

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

<p>ERIC CERVINI, WENDY DAVIS, DAVID GINS, and TIMOTHY HOLLOWAY,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CHASE STAPP and RICHARD and RACHEL ROES,</p> <p style="text-align: right;">Defendants.</p>		<p style="text-align: center;">Civil Action No. <u>1:21-cv-00568</u></p>

COMPLAINT

INTRODUCTION

1. The mission of law enforcement is to protect and serve. But on October 30, 2020, law enforcement officials in the City of San Marcos abdicated that responsibility. Despite repeated calls for help, they refused or failed to respond when dozens of individuals in at least forty vehicles formed a self-labeled vehicular “Trump Train” with the express purpose of terrorizing and intimidating a group campaigning for then-Democratic Presidential and Vice Presidential Candidates Joseph R. Biden and Kamala Harris.

2. The events of October 30 arose from a campaign of politically motivated intimidation. In the days leading up to October 30, after the Biden-Harris Campaign announced a three-day bus tour through Texas, supporters of then-President and Presidential Candidate Donald J. Trump—including Trump’s son, Donald Trump Jr.—told supporters in Texas to “have some fun” and give the Biden-Harris Campaign a “nice Trump Train welcome.” Encouraged by those surrogates, Trump supporters in Texas began organizing a coordinated political intimidation campaign on social media, spreading word of their intent to disrupt Biden-Harris supporters from freely assembling and to make Biden-Harris supporters feel the consequences of openly advocating for their preferred candidates in Texas.

3. On October 28 and 29, supporters of the Biden-Harris Campaign were intimidated, harassed, and attacked at multiple stops along the tour. Some of the assailants displayed weapons. Others screamed death threats. Security concerns prompted the Biden-Harris Campaign to discontinue disclosure of the bus’s campaign stops and contact several police departments and personnel, including San Marcos’s Director of Public Safety Chase Stapp, to report safety concerns.

4. On October 30, Plaintiffs Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway—respectively, a volunteer, surrogate, staffer, and contractor for the Biden-Harris

Campaign—set out on the last day of the Biden-Harris Campaign’s Texas tour. Plaintiffs Holloway, Davis, and Gins boarded a bus operated by the Biden-Harris Campaign, and Plaintiff Cervini and other staffers accompanied the bus in escorting vehicles. Plaintiffs intended to spend that October day—the last day of early voting for the presidential election in Texas—campaigning at various political events across the state of Texas, including a campaign event at Texas State University in San Marcos.

5. Instead, Plaintiffs found themselves as targets of a conspiracy to ambush the Biden-Harris Campaign’s tour bus on a stretch of Interstate 35 (“I-35”) and intimidate them for their work supporting and advocating for a presidential and vice presidential candidate. When they turned to law enforcement to protect them, Plaintiffs were failed by the very officials charged with upholding both their safety and their foundational democratic rights.

6. Defendants are San Marcos Director of Public Safety Chase Stapp and unnamed law enforcement officials from the San Marcos Police Department and San Marcos City Marshal’s Department who failed to take reasonable steps to prevent planned acts of violent political intimidation. For at least ninety minutes, the Trump Train pursued and terrorized Plaintiffs. Plaintiffs on the bus tried frantically to find help and safety. They called 911 to report the Trump Train’s activities. Fearing for themselves and others on the road, Plaintiffs requested police escorts. Law enforcement departments up and down the I-35 corridor were aware of the existence and dangers of the Trump Train, and several delivered escorts, some prearranged, to accompany the bus safely along stretches of I-35. These escorts provided a temporary reprieve to Plaintiffs from the Trump Train’s most aggressive tactics.

7. But in the City of San Marcos help never arrived. Defendant Stapp received at least 24 hours of advance notice of the Biden-Harris Campaign’s safety concerns. And, while in the center of the Trump Train, Plaintiffs, other Biden-Harris Campaign staffers, and Democratic

candidate for Hays County Commissioners Court (“Biden Supporter A”) made increasingly panicked calls and requests for assistance to Defendant Stapp, 911, and officers in the City of San Marcos Police Department and San Marcos City Marshal’s Department. They explained the threat that the Trump Train would become more aggressive if the bus’s police escort dropped off as the bus approached the San Marcos city limit, and reported the Trump Train’s subsequent aggressions throughout San Marcos.

