

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CHARLES M. MURRELL III,

Plaintiff,

v.

PATRIOT FRONT, THOMAS ROUSSEAU,
AND JOHN DOES 1-99,

Defendants.

Civil No. 1:23-cv-11802

STATUS REPORT IN LIEU OF RULE 16 JOINT STATEMENT

On April 8, 2024, the Court issued a Notice of Scheduling Conference on April 26, 2024, with instructions that the parties submit a Joint Statement pursuant to Local Rule 16 in advance thereof. ECF No. 30. As detailed below, to date, neither of the Defendants served in this action have entered an appearance or filed a responsive pleading. Plaintiff Charles M. Murrell, III therefore respectfully submits this status report in lieu of a Rule 16 Joint Statement.

A. Status of Service on Named Defendants and Entry of Default

Patriot Front. On November 7, 2023, this Court granted Mr. Murrell's motion for service on Patriot Front by alternative means, allowing Mr. Murrell to effectuate service via two email addresses and social media accounts publicly associated with Patriot Front. ECF No. 20. In accordance with that Order, on November 13, 2023, Mr. Murrell, through counsel, caused a process server to serve Patriot Front by such alternative means. ECF No. 21. To date, however, Patriot Front has neither entered an appearance in this case nor filed an answer or other responsive pleading. The Clerk of Court entered default against Patriot Front on December 19,

2023, and Mr. Murrell served that entry of default on Patriot Front via the same alternative means previously authorized by this Court. ECF Nos. 23, 25.

Pursuant to this Court's April 8, 2024 Notice of Scheduling Conference, contemporaneously with this filing, Mr. Murrell, through counsel, will serve on Patriot Front copies of the Notice of Scheduling Conference and this Status Report through the same alternative means previously authorized by this Court.

Thomas Rousseau. On February 28, 2024, Mr. Murrell, through counsel, caused a process server to serve Defendant Thomas Rousseau personally at McLennan County Jail in Waco, Texas. *See* ECF No. 29. Mr. Murrell understands from publicly available filings that Mr. Rousseau has since been released on bail and is no longer incarcerated.

Thomas Rousseau's deadline to file an answer or otherwise respond to the Complaint was March 20, 2024. Given that Thomas Rousseau was incarcerated at the time he was served, it seemed reasonable to wait to file a notice of default until thirty additional days after Mr. Rousseau's original March 20, 2024 deadline. That thirty-day period expires today, April 19, 2024. To date, Thomas Rousseau has neither appeared in this Court nor filed an answer or other responsive pleading.

In accordance with the above, unless Mr. Rousseau files a notice of appearance today, April 19, 2024, Mr. Murrell intends to file a request this coming Monday, April 22 that the Clerk of Court enter default against Mr. Rousseau.

Pursuant to this Court's April 8, 2024 Notice of Scheduling Conference, contemporaneously with this filing, Mr. Murrell, through counsel, will serve on Mr. Rousseau via U.S. mail copies of the Notice of Scheduling Conference and this Status Report. Those documents will be sent to a Decatur, Texas address which other court filings list as Mr.

Rousseau's temporary residence. Mr. Murrell further submits that Mr. Rousseau has constructive knowledge of the Scheduling Conference given that Mr. Murrell has provided notice of the Scheduling Conference to Patriot Front, and Mr. Rousseau is the leader of Patriot Front.

B. Plaintiff's Proposed Next Steps

In light of Patriot Front's and Mr. Rousseau's failure to timely appear in this action, Mr. Murrell intends to seek a default judgment against those named Defendants. Subject to the Court's views, Mr. Murrell proposes the following process:

- Mr. Murrell will file a request for entry of default against Defendant Thomas Rousseau by **Monday, April 22, 2024**;
- Mr. Murrell will file a motion for a default judgment against both Patriot Front and Mr. Rousseau within 30 days of the date that the Clerk of Court enters default against Mr. Rousseau;
- Contemporaneously with his motion for a default judgment, Mr. Murrell will request an evidentiary hearing on that motion, to be scheduled at the Court's convenience, so that he may present evidence, including witness testimony, supporting the award of damages in this case.

Dated: April 19, 2024

Respectfully submitted,

CHARLES M. MURRELL III

By his attorneys,

/s/ Caroline Holliday

Anthony Mirenda (BBO No. 550587)

Allen M. Thigpen (BBO No. 707799)

Caroline Holliday (BBO No. 707301)

FOLEY HOAG LLP

155 Seaport Blvd., Suite 1600

Boston, Massachusetts 02210-2600

Tel: 617-832-1000

Fax: 617-832-7000

ADM@foleyhoag.com

athigpen@foleyhoag.com

cholliday@foleyhoag.com

James M. Gross (admitted *pro hac vice*)

FOLEY HOAG LLP

1301 Avenue of the Americas

New York, NY 10019

Tel: 212-812-0400

Fax: 212-812-0399

jgross@foleyhoag.com

CERTIFICATE OF SERVICE

I hereby certify that on the 19th of April, a true and accurate copy of the foregoing was electronically filed using the CM/ECF system. I further certify that I caused a copy of this Status Report to be served on Defendant Patriot Front via the alternative means previously authorized by this Court. I further certify that I caused a copy of this Status Report to be served on Defendant Thomas Rousseau via U.S. Mail at 117 Hillcrest Drive, Decatur, TX 76234.

/s/ Caroline Holliday

Caroline Holliday