

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

TADRINT WASHINGTON and )  
MICAH WASHINGTON )

Plaintiffs )

v. )

James Alex Fields Jr., Jason Kessler, Richard )  
Spencer, Mike Peinovich, Michael Hill, Matthew )  
Heimbach, Traditionalist Worker Party, the )  
League of the South, Vanguard America, the )  
National Socialist Movement (NSM), The )  
Nationalist Front, National Policy Institute, the )  
Proud Boys, David Duke, Council of Conservative )  
Citizens, AltRight.com, Augustus Invictus, Pax )  
Dickinson, Christopher Cantwell, Andrew Anglin, )  
The Daily Stormer, Identity Dixie, Identity )  
Europa, Nathan Damigo, Red Elephants, American )  
Renaissance, American Freedom Keepers, The )  
Pennsylvania Light Foot Militia, John Doe 1-1000, )  
Jane Doe 1-1000, )

Defendants )

Case No. **CL17-442**

**Jury Trial Demanded**

COMPLAINT

COME NOW the Plaintiffs Tadrint Washington and Micah Washington and move for judgment against the above-captioned Defendants jointly and severally, on the grounds and in the amount as hereinafter set forth:

1. This Court has subject matter jurisdiction over this action pursuant to Va. Code §§ 17.1-513.

FILED  
**8/15/2017 @ 1:20P**  
(Date & Time)

City of Charlottesville  
Circuit Court Clerk's Office  
Lizella A. Dugger, Clerk  
By *[Signature]*  
Deputy Clerk

2. The proper venue for this case lies in the City of Charlottesville. Plaintiffs are residents of Charlottesville and suffered their injuries in Charlottesville as a result of Defendants' vile behavior which occurred in Charlottesville, Virginia.

### **PARTIES**

#### **Plaintiffs**

3. Plaintiff Tadrin Washington is a resident of the Commonwealth of Virginia. Tadrin Washington was injured both physically and emotionally when James Alex Fields, Jr. rammed his car into a crowd of people and into the vehicle she was driving

4. Plaintiff Micah Washington is a resident of the Commonwealth of Virginia. Micah Washington is Tadrin Washington's sister and was injured both physically and emotionally when James Alex Fields, Jr. rammed his car into a crowd of people and into the vehicle in which she was a passenger.

#### **Defendants**

5. James Alex Fields, Jr., ("Fields") is a racist, violent and hateful person who sought to kill innocent people, including plaintiffs, in order to further a message of hate, intolerance and to instill terror in and intimidate all those who oppose the Alt-right's vision of a racist intolerant society. At all relevant times, James Fields was a resident of Ohio.

6. Jason Kessler ("Kessler") is a racist, violent and hateful person who conspired to and did incite violence in the City of Charlottesville on August 12, 2017. Kessler has a history of racism and violence and in furtherance of his vision for a racist and violent society he organized the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs injuries. At all relevant times Jason Kessler was a citizen of the Commonwealth of Virginia and a member and agent of Defendant Vanguard America.

7. Richard Spencer (“Spencer”) is a racist violent and hateful person who conspired to and did incite violence in the City of Charlottesville on August 12, 2017. Spencer has a history of racism and violence and in furtherance of his vision for a racist and violent society he helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs injuries. At all relevant times Richard Spencer was a citizen of the Commonwealth of Virginia.

8. Mike Peinovich, is a racist violent and hateful person who conspired to and did incite violence in the City of Charlottesville on August 12, 2017. Peinovich has a history of racism and in furtherance of his vision for a racist and violent society he helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs injuries. Peinovich runs the The Right Stuff podcast which promotes a violent and racist ideology.<sup>1</sup> At all relevant times Peinovich was a citizen of the State of New York.

9. Michael Hill is a racist violent and hateful person who conspired to and did incite violence the City of Charlottesville on August 12, 2017. Hill has a history of racism and in furtherance of his vision for a racist and violent society he helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs’ injuries. Hill is the found of the neo-confederate League of the South and one of the three leaders of the National Front.

