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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

11 NATIONAL REPUBLICAN
12 SENATORIAL COMMITTEE, a non-
13 profit organization as assignee of United
14 States Senator Rick Scott, an individual,

15 Plaintiff,

16 v.

17 RED SENATE, an unincorporated Super
18 PAC; MICHAEL HANNA, an individual
19 in his personal capacity and official
20 capacity as Treasurer of Red Senate;
21 RONALD RAMIREZ, an individual in his
22 personal capacity and official capacity as
23 Assistant Treasurer of Red Senate; and
24 WAVECREST MULTIMEDIA
25 COMMUNICATIONS, LLC, a California
26 Limited Liability Company; and DOE
27 INDIVIDUALS 1-10,

28 Defendants.

Case No: 8:24-cv-02301

COMPLAINT FOR:

1. **VIOLATION OF RIGHT OF PUBLICITY PURSUANT TO SECTION 3344 OF THE CALIFORNIA CIVIL CODE**
2. **VIOLATION OF THE CALIFORNIA COMMON LAW RIGHT OF PUBLICITY**
3. **VIOLATION OF SECTION 528.5(a), (e) OF CALIFORNIA PENAL CODE**
4. **FALSE ADVERTISING UNDER 15 U.S.C. § 1125**
5. **UNFAIR COMPETITION PURSUANT TO SECTION 17200 OF CALIFORNIA BUSINESS & PROFESSIONAL CODE**

JURY TRIAL DEMANDED

1 Plaintiff National Republican Senatorial Committee (“NRSC”) for its complaint
2 against Defendants Red Senate, Michael Hanna, Ronald Ramirez, and Wavecrest
3 Multimedia Communications, LLC (collectively, “Defendants”), alleges as follows:

4 **NATURE OF THE ACTION**

5 1. The NRSC brings this action to stop Defendants from exploiting Senator
6 Rick Scott’s name, image, and likeness without his consent to deceive and scam potential
7 donors out of their hard-earned money.

8 2. Defendant Red Senate is a “Scam PAC,” a well-known and increasing
9 phenomenon in the political arena where a Super PAC is formed and poses as an entity
10 that will spend funds in support of a particular candidate, political party, or political cause
11 when they have no intent of doing so. Instead, they compensate vendors and retain any
12 leftover cash, thereby diverting donor funds *away* from the actual campaigns, candidates,
13 political parties, or political causes they purport to be supporting—actively harming those
14 causes and politicians that their donors are trying to assist. And the defrauded donors who
15 contributed to support those candidates and entities are typically—and by design—
16 unaware their funds are not going directly to the candidate or committee they intended.¹

17 3. Red Senate coordinates with its “partner” vendor, Defendant Wavecrest
18 Multimedia Communications (“Wavecrest”), to use Senator Scott’s name, image, and
19 likeness along with other major Republican senators, to deceive donors into thinking they
20 are donating to a super PAC that will use their contributions to help Republican senators
21 win, but instead does little or nothing to support the candidates.

22 4. Senator Scott assigned his rights to bring suit for misappropriation of his
23 name, image, and likeness to the NRSC. As the only national party committee solely
24 purposed to supporting Republican senate candidates, the NRSC also has an interest in
25 stopping this false advertising, false personification, and preventing victims from falling
26 prey to Red Senate and other similar Scam PACs.

27 _____
28 ¹ Raymer, Matthew S., *Fraudulent Political Fundraising in the Age of Super PACs*, 66
Syracuse L. Rev. 239, 260 (2016).

JURISDICTION AND VENUE

1
2 5. This Court has original jurisdiction over the subject matter of this civil
3 action pursuant to 28 U.S.C. § 1331 because the false advertising claim arises under
4 federal law: specifically, the cause of action that Congress created in 15 U.S.C. § 1125.
5 The Court also has original jurisdiction over the federal false advertising claim under 15
6 U.S.C. § 1121(a). And the Court has supplemental jurisdiction pursuant to 28 U.S.C.
7 § 1367 over the related and intertwined state causes of action.

8 6. This Court also has original jurisdiction over the subject matter of this action
9 pursuant to 28 U.S.C. § 1332(a)(1). The amount in controversy, exclusive of interest and
10 costs, greatly exceeds \$75,000. There is complete diversity of citizenship. Plaintiff NRSC
11 is incorporated under the laws of the District of Columbia (D.C.), which is also its
12 principal place of business. Upon information and belief, no Defendant is a citizen of D.C.

