

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>PLAINTIFF DOE 1</b>	)	<b>Civil Action No.</b> <u>3:22cv670</u>
	)	
<b>and</b>	)	
	)	
<b>PLAINTIFF DOE 2</b>	)	<b><u>JURY TRIAL DEMANDED</u></b>
	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>PATRIOT FRONT,</b>	)	
	)	
<b>THOMAS ROUSSEAU,</b>	)	
	)	
<b>PAUL GANCARZ,</b>	)	
	)	
<b>NATHAN NOYCE ,</b>	)	
	)	
<b>THOMAS DAIL,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>JOHN DOES 1-23,</b>	)	
	)	
<b>Defendants.</b>	)	

**COMPLAINT**

**INTRODUCTION**

1. Patriot Front is a white supremacist group that calls for the formation of a white ethnostate. Its mission – as promoted on the group’s website – “is a hard reset on the nation we see today – a return to the traditions and virtues of our [European] forefathers” who “left their European homes ... [and who] found a common cause and a common identity as Americans.”

2. Responding to directives from the group's leaders, Patriot Front's members have defaced murals honoring Black Americans, targeted LGBTQ+ events, and destroyed public and private property as part of their campaign to promote their extreme and racist credo. In so doing, they have intimidated communities based on race and sexual orientation across the country and deterred community members from accessing public amenities that these community members have a constitutional right to use.

3. As part of Patriot Front's misguided campaign of vandalism and property destruction, Defendants in this case targeted the Battery Park community, a historically Black neighborhood in Richmond, Virginia. The Patriot Front's scheme began in the summer of 2021 and culminated in the destruction of a mural honoring Black tennis star Arthur Ashe on or about October 18, 2021. The mural is located in a public park ("the Park") in the heart of the surrounding neighborhood. The Park where the mural is located includes many public amenities, such as playgrounds, walking paths, and basketball and tennis courts.

4. Arthur Ashe is a revered son of Richmond. In addition to being the first Black man to win the U.S. Open in 1968, Mr. Ashe was a committed humanitarian whose work included establishing the African American Athletic Association and raising money for the United Negro College Fund. Generations of Black Americans and others have looked up to Mr. Ashe as a role model. Battery Park residents are particularly proud of Mr. Ashe's legacy and roots in their city, and the mural honored Mr. Ashe and his many civic accomplishments.

5. On or about October 21, 2021, residents of the Battery Park neighborhood learned that Patriot Front had vandalized the Arthur Ashe mural. Large portions of the mural – which featured two portraits of Arthur Ashe and descriptions of his achievements – had been covered in white paint and then spray painted with Patriot Front insignia.

6. The neighborhood surrounding Battery Park is 77.7% Black and 17.5% White. Battery Park neighborhood residents, including Plaintiff Doe 1 and Plaintiff Doe 2, were deeply alarmed by the vandalization of Battery Park starting in the summer of 2021. But the vandalization of the Arthur Ashe mural converted their feelings of alarm into outright anger, fear, and intimidation. As a result of the Defendants' actions, Plaintiffs and their children substantially curtailed or even eliminated their use of the Park, feeling compelled to avoid the Park's playground, paths, basketball and tennis courts, and other available amenities.

7. Plaintiffs bring this case against the Patriot Front, some of its leadership, and its members ("Defendants") responsible for, or conspiring in, the vandalization of the Arthur Ashe mural on or about October 18, 2021. Plaintiffs allege that Defendants violated the Ku Klux Klan Act of 1871, which was designed to prevent precisely the kind of conspiratorial racist activity that Defendants perpetrated in this case. Plaintiffs additionally allege that Defendants violated Virginia Code § 8.01-42.1, which prohibits racially motivated intimidation or harassment. Plaintiffs seek declaratory, injunctive, compensatory, and punitive relief to remedy Defendants' wrongs.

#### **JURISDICTION AND VENUE**

8. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343, 1367.

9. Venue is proper in the Richmond division of this Court pursuant to 28 U.S.C. § 1391(b) because a substantial portion of the events or omissions giving rise to Plaintiffs' claims occurred in Richmond, Virginia.

#### **PARTIES**

##### ***Plaintiffs***

10. **Plaintiff Doe 1** is a long-term resident of the Battery Park neighborhood and lives near the Park. Until Defendants' actions alleged herein, **Plaintiff Doe 1** and their family regularly

used the Park and its amenities, including the basketball and tennis courts, playgrounds, and paths, on a near daily basis. In the aftermath of the vandalism, **Plaintiff Doe 1** and their family felt compelled to limit and/or stop their use of the Park as a result of Patriot Front's conduct there.

11. **Plaintiff Doe 2** is a long-term resident of the Battery Park neighborhood and lives near the Park. Until Defendants' actions alleged herein, **Plaintiff Doe 2** and their family regularly used the Park and its amenities, including the basketball and tennis courts, playgrounds, and paths, on a near daily basis. In the aftermath of the vandalism, **Plaintiff Doe 2** and their family felt compelled to limit and/or stop their use of the Park as a result of Patriot Front's conduct there.

***Defendant Patriot Front***

12. **Defendant Patriot Front** is a white supremacist group founded in 2017. Its ideology, articulated in its online manifesto, is based on a deeply racist belief system shared by its members – namely, that “the varied nations and cultures of Europe forged [the United States] in the flames of conquest,” and that true Americans share a “pan-European identity.” Patriot Front believes that “[t]o be an American is to be a descendant of conquerors . . . . This unique identity was given to us by our [European] ancestors, and this national spirit remains firmly rooted in our blood.”