10. Matthew Heimbach, is a racist violent and hateful person who conspired to and did incite violence in the City of Charlottesville on August 12, 2017. Heimbach has a history of racism and in furtherance of his vision for a racist and violent society he helped organize and promote the

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<sup>1</sup> Several organizations are active in tracking and opposing Domestic Terror and Hate groups and serve as an important resource for this Complaint with respect to obtaining background information on Defendants. The Southern Poverty Law Center is at the forefront of tracking these groups and their website is [www.splcenter.org](http://www.splcenter.org), Another important resource is Political Research Associates <http://www.politicalresearch.org/>

Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries. Heimbach heads the Traditionalist Worker Party and is a leader of the Nationalist Front.

11. The Traditionalist Worker Party is a racist and violent organization that seeks to promote a racist society and white "ethno-state" and that conspired to and did incite violence in the City of Charlottesville on August 12, 2017. The Traditionalist Worker Party helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries.

12. The League of the South Party is a racist and violent organization that seeks to repeat the Civil War by seceding from the United States and creating a white nationalist state. The League of the South has its own paramilitary. The League of the South helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

13. Vanguard America is a racist and violent organization that seeks to revive the Nazi state. Vanguard America helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

14. The National Socialist Movement is a racist and violent organization that seeks to revive the Nazi state. The National Socialist Movement helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

15. The Nationalist Front is a racist and violent umbrella organization consisting of neo-Nazi, fascist groups, and the Ku Klux Klan. The Nationalist Front helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

16. The National Policy Institute, is a racist and violent organization that seeks to promote a White Supremacist state. The National Policy Insitute helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

17. The Proud Boys is a racist and violent organization which counts Jason Kessler among its members. In order to advance within the group, its members must violently attack counter-protesters. The Proud Boys have formed their own military division called the Fraternal Order of Alt-Knights and helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

18. David Duke is a racist, hateful and violent person. He is the former Grand Wizard of the Ku Klux Klan and in furtherance of his vision for a racist and violent society he helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

19. The Council of Conservative Citizens is a racist and violent organization that seeks to promote a White Supremacist state. The Council of Conservative Citizens is based in Missouri

and helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

20. AltRight.com is a racist and violent organization which promotes its vision of hatred and white supremacy through its website. AltRight.com helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017. AltRight.com specifically stated "People will talk about Charlottesville as a turning point. There will be a before Charlottesville and an after Charlottesville. Will you stand up for your history, your race and your way of life?"

21. Augustus Invictus is a racist, hateful and violent person and is the founder of the Fraternal Order of Alt-Knights, the military wing of the Proud Boys created to violently attack counter-protestors. In furtherance of his vision for a racist and violent society he helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

22. Pax Dickinson is a racist, hateful and violent person. In furtherance of his vision for a racist and violent society he helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

23. Christopher Cantwell is a racist, hateful and violent person. In furtherance of his vision for a racist and violent society he helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries;

and conspired to and did incite violence in the City of Charlottesville on August 12, 2017. He calls for violence through such phrases as “let’s fucking gas the kikes and have a race war.”

24. Andrew Anglin is a racist, hateful and violent person. Andrew Anglin is the founder of the Daily Stormer, the most successful internet news site for Domestic Terrorists and Racists. In furtherance of his vision for a racist and violent society he helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs’ injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

25. The Daily Stormer is a racist and violent organization which promotes its vision of hatred and white supremacy through its website. Articles on the Daily Stormer make clear that the intent of the Unite the Right Rally was to incite violence against minorities and those who believe in equal rights. As one article states: “this will clearly be an earth-shaking day that will go down in the history books. It can really only be explained as a perfect storm. That everything has been leading up to this. That our time has come. ... It will be a monumental turning point in the progression of our movement. Everything will be different afterwards. ... Next stop: Charlottesville, VA. Final stop: Auschwitz.” The Daily Stormer further exposes the intent of the organizers and attendees of the Unite The Right party by disparaging the deceased victim of the terrorist attack perpetrated by James Fields and facilitated by Defendants noting that it was “glad she was dead.” The Daily Stormer helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

26. Identity Dixie is a racist and violent organization which promotes its vision of hatred and white supremacy through its website and podcasts. Identity Dixie helped organize

and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

27. Identity Evropa is a racist and violent organization. Identity Evropa helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

28. Nathan Damigo is a racist, hateful and violent person and is the leader of Identity Evropa. In furtherance of his vision for a racist and violent society he helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017. As part of his promoting of the Unite the Right Rally he asked people to "Join us, and push back against the cultural Marxists their war on Whites."

