

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

**NORTH DAKOTA HUMAN RIGHTS
COALITION, IMMIGRANT
DEVELOPMENT CENTER, and
PLAINTIFF DOE,**

Plaintiffs,

v.

**PATRIOT FRONT, THOMAS
ROUSSEAU, TREVOR VALESCU, and
JOHN DOES 1-10,**

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

INTRODUCTION

1. The International Market Plaza in Fargo, ND is a large indoor market that provides community and shop space for new Americans and other immigrant businesspeople. In doing so, the Plaza supports immigrant entrepreneurs as they pursue the American Dream and build a life for themselves in the United States, as so many generations of immigrants to America have done. The International Market Plaza (the “Market” or “Plaza”) is home to shops, restaurants, grocery stores, and an after-school program owned and operated exclusively by people of color and immigrants from African, Middle Eastern, and Latin American nations.

2. On September 3, 2022, individuals affiliated with Patriot Front—a white supremacist group that calls for the formation of a white ethnostate—trespassed onto the property of the International Market Plaza without permission under the cover of darkness and spray painted

their logo and designs across the front of the International Market Plaza. The symbols they spray painted included a link to their website which is littered with racist and xenophobic propaganda.

3. When shopkeepers saw Patriot Front's graffiti on a window of the International Market Plaza, they became extremely concerned for their safety and the message the graffiti would send to customers due to their prior knowledge regarding Patriot Front's local activities, spreading white nationalist propaganda and targeting immigrant-owned restaurants. It was because of this prior knowledge, that shopkeepers immediately reported this incident to local law enforcement and washed the graffiti away, so as to not scare off customers.

4. Patriot Front's 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.”¹

5. According to Patriot Front's Manifesto, published on its website, the only people who are Americans are those “of the founding stock of our [European] people,” and who “share the common spirit that permeates throughout our [European] greater civilization, and the European diaspora.” The Manifesto espouses white nationalist rhetoric and advocates for “a generation of brave men to fearlessly rise to face all threats to their collective interests,” in order to “urge our [European] people onward,” as “the true inheritors of America.”²

6. Responding to directives from the group's leaders and heeding their calls to action, Patriot Front's members have defaced murals honoring Black Americans, targeted LGBTQ+ events, and destroyed public and private property as part of a nationwide campaign to promote

¹ *Manifesto*, Patriot Front, <https://patriotfront.us/manifesto/> (last visited Aug. 4, 2023).

² *Manifesto*, Patriot Front, <https://patriotfront.us/manifesto/> (last visited Aug. 4, 2023).

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.

7. Patriot Front leaders proudly display images of their members in the act of committing these crimes on their website, often including labels and descriptions that document where these images were taken.

8. In the wake of the September 3, 2022, vandalism of the International Market Plaza, and after learning more about Patriot Front and their nationwide actions, International Market Plaza shopkeepers immediately became concerned about their physical safety. Many wondered whether the International Market Plaza would be targeted for further acts of hate or for hate-based violence.

9. On September 5, 2022, just two days after Patriot Front's first attack, Defendants escalated their attacks against the International Market Plaza, affirming the shopkeepers' concerns about being repeatedly targeted. When shopkeepers arrived that morning to open their shops, they were, again, greeted with Patriot Front vandalism. This time, Patriot Front members destroyed artwork celebrating multiculturalism and diversity affixed to the International Market Plaza's street-facing wall and converted that imagery to advertise a message of their own.

10. One of the murals that Patriot Front members targeted for destruction included the portraits of young Black women wearing hijabs. This desecration caused several shopkeepers, who are immigrant women of African and Middle Eastern descent, to fear for their safety. Due to Patriot Front's actions, the shopkeepers continue to live in a state of hypervigilance, fearing that they or their family members could be Patriot Front's next target.

11. Shopkeepers, customers, and others in the community were deeply alarmed and remain concerned for their safety after Patriot Front's attacks on the International Market Plaza. As a result of the Defendants' actions, shopkeepers and customers substantially curtailed or even eliminated their use of the Plaza, feeling compelled to avoid the Plaza's shops and other available amenities.

12. As part of Patriot Front's campaign of vandalism and property destruction, Defendants threatened and intimidated the new American community that maintains, operates, and shops within the International Market Plaza, and interfered with the rights of shopkeepers and customers to enjoy the "full and equal benefit of all laws...enjoyed by white citizens."³ Defendants were aware that spray painting white-supremacist logos alongside a minority- and immigrant-owned business could cause others to "regard [their] statements as' threatening violence and 'deliver[ed] them anyway.'" See *Counterman v. Colorado*, 143 S. Ct. 2106, 2117 (2023) (quoting *Elonis v. United States*, 575 U.S. 723, 746 (2015) (Alito, J., concurring in part and dissenting in part) (applying a recklessness standard to true-threat cases).

13. Patriot Front members have targeted other businesses owned and operated by non-white-, immigrant-, and other marginalized communities in the Fargo-Moorhead area, including a coffee shop and arts collective owned by LGBTQ+ and people of color and a Liberian-owned restaurant. Patriot Front has also targeted other places of public accommodations for its racist and xenophobic destruction of property and intimidating leafletting, including the Ninth Street South pedestrian tunnel, the Fargo Public School district office, and the Woodrow Wilson Apartment complex.