13. **Defendant Patriot Front's** members routinely attend demonstrations across the country at which they chant the Nazi slogan “blood and soil.”<sup>1</sup>

14. While **Defendant Patriot Front** itself was founded in 2017, its leadership has a longer history of white supremacy and a deeper connection to violence. **Defendant Patriot Front**

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<sup>1</sup> David Neiwert, *When white nationalists chant their weird slogans, what do they mean?* SOUTHERN POVERTY LAW CENTER (Oct. 10, 2017), available at <https://www.splcenter.org/hatewatch/2017/10/10/when-white-nationalists-chant-their-weird-slogans-what-do-they-mean>.

splintered from Vanguard America, one of the central white supremacist groups that marched at the Unite the Right rally in Charlottesville, Virginia in August 2017.

15. **Defendant Patriot Front** spreads its message of white supremacy and conquest through masked marches and vandalism, which it calls “activism.”

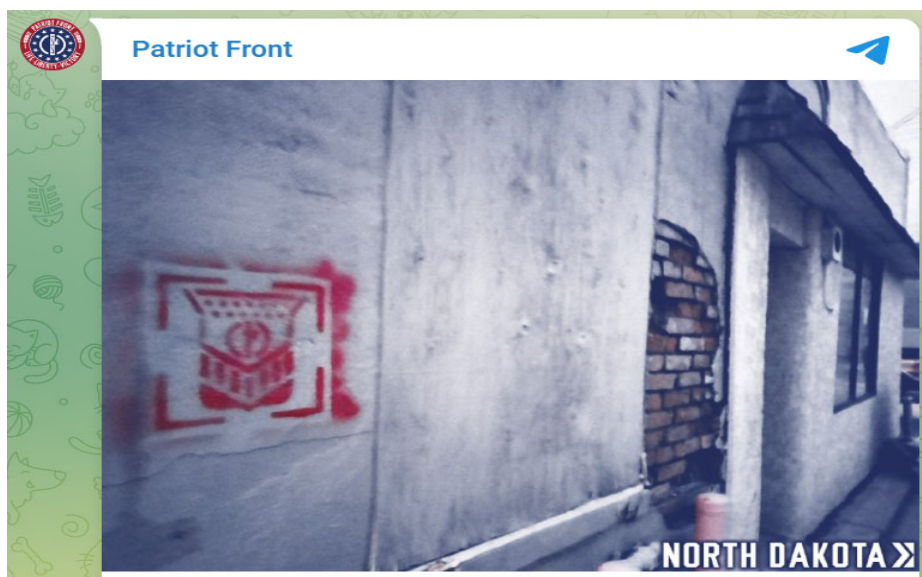
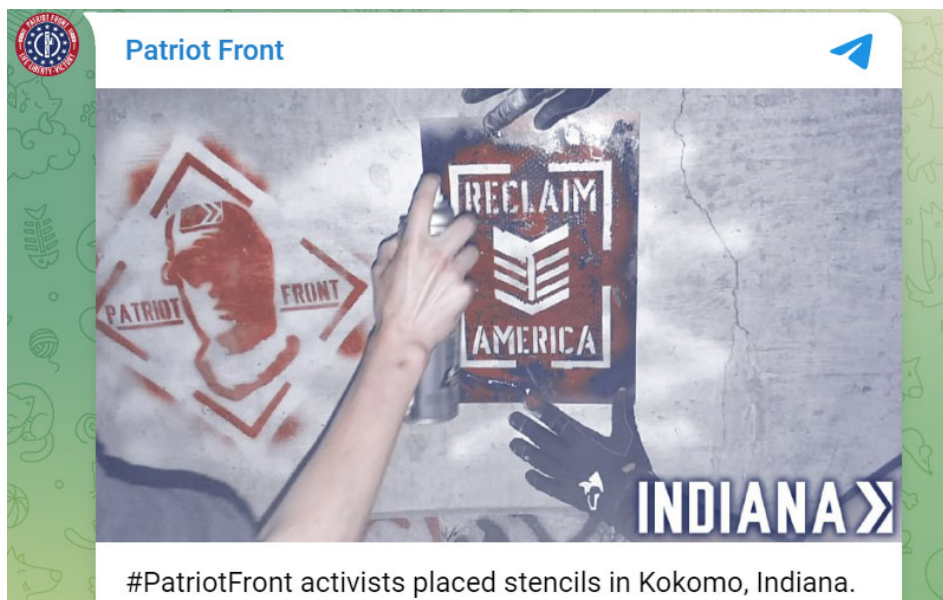
16. In the past three years, **Defendant Patriot Front** has been responsible for dozens of acts of property damage and defacement of public art that supports racial justice and LGBTQ+ inclusion all over the country.