29. The Red Elephants is a racist and violent Alt Right media platform. They promote a violent do it yourself division on their media platforms. The Red Elephants helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

30. American Renaissance is a racist and violent organization which produces a racist publication and hosts annual conferences. American Renaissance helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

31. The American Freedom Keepers is a racist and violent militia. The American Freedom Keepers helped organize and promote the Unite the Right rally which occurred in



Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

32. The Pennsylvania Light Foot Militia is a racist and violent militia. The Pennsylvania Light Foot Militia helped organize and promote the Unite the Right rally which occurred in Charlottesville on August 11-12, 2017 and which caused Plaintiffs' injuries; and conspired to and did incite violence in the City of Charlottesville on August 12, 2017.

33. John Doe 1-1000 and Jane Doe 1-1000, are the thousands of racist, hateful and violent people who organized, attended, incited violence and promoted the Unite the Right rally, but whose identities are not known at this time.

### **FACTS**

34. White supremacy groups have supported and committed violent acts to achieve its political, ideological, religious and social goals for decades.

35. As noted by the Combating Terrorism Center at West Point the far right white supremacy groups "are interested in preserving or restoring what they perceive as the appropriate and natural racial and cultural hierarchy, by enforcing social and political control over non-Aryans/nonwhites such as African Americans, Jews, and various immigrant communities."

36. In line with the movement's ideology, the great majority of violent attacks perpetrated by the racist groups are aimed against individuals or groups affiliated with a specific minority ethnic group and those groups or individuals supportive of equal rights.

37. In a November 2012 Report, the Combating Terrorism Center at West Point noted that with respect to America's violent far-right movement:

Findings indicate that contentious and conservative political environments as well as the political empowerment are positively associated with the volume of violence; thus, it is not only feelings of deprivation that motivate those involved in far right violence, but also the

sense of empowerment that emerges when the political system is perceived to be increasingly permissive to far right ideas.

38. Fatalities resulting from attacks by far right wing violent extremists have exceeded those caused by radical Islamist violent extremists in 10 of the 15 years since September 11, 2001.

39. According to data from the U.S. Extremist Crime Database (ECDB) there have been 85 attacks in the United States by violent extremists since September 11, 2001 resulting in 225 fatalities. Of these, 106 were killed by far right violent extremist in 62 separate incidents (73 percent).

### **Conflict Surrounding the Removal of the Robert E. Lee Statue From Charlottesville**

40. Emancipation Park (formerly known as “Lee Park”) is located one block from the City of Charlottesville historic Downtown Mall, and is approximately one square block in size and shape. Emancipation Park contains slightly more than one acre and is typically devoted to passive activities in the city.

41. Emancipation Park houses a statue of Robert E. Lee which has stood in the City of Charlottesville since 1924.

42. Since at least 2012, residents and city officials of Charlottesville have called for the removal of the statue.

43. In May 2016, the City Council of Charlottesville established a special commission to discuss the removal of the statue and other Confederate monuments. The Commission issued a report recommending that the city either relocate the statue or including historical information regarding the statue.

44. In February 2017, the City Council voted to remove the statue from the park. In April 2017, the City Council voted to sell the statue through a process whereby the city would

receive bids from educational institutions, museums or non-profit organizations. The Monument Fund, the Sons of Confederate Veterans and about a dozen private citizens sued the City and Council over the decision. In early May, a Charlottesville judge put a partial injunction in place, stating the Lee statue could not be moved for six months.

45. On May 13, 2017, Richard Spencer organized a demonstration in protest of the removal of the statue where a group of white nationalists surrounded the statue while carrying torches. Earlier that afternoon, Spencer led a rally in Charlottesville where he told supporters “We will never back down from the cowardly attacks on our people and our heritage. What brings us together is that we are white. We are people. We will not be replaced!”

46. Defendant Kessler attended the nighttime torchlit march organized by Spencer. At the event, Kessler declared the beginning of a “cultural civil war” and was later arrested for using a bullhorn to incite an already angry crowd, rife with racial tension.

47. Charlottesville Mayor Mike Singer issued a statement that the event “was designed to instill fear in our minority population in a way that hearkens back to the days of the KKK.”

48. On May 30, 2017, Kessler submitted an application to the City of Charlottesville to hold a “free speech rally in support of the Lee monument” in Lee Park on Saturday, August 12, 2017. Kessler estimated that there would be a total of 400 participants at the demonstration.

