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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LUIS ENRIQUE MARQUEZ,

Plaintiffs,

v.

JOSEPH BIGGS; TARA LAROSA; and JOHN
DOES 1-100.

Defendants.

Case No.

COMPLAINT

State Tort Claim (Defamation, False Light,
Intentional Infliction of Emotional Distress,
and Negligence)

Diversity Jurisdiction: 28 U.S. Code § 1332

Amount in Controversy: \$322,000

DEMAND FOR JURY TRIAL

INTRODUCTION

1. In July 2019, Mr. Marquez received word from Portland Police Bureau Officer Combs that there were “credible” threats against his life. This threat related to an event that will be occurring in Portland, OR on August 17, 2019, entitled “End Domestic Terrorism,” wherein right-wing fascists wish to violently confront “Antifa,” whom they perceive as a threat. Defendants Biggs, LaRosa, and Adams have directed, encourage, and facilitated the organization

of a dangerous far-right lynch mob intent on injuring Mr. Marquez, as evidenced in the images below.



[Image description: Facebook posts on the page “End Domestic Terrorism.” The image to the left depicts Mr. Marquez with a rifle crosshair over his forehead. The image gives the date and time of the “End Domestic Terrorist’s [sic]” event organized by Defendant Biggs. The image to the right depicts Mr. Marquez getting punched in the face, and also gives the date and time of the event.]

2. Mr. Marquez fears for his life. The convergence of right-wing paramilitary groups in Portland, OR on August 17, 2019 will bring not only severe harm to Mr. Marquez, but the community of Portland. Because of this tortious conduct, Mr. Marquez is now seeking damages for defamation, false light, intentional infliction of emotional distress, and negligence.

JURISDICTION AND VENUE

3. This court has jurisdiction over the subject matter of this Complaint under 28 U.S.C. § 1332. Defendants Biggs and LaRosa are residents of foreign jurisdictions, and the amount in controversy exceeds the statutory amount of \$75,000. Venue is appropriate in the Portland

Division, as Mr. Marquez is a resident of Multnomah County, Oregon, and many of the acts and transactions occurred in Multnomah County, Oregon.

PARTIES

4. Plaintiff Luis Marquez (pronouns: he/him/his) is a citizen of Multnomah County, Oregon, although he is currently domiciled away from his home due to threats to his life. He remains in Oregon.

5. Defendant Joseph Biggs is a citizen of Volusia County, Florida.

6. Defendant Tara LaRosa is believed to be currently domiciled in Clackamas County, Oregon. At the time of the factual allegations made below, Defendant LaRosa was believed to be domiciled in the State of New Jersey.

7. Mr. Marquez does not know the names of Defendants John Does 1-100, so he is suing them under fictitious names. Defendants John Does 1-100 are any person who knowingly defamed or portrayed Mr. Marquez in a false light, who intentionally inflicted emotional distress against Mr. Marquez, who negligently harmed Mr. Marquez, or conspired to do so with the named Defendants on or about August 17, 2019.

FACTUAL ALLEGATIONS

I. Who is Mr. Marquez?

8. Mr. Marquez has participated in Portland activism since 2016, advancing causes such as advocacy for the houseless, immigrants, and other marginalized communities. Following the election of Donald Trump far-right extremists have rallied across the country for the causes of white supremacy, white nationalism, and general xenophobia. Mr. Marquez has rallied against these causes.

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II. Why does the far-right not like Mr. Marquez?

9. It is a widely-held belief propagated by right-wing figures like Defendants Biggs and LaRosa¹ that Mr. Marquez is the “leader” of “Antifa” in the Portland-region. While Mr. Marquez is an activist who participates in protest activities, he in no way has any authority, or ability to make decisions for “Antifa.” Antifascism is a political opinion, and, to the best of Mr. Marquez’s knowledge, not an organized group. Regardless, Mr. Marquez cannot lead a group that neither exists nor holds any leadership positions.