13 7. Defendant Red Senate is an unincorporated Super PAC, and its Federal
14 Election Commission (“FEC”) filing lists a Costa Mesa, California address and two banks
15 with California branch addresses. The FEC filing further lists Michael Hanna as treasurer
16 and Ronald Ramirez as assistant treasurer. Upon information and belief, both individuals
17 are California citizens. Information as to other members of Red Senate, if any exist, is not
18 publicly available and is within the control of Red Senate, Hanna, and Ramirez. Upon
19 information and belief, none of the other members of Red Senate are citizens of the D.C.

20 8. Wavecrest is a California limited liability company with its principal place
21 of business in Newport Beach, California, which is located in the Southern Division of
22 this District. Wavecrest only has one manager, Ron Lopez, and according to California
23 Secretary of State records, Mr. Lopez lists an address in Newport Beach, California.

24 9. This Court has personal jurisdiction over Defendants because each is a
25 citizen of California. A substantial part of the unlawful acts giving rise to the NRSC’s
26 claims occurred and continues to occur in this District.

27 10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(1)-(2)
28 because all known Defendants are residents of California and a substantial part of the

1 unlawful acts giving rise to these claims occurred and continues to occur in this District.

2 **THE PARTIES**

3 11. Plaintiff NRSC is a Section 527 national political party committee, as
4 defined in the Internal Revenue Code and is registered and reporting with the Federal
5 Election Commission. The NRSC is based in D.C., which is its principal place of business.
6 It is the only national political party organization solely devoted to strengthening the
7 Republican Senate Majority and electing Republicans to the United States Senate.

8 12. Defendant Red Senate is an unincorporated association whose members are
9 located in California.

10 13. DOE Defendants 1-10 are the other members of Red Senate who are not
11 known to the NRSC. Information about these individuals is not publicly available, and
12 within the sole control of Michael Hanna and Ronald Ramirez. The NRSC will update
13 and amend this complaint upon learning the names and addresses of the other members of
14 Red Senate. Upon information and belief, none of DOE Defendants 1-10 are citizens of
15 D.C.

16 14. Upon information and belief, Defendant Michael Hanna is an individual and
17 resident of Newport Beach, California, and the treasurer of Red Senate.

18 15. Upon information and belief, Defendant Ronald Ramirez is an individual
19 and resident of Newport Beach, California, and the assistant treasurer of Red Senate.

20 16. Wavecrest Multimedia Communications LLC is a California limited
21 liability company with its principal place of business in Newport Beach, California. It has
22 only one manager, Ron Lopez, who, upon information and belief, is a resident of Newport
23 Beach, California.

24 **ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

25 **SENATOR RICK SCOTT**

26 17. In 2018, Senator Scott was elected to the U.S. Senate and is currently serving
27 his first term representing the state of Florida.

28 18. Prior to his term as a senator, he served two terms as Florida's Governor.

1 **SCAM PACS**

2 19. A federal Political Action Committee (“PAC”) is any group that raises or
3 spends more than \$1,000 in a calendar year to influence the outcome of a federal election.

4 20. A PAC is required to register with the FEC, and when it does, it can accept
5 up to \$5,000 per year in the aggregate from any individual who is not otherwise prohibited
6 from making federal political contributions.

7 21. A PAC, however, cannot accept union or corporate treasury funds.

8 22. A Super PAC is the shorthand name for what the FEC refers to as an
9 “independent expenditure only political committee.”

10 23. A Super PAC is like a PAC in that it also spends more than \$1,000 in a
11 calendar year to influence the outcome of a federal election, but there are some key
12 differences.

13 24. Most significantly, a Super PAC may accept unlimited contributions from
14 any non-foreign source, with few exceptions, so long as it does not coordinate its public
15 communications with any federal candidate.

16 25. Super PAC expenditures must be publicly disclosed on the FEC’s website.

17 26. As the Federal Bureau of Investigation (“FBI”) has explained, “It’s fairly
18 easy to start reaching out to potential donors to say, ‘We are backing this candidate or this
19 political issue—please donate,’ The groups can look and sound legitimate, and that’s
20 one of the tough parts of keeping people from being victimized. The red flags aren’t
21 always obvious.”²

22 27. A Scam PAC, although registered with the FEC and appearing legitimate
23 because of that formal registration, disseminates solicitations that prey on civic-minded
24 citizens, misleading them into believing that their contributions will support a particular
25 candidate or cause, when in reality the Scam PAC plows that cash into endless fundraising
26 that ultimately funds little more than the salaries of its officers and its preferred vendors,

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28 ² *Scam PACs Are on the Rise*, FBI (Sept. 6, 2024, 4:59 AM),
<https://www.fbi.gov/news/stories/scam-pacs-are-on-the-rise-041521>

1 who profit handsomely.