49. On July 8, 2017, a group of approximately 50 members of the Loyal White Knights of the Ku Klux Klan marched in Charlottesville to protest the removal of the statue. The KKK members wore robes and carried Confederate flags and loaded firearms while chanting “white power.” Police escorted the KKK members through crowds of counter-protesters some of whom were trying to stop the KKK from entering the designated location for the demonstration.

50. Charlottesville police declared the gathering of counter-protesters an “unlawful assembly” and released pepper spray and tear gas in order to disperse the crowd. Charlottesville police arrested twenty-two people involved in the demonstration and counter-protest.

51. Following the KKK march in Charlottesville and prior to the August 2017 rally organized by Kessler, the Charlottesville Police Department and public safety personnel informed Kessler that there were significant logistical and safety concerns with holding the rally in Emancipation Park including the fact that law enforcement, fire and emergency medical services personnel would not be able to adequately protect attendees and the necessary road closures would limit the access of emergency vehicles to the Rally.

52. According to intelligence collected by the Charlottesville Police Department there would be at least 1,000 individuals which was confirmed by numerous scheduled speakers for the Rally. The city had never seen a rally of that size.

53. Official Spokesperson of the Fraternal Order of Alt-Knights (FOAK) Trace Chiles stated that expected 200 FOAK members and 75-100 “Patriot Men” to attend the Rally. Chiles indicated that FOAK members intended to carry firearms at the Rally.

54. Kessler refused the City of Charlottesville’s request to move the Rally to McIntire Park which encompasses approximately 130 acres and has the lowest population density of any section within the City limits.

55. Kessler named the August 12, 2017 demonstration the “Unite the Right Rally.” The official Facebook page for the Rally described the rally as follows:

56. This is an event which seeks to unify the right-wing against a totalitarian Communist crackdown, to speak out against displacement level immigration policies in the United

States and Europe and to affirm the right of Southerners and white people to organize or their interests just like any other group is able to do, free of persecution.

57. Many organizations, including the named Defendants, funded and sent contingencies of their membership to engage in and assist with this display of hatred and intolerance. They displayed their group's signs and insignia, and some marched in organized formation intended to mimic the Nazi rallies of 1930s Germany.

58. There was no doubt that violence was intended at this rally as The Daily Stormer, a popular neo-Nazi website, encouraged rally attendees to bring shields, pepper spray, and fascist flags and flagpoles. A prominent racist podcast told its listeners to come carrying guns. "Bring whatever you need, that you feel you need for your self defense. Do what you need to do for security of your own person," said Mike "Enoch" Peinovich on The Right Stuff podcast. And the white supremacists who showed up in Charlottesville did indeed come prepared to engage in violent activities. Many wore helmets and carried clubs, medieval-looking round wooden shields, and rectangular plexiglass shields, similar to those used by riot police.

59. The online community was rife with comments showing the intent of the Unite the Right Organizers for violence. "I can assure you there will be beatings [at] the August event. Gloves are off if they attack;" "We have reinforcements coming. They're bussing in people by the hundreds. That day we finish them off;" "If the war started today it would be over by November. Why fight in the cold, let's get it done now;" "We're luring in BLM, SURJ, and Antifa from Baltimore, Philly, and D.C. We'll kill 5 birds with one stone;" "Here we go folks. This is official! We need your help. We will be facing off directly with Antifa, and Black Lives Matter. All able bodied men and women ready to fight!" The Daily Stormer notes that "Based Stickman is going and as much as I like to watch him bash antifa's heads in him and his group are

pretty prone to starting shit.” One Daily Stormer commenter wrote on their page, “They need Sacco Vandal at Unite the Right. Antifa and niggers will be out in force. We need military guys there to crack skulls.”

### **“Unite the Right Rally”**

60. On Friday August 11, 2017, the night before the Unite the Right Rally, the white nationalists and white supremacists, including Kessler and Spencer, organized a torchlight procession through downtown Charlottesville. The torchlight procession was intended to replicate KKK cross lighting ceremonies and intimidate the local minority population through a message of hate and violence.

61. In advance of the Friday night march, Spencer sent a text message to a reporter that read: “I’d be near campus tonight, If I were you.” “After 9 p.m. Nameless field.”