III. Defendant LaRosa’s attempts to defame and intimidate Mr. Marquez

10. Defendant LaRosa has accused Mr. Marquez of having orchestrated an attack on individuals², and of being a child molester.³

11. In a November 23, 2018 tweet, Defendant LaRosa referred to Mr. Marquez as a “convicted pedo,” and posted a booking photo of Mr. Marquez from a protest-related arrest.

12. In a June 19, 2019 retweet, Defendant LaRosa alleged that Mr. Marquez assaulted an unnamed Multnomah County individual. The person Defendant LaRosa retweeted was her partner, a known Proud Boy named Jason James.

13. In a June 30, 2019 tweet, Defendant LaRosa stated that Mr. Marquez “decides who gets jumped” when commenting on a protest brawl that occurred on June 29, 2019. Defendant LaRosa initially posted a picture of Mr. Marquez’s driver’s license without redaction. She has since posted the same message but with slight redactions on his driver’s license.⁴ This is the

¹ Tara LaRosa (@TaraLaRosa), Twitter (Jun. 30, 2019, 8:29 am), <https://twitter.com/TaraLaRosa/status/1145353626837143552>

² Tara LaRosa (@TaraLaRosa), Twitter (Jun. 19, 2019, 4:44 pm), <https://twitter.com/TaraLaRosa/status/1141492091010240512?s=20>

³ Tara LaRosa (@TaraLaRosa), Twitter (Nov. 23, 2018, 8:28 pm), <https://twitter.com/TaraLaRosa/status/1066186754690957312?s=20>

⁴ Tara LaRosa (@TaraLaRosa), Twitter (Jun. 30, 2019, 8:29 am), <https://twitter.com/TaraLaRosa/status/1145353626837143552?s=20>

tweet where she alleges that Mr. Marquez is the “leader & director” of “Antifa,” and that he “collects funds & allocates them as he sees fit.”

14. Defendants LaRosa cannot prove the truth of the matters asserted against Mr. Marquez, but broadcasted them nonetheless. Because these alleged assaults and claim of child molestation are crimes, these statements are defamatory *per se*.

15. Painting Mr. Marquez as the “leader” of “Antifa” casts Mr. Marquez in a false light, and could be defamatory to some. Despite not being able to prove that Mr. Marquez is a “leader” of Antifa, Defendant LaRosa broadcasted this falsity to her audience.

16. Defendant LaRosa has used both of these false accusations as pretexts to threaten Mr. Marquez, and to incite violence against him. For Defendant LaRosa, the August 17, 2019 rally, which she has promoted on her twitter page, will provide pretext for her to attack Mr. Marquez.⁵

17. Defendant LaRosa has an audience of approximately 41 thousand followers.

IV. Who are the Proud Boys?

18. The Proud Boys are a bigoted organization intent on asserting its agenda with violence in the streets. This violence is used to promote their brand of “western chauvinism,” which is a rebranding of White Nationalist and xenophobic rhetoric.

19. Its founder, Gavin McInnes, has made numerous bigoted, sexist statements in describing the aims and goals of the Proud Boys.⁶

⁵ Tara LaRosa (@TaraLaRosa), Twitter (July 21, 2019, 1:46 pm), <https://twitter.com/TaraLaRosa/status/1153043590899101696?s=20>

⁶ Southern Poverty Law Center, Proud Boys, <https://www.splcenter.org/fighting-hate/extremist-files/group/proud-boys>

20. Media outlets have reported extensively on the Proud Boys' affiliations with neo-Nazi groups such as DIY Division, "a loose collective of violent neo-Nazis and fascists from Southern California that's organized and trains primarily to engage in fighting and violence at political rallies."⁷

21. Its members, like Jason Kessler, have organized hate rallies, most notably in Charlottesville, VA on August 11-12, 2017.⁸ The "United the Right" Rally began with a tiki-torch march where White Nationalist chants were espoused. Hate groups rallied with the Proud Boys the next day, and were met with counter-protesters. On August 12, 2017, a neo-Nazi drove his vehicle into the crowd of counter-protesters, murdering Heather Heyer.