2 28. Indeed, a Scam PAC will use the name, image, and likeness of candidates to
3 apparently raise funds independently of the candidate, but will rarely, if ever, actually
4 spend significant money to support that candidate.

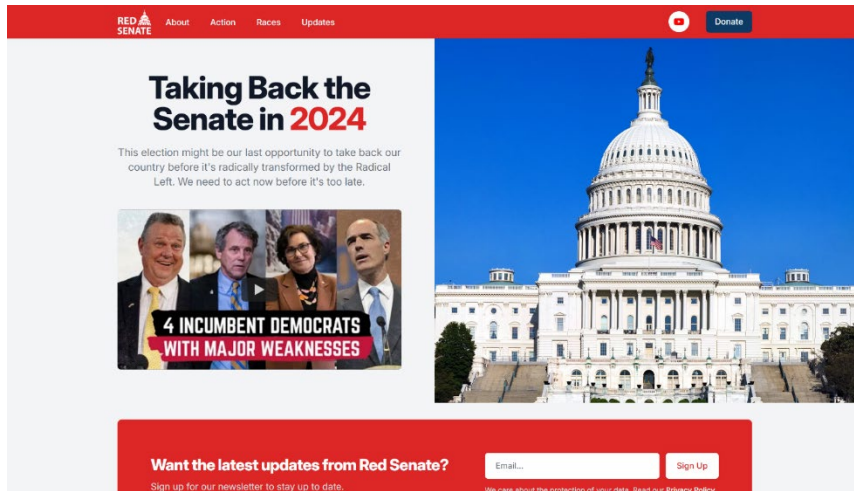
5 29. Instead, a Scam PAC will use the funds raised to pay for additional
6 fundraising, enriching the vendors doing the fundraising and funding an endless cycle of
7 fraudulent gain in which the PAC raises funds solely to fund additional fundraising.

8 **RED SENATE**

9 30. According to FEC filings, Defendant Michael Hanna registered Red Senate
10 with the FEC on May 27, 2020.

11 31. According to Red Senate’s website,³ the mission of Red Senate is “to keep
12 the United States Senate controlled exclusively by true conservatives who share our core
13 principals [sic].”

14 32. A capture of the landing page below discusses “taking back the Senate in
15 2024,” with videos below attacking Democrat senators.



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24 33. According to FEC disclosures, Red Senate raised over \$2.6 million in the
25 2019-2020 cycle.⁴

26 34. In that same cycle, it spent over \$1.1 million in total disbursements, with

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28 ³ Redsenate.org/about.

⁴ <https://www.fec.gov/data/committee/C00747121/?cycle=2020>.

1 over \$1 million being allocated to operating expenses.⁵

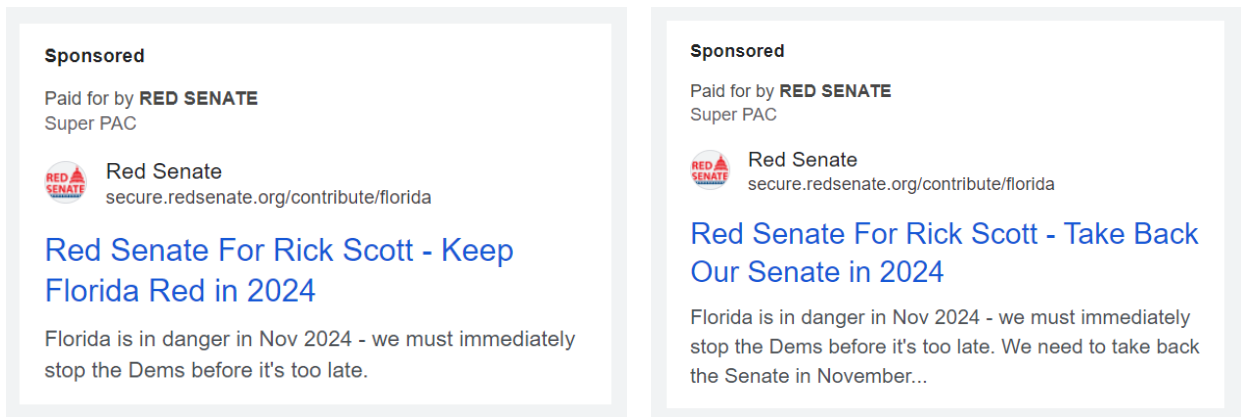
2 35. In the 2021-2022 cycle, Red Senate raised closed to \$1 million and spent
3 over \$2 million, with more than \$1.1 million being allocated to operating expenses.⁶