³ *Manifesto*, Patriot Front, <https://patriotfront.us/manifesto/> (last visited Aug. 4, 2023).

14. Patriot Front members have continued to terrorize the Fargo-Moorhead immigrant community as recently as July 2023. After Mohamad Barakat, a man of unknown origin, killed a Fargo Police officer on July 14, 2023, Patriot Front members again began spreading the organization's anti-immigrant propaganda around town. By July 17th, Patriot Front members had posted a sign with intimidating messaging on a 10th Street South electric pole and spray-painted a wall near Broadway Square in Fargo.

15. Plaintiffs now bring this case against the Patriot Front, some of its leadership, and its members ("Defendants") responsible for, or conspiring in, the vandalism of the International Market Plaza in the fall of 2022. Plaintiffs allege that Defendants violated the Ku Klux Klan Act of 1871 (42 U.S.C. § 1985(3)), which was designed to prevent precisely the kind of conspiratorial racist activity that Defendants perpetrated in this case. Plaintiffs additionally allege that Defendants violated 42 U.S.C. §§ 1981 and 1986. Plaintiffs also allege that Defendants committed the torts of conversion, trespass, trespass to chattel, and civil conspiracy under North Dakota state law. Plaintiffs seek declaratory, injunctive, compensatory, and punitive relief to remedy Defendants' wrongs.

JURISDICTION AND VENUE

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

17. Venue is proper in the Eastern 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 Fargo, North Dakota.

PARTIES

Plaintiffs

18. Plaintiff Doe is the Executive Director of the Immigrant Development Center, which is the owner of the International Market building. Plaintiff Doe is a Muslim, Somalian immigrant who came to the United States in 1997 and gained citizenship in 2003. Patriot Front's vandalism of the Plaza's artwork hit Plaintiff Doe especially hard as the targeted murals included depictions of family members and close associates wearing hijabs. As a result of Patriot Front's vandalism, Plaintiff Doe has significantly changed how they use the Market, visiting less often and taking additional security measures. In addition, as a result of the vandalism, they have experienced emotional, and mental and physical anguish, including chest pains. They have also installed security cameras at their residence because of the vandalism.

19. The Immigrant Development Center (the "IDC") is a non-profit organization and is the landlord for the International Market Plaza and a microlender for several of the businesses operating there. The IDC also rents space to an after-school program that is housed in the International Market Plaza. The mission of the IDC is to "build capacity of business and economic skills within the immigrant population, ultimately leading to economic self-sufficiency." Due to the decrease in customers, the IDC has taken on additional financial burdens to keep the Market operating, including a decrease in rental payments from individual shop keepers who have suffered a decline in customers. The IDC currently requires security protection as a result of Defendants' actions.

20. The North Dakota Human Rights Coalition (the "Coalition") is a local non-profit with a mission of "increas[ing] the visibility of human rights needs and violations and to change laws and attitudes that stand as barriers to residents within North Dakota who do not currently enjoy their full rights." After the vandalism, staff from the Coalition spent a number of hours

helping clean up, therefore limiting the Coalition’s ability to otherwise fulfill their mission. The Coalition’s staff and board members assisted with the cleanup, fundraising efforts on IDC’s behalf, and galvanizing support on behalf of communities targeted by Patriot Front in Fargo. The time spent on the cleanup, coordinating fundraising efforts, and responding to Patriot Front activities was time the Coalition would have otherwise spent writing grant applications to further the Coalition’s mission.

Defendant Patriot Front

21. **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 “[f]rom the varied nations and cultures of Europe [the United States] was forged 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.”⁴

22. **Defendant Patriot Front’s** members routinely attend demonstrations across the country at which they chant the Nazi slogan, “blood and soil.”

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

24. Patriot Front members have a long history of violence. The man who killed a peaceful protestor during the Charlottesville Unite the Right rally in 2017 marched side by side

⁴ *Manifesto*, Patriot Front, <https://patriotfront.us/manifesto/> (last visited Aug. 4, 2023).

with Patriot Front members (then Vanguard America), wearing the Patriot Front/Vanguard America uniform and holding a shield with the group's logo. Additional examples of Patriot Front violence and attempted violence include the assault and battery of a Black musician in Boston in July 2022 and an attempt to riot during a 2022 Pride event in Idaho (five members of the group were found guilty of criminal conspiracy to riot). Patriot Front members also routinely train to commit physical violence against anyone they deem an opponent. The group's online propaganda includes phrases like "Embrace violence," "Become war," and "Train with your friends. Fight your enemies."

25. **Defendant Patriot Front** spreads its message of white supremacy and conquest through masked marches and vandalism, which it calls "activism."⁵

26. 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.