62. At approximately 8:45 p.m. on Friday August 11, 2017, a group of over 200 mostly young white males, many wearing khaki pants and white polo shirts, lit torches in the “Nameless field” a large area behind Memorial Gymnasium at the University of Virginia.

63. The uniform of khaki pants and white polo shirt is the official uniform of Vanguard America.

64. The group of white supremacists and white nationalists began to march through the University of Virginia to the Robert E. Lee statue yelling “Blood and soil” “You will not replace us” “Jews will not replace us” and “White lives matter.”

65. When the group arrived at the statue, there was a group of approximately 20 to 30 individuals, mostly students from the University of Virginia, who had locked arms around the base of the statue.

66. Within minutes of the white supremacists arrival at the statue, an altercation ensued with the group led by Kessler and Spencer throwing their torches toward the statue and students. Police arrived after the chaos ensued and emergency personnel arrived to treat injuries.

67. Upon information and belief, Defendant Fields was a participant in the march and altercation on the night of Friday, August 11, 2017.

68. By 8 a.m., on the morning of August 12, 2017, members of anti-facist groups and white supremacists began arriving to Emancipation Park waving nationalist banners, chanting slogans and carrying pistols, rifles, shields and clubs.

69. Former KKK leader and racist icon David Duke was in attendance, as were a multitude of leaders of neo-Nazi and neo-Confederate organizations.

70. The alt-right groups hired the Warlocks, a motorcycle club to provide protection during the rally.

71. At approximately 11 a.m. on August 12, 2017, a group of white nationalists carrying large shields and wooden clubs approached the park on Market Street in Charlottesville, Virginia. The white nationalists' path was blocked by a group of counter-protesters. The marchers charged through the line of counter-protesters swinging sticks and spraying chemicals.

72. Defendant Fields was part of the group marching towards Emancipation Park. He wore khaki pants and a white polo shirt and held a shield with the emblem of Vanguard America.

73. Before noon, the official start time of the "Unite the Right Rally", rallygoers and counter-potesters began throwing bottles and rocks and fights began breaking out along the streets of Charlottesville.

74. At 11:22 a.m., the Charlottesville Police declared the event an unlawful assembly. Shortly thereafter, the Virginia Governor declared a state of emergency.

### **Intentional Murder and Attempted Murder of Innocent Bystanders**

75. After the dispersal of the main rally at Emancipation Park, a group of Charlottesville residents and counter-protesters were gathered peacefully on the Downtown Mall.

76. On the afternoon of August 12, 2017, Plaintiffs Tadrin Washington and Micah Washington were driving to their home in Charlottesville, Virginia. Tadrin Washington was driving her 2005 Toyota Camry and her sister Micah Washington was in the passenger seat.

77. Plaintiffs were not counterprotesters and did not attend any of the events relating to the rally or protest.

78. Due to the road closures in Downtown Charlottesville, Plaintiffs were detoured from their typical route home. The road closures led Plaintiffs to 4th street in between Main and Water Street.

79. Plaintiffs were unable to drive further due to the number of pedestrians in on the street.

80. At approximately 1:42 p.m., Defendant Fields retrieved his Dodge Challenger and deliberately turned the vehicle down 4th Street and accelerated into the group of residents and counter-protestors in an attempt to kill and maim as many individuals as possible.

81. Defendant Fields then deliberately slammed his car into the back of Plaintiffs vehicle, propelling it further through the crowd. The impact of the crash caused numerous persons onto Plaintiffs vehicle.

82. The crash caused Plaintiffs to slam into the dashboard and windshield leaving them with serious injuries to their head and extremities.



83. Plaintiffs' vehicle was covered in blood and numerous victims of the attack were laying beside the vehicle as first responders were providing treatment and attempting to resuscitate Heather Heyer, a victim that was killed in the attack.

84. Plaintiffs were eventually removed from their vehicle by law enforcement and medical personnel and transferred to the University of Virginia Medical Center where they received treatment for their injuries.

85. Fields was arrested after the attack and charged with second degree murder, three counts of malicious wounding and failing to stop at an accident.