4 36. And finally, in the current cycle, Red Senate has raised over \$300,000 and
5 spent over \$500,000 with approximately \$450,000 of money spent going towards
6 operating expenses.⁷

7 37. A review of Red Senate’s spending from FEC filings for the last three cycles
8 shows that a bulk of Red Senate’s spending goes to Wavecrest.

9 38. A search of FEC filings as of September 14, 2024, shows that no other
10 registered federal political committee has used Wavecrest as a vendor.⁸

11 39. Most of Red Senate’s remaining funds are spent on Google ads, like the two
12 pictured below.



20 40. According to Google Ads Transparency Center, Red Senate first showed
21 these advertisements on January 22, 2024, and they have run consecutively since then.⁹

22 41. Red Senate has paid between \$35,000 and \$40,000 for these advertisements

24 ⁵ *Id.*

25 ⁶ <https://www.fec.gov/data/committee/C00747121/?cycle=2022>.

25 ⁷ <https://www.fec.gov/data/committee/C00747121/?cycle=2024>.

26 ⁸ *See*

27 https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=wavecrest&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024.

28 ⁹ *See* GOOGLE AD TRANSPARENCY CENTER,

1 according to the Google Ads Transparency Center, and these particular advertisements
2 have been shown between 70,000 and 80,000 times throughout the United States.¹⁰

3 42. In addition to these Google ads pledging to support Rick Scott, Red Senate
4 has reported making independent expenditures in the 2024 Florida U.S. Senate election,
5 however, as of October 21, 2024, none of the reported expenditures expressly advocated
6 for Rick Scott or opposed his opponent. Instead, the reported expenditures served to raise
7 funds for Red Senate while using Rick Scott's name or likeness.¹¹

8 **FIRST CLAIM FOR RELIEF**

9 **VIOLATION OF RIGHT OF PUBLICITY PURSUANT TO § 3344 OF THE**
10 **CALIFORNIA CIVIL CODE**

11 43. Plaintiff incorporates the preceding paragraphs as though stated here.

12 44. Under California law, a person has a property interest in their name, image,
13 and likeness.

14 45. Senator Scott has assigned his right to sue for misappropriation of his
15 property interest in his name, image, and likeness by Scam PACs to the NRSC.

16 46. According to the acts alleged above, Defendants have violated § 3344 of the
17 California Civil Code by knowingly misappropriating and using for commercial purposes
18 Senator Scott's name, image, and likeness without his consent.

19 47. As a direct and proximate result of the acts alleged above, Senator Scott has
20 been and will continue to be damaged in an amount to be proven at trial. In addition,
21 Senator Scott has suffered irreparable harm, for which money damages alone are an

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23 [https://adstransparency.google.com/advertiser/AR06665802849848393729/creative/CR0](https://adstransparency.google.com/advertiser/AR06665802849848393729/creative/CR02326895255271505921?region=US&topic=political)
24 [2326895255271505921?region=US&topic=political](https://adstransparency.google.com/advertiser/AR06665802849848393729/creative/CR02326895255271505921?region=US&topic=political) (Oct. 21, 2024 9:10 AM)
(technically, Google Ad Transparency Center treats the above as two variations of the
25 same advertisement).

26 ¹⁰ *Id.*

27 ¹¹ See Fed. Election Comm'n, *Red Senate – August Monthly 2024 Report*, available at:
28 <https://docquery.fec.gov/cgi-bin/forms/C00747121/1808506/se> (depicting twenty-four
independent expenditures ostensibly intended to benefit Sen. Scott, aggregating less than
\$17,000 in calendar year 2024 and all paid to Google for digital advertising of the type
described herein that functions solely as fundraising solicitations for Red Senate).

1 inadequate remedy.

2 48. Defendants, in committing the acts alleged above, have acted willfully,
3 maliciously, and oppressively, and with full knowledge of the adverse effects of their
4 actions on Senator Scott, and with willful and deliberate disregard for those consequences,
5 making punitive and exemplary damages appropriate in an amount to be determined at
6 trial.