8. In contrast to the response from other police departments, which provided escorts as requested—thereby deterring some of the Trump Train’s most aggressive and dangerous behavior—certain officers from the San Marcos Police Department said that they would not respond unless the Biden-Harris Campaign was “reporting a crime,” explaining: “*we can’t help you.*” Despite being told the bus was driving through San Marcos, and despite the fact that Plaintiffs had already tried calling 911, an officer from the San Marcos City Marshal’s Department made similar excuses, saying: “*we don’t know if the bus is in our jurisdiction*” and “*call 911 if there’s a problem.*” And despite repeated explanations regarding the location of the bus along the principal highway that runs through their jurisdiction—including recitation of highway exit numbers—no escort from any law enforcement department in San Marcos or Hays County ever arrived in San Marcos to protect the bus and its occupants.

9. Without police to temper them, some Trump Train drivers surrounded the bus on all sides while driving through San Marcos, playing a madcap game of highway “chicken,” coming within three to four inches of the bus. Some Trump Train drivers forced the bus to go dangerously slow, often by abruptly braking in front of the bus and forcing the bus to take evasive measures to avoid collision. Some Trump Train drivers also swerved their vehicles in an effort to push the bus off the road and onto the shoulder. And their attacks in San Marcos finally culminated in one of the Trump Train drivers side-swiping an accompanying SUV driven by a Biden-Harris Campaign

staffer (“Campaign Staffer A”), an act that the Trump Train driver later described as “slamming that fucker” and “serv[ing] . . . 35 in[ch] tires.” In the midst of this intimidation and harassment, and without a police escort to accompany the bus safely, Plaintiff Gins canceled the campaign event at Texas State in San Marcos.

10. As a result of the events of October 30, which escalated in San Marcos without the presence of a police escort, Plaintiffs suffer ongoing psychological and emotional injury. They have suffered other tangible harms too; for example, Holloway, the bus driver, has found himself unable to drive a bus following his experience that day. Davis, Gins, and others were prevented from exercising their First Amendment rights, as they had to cancel all remaining campaign stops because the Trump Train’s intimidation—and lack of a police escort to temper it—posed a safety risk for not only Plaintiffs, but other candidates for political office, campaign staff, and supporters.

11. Though the law rarely imposes an affirmative duty to act, Defendants’ failure to act *here* is unlawful. Congress passed the Ku Klux Klan Act of 1871 (“Klan Act”) to, among other things, prevent groups from conspiring to obstruct free and fair federal elections by intimidating and injuring voters and denying them the ability to engage in political speech. And in Section 6 of the Klan Act, now codified at 42 U.S.C. § 1986, Congress specifically imposed a duty on all Americans to protect targets of political intimidation and violence in federal elections. As members of the House (including the sponsor of the Klan Act and the principal framer of the 14th Amendment to the U.S. Constitution) explained during Section 6’s consideration, the law required all Americans—including law enforcement—to protect innocent parties from conspiracies to intimidate or injure them based on their support for federal candidates, and made them liable for a failure to do so:

Mr. Willard: I understand that under the provisions of [Section 6 of the Klan Act, 42 U.S.C. § 1986], if an individual receives the notice we frequently read of being sent to these Union men that he must leave the district or be killed or whipped . . . if he should go to the sheriff of the county or to his

neighbors and give information of that, and ask them to protect him, they would be liable.

Mr. Shellabarger: They would be liable.

Mr. Bingham: So they ought to be.

42 Cong. Globe, 42d Cong., 1st Sess. 805 (1871).

12. Defendants had every opportunity to discharge their duty under federal law and come to Plaintiffs' aid. But they didn't. For Defendants—located in areas that have witnessed political terror of the type Congress sought to prevent under the Klan Act¹—this failure to exercise reasonable care is a betrayal of the very laws they swore to uphold.

13. Defendants' negligent or intentional failure to provide aid to Plaintiffs violated 42 U.S.C. § 1986. Plaintiffs now bring this lawsuit to obtain a remedy for the injuries Plaintiffs suffered as a result of Defendants' failure to come to Plaintiffs' aid as they were literally, and violently, driven out of town because of their support for a candidate for federal office. Plaintiffs seek compensatory, nominal, and punitive relief for their injuries.

PARTIES

A. Plaintiffs

14. Plaintiff Eric Cervini is a resident of Texas. During the 2020 campaign, Cervini served as a volunteer in Texas for the Biden-Harris Campaign. Cervini assisted with planning and participated in campaign events on the Biden-Harris Campaign's "Soul of the Nation" bus tour.

