

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA**

**Richmond Division**

**SEALED PLAINTIFF 1** )  
**and** )  
**SEALED PLAINTIFF 2,** )  
 )  
**Plaintiffs,** ) **Civil Action No. 3:22 cv 670-MHL**  
 )  
**v.** )  
 )  
**PATRIOT FRONT, et al.** )  
 )  
**Defendants.** )

**DEFENDANT DAIL’S ANSWER TO AMENDED COMPLAINT**

Defendant Thomas Dail hereby answers Plaintiffs Doe 1 and Doe 2’s Amended Complaint as follows:

1. Defendant denies the allegations in the first sentence of paragraph 1 and states affirmatively that Patriot Front is not a white supremacist group and does not advocate for a white ethnostate. Defendant denies the allegations in the second sentence on the ground that they present an incomplete version of Patriot Front’s mission and lend themselves to misinterpretation.
2. Defendant denies the allegations in paragraph 2.
3. Defendant admits on information and belief that the Arthur Ashe mural is located in a public park in the Battery Park neighborhood in Richmond, Virginia. Defendant admits on information and belief that the park where the mural is located includes many public

amenities, such as playgrounds, walking paths, and basketball and tennis courts. Defendant denies the remaining allegations in paragraph 3.

4. Defendant lacks knowledge or information sufficient to form a belief as to the extent of Mr. Ashe's achievements, the degree of pride Battery Park residents take in Mr. Arthur Ashe's legacy and roots in their city, and the extent to which generations of Black Americans have looked up to Mr. Ashe as a role model. On this basis Defendant denies the allegations in paragraph 4.
5. Defendant admits on information and belief that on or about October 21, 2021, the Arthur Ashe mural was covered with white paint and then spray painted with the Patriot Front Insignia. Defendant lacks knowledge or information sufficient to form a belief as to the remaining allegations contained in paragraph 5.
6. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 6 and therefore denies them.
7. Paragraph 7 consists of Plaintiffs' summary of their own complaint and should not require admission or denial from Defendant. Defendant, however, denies that Plaintiffs' claims are meritorious.
8. Defendant admits the allegations in paragraph 8.
9. Defendant admits the allegations in paragraph 9.
10. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 10.
11. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 11.
12. Defendant denies the allegations in paragraph 12.

13. Defendant denies the allegations in paragraph 13.
14. Defendant admits on information and belief that Patriot Front was founded in 2017.  
Defendant denies the remaining allegations in paragraph 14.
15. Defendant denies the allegations in paragraph 15.
16. Defendant denies the allegations in paragraph 16.
17. As to the first sentence in paragraph 17, Defendant affirmatively asserts that Patriot Front does not advocate criminal acts and therefore does not engage in “campaigns of vandalism”; Defendant therefore denies the allegations in the first sentence. As to the second and third sentences, Defendant admits that Thomas Rousseau is the National Director of Patriot Front but denies the remaining allegations. As to the fourth sentence, Defendant admits only that, after the regrettable incident involving the Arthur Ashe mural described in plaintiffs’ complaint, on information and belief Mr. Rousseau, to ensure that such acts would not occur again, required Patriot Front leadership approval of any actions involving murals.
18. Defendant denies the allegations in paragraph 18.
19. Defendant admits on information and belief the allegations in paragraph 19.
20. Defendant denies the allegations in paragraph 20.
21. Defendant admits that Thomas Rousseau is the founder and National Director of Patriot Front. Defendant is uncertain of the meaning of “defined hierarchical structure” and “oversees” and therefore denies all other allegations in paragraph 21.
22. Defendant admits that Patriot Front is organized into geographical chapters called “networks.” Defendant admits that the highest-ranking member in each network is called

a “network director” and reports to Mr. Rousseau. Defendant denies all other allegations in paragraph 22.

23. Defendant admits that Thomas Rousseau is the founder and National Director of Patriot Front. Defendant is uncertain of the meaning of “supervises” in the second sentence and therefore denies the allegations in that sentence. Defendant denies the allegations in the third sentence. Defendant admits on information and belief the last sentence of this paragraph but denies that Defendant Rousseau or Patriot Front leadership knew about, planned, or approved the vandalism to the Arthur Ashe mural described in plaintiffs’ complaint. Defendant denies all other allegations contained in paragraph 23.