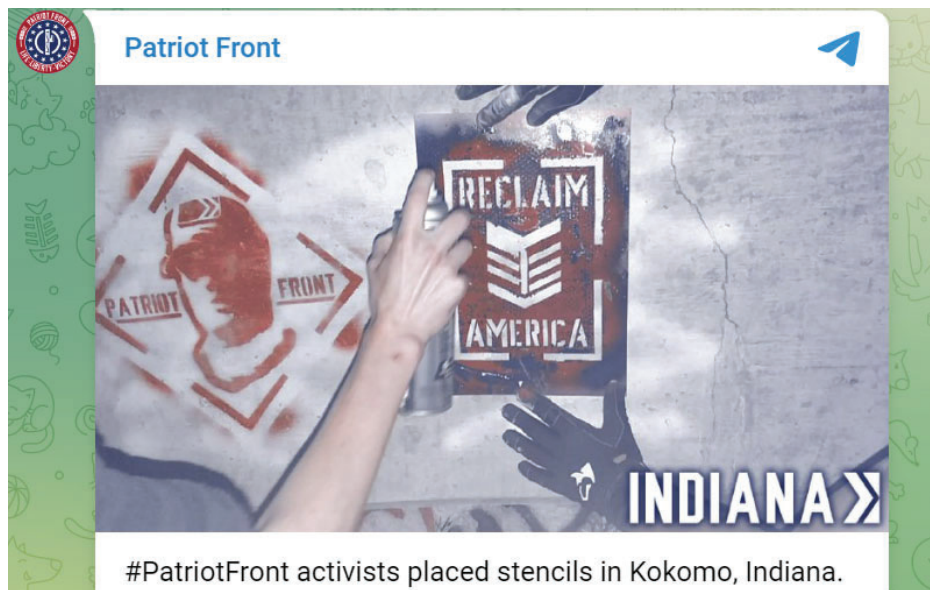
27. The campaign of vandalism that **Defendant Patriot Front** and its members pursue is coordinated. Members of the group often work in pairs when vandalizing a property. **Defendant Patriot Front's** leadership, including National Director **Defendant Thomas Rousseau**, require members to publicly place a certain number of Patriot Front stickers and spraypainted 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, including from **Defendant Rousseau** himself. **Defendant Patriot Front's** leadership, including National Director **Defendant Rousseau**, require

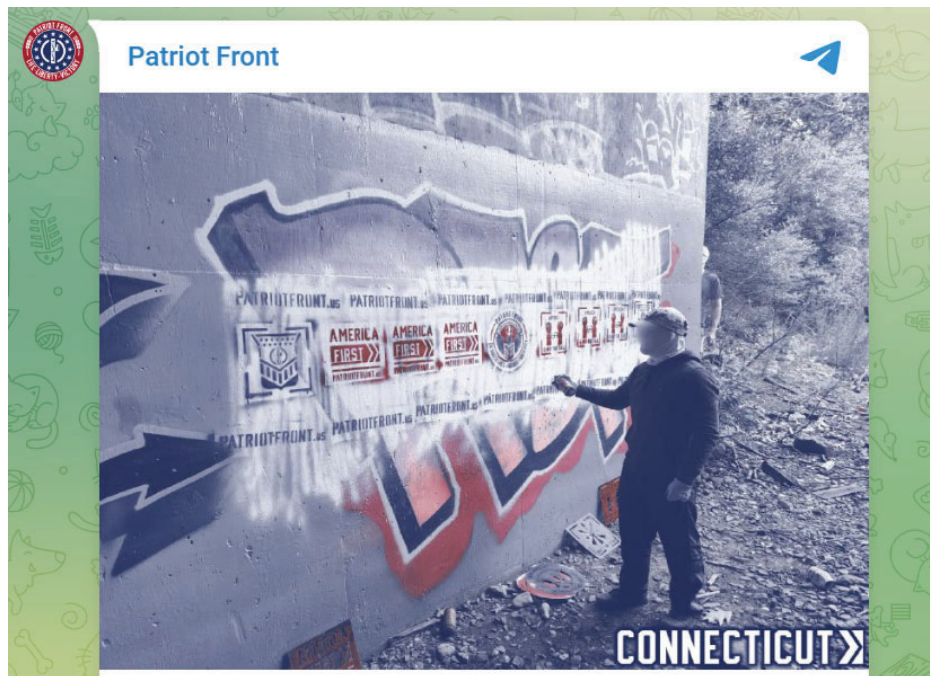
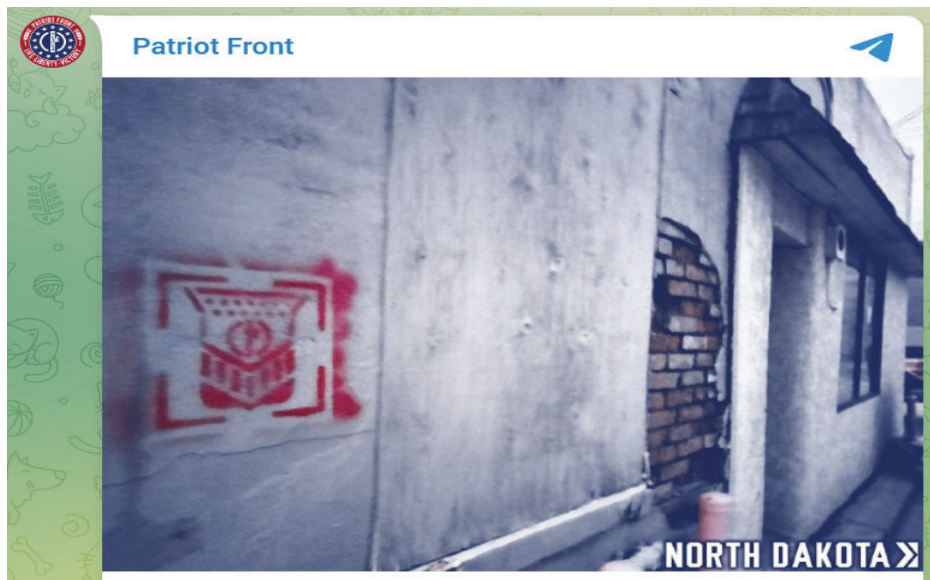
⁵ *Manifesto*, Patriot Front, <https://patriotfront.us/manifesto/> (last visited Aug. 4, 2023).