7 49. The NRSC also seeks a preliminary and permanent injunction requiring
8 Defendants and their agents, servants, employees, and all other persons with whom they
9 are acting in concert, to refrain from using Senator Scott's name, image, likeness, identity,
10 or persona for any commercial or other fundraising purpose.

11 **SECOND CLAIM FOR RELIEF**

12 **VIOLATION OF THE CALIFORNIA COMMON LAW RIGHT OF PUBLICITY**

13 50. Plaintiff incorporates paragraphs 1-44 as though stated here.

14 51. Under California law, a person has a property interest in their name, image,
15 and likeness.

16 52. Senator Scott has assigned his rights to sue for misappropriation of his
17 property interest in his name, image, and likeness by Scam PACs to the NRSC.

18 53. Defendants have violated Senator Scott's common law privacy rights,
19 including the right of publicity, by misappropriating and using for commercial purposes
20 Senator Scott's name, image, likeness, identity, and persona without his consent.

21 54. As a direct and proximate result of the acts alleged above, Senator Scott has
22 been and will continue to be damaged in an amount to be proven at trial. In addition,
23 Senator Scott has suffered irreparable harm, for which money damages alone are an
24 inadequate remedy.

25 55. Defendants, in committing the acts alleged above, have acted willfully,
26 maliciously, and oppressively, and with full knowledge of the adverse effects of their
27 actions on Senator Scott, with willful and deliberate disregard for those consequences, and
28 therefore, Senator Scott is entitled to punitive and exemplary damages appropriate in an

1 amount to be determined at trial.

2 **THIRD CLAIM FOR RELIEF**

3 **VIOLATION OF § 528.5(a), (e) OF CALIFORNIA PENAL CODE**

4 56. Plaintiff incorporates paragraphs 1-44 as though stated here.

5 57. Senator Scott has assigned his rights to sue for misappropriation of his name,
6 image, and likeness by Scam PACs to the NRSC.

7 58. Defendants, through the actions alleged above, have knowingly and without
8 Senator Scott's consent, credibly impersonated him by putting out advertisements and
9 solicitations on an internet website or other electronic means for purposes of defrauding
10 potential donors into thinking they were actually donating to Senator Scott's campaign or
11 a committee that would support his campaign.

12 59. As a direct and proximate result of the acts alleged above, Senator Scott has
13 been and will continue to be damaged in an amount to be proven at trial. In addition,
14 Senator Scott has suffered irreparable harm, for which money damages are an inadequate
15 remedy.

16 60. Senator Scott is therefore entitled to compensatory damages.

17 61. Senator Scott is also entitled to both a preliminary and permanent injunction
18 against Defendants, requiring them to cease putting out advertisements and solicitations
19 on internet websites and other electronic means for purposes of defrauding potential
20 donors, and any other equitable relief the Court deems appropriate.

21 **FOURTH CLAIM FOR RELIEF**

22 **FALSE ADVERTISING UNDER 15 U.S.C. § 1125**

23 62. Plaintiff incorporates paragraphs 1-44 as though stated here.

24 63. Senator Scott has assigned his rights to sue for misappropriation of his name,
25 image, and likeness by Scam PACs to the NRSC.

26 64. Since at least January 2024 to the date of this complaint, Defendants have
27 advertised, marketed, and solicited money using Senator Scott's name, image, or likeness
28

1 on Google ads and other advertisement mediums.

2 65. Defendants, by their intentional and unauthorized appropriation and use of
3 Senator Scott's name, image, and likeness have engaged and are continuing to engage in
4 acts that deceive the public, with the effect of confusing potential donors into believing
5 that Defendants legitimately help Senator Scott and his campaign.

6 66. Defendants' use of the name, image, and likeness of Senator Scott
7 constitutes false or misleading description of material fact, or false or misleading
8 representation of fact, which is likely to cause and has in fact caused confusion, mistake,
9 or deception as to the support that Red Senate will give to Senator Scott.

10 67. Defendants' unauthorized and infringing activities described above have
11 been knowing, intentional, and malicious, and their misuses were carried out with the
12 intent to trade upon the goodwill and reputation of Senator Scott and take advantage of
13 the civic-minded intentions of the victim donors.

14 68. Therefore, based on the alleged acts above, the NRSC is entitled to at least
15 the amount for which Defendants have been unjustly enriched through their false
16 advertisements using Senator Scott's name, image, and likeness.

17 69. Additionally, the NRSC is entitled to injunctive relief against Defendants to
18 stop using Senator Scott's name, image, and likeness to solicit funds for their fraudulent
19 activity.