24. Defendant admits that Paul Gancarz is also known as “Samuel VA” and was during the time of the conspiracy alleged in the complaint the Patriot Front Network Director for the region covering Virginia, the District of Columbia, Maryland, and Delaware. Defendant admits on information and belief that Paul Gancarz was present for, and participated in, a voice over IP audio conference on or about October 12, 2021 but denies that any conspiracy such as the complaint alleges was planned, suggested, or addressed in any way during that call. Defendant denies all allegations in this paragraph not expressly admitted.

25. Defendant admits the allegations in the first sentence of paragraph 25. As to the second sentence, Defendant admits Mr. Noyce was present at the voice over IP audio conference on or about October 12, 2021 but denies that any planning or discussion relating to the vandalism of the Arthur Ashe mural took place on that call and further denies that any persons other than Defendant, Mr. Noyce, and John Doe 1 knew about, planned, or participated in the vandalism to the Arthur Ashe mural. Defendant denies all allegations in this paragraph not expressly admitted.

26. Defendant admits the allegations in the first sentence of paragraph 26. As to the second sentence, Defendant admits he was present at the voice over IP audio conference on or about October 12, 2021 but denies that any planning or discussion relating to the vandalism of the Arthur Ashe mural took place on that call and further denies that any persons other than Defendant, Mr. Noyce, and John Doe 1 knew about, planned, or participated in the vandalism to the Arthur Ashe mural. Defendant denies all allegations in this paragraph not expressly admitted.

27. Defendant admits on information and belief that Mr. Turechi may have been present at the voice over IP audio conference on or about October 12, 2021. Defendant lacks knowledge and information sufficient to form a belief as to what degree if any Mr. Turechi “participated” in that audio conference. Defendant denies that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021 and that any persons other than Defendant, Mr. Noyce, and John Doe 1 knew about, planned, approved, or participated in the vandalism to the Arthur Ashe mural. Defendant denies all allegations in this paragraph not expressly admitted.

28. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 28 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.

29. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 29 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.

30. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 30 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.
31. Defendant lacks knowledge and information sufficient to form a belief as to whether John Doe 1 was also known as “Christopher VA” and therefore denies this allegation. Defendant admits that John Doe I participated in the vandalism of the Arthur Ashe mural. Defendant admits that to the best of his recollection John Doe 1 was present for in the voice over IP audio conference on or about October 12, 2021 but denies that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference. Defendant denies all allegations in this paragraph not expressly admitted.
32. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 32 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.
33. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 33 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.
34. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 34 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.

35. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 35 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.
36. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 36 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.
37. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 37 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.
38. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 38 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.
39. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 39 and therefore denies them, in particular denying that any planning relating to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.
40. Defendant lacks knowledge and information sufficient to form a belief as to the allegations in paragraph 40 and therefore denies them, in particular denying that any planning relating

to the vandalism of the Arthur Ashe mural took place at the voice over IP audio conference on or about October 12, 2021.

41. Defendant admits the allegations in paragraph 41.

42. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 42 of the complaint and therefore denies them.

43. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 43 of the complaint and therefore denies them.

44. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 44.

45. Defendant admits that the Charlottesville Unite the Right Rally took place in August 2017. Defendant admits that the purpose of the rally was to object to the removal of a statue of General Robert E. Lee. Defendant denies the remaining allegations in paragraph 45.

46. Defendant denies that the message of the rally was “white supremacist” and that Richard Spencer and Jason Kessler are “infamous white nationalists” on the grounds that these characterizations are simplistic and inflammatory. Defendant admits the remaining allegations in paragraph 46.

47. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 47 and therefore denies them.

48. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 48 and therefore denies them.