that members get Patriot Front regional and national leadership approval for any high-profile acts of vandalism.

28. **Defendant Patriot Front's** vandalism is carefully and intentionally branded. **Defendant Patriot Front's** leadership shares stencils with group members and gives detailed instructions on what color paints to use so that spraypainted logos and insignia all look the same, regardless of whether they appear in Fargo, ND, or any of the many other communities targeted by the group.

29. The logos and insignia used by Defendant Does in vandalizing the Plaza are the same as the ones that **Defendant Does** used in committing acts of vandalism in other parts of the country, as these images from the Patriot Front website reflect:







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

31. **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 stencils to members across the country.

32. **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

33. **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 members obtain Patriot Front leadership approval before engaging in large scale mural coverups.

34. **Defendant Trevor Valescu**, also known as “Johnny MN,” is a member of Patriot Front and, upon information and belief, serves as the Network Director for Patriot Front’s Network 11. As Network Director, **Defendant Valescu** supervises Patriot Front activities in North Dakota, Minnesota, and South Dakota, including providing members with the stencils necessary for large-scale public vandalism. **Defendant Valescu** 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 International Market Plaza.

35. **Defendant John Does 1-4** are now, and were during the time of the conspiracy alleged herein, members of **Defendant Patriot Front** and engaged in the vandalism of the International Market Plaza’s windows on or about September 3, 2022.

36. **Defendant John Does 5-10** are now, and were during the time of the conspiracy alleged herein, unknown individuals and entities, including associates of **Defendant John Does 1-4**, who conspired with **Defendant John Does 1-4** to vandalize the International Market Plaza.

FACTS

Patriot Front’s Acts of Vandalism and Racial Intimidation in Fargo

37. Patriot Front escalated its vandalism in the Fargo, ND area during the summer and fall of 2022, including the following acts of property destruction:

- On June 17, 2022, the Red Raven Espresso Parlor, a coffee shop and arts collective that is employee-owned by LGBTQ+ and people of color was vandalized with Patriot Front imagery and slogans. Pictures of the vandalism are below:



- On July 31, 2022, the Fargo Police Department received a report that the Ninth Street South pedestrian tunnel that runs beneath Interstate 94 had been vandalized with Patriot Front graffiti. Below is a photograph of the vandalism:



- In August 2022, a poster reading “Better Dead Than Red,” a cold-war era phrase frequently used by Patriot Front, was stuck to the of the main entrance of the headquarters of the Fargo public school district.
- In the fall of 2022, Patriot Front stickering appeared on public property in the near vicinity of the A&E Liberian Restaurant, in downtown Fargo. Below is a photograph of the vandalism:



Patriot Front’s Acts of Vandalism and Racial Intimidation Targeting the International Market Plaza

38. There have been repeated acts of Patriot Front vandalism targeting the International Market Plaza, located along the North Dakota-Minnesota state-line. Shopkeepers in the Plaza have

niche businesses selling spices, textiles, and other cultural-related items to new American communities in Fargo, ND, and Moorhead, MN. Many of these goods are procured through interstate and international travel, and cannot be obtained locally elsewhere.

39. On the morning of September 3, 2022, an employee at one of the International Market Plaza's convenience stores arrived at the Plaza to discover the Market's front windows vandalized with Patriot Front graffiti. Consistent with other Patriot Front vandalisms nationwide, the vandal(s) used a stencil to replicate the organization's consistent messaging on the Plaza's front door. An image of the vandalism is below:



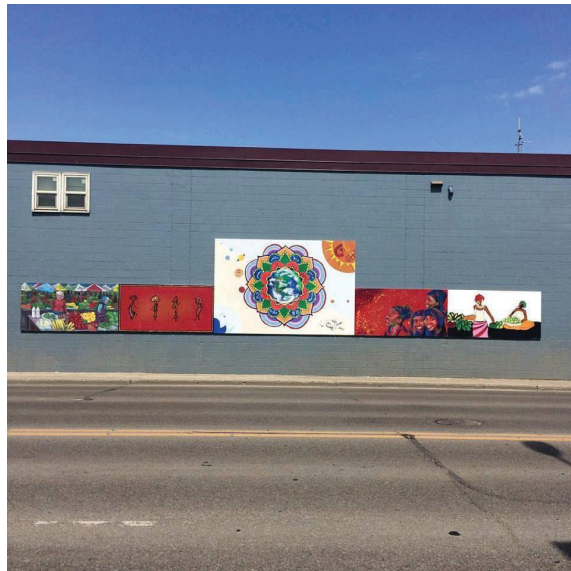
40. Upon learning of and seeing the graffiti, the IDC staff's immediate concern was the safety of shopkeepers and customers because of their knowledge regarding Patriot Front's activities in Fargo, and nationwide. Hoping to minimize the impact of the vandalism, IDC staff