22. In October of 2018, after Gavin McInnes spoke at a Manhattan Republican Club, Proud Boys members participated in a brawl outside the club's headquarters.⁹ Parts of the altercation recorded and posted online documented the use of anti-gay slurs by Proud Boys.

V. Proud Boys in Portland

23. The Proud Boys have participated in, and provided security for various right-wing events in Portland in the past. Joseph Gibson, far-right provocateur and hate-group community organizer, has used them as security for his events. They have come armed, and ready to fight.¹⁰ Their presence has resulted in community members getting beat in the streets with their flagpoles and fists.¹¹

⁷ Paul Bass, *Nationalists? Or Whitehoodwinkers?*, New Haven Independent, July 13, 2017.

⁸ Tom Porter, *Who are the Alt-right Leaders Addressing the White Nationalist Rally in Charlottesville?*, Newsweek, Aug. 12, 2017; Alan Feuer, *Proud Boys Founder: How He Went From Brooklyn Hipster to Far-Right Provocateur*, N.Y. Times, Oct. 16, 2018; *Explained: Who are the far-right Proud Boys?*, Al-Jazeera, July 18, 2018; Luke Barnes, *Proud Boys Founder Disavows Violence at Charlottesville But One of Its Members Organized the Event*, Think Progress, Aug. 24, 2017.

⁹ Shane Goldmacher, *Fight Breaks Out Near Republican Club After Visit by Gavin McInnes, Police Say*, N.Y. Times, Oct. 12, 2018; Tim Fitzsimons, *Proud Boys Guilty of a Hate Crime? Experts Say Probably Not*, NBC News, Oct. 17, 2018.

¹⁰ *Right-wing rally, counter-protesters face off in Portland*, PBS Newshour, Aug. 4, 2017 (quoting a Facebook post from event organizer Joey Gibson stating "We've always had guns at the rally . . . I cannot think of one rally when we didn't have guns with us . . . Everywhere we go, we have guns").

¹¹ Katie Shepherd, *Portland Police Declare a Riot After Right-Wing Marchers Begin Beating Antifascists with Flag Poles*, Willamette Week, June 30, 2018.

24. They have threatened the Mayor of Portland, Ted Wheeler, telling him that “his days are fucking numbered.”¹²

25. Proud Boys have taken particular interest in Mr. Marquez. In their private communication thread on the app Telegram, they have posted not only Mr. Marquez’s home address, but the names and addresses of his family members.

VI. Why are Proud Boys coming to Portland on August 17, 2019?

26. Intense local and national scrutiny has been leveled on “Antifa” in recent months.

Following the assault of a local right-wing media personality who promotes events for Proud Boys and other far-right groups, Andy Ngo, calls for investigations from the likes of Senator Ted Cruz¹³ and United States President Donald Trump¹⁴ have increased the pressure on persons presumed to be in “Antifa.” In the past, President Trump has warned that “the opposition” to “antifa” are “much tougher” and “violent,” and that “antifa” “better hope that the other side doesn't mobilize.”¹⁵ The assault has also precipitated calls from Defendant Biggs for violence against antifascists.¹⁶

¹² Jason Wilson, *Portland: far-right activist threatens mayor as groups change tactics*, The Guardian, Jan. 29, 2019.

¹³ Ted Cruz (@SenTedCruz), Twitter (July 18, 2019, 1:02 pm), <https://twitter.com/sentedcruz/status/1151945311876726784?lang=en> (“Antifa is a terrorist organization composed of hateful, intolerant radicals who pursue their extreme agenda through aggressive violence. Time and time again their actions have demonstrated that their central purpose is to inflict harm on those who oppose their views.”)