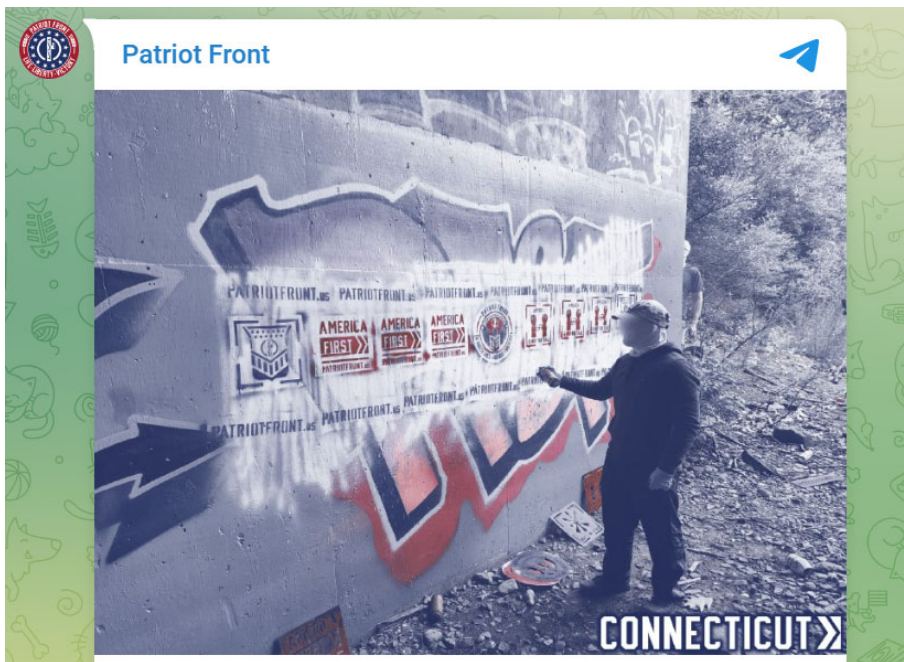
17. The campaign of vandalism that **Defendant Patriot Front** and its members pursue is coordinated. **Defendant Patriot Front’s** leadership, including National Director **Defendant Thomas Rousseau**, require members to publicly place a certain number of Patriot Front stickers and spray-painted stencils in order to remain members in good standing. **Defendant Patriot Front’s** leadership, including National Director **Defendant Rousseau**, requires members to purchase the Patriot Front stickers and stencils from Patriot Front’s leadership, specifically from **Defendant Rousseau** himself. **Defendant Patriot Front’s** leadership, including National Director **Defendant Rousseau**, require that members get Patriot Front regional and national leadership approval for any high-profile acts of vandalism.

18. **Defendant Patriot Front’s** vandalism is carefully and intentionally branded, with detailed instructions from Patriot Front leadership on what color paints to use and on sharing stencils so that logos and insignia all look the same, regardless of whether they appear in Richmond, Virginia, or any of the many other communities targeted by the group.

19. **Defendant Patriot Front’s** members spray-painted stencils in other parts of the country are the same as the ones that **Defendant Nathan Noyce** and **Defendant Thomas Dail**

spray-painted over the Arthur Ashe mural in this case, as these images from the Patriot Front website reflect:





20. From August through October, 2021, Patriot Front members vandalized murals honoring Black lives in Norfolk, VA, Raleigh, NC, Lafayette, IN, St. Paul, MN and elsewhere.

21. **Defendant Patriot Front** is well-organized and follows a defined hierarchical structure. **Defendant Thomas Rousseau**, the founder and National Director, oversees all of **Defendant Patriot Front**'s activity and distributes every stencil to members across the country.

22. **Defendant Patriot Front**'s geographical chapters, which it calls "networks," exist across the country. Network Directors are the highest-ranking members in each network and are responsible for organizing and executing the vandalism and intimidation events. They report regularly to National Director **Defendant Thomas Rousseau**.

*Individual Defendants*

23. **Defendant Thomas Rousseau** is the founder and is now, and was during the time of the conspiracy alleged herein, National Director of **Defendant Patriot Front**. **Defendant Rousseau** supervises Patriot Front activities nationwide. **Defendant Rousseau** has explicitly encouraged large scale, racially-motivated vandalism by **Defendant Patriot Front** members by making it a requirement for membership and threatening expulsion of members who fail to participate. **Defendant Rousseau** requires Patriot Front leadership approval before its members engage in large scale mural coverups.

24. **Defendant Paul Gancarz**, also known as "Samuel VA," is now, and was during the time of the conspiracy alleged herein, **Defendant Patriot Front**'s Network Director for the region covering Virginia, the District of Columbia, Maryland, and Delaware. As Network Director, **Defendant Gancarz** supervises Patriot Front activities in the region. **Defendant Gancarz** is, and was during the time of the conspiracy alleged herein, directly involved in, consulted on, and approved high-profile vandalism in his network, including the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia. Indeed, Patriot Front requires that Network Directors approve "large scale mural cover-ups ... before members initiate[] them" in their networks. **Defendant Gancarz** was present for, and participated in, a meeting on or about October 12, 2021,



planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia, that occurred just days later.

25. **Defendant Nathan Noyce**, also known as “Roger VA,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members and engaged in the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia. **Defendant Noyce** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

26. **Defendant Thomas Dail**, also known as “Kenneth VA,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members and engaged in the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia. **Defendant Dail** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

27. **Defendant John Doe 1**, also known as “Christopher VA,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members and filmed the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia. Defendant **John Doe 1** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

28. **Defendant John Doe 2**, also known as “Arthur VA,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 2** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

29. **Defendant John Doe 3**, also known as “Ben MD,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John**

**Doe 3** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

30. **Defendant John Doe 4**, also known as “Grant MD,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 4** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

31. **Defendant John Doe 5**, also known as “Harrison VA,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 5** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

32. **Defendant John Doe 6**, also known as “John VA,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 6** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

33. **Defendant John Doe 7**, also known as “Robert MD,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 7** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

34. **Defendant John Doe 8**, also known as “Tyler MD,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 8** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

35. **Defendant John Doe 9**, also known as “Victor DE,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 9** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

36. **Defendant John Doe 10**, also known as “Vincent VA,” is now, and was during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 10** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

37. **Defendant John Doe 11**, also known as “Matt MD,” was *not*, during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 11** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

38. **Defendant John Doe 12**, also known as “Gabe VA,” was *not*, during the time of the conspiracy alleged herein, one of **Defendant Patriot Front’s** members. Defendant **John Doe 12** was present for, and participated in, a meeting on or about October 12, 2021, planning the vandalism of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

*Other Individual Defendants*

39. **Defendants John Does 13 through 23** are unknown individuals and entities, including associates of Defendants, who conspired with Defendants to vandalize the Arthur Ashe mural or who had the power to prevent or aid in preventing that vandalization, and neglected or refused to do so.