15. Plaintiff Wendy Davis is a resident of Texas. She lives in Austin. Davis is a former Texas State Senator and was the Democratic candidate for Texas's 21st congressional district in

¹ Chris Davis, *San Marcos Church, Once Destroyed by KKK, Finding New Life*, KXAN (Nov. 19, 2018), <https://www.kxan.com/news/local/hays/san-marcos-church-once-destroyed-by-kkk-finding-new-life/>; Evelin Garcia, *Calaboose African American History Museum Offers Lessons on San Marcos' Past*, Cmty. Impact (Nov. 12, 2019), <https://communityimpact.com/austin/na/history/2019/11/12/calaboose-african-american-history-museum-offers-lessons-on-san-marcos-past/>.

the 2020 election. Davis also served as a campaign surrogate for the Biden-Harris Campaign in Texas during the 2020 election. On October 30, 2020, Davis participated in campaign events on the Biden-Harris Campaign's "Soul of the Nation" bus tour.

16. Plaintiff David Gins is a resident of the District of Columbia. During the 2020 campaign, Gins served as the Director of State Operations for Texas for the Biden-Harris Campaign. Gins planned and participated in campaign events on the Biden-Harris Campaign's "Soul of the Nation" bus tour.

17. Plaintiff Timothy Holloway is a resident of the District of Columbia. A long-time commercial bus driver, Holloway was hired by the Biden-Harris Campaign to provide vehicle and driving services for the "Soul of the Nation" bus tour.

B. Defendants

18. Defendant Chase Stapp is a resident of Texas and is the Director of Public Safety in San Marcos, Texas. At all relevant times, Defendant Stapp was responsible for overseeing several municipal departments, including the San Marcos Police Department and Emergency Management. Defendant Stapp, in his position as Director of Public Safety, sits in the San Marcos City Manager's Office, which is responsible for implementing the annual budget, City policies, and City Council programs. Defendant Stapp received at least two calls from Biden Supporter A: one on October 29—the day before the campaign event at Texas State in San Marcos—notifying him of safety concerns; and another imploring him for a police escort as the Trump Train threatened and intimidated the bus while it was making its way to the event in San Marcos. Despite these requests—which were similarly made of and granted by police departments in other jurisdictions—Defendant Stapp refused or failed to exercise reasonable care to protect Plaintiffs from these unlawful acts.

19. Defendants Richard and/or Rachel Roes Nos. 1, 2, 3, 4, 5, 6, etc. (“Richard/Rachel Roes”) are individuals whose identities are unknown to Plaintiffs but who are known to be police officers or employees of the City of San Marcos Police Department (“San Marcos PD”) or San Marcos City Marshal’s Department (“San Marcos MD”). Defendants Richard/Rachel Roes received calls and requests for help from passengers on the Biden-Harris Campaign bus and off-site Biden-Harris Campaign staff apprising them of the forceful, intimidating, and threatening behavior of the Trump Train, and imploring them for a police escort through San Marcos. Despite these requests—which were similarly made of and granted by police departments in other jurisdictions—Defendants Richard/Rachel Roes failed to exercise reasonable care to protect Plaintiffs from these unlawful acts.

JURISDICTION

20. This Court has subject-matter jurisdiction over this action because this action arises under federal law, specifically Section 6 of the Ku Klux Klan Act of 1871, 42 U.S.C. § 1986.

21. This Court has personal jurisdiction over all Defendants because they committed these violations in Comal and Hays Counties, Texas, which are located in the Western District of Texas.

22. Venue is proper in this district under 28 U.S.C. § 1391(e) because significant events giving rise to this action occurred in the Western District of Texas.

FACTUAL BACKGROUND

I. THE NEW BRAUNFELS AND ALAMO CITY “TRUMP TRAINS”

23. Over the course of the summer of 2020, supporters of the Trump Campaign began organizing vehicle caravans to show their support for Trump’s reelection to the U.S. presidency. Across the country, convoys of vehicles bearing flags, signs, bumper stickers, and other Trump paraphernalia gathered and drove through cities and towns to demonstrate their support for the

campaign. While many of these self-labeled “Trump Trains” were organized by local community members, others were coordinated online across cities and states by activists and organizations such as “MAGA Drag the Interstate.”

24. Several “Trump Trains” operated in and around the greater San Antonio and Austin areas in the weeks leading up to Election Day 2020.

25. In or around July 2020, a group named the “New Braunfels Trump Train” began operating in and around Hays and Comal Counties. In the weeks and months leading up to Election Day, the New Braunfels Trump Train organized meetings and parade convoys of hundreds of vehicles supporting the Trump Campaign and protesting campaigns including the Black Lives Matter movement and Democratic candidates for political office.