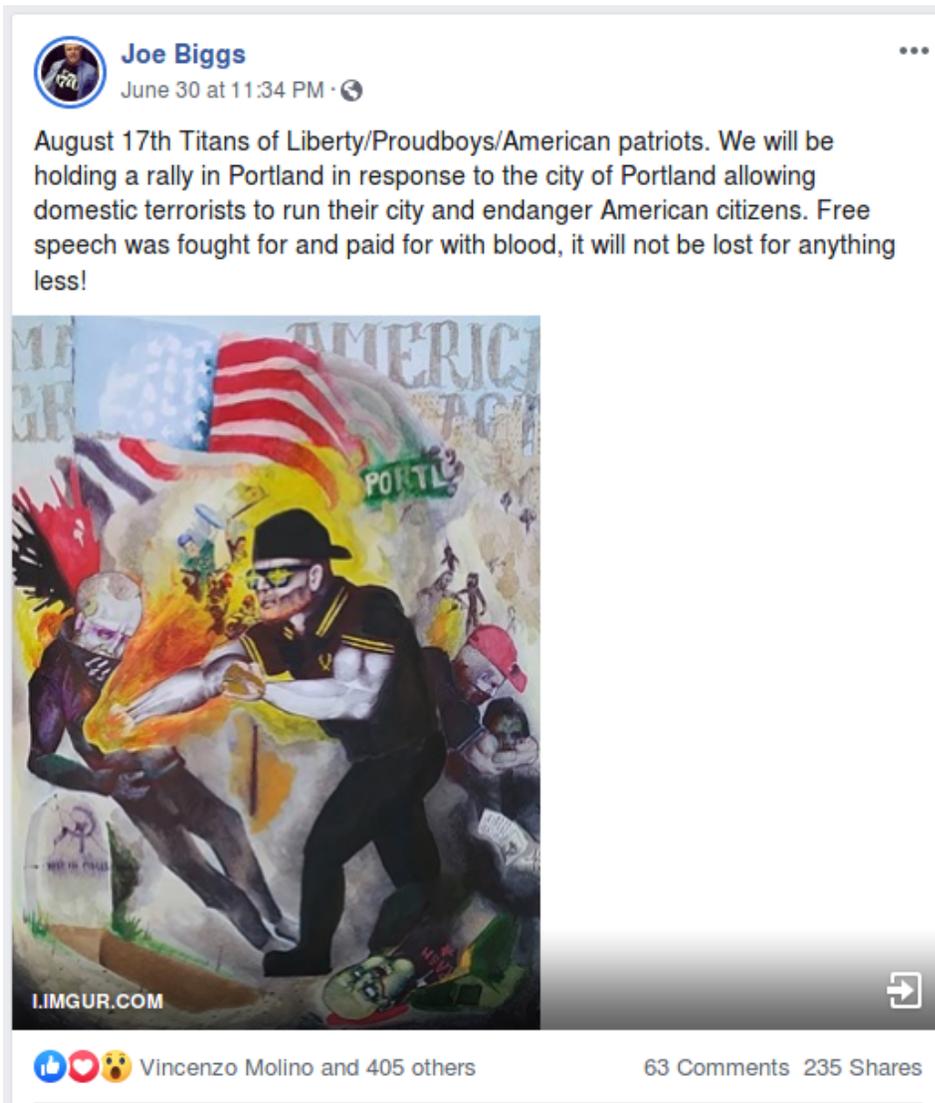
¹⁴ Donald J. Trump (@realDonaldTrump), Twitter (July 27, 2019), <https://twitter.com/realDonaldTrump/status/1155205025121132545?s=20> (“Consideration is being given to declaring ANTIFA, the gutless Radical Left Wack Jobs who go around hitting (only non-fighters) people over the heads with baseball bats, a major Organization of Terror (along with MS-13 & others). Would make it easier for police to do their job!”)