## FACTS

### *Battery Park and the Arthur Ashe Mural*

40. In July 2017, a mural honoring Black tennis star Arthur Ashe was unveiled in Battery Park, located in Richmond's North Side, near where Mr. Ashe grew up. The mural was painted by a group of Black-led local artists and took approximately three weeks to complete. It was financially supported by private donations and the Parks and Recreation Department for the City of Richmond.

41. The mural honoring Arthur Ashe was painted at the entrances and inside of a pedestrian tunnel joining south and north ends of the Park. It depicted images of Mr. Ashe's face and of him holding the trophy after winning Wimbledon in 1975. Inside the tunnel, the mural listed several of Mr. Ashe's tennis achievements. The following picture shows the mural before Defendants vandalized it.



42. Battery Park is a public park owned and managed by the City of Richmond. In addition to tennis courts, the Park includes two playgrounds, basketball courts, restrooms, horseshoe pits, a community center that houses a free computer lab, and a swimming pool.

43. The United Census Bureau states that zip code 23222, which covers the Battery Park neighborhood surrounding the Park, includes 28,542 people, of whom 77.7% are Black and 17.5% are White. Battery Park, located in the North Side of Richmond, is in close proximity to Jackson Ward, the historically Black center of Richmond.

44. The Park holds a special place for many Black residents of the area as, for many years, the Park had the only public swimming pool they felt comfortable using as children during the years after government-sanctioned segregation ended, when racial tensions in the city and nationwide remained fraught.

***Defendants' Vandalism, Culminating in the Destruction of the Arthur Ashe Mural***

45. Tensions were high in Virginia in the late summer and early fall of 2021, as the community braced for the start of the civil trial stemming from the Charlottesville Unite the Right 2017 white supremacist rally. The rally, which was held in August 2017 just over an hour away from Battery Park, was organized by white nationalist and white supremacist groups that have coordinated and partnered with Patriot Front. As part of the rally, hundreds of white supremacists marched ostensibly in objection to the removal of a statue commemorating Confederate General Robert E. Lee. The white supremacists met counter protesters, and the white supremacists subsequently provoked violence. One of the white supremacists intentionally drove his car into a group of peaceful counter protesters, murdering Heather Heyer and injuring dozens of others.

46. A group of protestors who opposed the white supremacist message of the rally sued organizers and participants in the rally. Defendants included infamous white nationalists Richard Spencer and Jason Kessler, as well as neo-Nazi Christopher Cantwell. Plaintiffs included victims

who were struck by the car and others injured at the Unite the Right rally. Plaintiffs' suit included claims for civil rights violations under the Ku Klux Klan Act of 1871.

47. Jury selection in the trial began on October 25, 2021. Both national and local media provided extensive coverage during the lead up to the trial and during the trial itself.

48. Starting in the summer of 2021, residents of the Battery Park neighborhood observed that Patriot Front stickers were being placed on lampposts, stop signs, and elsewhere throughout the neighborhood, including in the Park. The stickers continued to appear into the fall of 2021.

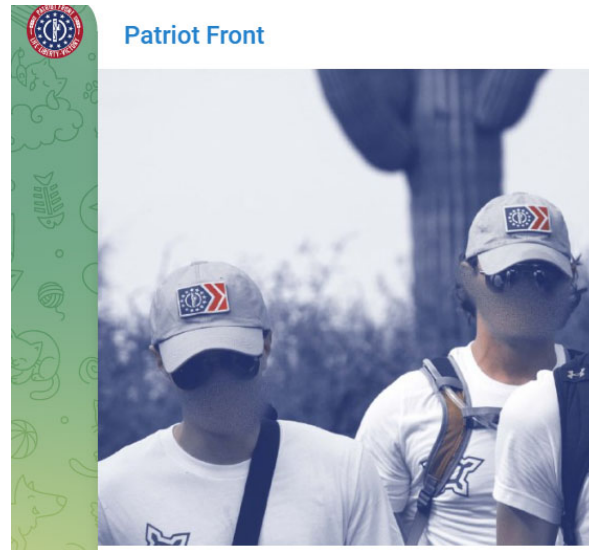
49. Less than two weeks before the Unite the Right trial was to begin, Patriot Front members decided to escalate their tactics targeting Battery Park. Beyond putting up stickers, as Patriot Front members had previously done, **Defendants Gancarz, Noyce, Dail and John Does 1 through 12** prepared to destroy a symbol of the neighborhood's support for and pride in Black lives and Black accomplishments: the Arthur Ashe mural.

50. The vandalization of the mural was not a spur of the moment decision, but rather was carefully planned. **Defendants Gancarz, Noyce, Dail, and John Does 1 through 12** participated in a meeting on or about October 12, 2021, and discussed and planned the vandalization of the Arthur Ashe mural in Battery Park, Richmond, Virginia.

51. Just days after this meeting, **Defendants Noyce, Dail, and John Doe 1** arrived at the pedestrian tunnel where the Arthur Ashe mural was located in the early morning hours on or about October 18, 2021, armed with flashlights, masks, rubber gloves, spray paint, and stencils.

52. As **Defendant John Doe 1** filmed, these three defendants walked into the pedestrian tunnel and stopped part of the way through. In addition to filming, **Defendant John Doe 1** provided lighting for **Defendants Noyce and Dail**.