26. According to media reports and social media, the New Braunfels Trump Train was led by individuals including Steve Ceh, Randi Ceh, and Jason Frank. The identities of any other leaders or administrators of the New Braunfels Trump Train, and any other owner(s) or administrator(s) of the New Braunfels Trump Train Facebook and YouTube accounts, are unknown to Plaintiffs.

27. Steve Ceh is listed on the Republican Club of Comal County’s Website as a “Founder” of the New Braunfels Trump Train, and is described in media reports and on social media as a leader of the group. A now-deleted tweet from Twitter user @truthserum4all—which could only be accessed through archived search results as it has since been deleted—states “NewBraunfelsTrumpTrain is coming to town!! Steve Ceh leading the CHARGE !!”:



28. According to social media footage, Randi Ceh also participated in leading and publicizing the New Braunfels Trump Train.²

29. According to social media and video footage, Frank also appears to have been a leader and/or administrator of the New Braunfels Trump Train. Frank keynoted speeches at New Braunfels Trump Train events.³

30. According to media reports and social media, Hannah Ceh and John/Jane Does were members of the New Braunfels Trump Train.

31. Following the October 30, 2020 incident, members of the New Braunfels Trump Train—including Jason Frank—were identified in media reports and on social media as having taken part in the January 6, 2021 insurrection. Steve Ceh and Randi Ceh were also in Washington, D.C. that day. On January 7, YouTube user New Braunfels Trump Train posted a video entitled “January 6, 2021 will go down a day in history[U.S. flag emoji][U.S. flag emoji].” The video features a photo of Steve and Randi Ceh apparently posing in front of the Capitol steps as others are breaching or attempting to breach the building.

32. The New Braunfels Trump Train operated both a Facebook group and a YouTube account. On or around November 2, 2020, the New Braunfels Trump Train Facebook group was reported to have had more than 4,000 members.⁴ According to media reports, the New Braunfels Trump Train Facebook group was “closed” to non-members. Details of the New Braunfels Trump Train’s meetings were organized in the New Braunfels Trump Train Facebook group, although

² See, e.g. MagaMom716 (@RandiCeh716), TWITTER (Oct. 30, 2020, 7:49 PM), <https://twitter.com/RandiCeh716/status/1322324830155206656?s=20>.

³ See, e.g., New braunfels Trump Train, *Jason Frank*, YOUTUBE (Dec. 10, 2020), <https://www.youtube.com/watch?v=GS51LMSL2UA>.

⁴ *#OperationBlockTheBus’: Inside the Pro-Trump FB Group Where Biden Bus Convoy Was Organized*, SNOPE (Nov. 2, 2020), <https://www.snopes.com/news/2020/11/02/operation-block-the-bus/>.

details of the group's planned actions were posted routinely on social media and reported by local media.

33. In the months leading up to Election Day, local media reported that members of the New Braunfels Trump Train engaged in incidents that threatened individuals in the community. In September 2020, a New Braunfels Trump Train vehicle dragged a Black Lives Matter flag under its truck, prompting fear and outrage in the community at what looked like a simulated lynching. Also that month, a New Braunfels Trump Train member posted the images and names of four Black men in the New Braunfels community, in what was reported as a death threat.

34. In or around September 2020, a similar group called the "Alamo City Trump Train" was formed. The Alamo City Trump Train operated a Facebook group, Twitter account, and YouTube account. According to media reports, the Facebook group's description stated:

The Alamo City Trump Train is the loud roar of the silent majority. The purpose of the group is to unite patriots from San Antonio and surrounding areas and join together to show our support for President Trump and for conservative values. The group is also meant to give fellow patriots a place to meet and build long lasting friendships with like-minded individuals. With the success of the New Braunfels Trump Train, it's time for San Antonio to step up and let our city know that WE ARE THE MAJORITY!⁵

By Election Day, the Alamo City Trump Train Facebook group was reported to have 4,000 members.⁶

35. From September 2020 through Election Day, the Alamo City Trump Train organized meetings and parade convoys of hundreds of vehicles, during which supporters would display Trump paraphernalia and gather to support the former President's campaign. Details of the Alamo City Trump Train's actions were posted routinely on social media and reported by local

⁵ *Did Armed Trump Supporters Harass a Biden Bus in Texas?*, SNOPEs (Nov. 2, 2020), <https://www.snopes.com/fact-check/armed-trump-fans-biden-bus/>.