¹⁵ <https://www.newsweek.com/donald-trump-says-antifa-going-be-big-trouble-opposition-getting-angrier-1215883> (Trump: “These people, like the Antifa—they better hope that the opposition to Antifa decides not to mobilize. Because if they do, they're much tougher. Much stronger. Potentially much more violent... And Antifa's going to be in big trouble... Because if you look, the other side, it's the military. It's the police. It's a lot of very strong, a lot of very tough people. Tougher than them. And smarter for them. They're sitting back and watching and they're getting angrier and angrier.”)

¹⁶ Joe Biggs (@Rambobiggs), Twitter (Jun. 29, 2019), since deleted but archived at <https://archive.is/h4NYY>

27. As detailed above, Mr. Marquez has been a persistent target for right-wing extremist violence.

28. Defendant Biggs, another right-wing media personality, has called on his followers to gather in Portland, Oregon on August 17, 2019 in response to the assault on Mr. Ngo.



[Image description: Joe Biggs wrote on his facebook page on June 30, 2019: “August 17th Titans of Liberty/Proudboys/American patriots. We will be holding a rally in Portland in response to the city of Portland allowing domestic terrorists to run their city and endanger American citizens. Free speech was fought for and paid for with blood, it will not be lost for anything less.” The image attached is that of a Proud Boy punching a protester under a road sign that says “Portl.”]

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VI. What does Defendant Biggs have planned?

29. Mr. Biggs has described of his event on an Infowars program broadcasted on July 17, 2019 that he wants to strike fear in Portland, OR.¹⁷ He states that he has “large groups” attending his rally. Members of this large group includes the “Oath Keepers, Three Percenters, American Guard, Proud Boys, who I am with... We’ve got Patriot Prayer.” He goes on to describe, in response to whether counter-protesters know what they are up against, he responds that they have “large guys,” “former Navy Seals,” and “police-types with clubs.”

30. Defendant Biggs has also allied with known neo-Nazi organization Anticom.¹⁸



[Image description: Defendants Biggs with a megaphone with the words “Stand with me August 17th against America’s #1 Enemy Antifa” and “ANTICOM” in all-caps.]

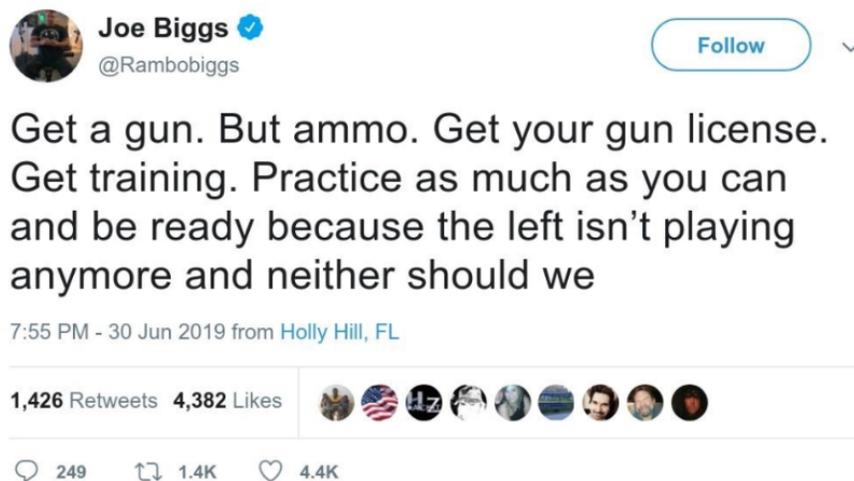
¹⁷ Baked Blunts, *Massive Patriot Rally Against ANTIFA Coming To Portland Oregon*, YouTube (July 17, 2019), <https://youtu.be/E7LgU6KqLpM>

¹⁸ Unicorn Riot, *Anticom Discord Server Shows Months of Neo-Nazi Incitement*, Unicorn Riot Media (Oct. 18, 2017), <https://unicornriot.ninja/2017/anticom-discord-server-shows-months-neo-nazi-incitement/>

31. Defendant Biggs’s aims to overwhelm Portland and PPB with far-right activists deployed in military formations. He later explains his reasoning for not getting a permit for his event: “I would feel bad for a thousand people to show up to a permitted event and based on the law there, if antifa shows up to this permitted event, the police can tell everyone to disperse and arrest anyone who doesn’t leave, then the event doesn’t happen...”¹⁹ Essentially, it was Defendant Biggs’s belief that getting a permit will ruin the violent event he had planned, since the Police would intervene as soon as the permit’s strictures were violated.