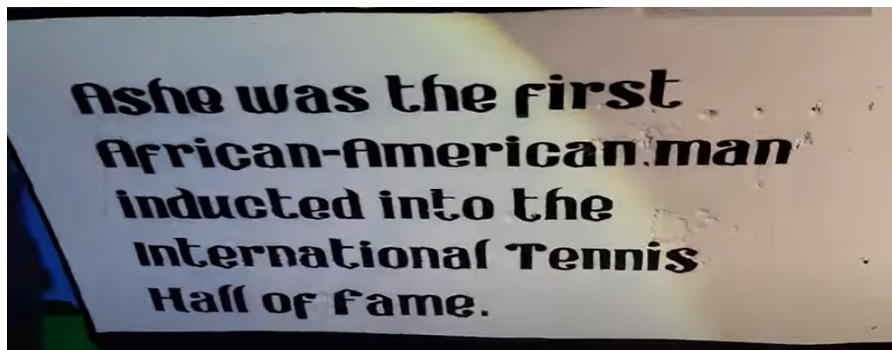
53. **Defendants Noyce and Dail** both wore masks and baseball hats when they entered the pedestrian tunnel. **Defendant Dail's** hat was identical to hats worn by other members of the Patriot Front around the country, as shown in the following picture from the Patriot Front website:



54. **Defendant Dail** was also carrying a backpack that he took off as soon as the defendants stopped walking. From this backpack, **Defendant Dail** removed a can of spray paint.

55. While **Defendant Dail** was taking out his spray paint, **Defendant Noyce** removed his hat, put on a headlamp, and turned it on.

56. **Defendant Dail** walked a short distance to a portion of the mural celebrating an achievement by Arthur Ashe: a sign that read “Ashe was the first African-American man inducted into the International Tennis Hall of Fame.” The following picture shows the sign before it was vandalized.



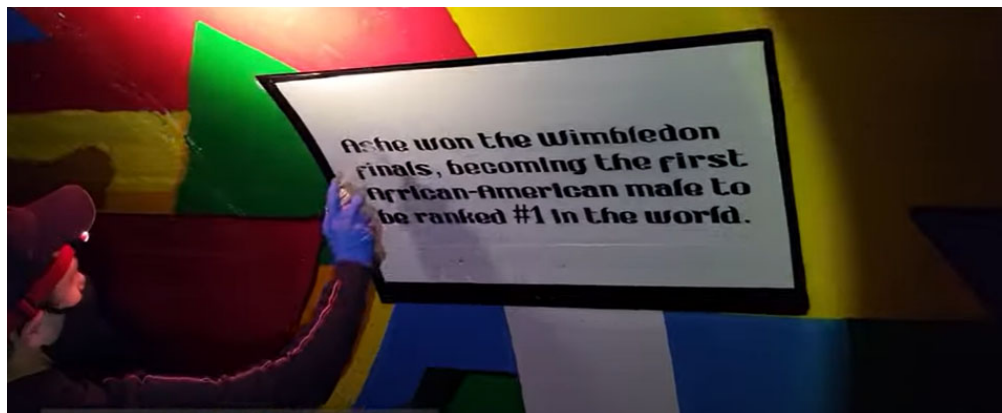
57. **Defendant Dail** raised the can of spray paint to paint over the sign, but before he started spray painting, **Defendant Noyce** told him to “shake it, it’s not going to spray well if you don’t shake it.” **Defendant Dail** then shook the can of spray paint.

58. As shown in the following picture, **Defendant Dail** spray-painted white paint over the sign that celebrated Arthur Ashe’s induction into the International Tennis Hall of Fame while **Defendant Noyce** searched the backpack that **Defendant Dail** had been carrying.



59. **Defendant Noyce** took a can of spray paint out of the backpack that **Defendant Dail** had been carrying, shook it for several seconds, then began painting, in white paint, over another sign celebrating another accomplishment by Arthur Ashe: his victory at Wimbledon and resultant top ranking in world tennis. The following picture shows Noyce defacing the sign.





60. Defendant John Doe 1 continued to film, and Defendants Noyce and Dail worked together, spray-painting in white paint over other signs celebrating Arthur Ashe's achievements, as shown in the following pictures.



61. As depicted in the following picture, **Defendant John Doe 1** continued to film while **Defendants Noyce** and **Dail** removed Patriot Front stencils and cans of spray paint of different colors from the backpack that **Defendant Dail** had been carrying.



62. **Defendants Noyce** and **Dail** worked together, spray-painting Patriot Front stencils on the white paint that they had, moments earlier, used to cover Arthur Ashe's achievements. The following pictures show **Defendants Noyce** and **Dail** applying the stencils.





63. While **Defendants Noyce and Dail** spray-painted stencils on one whitewashed sign, **Defendant John Doe 1** suggested that “for the next one, y’all can switch colors for the different stencils ... try to mix it up a little bit.”

64. **Defendants Noyce and Dail** followed **Defendant John Doe 1's** instructions and traded spray paint cans before painting the next stencils, as shown in the following picture.



65. After they finished stenciling over Arthur Ashe's achievements, **Defendant John Doe 1** suggested, "you want to get his face or something?" All three defendants walked to one end of the tunnel to a painting of Arthur Ashe's face. As **Defendants Noyce and Dail** lifted their spray paint cans, **Defendant John Doe 1** said, "Fucking n\*\*\*\*\*'s face."

66. While **Defendant John Doe 1** filmed, **Defendants Noyce and Dail** first spray-painted the image of Arthur Ashe's face white as shown in the following pictures.





67. After spray-painting Arthur Ashe's face white, and as **Defendant John Doe 1** continued to film, **Defendants Noyce** and **Dail** spray-painted stencils in red and blue on the white paint:





68. The following picture shows the result of Defendants' vandalism. The image of Arthur Ashe's face was destroyed.



69. While **Defendant John Doe 1** continued to film, **Defendants Noyce and Dail** turned their attention to another image of Arthur Ashe, this one of him celebrating his victory at Wimbledon. **Defendants Noyce and Dail** vandalized this image as well, first covering it in white paint and then, using their stencils, spray-painting red and blue Patriot Front symbols over the

white paint. The following pictures show Defendants Noyce and Dail defacing this image of Mr. Ashe and the results of their vandalism.