20 **FIFTH CLAIM FOR RELIEF**

21 **UNFAIR COMPETITION PURSUANT TO SECTION 17200 OF CALIFORNIA**
22 **BUSINESS & PROFESSIONAL CODE**

23 70. Plaintiff incorporates the preceding paragraphs as though stated here.

24 71. Senator Scott has assigned his rights to sue for misappropriation of his name,
25 image, and likeness by Scam PACs to the NRSC.

26 72. Section 17200 of the California Business and Professional Code, prohibits
27 any unlawful, unfair, or fraudulent business act or practice.

28 73. The other claims for relief within this complaint describe and allege

1 Defendants' unlawful acts and practices, namely violations of both federal and California
2 state law and are predicate acts for purposes of proving Defendants' unlawful business
3 acts or practices.

4 74. Alternatively, the other claims for relief and acts alleged herein describe the
5 fraudulent acts and practices of Defendants in scamming potential donors to contribute to
6 a super PAC that has not ever supported Senator Scott or his campaign.

7 75. As an actual and proximate cause of Defendants' willful, malicious, and
8 intentional unlawful activity, or alternatively this fraudulent activity, Senator Scott has
9 suffered and will continue to suffer economic damages in an amount to be determined at
10 trial. In addition, Senator Scott has suffered irreparable harm, for which money damages
11 alone are an inadequate remedy.

12 76. Senator Scott is therefore entitled to an award of economic damages and
13 restitution as a result of Defendants' unauthorized, unlawful, and fraudulent actions.

14 77. Additionally, Senator Scott is entitled to injunctive relief to preliminarily
15 and permanently enjoin Defendants from using his name, image, and likeness to
16 fraudulent raise funds that will never get used to benefit his campaign.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff NRSC prays for judgment and relief against Defendants
19 as follows:

20 A. As to First Claim for Relief, compensatory damages, consequential
21 damages, an accounting for and disgorgement of Defendants' gains and profits, punitive
22 damages to deter Defendants and other similar Scam PACs from similar conduct, and
23 preliminary and permanent injunctive relief requiring Defendants, their agents,
24 employees, and all other persons with whom they are acting in concern, to refrain from
25 using Senator Scott's name, image, likeness, identity, or persona.

26 B. As to the Second Claim for Relief, compensatory damages, consequential
27 damages, an accounting for and disgorgement of Defendants' gains and profits, punitive
28 damages to deter Defendants and other similar Scam PACs from similar conduct, and

1 preliminary and permanent injunctive relief requiring Defendants, their agents,
2 employees, and all other persons with whom they are acting in concern, to refrain from
3 using Senator Scott's name, image, likeness, identity, or persona.

4 C. As to the Third Claim for Relief, compensatory damages and injunctive
5 relief requiring Defendants, their agents, employees, and all other persons with whom they
6 are acting in concern, to refrain from using Senator Scott's name, image, likeness, identity,
7 or persona.

8 D. As to the Fourth Claim for Relief, compensatory damages, consequential
9 damages, an accounting for and disgorgement of Defendants' gains and profits, and
10 preliminary and permanent injunctive relief requiring Defendants, their agents,
11 employees, and all other persons with whom they are acting in concern, to refrain from
12 using Senator Scott's name, image, likeness, identity, or persona.

13 E. As to the Fifth Claim for Relief, an award of economic damages and
14 restitution as a result of Defendant's unauthorized, unlawful, and fraudulent actions, and
15 preliminary and permanent injunctive relief requiring Defendants, their agents,
16 employees, and all other persons with whom they are acting in concern, to refrain from
17 using Senator Scott's name, image, likeness, identity, or persona.

18 C. Enhanced damages as allowed by law.

19 D. Punitive damages as allowed by law.

20 E. An award of attorneys' fees and costs as allowed by law.

21 F. Any other relief the Court deems appropriate.

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23 **DEMAND FOR A JURY TRIAL**

24 Plaintiff hereby demands a trial by jury on all issues so triable.
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Respectfully submitted this 23rd day of October, 2024.

**HOLTZMAN, VOGEL, BARAN,
TORCHINSKY & JOSEFIK**

By: /s/Drew Ensign
Drew C. Ensign
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Attorney for Plaintiff NRSC

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October 2024, I caused the foregoing document to be electronically transmitted to the Clerk’s Office using the CM/ECF System for Filing, which will send notice of such filing to all registered CM/ECF users.

/s/ Drew Ensign
Drew C. Ensign
Attorney for Plaintiff