32. Defendant Biggs’s primary goal is to terrorize the community with violence. Or, as he puts it, “I want them to wake up in the middle of the night to have nightmares that Rufio Panman [aka Ethan Nordean] is going to come into their homes and start knocking them out and putting them to sleep.”²⁰

33. In a June 30, 2019 tweet, Defendant Biggs implored his followers and future attendees of his event to “Get a gun. But [sic] ammo. Get your gun license. Get training. Practice as much as you can and be ready because the left isn’t playing anymore and neither should we[.]”



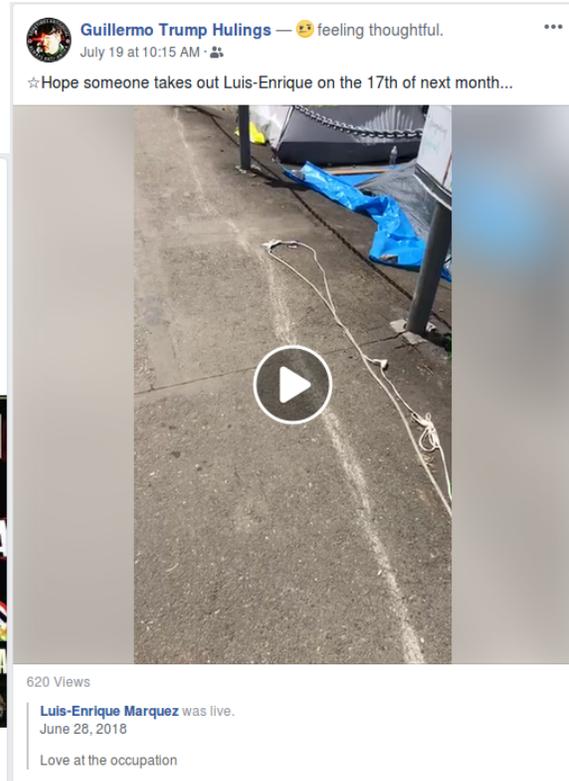
¹⁹ Baked Blunts, *Massive Patriot Rally Against ANTIFA Coming To Portland Oregon*, at 5:18, YouTube (July 17, 2019), <https://youtu.be/E7LgU6KqLpM>.

²⁰ *Id.* at 2:43.

34. His followers have heeded his call. Future attendees began posting memes, including ones focused on Mr. Marquez.



[Image descriptions: First two images were described in ¶ 2. The third image is a Facebook post with a juxtaposition of the crosshairs picture and another image of a man giving a middle finger and the words “Fuck you Antifa.”]



[Image descriptions: the image to the left is a Facebook post that includes the image of Mr. Marquez getting punched. It also lists the event information, and says that Defendant Biggs is hosting the event. The image to the right is a Facebook post that contains the message, “Hope someone takes out Luis-Enrique on the 17th of next month...”]

35. Defendant Biggs knows about Mr. Marquez, having posted material that presents Mr. Marquez in a false light about him before.



[Image description: A Facebook post by Defendant Biggs with an article entitled: “Image: [Minnesota Attorney General] Keith Ellison Caught Fraternizing with Extremist Antifa Leader.” The article image shows Mr. Marquez and AG Ellison standing next to each other.]

36. The call to join the rally to fight “antifa” has been heard nationwide. On August 9, 2019, a person who displayed a knife and threatened people with firearms outside a migrant community center in El Paso, Texas, mere days after a violent racist stormed an El Paso Wal-Mart, stated that he was on his way to Portland, OR to attend the rally.²¹

VII. Mr. Marquez fears for his life.

37. These postings and threats have been encouraged by Defendants Biggs and LaRosa. They call for under no uncertain terms harm against Mr. Marquez, putting him in fear for his own life.