86. Showing approval of Fields' actions, Richard Spencer noted the Unite the Right event "was a huge moral victory in terms of the show of force." Matthew Heimbach of the National Front noted: "We achieved all of our objectives..." "We showed that our movement is not just online, but growing physically. We asserted ourselves as the voice of white America. We had zero vehicles damaged, all our people accounted for, and moved a large amount of men and materials in and out of the area. I think we did an incredibly impressive job." Christopher Cantwell noted that he was trying to become "capable of more violence" and that "Well kill these people if we have to." He goes on to state "the fact that nobody on our side dies, I'd call that points for us, the fact that none of our people killed anybody unjustly is a plus for us...our rivals are just a bunch of stupid animals who don't pay attention they couldn't just get out of the way of the car." He states that the attack on the Plaintiffs "was more than justified ...I think a lot more people are gonna die before we're done here frankly."

**COUNT I**  
**ASSAULT AND BATTERY**  
**(Against Defendant James Alex Fields, Jr.)**

87. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

88. As a result of the intentional and unlawful acts of Defendants as described herein, plaintiffs were placed in apprehension of harmful and/or offensive bodily contact, and suffered harmful, offensive bodily contact, from which they suffered serious personal injury.

89. Fields act of intentionally driving his vehicle into Plaintiffs constituted an intentional, nonconsensual and unwanted touching without justification, excuse, or consent and was a battery.

90. At all material times, Fields motor vehicle was an instrumentality under his direct control which he used to intentionally strike plaintiffs.

91. By reason of the foregoing, plaintiffs were severely injured and suffered great physical, mental and emotional pain and injury and required and received medical care and treatment and incurred medical expenses and will continue to incur future expenses thereof, and were prevented from attending to the duties of their employment and lost salary and earnings and will lose future salary and earnings thereby.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT II**  
**CIVIL CONSPIRACY**  
**(Against All Defendants)**

92. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

93. Defendants unlawfully, willfully and knowingly conspired, confederated, aided and abetted, tacitly and/or expressly agreed to participate, cooperate and engage in unlawful and tortious acts pursuant to a common course of conduct, namely the incitement, promotion and sponsoring of violent acts and terrorism for the purpose of instilling fear in the public and obtaining a reversal of the City's decision to remove the Robert E. Lee statue.

94. As set forth above, defendants conspired with, encouraged and agreed to provide material support, funding, sponsorship, aiding and abetting and/or other material resources to James Fields and other white supremacists and/or white nationalists in furtherance of the conspiracy.

95. At all material times, Defendants engaged in commonly motivated, organized and conspiratorial acts of violence designed and intended to cause physical harm and incite fear in the public, including the attack that injured plaintiffs.

96. Defendants knew or should have known that its actions and material support to white supremacists and white nationalists would directly result in acts of violence in Charlottesville, Virginia.

97. Defendant James Fields agreed to commit unlawful acts of violence against the public in order to incite fear and further the interests of the white supremacist organizations to wage a civil war against minorities and others that challenged their ideologies.

98. Defendants acted in concert and/or agreement to further their common goal of inciting fear in the public; promoting hatred and violence to minorities and those that support equal rights; and maintaining Confederate monuments in public spaces.

99. As a direct and proximate result of the conspiracy, and through the direct and material support provided by Defendants, James Fields, without lawful justification, intentionally and purposefully planned and implemented an attack upon innocent civilians, resulting in injury to plaintiffs.

100. As co-conspirators, Defendants are civilly liable to Plaintiffs for the actions of James Fields in the terrorist attack as each of the parties were acting in pursuit of the common conspiratorial scheme.

101. As a result of Defendants concert of action and conspiracy to commit acts of violence and domestic terrorism, plaintiffs have suffered damage to their person and property.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT III**  
**NEGLIGENCE PER SE**  
**VIOLATION OF VA CODE § 18.2-46.5**  
**COMMITTING, CONSPIRING AND AIDING AND ABETTING ACTS OF**  
**TERRORISM**  
**(Against All Defendants)**

102. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

103. Pursuant to Virginia Code § 18.2-46.5 any person who commits or conspires to commit or aids and abets the commission of an act of terrorism is guilty of a felony

104. Virginia Code § 18.2-46.4 defines an “act of terrorism” as an act of violence committed with the intent to (i) intimidate the civilian population at large or (ii) influence the conduct or activities of the government of the United States, a state or locality through intimidation.

105. Virginia Code § 18.2-46.5 was enacted to protect the civilian population from acts of terrorism and violence.

106. Fields intentionally drove his vehicle into a group of civilians and counter-protesters with the intent to injure and intimidate the civilian population at large.