49. Defendant denies the allegations in paragraph 49.

50. Defendant denies the allegations in paragraph 50.

51. Defendant admits the allegations in paragraph 51.



52. Defendant admits the allegations in paragraph 52.

53. Defendant admits the allegations in paragraph 53.

54. Defendant admits the allegations in paragraph 54.

55. Defendant admits the allegations in paragraph 55.

56. Defendant admits the allegations in paragraph 56.

57. Defendant admits the allegations in paragraph 57.

58. Defendant admits the allegations in paragraph 58.

59. Defendant admits the allegations in paragraph 59.

60. Defendant admits the allegations in paragraph 60.

61. Defendant admits the allegations in paragraph 61.

62. Defendant admits the allegations in paragraph 62.

63. Defendant admits the allegations in paragraph 63.

64. Defendant admits the allegations in paragraph 64.

65. Defendant admits the allegations in paragraph 65.

66. Defendant admits the allegations in paragraph 66.

67. Defendant admits the allegations in paragraph 67.

68. Defendant admits the allegations in paragraph 68.

69. Defendant admits the allegations in paragraph 69.

70. Defendant admits the allegations in paragraph 70.

71. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 71 and therefore denies them.

72. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 72 and therefore denies them.

73. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 73 and therefore denies them.

74. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 74 and therefore denies them.

75. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 75 and therefore denies them.

76. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 76 and therefore denies them.

77. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 77 and therefore denies them.

78. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 78 and therefore denies them.

79. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 79 and therefore denies them.

80. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 80 and therefore denies them

81. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 81 and therefore denies them

82. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 82 and therefore denies them.

83. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 83 and therefore denies them.

84. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 84 and therefore denies them.

85. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 85 and therefore denies them.

86. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.

87. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.

88. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.

89. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.

90. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.

91. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.

92. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.
93. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.
94. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.
95. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count I alleges a valid and meritorious claim against him.
96. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.
97. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.
98. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.

99. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.
100. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.
101. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.
102. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.
103. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.
104. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.
105. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.

106. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.

107. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.

108. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.

109. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count II alleges a valid and meritorious claim against him.

110. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count III alleges a valid and meritorious claim against him.

111. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count III alleges a valid and meritorious claim against him.

112. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count III alleges a valid and meritorious claim against him.

113. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count III alleges a valid and meritorious claim against him.

114. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count III alleges a valid and meritorious claim against him.

115. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count III alleges a valid and meritorious claim against him.

116. Except as expressly stated above in answers to paragraphs 1-85, Defendant denies each and every allegation in the amended complaint and further denies that Count III alleges a valid and meritorious claim against him.

**AFFIRMATIVE AND OTHER DEFENSES**

117. Plaintiffs' amended complaint fails to state a claim on which relief may be granted.

118. Some or all of plaintiffs' claims are or may be barred by applicable statutes of limitations.

119. Some or all of plaintiffs' claims are or may be barred by the doctrine of laches.

THOMAS DAIL

By: \_\_\_\_\_/s/\_\_\_\_\_  
Counsel

Bradley P. MARR (VSB#25281)  
MARR & HENRY

7202 Glen Forest Drive, Suite 307  
Richmond, VA 23226  
Tel. (804) 662-5716  
Fax (804) 662-5712  
bmarrs@marrs-henry.com

Glen K. Allen, *Pro Hac Vice*  
Glen Allen Law  
5423 Springlake Way  
Baltimore, MD 21212 Tel.  
(410) 802-6453  
glenallenlaw@protonmail.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2024, a true and accurate copy of the foregoing was served  
via ECF procedures of this Court to the following counsel of record:

Michael R. Shebelskie  
Hunton Andrews Kurth LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, VA 23219-4074  
mshebelskie@huntonak.com

Ryan P. Phair  
Hunton Andrews Kurth LLP  
2200 Pennsylvania Avenue, NW, Suite 900  
Washington, DC 20037-1701  
rphair@huntonak.com

Edward G. Caspar  
Arthur Ago  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street, NW, Suite 900  
Washington, DC 20005  
aago@lawyerscommittee.org



\_\_\_\_\_/s/\_\_\_\_\_  
Bradley P. Marris (VSB#25281)  
Marris & Henry  
7202 Glen Forest Drive, Suite 307  
Richmond, VA 23226  
Tel. (804) 662-5716 Fax  
(804) 662-5712  
bmarris@marris-  
henry.com  
*Counsel for defendants*