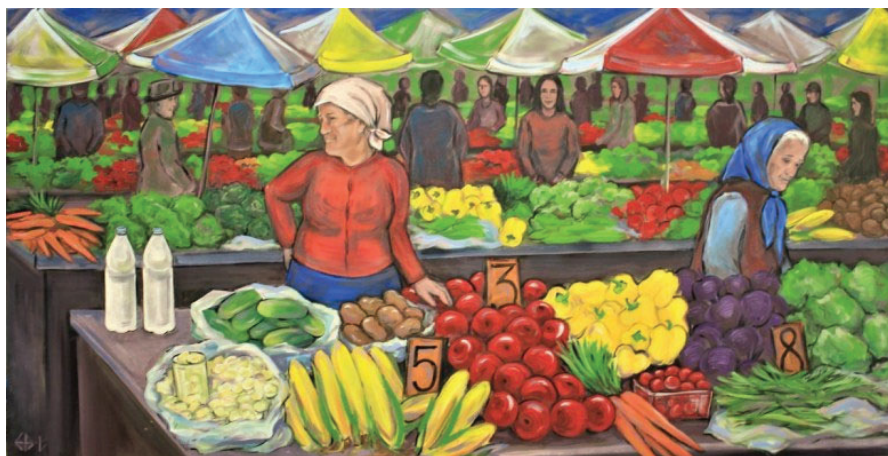
quickly called law enforcement, filed a police report, and photographed the vandalism before swiftly cleaning it up.

41. Two days later, on September 5, 2022, an employee of one of the International Market Plaza's shops arrived at work to discover Patriot Front had vandalized the market once more, this time on a larger scale and in an even more intimidating manner. This time, Patriot Front took pains to target not just the windows or blank walls of the Plaza, but rather destroyed a large piece of artwork affixed to the side of the building facing the street. The mural depicts Black and brown women selling fruit and text in various languages spoken by the communities that frequent the International Market Plaza, including Arabic, Somali, and Spanish. Other portions feature images of four young girls of color.

42. The vandalized artwork was created in 2017 by local artists. Funding for artwork was secured through a \$45,000 grant from ArtPlace America.

43. Below are photographs of the mural before it was vandalized:





44. As part of the vandalism, Patriot Front members used spray paint and a stencil to paint their website “PATRIOTFRONT.US” at least twelve times across the artwork. Some of the vandalism specifically covered the faces of the Black and brown women depicted in the mural.

45. Defendant Does took care to vandalize every panel in the mural, ensuring that the entire artwork—which had taken months of planning and was worth tens of thousands of dollars—was destroyed.

46. Below are photographs of the artwork after it was vandalized:





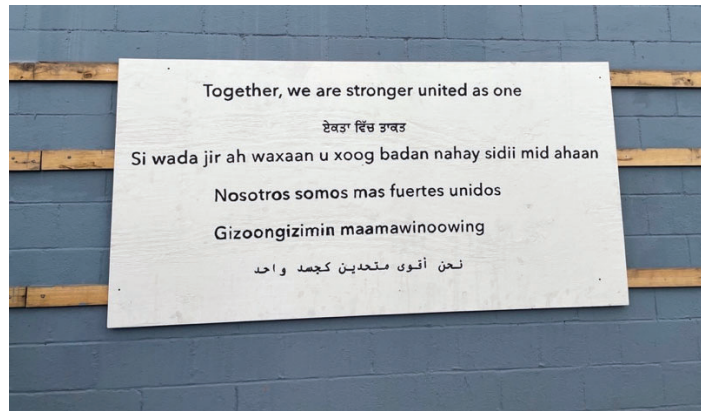
47. Once the vandalism was discovered, Plaintiff Doe worked with others to cover the artwork with duct tape so the stenciling would not be visible.

48. Later that day, one of the shopkeepers at the Plaza reported that two white men, whom they had never seen before, entered the Market and took pictures and videos of the interior. Some of the tenants suspected that the two white men were affiliated with Patriot Front because when confronted by IDC staff, who asked what they were doing, the men stopped taking pictures and left the premises. Given the men's suspicious behavior, these actions were interpreted by many of the tenants as a potentially threatening reconnaissance mission.

49. Plaintiff Doe and others in the International Market Plaza community wondered whether the repeated acts of vandalism were precursors to a shooting, bombing, or some other kind of ethnically-motivated mass violence. Many tenants referenced the 2012 mass shooting at a Sikh temple in Oak Creek, Wisconsin, that killed seven worshippers, and raised concerns that the International Market Plaza could be the next target for hate-motivated violence targeting immigrants in the Midwest.

