MPG, Orens, Barnes, and Saloga's conspiracies amongst themselves and with public officials.
1132. The monies awarded to MPG, Orens, Barnes, and Saloga for the comments to the IFR and CHAMP came from various state agencies through taxpayer funding.
1133. A benefit was conferred on MPG, Orens, Barnes, and Saloga by the taxpayers of Colorado.
1134. Orvis and many other individuals are taxpayers in Colorado.
1135. The MPG, Orens, Barnes, and Saloga appreciated a benefit from the awarding of the contracts both monetarily and reputationally.
1136. The MPG, Orens, Barnes, and Saloga accepted those benefits under such circumstances that it would be inequitable for the benefits to be retained without payment of the monies back to the state agencies that funded them.
1137. Plaintiffs as well as MPG, Orens, Barnes, and Saloga were offerors to the RFP. *See ¶¶ XYZ.*
1138. The Procurement Code requires all parties to the procurement process to act according to the highest of ethical standards. *See C.R.S. § XYZ.*
1139. Pursuant to the Procurement Code, MPG, Orens, Barnes, and Saloga owed a duty to Plaintiffs.
1140. The MPG, Orens, Barnes, and Saloga made material misrepresentations regarding their experience and expertise in the hemp industry. *See ¶¶ XYZ.*
1141. The contract was awarded to MPG, Orens, Barnes, and Saloga in part because of the material misrepresentations made in the proposal. *See ¶¶ XYZ.*
1142. The contract was awarded in part based on MPG, Orens, Barnes, and Saloga's conspiracies amongst themselves and with public officials. *See ¶¶ XYZ.*
1143. MPG, Orens, Barnes, and Saloga refused to work with members of the hemp industry including Orvis. *See ¶¶ XYZ.*
1144. The monies awarded to MPG, Orens, Barnes, and Saloga for the RFP came from the Industrial Hemp Registration Program Cash Fund.
1145. MPG, Orens, Barnes, and Saloga appreciated a benefit from the awarding of the contract both monetarily and reputationally at the expense all industrial hemp registrants and other offerors to the RFP.

1146. The Defendants accepted the benefits under such circumstances that it would be inequitable for it to be retained without payment of the monies back to the Industrial Hemp Registration Program Cash Fund.

REQUEST FOR RELIEF

WHEREFORE,

1. For the torts of private citizen defendants, Plaintiffs request the entry of judgment in their favor and against those defendants in an amount to be proven at trial, post-judgment interest on all damages awarded at trial, costs and attorneys' fees incurred in this action, as allowed by Colorado law, and any other relief the Court deems just and proper.
2. For the non-torts of private citizen defendants, Plaintiffs request the entry of judgment in their favor that those defendants violated civil and criminal statutes for which Plaintiffs cannot acquire restitution.
3. For the torts of public citizen defendants, Plaintiffs request the entry of judgment in their favor and against those defendants in an amount to be proven at trial, post-judgment interest on all damages awarded at trial, costs and attorneys' fees incurred in this action, as allowed by Colorado law, and any other relief the Court deems just and proper.
4. For the non-torts of public citizen defendants, Plaintiffs request the entry of judgment in their favor that those defendants violated civil and criminal statutes for which Plaintiffs cannot acquire restitution.

Plaintiffs reserve the right to seek exemplary damages against Defendants after the exchange of initial disclosures pursuant to C.R.C.P. 26 in accordance with C.R.S. § 13-21-102 and in regard to the willful and wanton conduct of Defendants.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all claims triable.

DATED this 8th day of February 2022.

By: _____

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