70. This image of Arthur Ashe was also destroyed.



71. Footage of the vandalism of the Arthur Ashe mural featured prominently in a video **Defendant Patriot Front** produced of their nationwide acts of vandalism occurring in October 2021. **Defendant Patriot Front** Network Directors then used this video as part of their efforts to recruit new members.

#### *Reaction of Battery Park Residents*

72. On or about the morning of October 21, 2021, Battery Park neighborhood residents discovered the desecrated mural. They mobilized quickly, alerting city officials and connecting with each other to offer support. By evening, Park officials had painted over the Patriot Front's insignia with black paint. But as shown in the picture below, the mural, which had taken months of planning and work to create, was effectively ruined and the Black man it celebrated erased.





73. Full restoration of the mural was only able to occur many months later.

*The Impact of Patriot Front's Vandalism on Residents*

74. Residents of Battery Park have described feelings of hurt, fear, and anxiety upon hearing the news of the vandalized mural. **Plaintiff Doe 1** first became aware of Patriot Front's activity after seeing their stickers plastering the neighborhood in the summer of 2021. **Plaintiff Doe 1** researched the stickers, and the first thing they learned was that the stickers belonged to Patriot Front, a white supremacist group. **Plaintiff Doe 1** felt shocked, angry, and hurt that a white supremacist group was actively pushing propaganda in their neighborhood.

75. Another resident who grew up in the immediate vicinity of Battery Park described how the vandalism was a violation of what she felt was a sacred space.

76. On the morning of October 21, 2021, **Plaintiff Doe 1** went for a walk in the Park, as they regularly do, and came across the vandalized mural in the Arthur Ashe tunnel. After seeing the spray-painted Patriot Front logos, **Plaintiff Doe 1** immediately felt a sense of fear and

apprehension at being in the Park. In light of the upcoming Charlottesville trial, **Plaintiff Doe 1** interpreted the vandalism as a warning from the Patriot Front that Black residents of the neighborhood and those who opposed white supremacy were not safe.

77. **Plaintiff Doe 1** tried calling various contacts with the City to ensure that the vandalism would be cleaned up as soon as possible. **Plaintiff Doe 1** spent most of the rest of the day speaking with neighbors about the vandalism. People shared a sense of fear and a sense that the park was no longer safe.

78. After the vandalism, **Plaintiff Doe 1** worried about being targeted, given that their home, which is close to the Park, had signs showing their support of Black Lives Matter and the LGBTQ+ community. After the vandalism, **Plaintiff Doe 1** removed their BLM signs out of a concern for safety. **Plaintiff Doe 1** wondered if they or their neighbors would be targeted by Patriot Front and worried for the safety of their children.

79. **Plaintiff Doe 1** was especially unnerved because of the timing of the vandalism with the high-profile Charlottesville trial and presence in Virginia of the defendants in that case to attend court and defend their violent and racist actions.

80. As a result of Patriot Front's vandalism in Battery Park, **Plaintiff Doe 1** lost sleep, had racing thoughts, and felt anxious. In the days and weeks after the vandalism, **Plaintiff Doe 1** made sure their children did not go to the Park alone, something that **Plaintiff Doe 1** had previously allowed them to do. Because they felt intimidated and fearful, **Plaintiff Doe 1** also started avoiding the Park at dusk, including skipping watching fireworks there – something they had previously done.

81. After the vandalism of the Arthur Ashe mural, the City locked the tunnel with the mural so that, for a period of time in the immediate aftermath of the vandalism, the tunnel

connecting the north and south sides of the Park was completely shuttered both day and night. With the tunnel locked, the southern part of the park – which includes a playground and basketball courts – became more difficult for **Plaintiff Doe 1** and their neighbors to access.

82. **Plaintiff Doe 2** is a long-time resident of the Battery Park neighborhood who frequently used the Park. Prior to the vandalism, **Plaintiff Doe 2** and their family would go between the north and south sides of the Park through the tunnel to make use of various amenities – including the different playgrounds – but ceased doing so after the Patriot Front’s vandalization of the Arthur Ashe mural even after it was reopened to the public.

83. **Plaintiff Doe 2** lost sleep and felt anxious, fatigued, and scared as a result of the vandalism.

84. **Plaintiff Doe 2** further worried about the impact of the vandalism on their family: **Plaintiff Doe 2’s** child felt considerable stress and anxiety as a result of the vandalism. **Plaintiff Doe 2** regularly considered placing their oldest child in therapy as a result of the stress and anxiety the child felt because of the vandalism. **Plaintiff Doe 2** had previously allowed a minor family member to walk their dog near the Park but, after the vandalism, **Plaintiff Doe 2** no longer felt it was safe and stopped allowing this family member to walk the dog near the Park or meet friends in the Park.

85. After the vandalism, friends of **Plaintiff Doe 2’s** family refused to meet **Plaintiff Doe 2** or their family members at the Park, because of the vandalism.

CAUSES OF ACTION

COUNT I

42 U.S.C. § 1985(3)

**Conspiracy to Violate Civil Rights Under the Ku Klux Klan Act of 1871  
Against Defendants Patriot Front, Noyce, Dail, Gancarz, and John Does 1 through 23**

86. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint as if fully set forth herein.

87. Section 1985(3) makes it unlawful for two or more persons to conspire “for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws ....” Moreover, the statute provides a private right of action where any person does, or causes to be done, “any act in furtherance of the conspiracy, whereby another individual is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States.” 42 U.S.C. § 1985(3).