50. In the days following the vandalism, Plaintiff Immigrant Development Center began to raise money for repairing the side of the building. It also organized a volunteer-based clean-up effort on Sunday, September 18, 2022. During that time, a diverse group of community members, including representatives from Plaintiff North Dakota Human Rights Coalition, volunteered to paint over the now-destroyed artwork and hung a simple, yet powerful, sign where the mural had once been. Symbolizing the Fargo-Moorhead community's resilience in the face of hate, the sign says "Together, we are stronger united as one," in six different languages—Somali, Swahili, Arabic, English, Spanish, and Urdu.


51. A photograph of the sign, and the side of the building as it is currently, is below:




52. Compounding matters in the wake of the vandalism, Plaintiff Doe learned that the Patriot Front was a nationwide white supremacist group. When Plaintiffs visited Patriot Front’s website, they were confronted with anti-immigrant propaganda, arguing that America must be reclaimed from racial and ethnic minorities. This fact intensified feelings of fear amongst Plaintiffs and others affiliated with the International Market Plaza and led individual shopkeepers to purchase security cameras for their stores in addition to changing their hours of operation.


53. Two weeks after the artwork was destroyed, a traffic mirror in the International Market Plaza’s parking lot was smashed. While there was no indication that the mirror was destroyed by Patriot Front members, this act is consistent with Defendants’ pattern of vandalism and property destruction targeting the International Market Plaza and caused Plaintiffs to experience further apprehension and hypervigilance.

54. Since its attacks on the International Market Plaza, Patriot Front has, by its own admission, continued to be “active and organizing” in the State of North Dakota, and within the City of Fargo, as images from their website reflect:

Patriot Front





NORTH DAKOTA




NORTH DAKOTA


[@PatriotFrontUpdates](#) » Activists from Network 11 reprogrammed a road sign in Fargo, North Dakota.

4.2K Jan 3 at 12:18

Patriot Front





NORTH DAKOTA

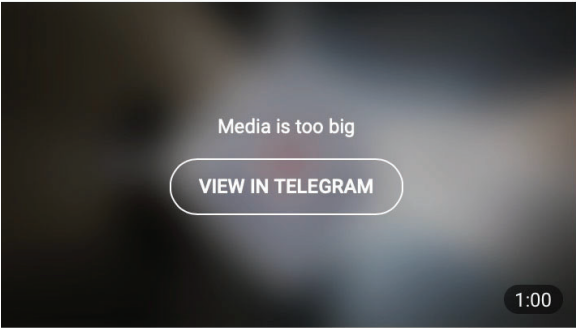


NORTH DAKOTA

[@PatriotFrontUpdates](#) » Activists from Network 11 placed stencils in southern North Dakota.

4.5K Jan 3 at 12:18

Patriot Front
Forwarded from [Patriot Front Videos](#)




Media is too big

VIEW IN TELEGRAM

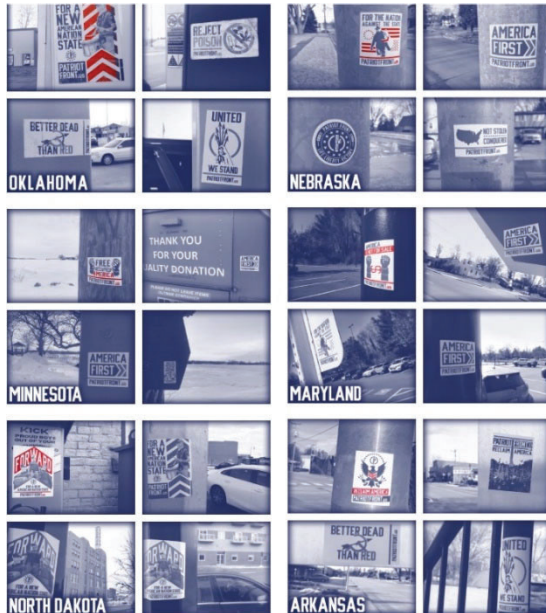
1:00

[@PatriotFrontVideos](#) » Patriot Front's Network 11 is active and organizing in the states of North Dakota, South Dakota, and Minnesota.

NW11 is offering new members a chance to engage in effective community outreach, transform the public space with the words of the nation's cause, and seek self improvement with the encouragement of an ideological community.

<https://patriotfront.us/join/>

3.7K Dec 14, 2022 at 19:01



OKLAHOMA

NEBRASKA

MINNESOTA

MARYLAND

NORTH DAKOTA

ARKANSAS

[@PatriotFrontPromat](#) » Activists placed promotional materials in:

- Wauchula, Florida
- Brookings, South Dakota
- Stillwater, Oklahoma
- Omaha, Nebraska
- Balaton, Minnesota
- Forest Glen, Maryland
- Fargo, North Dakota
- Springdale, Arkansas

2.7K Feb 12 at 20:03

55. The events in this case have left many of the International Market Plaza's visitors and shopkeepers, including Plaintiffs, as well as others in the Fargo immigrant community feeling unsafe.