38. The influx of dangerous, far-right groups and individuals into the region with an expressed desire to confront “antifa” and its perceived leader has forced Mr. Marquez into hiding. Mr. Marquez had moved out of his home of five years, and has had to keep his location secret. Mr. Marquez does not feel safe travelling alone. He has suffered both emotionally and financially.

COUNT 1: DEFAMATION (Against Defendant LaRosa)

39. Plaintiff realleges and incorporates paragraphs 1-38.

40. Defendant LaRosa has repeatedly published the defamatory statements described above, including claiming that Mr. Marquez assaulted an individual in Multnomah County, that he is a convicted pedophile, and that he decides who gets assaulted at protests.

41. As these false statements allege criminal behavior, they necessarily impugn Mr. Marquez’s moral turpitude, and thus are *per se* defamatory.

²¹ Alex Zielinski, *Armed Man Arrested Outside of El Paso Immigrant Center "On His Way to Portland"*, Portland Mercury (Aug. 9, 2019), <https://www.portlandmercury.com/blogtown/2019/08/09/26944904/armed-man-arrested-outside-of-el-paso-immigrant-center-on-his-way-to-portland>

42. Since levying these falsities against Mr. Marquez, he has suffered repeated, unwanted contacts and threats of violence against himself. Mr. Marquez's home has been vandalized, and he lives in fear of additional violence by Defendant LaRosa and her followers. This experience has made him suffer emotionally, and financially.

43. Plaintiff now seeks damages against Defendant LaRosa not to exceed \$322,000 for compensatory damages owing to the economic damages, non-economic damages from emotional distress, special damages that result from this attack on his character, and punitive damages where needed to deter this tortious conduct. Plaintiffs also seek an order enjoining Defendant from entering within a reasonable distance of him, and from further defaming him, or encouraging and facilitating others to do so. Plaintiffs should be awarded their costs, including expert fees, against defendants.

**COUNT 2: FALSE LIGHT
(Against Defendant Biggs and LaRosa)**

44. Plaintiff realleges and incorporates paragraphs 1-43.

45. Defendant LaRosa has repeatedly published broadly statements described above that Mr. Marquez is the "leader & president" of Antifa. Likewise, Defendant Biggs has portrayed Mr. Marquez as the "leader" of Antifa in his Facebook posts.

46. Given the political climate in the United States, and the proclivities of Defendant LaRosa and Biggs's followers and the views of the general public, being portrayed as the "leader" of Antifa can be highly offensive to a reasonable person. This is clear based on the level of threats Mr. Marquez has weathered since being labeled as such.

47. Defendants LaRosa and Biggs published this information with knowledge or at least reckless disregard of the truth, and to the harm it would cause Mr. Marquez.

48. Plaintiff now seeks damages against Defendants, jointly and severally liable, not to exceed \$322,000 for compensatory damages owing to the economic damages, non-economic damages from emotional distress, special damages that result from this attack on his character, and punitive damages where needed to deter this tortious conduct. Plaintiffs also seek an order enjoining Defendants from entering within a reasonable distance of him, and from further portraying him, or encouraging and facilitating others, to portray him in a false light. Plaintiff should be awarded his costs, including expert fees, against defendants.

**COUNT 3: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS
(Against Defendants Biggs, LaRosa, and John Does 1-100)**

49. Plaintiff realleges and incorporates paragraphs 1-49.

50. As described above, Defendants Biggs, LaRosa, and John Does 1-100, and their agents intentionally and/or with reckless disregard inflicted severe emotional distress on Mr. Marquez by attempting to intimidate him with violent memes, death threats, posting personal information, and organizing a violent mob of individuals to descend on Portland and attack his perceived followers.