107. Fields intentionally drove his vehicle into a group of civilians and counter-protesters for the purpose of influencing the conduct of the Charlottesville City Council through acts of violence.

108. At all material times, Defendants conspired with Fields to commit acts of violence against the public in furtherance of their shared goal of promoting hatred and preventing the removal of Confederate monuments.

109. Plaintiffs belong to the class of persons for whose benefit Virginia Code § 18.2-46.5 was enacted and the violation of the Statute constitutes negligence per se.

110. As a proximate result of Defendants’ violation of the aforesaid statute, said violations constitute a breach of the duties owed to Plaintiffs and caused Plaintiffs injuries.

111. The injuries suffered by Plaintiffs were the exact type of harm against which Virginia Code § 18.2-46.5 was designed to protect.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT IV**  
**NEGLIGENCE PER SE**  
**VIOLATION OF VIRGINIA CODE §§ 18.2-408 and 18.2-415**  
**INCITEMENT TO RIOT AND DISORDERLY CONDUCT**  
**(Against All Defendants)**

112. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

113. Defendants conspired to plan, perpetrate and cause a riot in a manner that would result in the use of force and violence against residents of Charlottesville and counter-protesters.

114. Defendants actions in directing, inciting and soliciting others, including Fields, to commit acts of force and violence is a violation of Virginia Code § 18.2-408.

115. Virginia Code § 18.2-408 was enacted to protect the public from acts of violence and maintain order in the Commonwealth.

116. Defendants actions are also a direct violation of Virginia Code § 18.2-415 which makes it unlawful to engage in conduct that has a tendency to cause acts of violence against persons in a public place, street, highway or public building.

117. Virginia Code § 18.2-415 was enacted to protect the public from acts of violence and maintain order in the Commonwealth.

118. Defendants conspired to create an unlawful assembly designed to incite a riot and cause disorderly conduct.

119. Defendants conduct was intended or recklessly created a risk of deadly violence and attacks upon residents of the Commonwealth of Virginia and the city of Charlottesville.

120. Plaintiffs belong to the class of persons for whose benefit Virginia Code §§ 18.2-408 and 18.2-415 was enacted and the violation of the aforesaid statutes constitutes negligence per se.

121. As a proximate result of Defendants' violation of the aforesaid statutes, said violations constitute a breach of the duties owed to Plaintiffs and caused Plaintiffs injuries.

122. The injuries suffered by Plaintiffs were the exact type of harm against which §§ 18.2-408 and 18.2-415 were designed to protect.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT V**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**(Against All Defendants)**

123. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

124. As a direct and intended consequence of the intentional and reckless actions of Defendants, which constitute extreme and outrageous conduct that is intolerable in a civilized society, Plaintiffs were caused to suffer severe mental and emotional distress which will continue for the balance of Plaintiffs' lives.

125. At all material times, Defendants acted intentionally with the specific purpose of inflicting emotional distress that they knew or should have known that their actions would result in emotional distress to the victims of their violence and terrorism.

126. Defendants actions were outrageous and intolerable in that they offend against the generally accepted standard of decency and morality.

127. As a proximate result of Defendants' actions, Plaintiffs suffered severe emotional distress.

WHEREFORE, Plaintiffs each demand judgment against Defendants, jointly and severally, in the amount of THREE MILLION DOLLARS (\$3,000,000.00) for compensatory damage and punitive damages in the amount of \$350,000, together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT VI**  
**CIVIL AIDING AND ABETTING**  
**ASSAULT, BATTERY AND INTENTIONAL INFLICTION OF EMOTIONAL**  
**DISTRESS**  
**(Against All Defendants)**

128. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

129. At all material times, Defendants knew that its actions of inciting, soliciting and encouraging violence at the rally in Charlottesville, Virginia would result in rallygoers, members of white supremacy, white nationalist and anti-fascist organizations, to violently and unlawfully attack citizens and counter-protesters.

130. At all material times, Defendants provided rallygoers, including Defendant Fields, with material support and assistance to violently attack citizens and counter-protesters.



131. Defendants acted with extreme recklessness in assisting Fields in his effort to commit violence for the purpose of furthering the shared conspiratorial goal of their organizations.

132. Defendants knew or should have known that the reasonably foreseeable outcome of inciting violence and providing material assistance to rallygoers, including Fields, was an attack upon citizens and counter-protesters.