Impact of the Vandalism on Community and Business Owners

56. Patriot Front’s actions towards the International Market Plaza were intended to cause fear and deprive others—especially immigrants of color—of their rights, and, unfortunately, Patriot Front achieved that result. Patriot Front explicitly encourages its members to engage in “activism” with “stickers, flyers, posters, banners, demonstrations, and more,” because “[m]essages in the public space serve to promote patriotic politics, and combat anti-national messaging.”⁶ Defendants John Doe 1, 2, 3, and 4, intentionally acted in furtherance of this goal by vandalizing the International Market Plaza building—which provides services for immigrant communities in the Fargo-Moorhead area—and the Plaza’s murals—which promoted the ethnic diversity of the new American community and the customers who visit.

57. In the weeks following the vandalism, there was a notable decline in customers in the International Market Plaza. Many shopkeepers stayed home for fear of violence, closing their storefronts to potential customers. To this day, many shopkeepers feel lingering safety and security concerns and worry about a potential escalation in violence.

58. To address these concerns, Plaintiff Doe worked with the Fargo Police Department and is hoping to purchase additional security cameras to place around the exterior of the building. Plaintiff Doe hopes to afford additional necessary professional security services.

59. Shopkeepers have limited their use of the building, coming and leaving in groups for safety and the safety of their employees due to the vandalism. To this day, the shops continue to operate at reduced hours due to safety concerns. Prior to the vandalism, the Plaza was open from 9am to 9pm, and since the attack on the Plaza, the hours have been reduced by five hours specifically to address security concerns.

⁶ Action, Patriot Front, <https://patriotfront.us/action/> (last visited Aug. 4, 2023).

60. The vandalism has personally impacted Plaintiff Doe.

61. Plaintiff Doe feels increasingly afraid for their personal safety. At their own expense, they have installed security measures at their home. They limit the frequency of their visits to the Market and, when they do go in person, try to accompany others.

CAUSES OF ACTION

COUNT I

42 U.S.C. § 1985(3)

CONSPIRACY TO VIOLATE CIVIL RIGHTS UNDER THE KU KLUX KLAN ACT OF 1871 **All Plaintiffs Against All Defendants**

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

63. 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). Such deprivation of rights may involve showing “(1) that ‘some racial, or perhaps otherwise class-based, invidious discriminatory animus [lay] behind the conspirators’ action[s], and (2) that the conspiracy ‘aimed at interfering with rights’ that are ‘protected against private, as well as official, encroachment.’” *Bray v. Alexandria Women’s Health Clinic*, 506 U.S. 263, 286 (1993).

64. **Defendant John Does 1-4** each agreed, coordinated, and executed a common plan with at least one other person to interfere with the patrons, International Market Plaza employees and other members of the International Market Plaza community in their enjoyment of a place of

public accommodation—the International Market Plaza—in denial of their equal protection of the law and equal privileges thereunder. This conspiracy was motivated by animus based on race, religion and national origin.

65. **Defendant John Does 1-4** engaged in overt acts in furtherance of this conspiracy, including the procurement and distribution of paint, stencils, and other supplies, and acts of vandalism and destruction of property.

66. **Defendant John Does 5-10** are unknown individuals and entities, including associates of Defendant Does 1-4, who conspired with Defendant John Does 1-4 to vandalize the International Market Plaza.

67. **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**.

68. 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 the International Market Plaza, a place of public accommodation, and to do so without fear or intimidation on account of race.

69. As a direct and proximate result of Defendants' conspiracy and conduct, each Plaintiff suffered injury to their person, including emotional and economic 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
All Plaintiffs Against All Defendants

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

71. This claim arises under 42 U.S.C. § 1986, which establishes liability for 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.

72. 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.

73. 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.

74. **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.

75. **Defendant Trevor Valescu** 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

Fargo during the time of the conspiracy alleged herein, **Defendant Valescu** required all Patriot Front members to get his personal approval before engaging in mural coverups in his network. **Defendant Valescu** 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.

76. As those who engaged in property destruction of the International Market Plaza, **Defendant John Does 1-4** had knowledge of the Patriot Front's conspiracy and the power to prevent or aid in preventing its wrongs. As Patriot Front members at the time of the conspiracy alleged herein and who participated in the vandalism in September 2022, and as participants, **Defendant John Does 1-4** could have prevented or aided in preventing the conspiracy alleged herein. **Defendant John Does 1-4** neglected to take such actions or make other reasonably diligent efforts.

77. **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**.

78. 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
42 U.S.C. § 1981
ACTION TO MAKE AND ENFORCE CONTRACTS
Plaintiffs Doe and International Development Center Against All Defendants

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

80. This claim arises under 42 U.S.C. § 1981, which states that “All persons . . . shall have the same right in every State and Territory to make and enforce contracts . . . and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens”

81. To establish a case of discrimination in the retail context, a Section 1981 plaintiff must show, “(1) membership in a protected class, (2) discriminatory intent on the part of the defendant, and (3) interference by the defendant with an activity protected under the statute.” *Green v. Dillard's, Inc.*, 483 F.3d 533 (8th Cir. 2007); *see also Gregory v. Dillard's, Inc.*, 565 F.3d 464 (8th Cir. 2009).

82. **Defendant John Does 1-4** acted with discriminatory intent in targeting individual Plaintiffs, all of whom are members of a protected class. As a result of Defendants’ actions targeting individual Plaintiffs, Defendants interfered with Plaintiffs’ protected activity, including their right to make and enforce contracts.