88. **Defendants Noyce, Dail, Gancarz, and John Does 1 through 12** each agreed, coordinated, and executed a common plan with at least one other person to interfere with Black patrons of the Park and those opposed to white supremacy in their enjoyment of a place of public accommodation, the Park, in denial of their equal protection of the law and equal privileges thereunder. This conspiracy was motivated by racial animus.

89. As set forth in the paragraphs above, **Defendants Noyce, Dail, Gancarz, and John Does 1 through 12** repeatedly engaged in overt acts in furtherance of this conspiracy, including the procurement and distribution of paint, stencils, and other supplies; meeting to plan acts of vandalism; and acts of vandalism and destruction of property.

90. **Defendants Noyce, Dail, and John Doe 1** prepared for the attack and arrived with the necessary supplies and a clear plan to vandalize the Arthur Ashe mural. **Defendants Noyce**

and **Dail** worked together to cover the mural with spray paint and Patriot Front images. **Defendant Doe 1** shined a flashlight so that **Defendants Noyce** and **Dail** had light to work by and filmed them as they methodically worked their way down the mural. **Defendant John Doe 1** also provided encouragement and assistance, instructing them to switch colors of paint and to paint the “fucking n\*\*\*\*\*’s face.”

91. **Defendant John Does 13 through 23** are unknown individuals and entities, including associates of Defendants, who conspired with Defendants to vandalize the Arthur Ashe mural.

92. **Defendant Patriot Front** is vicariously liable for the violations of section 1985 by its agents, each of whom acted within the scope of their agency. At the time of the conspiracy alleged herein, **Defendant Patriot Front** members acted as its agents within their roles as members of **Defendant Patriot Front**.

93. **Defendant Patriot Front** is further liable for violations of section 1985 because it conspired to vandalize the mural with **Defendants John Doe 11** and **John Doe 12**, who were not members of the Patriot Front at the time of the planning meeting on or about October 12, 2021.

94. As a direct and proximate result of the overt acts in furtherance of this conspiracy, as set forth in the above paragraphs, each Plaintiff was deprived of one or more of their rights or privileges as a citizen of the United States, including the right to equal protection of the laws, to equal privileges thereunder, to enjoy Battery Park, a place of public accommodation, and to do so without fear or intimidation on account of race.

95. As a direct and proximate result of Defendants’ conspiracy and conduct, each Plaintiff suffered injury to their person, including emotional injury, and is entitled to compensatory, consequential, and punitive damages, in an amount to be determined by the Court.

**COUNT II**  
**42 U.S.C. § 1986**  
**Action for Neglect to Prevent Interference with Civil Rights**  
**Under the Ku Klux Klan Act of 1871**  
**Against Defendants Patriot Front, Rousseau, Noyce, Dail, Gancarz,**  
**and John Does 1 through 12**

96. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint as if fully set forth herein.

97. This claim arises under 42 U.S.C. § 1986, which makes liable any person who knows that the wrongs conspired to be done as part of a section 1985 conspiracy are about to be committed, has the power to prevent or aid in preventing those wrongs, and yet neglects or refuses to help prevent them.

98. Each Defendant had knowledge that the wrongs conspired to be done, as set out in this Complaint, were about to be committed, and neglected or refused to prevent or aid in preventing those wrongs.

99. Each such Defendant was in a position and otherwise had the power to prevent, or aid in preventing, the wrongs conspired to be done as asserted in Count I.

100. **Defendant Thomas Rousseau** had knowledge of the conspiracy in violation of 42 U.S.C. § 1985(3) and had the power to prevent or aid in preventing the wrongs conspired to be done under Count I. As founder and National Director of the Patriot Front during the time of the conspiracy alleged herein, **Defendant Rousseau** required all Patriot Front members to get Patriot Front leadership approval before engaging in mural coverups. **Defendant Rousseau** had the power to stop any action by Patriot Front members but neglected to take such actions to prevent the conspiracy alleged herein, or to make other reasonably diligent efforts.

101. **Defendant Paul Gancarz** had the power to prevent or aid in preventing the wrongs conspired to be done as asserted in Count I. As Network Director of the area that included Virginia

during the time of the conspiracy alleged herein, **Defendant Gancarz** required all Patriot Front members to get his personal approval before engaging in mural coverups in his network. **Defendant Gancarz** had the power to stop any action by Patriot Front members but neglected to take such actions to prevent the conspiracy alleged herein, or to make other reasonably diligent efforts.

102. As a participant in the conspiracy and planning meeting on or about October 12, 2021, **Defendant Gancarz** also had actual knowledge of the planned vandalization. As a participant in the conspiracy, in addition to his supervisory role as the Network Director, **Defendant Gancarz** had the power to prevent the vandalism of the Arthur Ashe mural planned at the October 12, 2021, meeting. **Defendant Gancarz** could have but neglected to take such actions or make other reasonably diligent efforts to prevent or aid in preventing the conspiracy alleged herein.

103. As one of the vandalizers of the Arthur Ashe tunnel in Battery Park, **Defendant Nathan Noyce** had knowledge of the Patriot Front's conspiracy and the power to prevent or aid in preventing its wrongs. As a Patriot Front member at the time of the conspiracy alleged herein and who participated in the vandalism on or around October 18, 2021, and as a participant in the planning meeting on or about October 12, 2021, **Defendant Noyce** could have prevented or aided in preventing the conspiracy alleged herein. **Defendant Noyce** neglected to take such actions or make other reasonably diligent efforts.

104. As one of the vandalizers of the Arthur Ashe tunnel in Battery Park, **Defendant Thomas Dail** had knowledge of the Patriot Front's conspiracy and the power to prevent or aid in preventing its wrongs. As a Patriot Front member at the time of the conspiracy alleged herein and who participated in the vandalism on or around October 18, 2021, and as a participant in the

planning meeting on or about October 12, 2021, **Defendant Dail** could have prevented or aided in preventing the conspiracy alleged herein. **Defendant Dail** neglected to take such actions or make other reasonably diligent efforts.