133. Defendants knew or should have known that its incitement of violence and material assistance would cause members of white supremacy, white nationalist and anti-fascist organizations to commit assault, battery and intentional infliction of emotional distress.

134. Defendants aided and abetted, intentionally facilitated and/or reckless disregarded the planning, preparation and/or execution of the attack upon Plaintiffs by providing organized and systematic support to Fields and his white supremacist, terrorist organization.

135. Defendants actions in encouraging, promoting and inciting violence and providing material support to Fields resulted in the attack upon Plaintiffs.

136. Plaintiffs suffered serious physical and emotional injuries when Fields intentionally crashed his vehicle into Plaintiffs with the intent to cause death or physical harm.

137. As joint venturers, Defendants are vicariously liable to Plaintiffs for the actions of Fields as each of the parties were acting in pursuit of the common criminal goal of instilling fear in the public and obtaining a reversal of the City's decision to remove the Robert E. Lee statue.

WHEREFORE, Plaintiffs demand judgment against Defendants in the amount of THREE MILLION DOLLARS (\$3,000,000.00) together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT VII**  
**NEGLIGENCE**  
**(Against Defendant James Alex Fields, Jr.)**

138. Plaintiffs incorporate herein by reference the averments contained in all preceding paragraphs.

139. On August 12, 2017, Plaintiff Tadrin Washington was properly and lawfully operating a motor vehicle on 4<sup>th</sup> Street in Charlottesville, Virginia.

140. At all material times, Defendant Fields breached his duty of reasonable care owed to Plaintiffs by operating a motor vehicle in a negligent and reckless manner causing same to collide with the vehicle being operated by plaintiff as she was properly stopped in traffic.

Further, Defendant Fields was negligent in the following particulars:

- a. Failing to maintain a proper lookout
- b. Failing to maintain proper control of his vehicle
- c. Operating his vehicle in a careless and reckless manner
- d. Other particulars of negligence to be shared at trial

141. As a proximate result of defendant's negligence and recklessness, Plaintiffs were seriously and permanently injured.

WHEREFORE, Plaintiffs demand judgment against Defendant James Fields in the amount of THREE MILLION DOLLARS (\$3,000,000.00) together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**COUNT VIII**  
**NEGLIGENCE**  
**(Against Defendant Jason Kessler)**

142. Plaintiffs incorporate herein by reference the averments contained in all proceeding paragraphs.

143. As the organizer of the “Unite the Right Rally” and demonstration, Defendant Kessler owed a duty to take direct actions and measures to assure that the Rally would be safe for attendees and residents in the immediate area of the public gathering.

144. Kessler was on direct notice of the violence to be expected at his Rally and the possible harm to bystanders and residents of Charlottesville.

145. Prior to the Rally, officials of the city of Charlottesville informed Kessler that the event, as planned by Kessler, would not be safe due to the number of expected attendees and the location of the demonstration.

146. Kessler witnessed, encouraged and participated in violence against counter-protesters in smaller demonstrations in Charlottesville months before the August 12, 2017 event, including the night of August 11, 2017.

147. Kessler breached his duty of care and was, therefore negligent by failing to take appropriate measures to assure that there would not be an escalation of violence, including but not limited to, changing the venue of the demonstration, canceling the rally following the violence on the evening of August 11, 2017, implementing measures to assure that rallygoers would not carry weapons, and denouncing all acts of violence against citizens and counter-protesters.

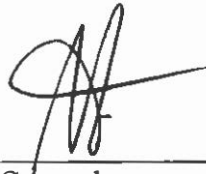
148. At all material times, Kessler negligently and recklessly incited, encouraged and participated in violent attacks.

149. As a direct and proximate result of Kessler's negligence, as described above, Plaintiffs suffered severe physical and emotional injuries, mental anguish, anxiety, depression, humiliation, embarrassment, inconvenience, and a loss of enjoyment of life.

WHEREFORE, Plaintiffs demand judgment against Defendant Kessler in the amount of THREE MILLION DOLLARS (\$3,000,000.00) together with pre and/or post-judgment interest, the costs of this proceeding, and any further relief that this Honorable Court deems appropriate according to law.

**PLAINTIFF DEMANDS TRIAL BY JURY**

Plaintiffs Tadrin Washington and Micah Washington hereby demand trial by jury.



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