51. As described above, Defendants and their agents' acts constituted an extraordinary transgression of the bounds of socially tolerable conduct.

52. Plaintiff now seeks damages against Defendants, jointly and severally, not to exceed \$322,000 for compensatory damages owing to the economic damages, non-economic damages from emotional distress, special damages that result from this attack on his character, and punitive damages where needed to deter this tortious conduct. Plaintiff also seeks an order enjoining Defendants from returning or soliciting other individuals or groups to return to Portland, Oregon, as part of a unit of two or more persons acting in concert while armed with a firearm, weapon, shield, or any item whose purpose is to inflict bodily harm, at any

demonstration, rally, protest, or march; instructing or facilitating the instruction of individuals or groups in the use of any weapon or technique capable of causing injury or death, knowing or intending that the weapon or technique will be used at any demonstration, rally, protest, or march, in Portland, Oregon; or issuing any commands, instructions, or directives to any group of two or more persons armed with a firearm, weapon, shield, or any item whose purpose is to inflict bodily harm, which commands, instructions, or directives are related to the use of such weapons or any techniques capable of causing injury or death, at any demonstration, rally, protest, or march, in Portland, Oregon. This relief is reasonable, and necessary for Mr. Marquez's safety and for the general welfare of the Portland community, based on Defendants' intent to harm individuals they perceive to be Mr. Marquez's associates or underlings. Plaintiff should be awarded his costs, including expert fees, against Defendants.

COUNT 4: NEGLIGENCE
(Against Defendants Biggs, LaRosa, and John Does 1-100)

53. Plaintiff realleges and incorporates paragraphs 1-52.

54. Given the repeated extreme incitements of violence against perceived political enemies and the organization of a rally for the purpose of intimidation and incitement of violence, it was foreseeable that Defendants' actions would lead to harm to Mr. Marquez. Defendants engaged in conduct, including but not limited to directing, conspiring, neglecting to prevent, or engaging in conduct that foreseeably lead to the injuries described above. This conduct directly and proximately caused these injuries. Despite knowledge of the risk of harm to Mr. Marquez, and the foreseeability of this injury, Defendants breached their duty owed to Plaintiff, damaging him.

52. Plaintiff now seeks damages against Defendants, jointly and severally, not to exceed \$322,000 for compensatory damages owing to the economic damages, non-economic damages from emotional distress, special damages that result from this attack on his character, and

punitive damages where needed to deter this tortious conduct. Plaintiff also seeks an order enjoining Defendants from returning or soliciting other individuals or groups to return to Portland, Oregon, as part of a unit of two or more persons acting in concert while armed with a firearm, weapon, shield, or any item whose purpose is to inflict bodily harm, at any demonstration, rally, protest, or march; instructing or facilitating the instruction of individuals or groups in the use of any weapon or technique capable of causing injury or death, knowing or intending that the weapon or technique will be used at any demonstration, rally, protest, or march, in Portland, Oregon; or issuing any commands, instructions, or directives to any group of two or more persons armed with a firearm, weapon, shield, or any item whose purpose is to inflict bodily harm, which commands, instructions, or directives are related to the use of such weapons or any techniques capable of causing injury or death, at any demonstration, rally, protest, or march, in Portland, Oregon. This relief is reasonable, and necessary for Mr. Marquez's safety and for the general welfare of the Portland community, based on Defendants' intent to harm individuals they perceive to be Mr. Marquez's associates or underlings. Plaintiff should be awarded his costs, including expert fees, against Defendants.

DEMAND FOR JURY TRIAL

53. For all claims alleged in this Complaint, Plaintiff demands a jury trial.

CONCLUSION

WHEREFORE, plaintiff prays for relief as follows:

- a. For judgment in favor of Mr. Marquez against Defendants for their damages;
- b. For injunctive relief as outline in his Complaint; and
- c. For such other and further relief as may appear just and appropriate.

DATED: August 17, 2019.

/s/ Juan C. Chavez
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