105. As one of the vandalizers of the Arthur Ashe tunnel in Battery Park, **Defendant John Doe 1** had knowledge of the Patriot Front's conspiracy and the power to prevent or aid in preventing its wrongs. As a Patriot Front member at the time of the conspiracy alleged herein and who participated in the vandalism on or around October 18, 2021, by recording it, and as a participant in the planning meeting on or about October 12, 2021, **Defendant John Doe 1** could have prevented or aided in preventing the conspiracy alleged herein. **Defendant John Doe 1** neglected to take such actions or make other reasonably diligent efforts.

106. **Defendants John Does 2 through 12** had knowledge of the Patriot Front's conspiracy to vandalize the Arthur Ashe mural, having participated in a planning meeting on or around October 12, 2021. As a Patriot Front members at the time of the conspiracy alleged herein, and as participants in the planning meeting on or about October 12, 2021, **Defendants John Does 2 through 12** had the power to prevent or aid in preventing its wrongs. **Defendants John Does 1 through 12** neglected to take such actions or make other reasonably diligent efforts.

107. **Defendant John Does 13 through 23** are unknown individuals and entities, including associates of Defendants, who knew about the conspiracy to vandalize the Arthur Ashe mural and had the power to prevent or aid in preventing that vandalization, and neglected or refused to do so.

108. **Defendant Patriot Front** is vicariously liable for the violations of section 1986 by their agents, each of whom acted within the scope of its agency. At the time of the conspiracy



alleged herein, **Defendant Patriot Front** members acted as its agents within their roles as members of **Defendant Patriot Front**.

109. Plaintiffs suffered their injuries and damages as a direct result of the neglect and failure of each Defendant, separately and together, to prevent or aid in preventing, the wrongs conspired to be done as described in this Complaint.

**COUNT III**  
**Virginia Code § 8.01-42.1**  
**Civil Action for Racial, Religious, or Ethnic Harassment**  
**Against Defendants Patriot Front, Noyce, Dail, and John Doe 1**

110. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint as if fully set forth herein.

111. Virginia Code § 8.01-42.1 creates a civil cause of action for any person who is subjected to acts of intimidation or harassment if motivated by racial, religious, or ethnic animosity.

112. As one of the vandalizers of the Arthur Ashe tunnel in Battery Park, **Defendant Nathan Noyce** participated in the vandalism of the Arthur Ashe mural. Upon information and belief, **Defendant Noyce** knew that Arthur Ashe was celebrated as a successful Black tennis player. Upon information and belief, **Defendant Noyce** knew that the Arthur Ashe mural was located in a park in a predominantly Black neighborhood. **Defendant Noyce** destroyed the Arthur Ashe mural, specifically images depicting Arthur Ashe, while **Defendant John Doe 1** said “fucking n\*\*\*\*\*’s face.” **Defendant Noyce’s** actions subjected Plaintiffs to intimidation and harassment motivated by racial animosity.

113. As one of the vandalizers of the Arthur Ashe tunnel in Battery Park, **Defendant Thomas Dail** participated in the vandalism of the Arthur Ashe mural. Upon information and belief, **Defendant Dail** knew that Arthur Ashe was celebrated as a successful Black tennis player. Upon information and belief, **Defendant Dail** knew that the Arthur Ashe mural was located in a park in

a predominantly Black neighborhood. **Defendant Dail** destroyed the Arthur Ashe mural, specifically an image depicting Arthur Ashe, while **Defendant John Doe 1** said “fucking n\*\*\*\*\*’s face.” **Defendant Dail’s** actions subjected Plaintiffs to intimidation and harassment motivated by racial animosity.

114. As one of the vandalizers of the Arthur Ashe tunnel in Battery Park, **Defendant John Doe 1** participated in the vandalism of the Arthur Ashe, by filming **Defendants Noyce** and **Dail** destroying the Arthur Ashe mural. **Defendant John Doe 1** also participated in the vandalism by directing **Defendants Noyce** and **Dail** to switch paint, to cover up Arthur Ashe’s face, and to fill in missing pieces of the stencils. While **Defendants Noyce** and **Dail** destroyed Arthur Ashe’s face, **Defendant John Doe 1** said “fucking n\*\*\*\*\*’s face.” Upon information and belief, **Defendant John Doe 1** knew that Arthur Ashe was celebrated as a successful Black tennis player. Upon information and belief, **Defendant John Doe 1** knew that the Arthur Ashe mural was located in a park in a predominantly Black neighborhood. **Defendant John Doe 1’s** actions subjected Plaintiffs to intimidation and harassment motivated by racial animosity.

115. **Defendant Patriot Front** is vicariously liable for the violations of Virginia Code § 8.01-42.1 by their agents, each of whom acted within the scope of its agency. At the time of the conspiracy alleged herein, **Defendant Patriot Front** members acted as its agents within their roles as members of **Defendant Patriot Front**.

116. Plaintiffs suffered their injuries and have been grievously damaged as a direct and proximate result of Defendants’ acts of intimidation and harassment.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request an award of the following relief:

a. A declaratory judgment that the actions described herein deprived Plaintiffs of their rights under federal and state law;

- b. Injunctive relief enjoining Defendants from future violations of rights guaranteed by federal and state law;
- c. Compensatory and punitive damages in an amount to be determined at trial;
- d. Interest, attorneys' fees, and costs; and
- e. Such other relief as the Court deems necessary and just.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury on all issues so triable.

**PLAINTIFF DOE 1 and  
PLAINTIFF DOE 2**

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