83. Defendants would not have targeted Plaintiffs, but for their race, national origin, and religious identities.

COUNT IV
CONVERSION
Plaintiff Immigrant Development Center Against All Defendants

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

85. To state a prima facie case for Conversion, plaintiffs must allege (1) a tortious detention or destruction (2) of personal property, or (3) wrongful exercise of dominion or control over the property (4) that is inconsistent with or in defiance of the rights of the owner.

86. Plaintiffs must also allege that defendants acted with (1) intent to control or (2) to interfere with the use of the property to such a degree as to require a forced sale of the plaintiff's interest to the defendant.

87. Plaintiff Immigrant Development Center suffered conversion as a result of Defendants' destruction of the outdoor murals—celebrating multiculturalism and diversity affixed to the International Market Plaza's street-facing wall—without Plaintiff Immigrant Development Center's consent.

88. Defendants destroyed artwork created in 2017 by local artists. Funding for the artwork was secured through a \$45,000 grant from ArtPlace America.

89. Defendants intentionally and wrongfully exercised control over Plaintiff Immigrant Development Center's outdoor murals, desecrating the artwork, and converted that imagery to obtain free advertisement for their intimidating nationalist propaganda.

90. Defendants wrongfully deprived Plaintiff Immigrant Development Center of its personal property and interfered with its use of that property to such an extent that Plaintiff Immigrant Development Center's interest in that property was transferred to the Defendants, by force and without payment.

91. As a result of Defendants' tortious destruction, Plaintiff Immigrant Development Center was forced to take down the now desecrated, \$45,000 artwork and procure supplies to replace it with a minimalist sign promoting unity in the face of adversity.

**COUNT V
TRESPASS**

Plaintiff Immigrant Development Center Against All Defendants

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

93. To state a prima facie case for Trespass, plaintiffs must allege that (1) the defendant intentionally entered the land of another, or caused a thing or a third person to do so, (2) without the consent of the landowner.

94. Plaintiff Immigrant Development Center owns the land on which the International Market Plaza operates, and did not, at any time, give Defendants' permission to enter its property for any purpose. Nevertheless, Defendant John Does 1-4 entered the property without consent, and repeatedly vandalized Plaintiff Immigrant Development Center's property.

95. Likewise, all other Defendants, though their coordination and instruction, caused Defendant John Does 1-4 to enter Plaintiff Immigrant Development Center's land without consent.

96. As a result of Defendants' intentional, and non-consensual, entrance on its land, Plaintiff Immigrant Development Center has suffered a trespass.

**COUNT VI
TRESPASS TO CHATTEL**

Plaintiff Immigrant Development Center Against All Defendants

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

98. To state a prima facie case for Trespass to Chattel, plaintiffs must allege that the defendant (1) intentionally (2) dispossessed another of the chattel or (3) used or intermeddled with a chattel in the possession of another (4) without consent.

99. **Defendant John Does 1-4** intentionally destroyed the mural affixed to the outside of the International Market Plaza building without consent. This intentional destruction dispossessed Plaintiff Immigrant Development Center, which is the owner of the International Market Plaza and the land on which it sits, of the mural by significantly impairing its condition, quality, and value, and permanently depriving Plaintiff Immigrant Development Center and the International Market Plaza of the use and enjoyment of the mural.

100. Likewise, all other Defendants, though their coordination and instruction, caused Defendant John Does 1-4 to enter Plaintiff Immigrant Development Center's land without consent and destroy the mural.

101. As a result of Defendants' intentional and non-consensual destruction of the mural, a chattel, affixed to the outside of the International Market Plaza building, Plaintiff Immigrant Development Center has suffered a trespass to chattel.

COUNT VII
CIVIL CONSPIRACY
All Plaintiffs Against All Defendants

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

103. To state a prima facie case for Civil Conspiracy, plaintiffs must allege that (1) two or more individuals (2) acted in concert (3) to commit an unlawful act and (4) there was an agreement between the parties to inflict a wrong against or injury upon another and (5) an overt act (6) resulting in damages.

104. **All Defendants** acted in concert, as demonstrated by their attendance at meetings, participation in online discussions, and other acts of planning and preparation for the commission of the underlying torts and civil rights violations set forth herein.

105. **Defendant John Does 1-4** each agreed, coordinated, and executed a common plan with at least one other person to interfere with the patrons, International Market Plaza employees, and other members of the International Market Plaza community in their use and enjoyment of the International Market Plaza, a place of public accommodation, by trespassing on and repeatedly vandalizing the International Market Plaza.

106. **Defendant John Does 1-4** engaged in overt acts in furtherance of this conspiracy, including the procurement and distribution of paint, stencils, and other supplies, as well as acts of trespass, vandalism, and property destruction.

107. **Defendant John Does 5-10** are unknown individuals and entities, including associates of **Defendant John Does 1-4**, who conspired with **Defendant John Does 1-4** to vandalize the International Market Plaza.

108. As a direct and proximate result of the overt acts in furtherance of this conspiracy, as set forth in the above Paragraphs, Plaintiffs suffered damages, including emotional and economic injury.

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.

Dated: September 1, 2023

By: /s/Arthur Ago

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