⁶ *'#OperationBlockTheBus': Inside the Pro-Trump FB Group Where Biden Bus Convoy Was Organized*, SNOPEs (Nov. 2, 2020), <https://www.snopes.com/news/2020/11/02/operation-block-the-bus/>.

media. Details of the meetings were organized predominantly in the Alamo City Trump Train Facebook group. The identities of the leaders or administrators of the Alamo City Trump Train, and the owner(s) or administrator(s) of the Alamo City Trump Train Twitter and YouTube accounts, are unknown to Plaintiffs.

36. According to media reports and screen captures of posts within the Alamo City Trump Train Facebook group, Eliazar Cisneros was a member of the Alamo City Trump Train.

37. Cisneros admitted to local media in Texas that he had repeatedly shown up armed with a long gun at demonstrations for viewpoints with which he disagreed. In September 2020 he drove his car, adorned with Trump flags, into a crowd of Black Lives Matter protestors in San Antonio:



38. At the time of filing, the New Braunfels and Alamo City Trump Train Facebook groups are no longer active, and the New Braunfels Trump Train group cannot be located. A March 30, 2021 tweet by the Alamo City Trump Train's Twitter account stated that the group was "permanently disabled" because "[a]ll admins personal FB pages, business pages, & even a

campaign page for one of the admins running for city council were all banned.”⁷ It is unknown to Plaintiffs whether and when the New Braunfels Trump Train Facebook group was deactivated or deleted.

II. THE IMMEDIATE LEAD-UP TO OCTOBER 30

A. Biden-Harris Campaign Announces “Soul of the Nation” Bus Tour

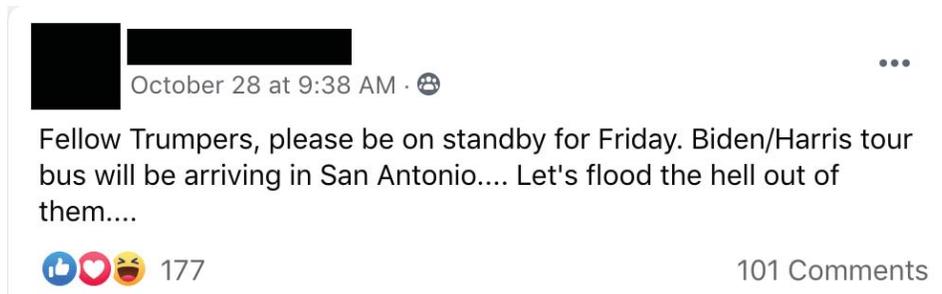
39. On October 25, 2020, news broke that then-Vice Presidential candidate Kamala Harris would be visiting Texas. Three days later, the Biden-Harris Campaign released Vice President Harris’ schedule, which announced that she would hold events in McAllen, Fort Worth, and Houston on Friday, October 30, 2020.

40. On October 27, 2020, the Biden-Harris Campaign announced a three-day “Soul of the Nation” bus tour from October 28 to 30, 2020 (the “Bus Tour”). The Bus Tour was to feature rallies and gatherings in support of the Biden-Harris Campaign as well as speeches by campaign surrogates and candidates in local Texas elections. The Bus Tour announced that it would include stops in Amarillo, Lubbock, Abilene, Fort Worth, and Dallas on the first day; Beaumont, Port Arthur, Houston, Fort Bend, and Corpus Christi on the second day; and Laredo, San Antonio, San Marcos, and Austin on the third day.

41. As soon as the Biden-Harris Campaign made plans for the Bus Tour public, members of the Alamo City and New Braunfels Trump Trains began planning to intercept and intimidate the bus as it traveled through Bexar, Comal, Hays, and Travis Counties on October 30. On the morning of Wednesday, October 28, 2020, one Alamo City Trump Train member posted that the group should “be on standby for Friday,” and that the group should “*flood the hell out of them* [the Biden-Harris Campaign bus]”:⁸

⁷ Alamo City Trump Train (@210TrumpTrain), TWITTER (Mar. 30, 2021, 11:28 PM), <https://twitter.com/210TrumpTrain/status/1377100411211935751?s=20>.

⁸ ‘#OperationBlockTheBus’: Inside the Pro-Trump FB Group Where Biden Bus Convoy Was



42. On the afternoon of October 28, 2020, President Trump’s son and a Trump Campaign surrogate, Donald Trump Jr., posted a video on Twitter directed to supporters of his father in Texas, stating, “Hey Laredo. Don Jr here. I heard you had an awesome turn out for the Trump Train. *It would be great if you guys would all get together and head down to McAllen and give Kamala Harris a nice Trump Train welcome. Get out there. Have some fun. Enjoy it.* Don’t forget to vote and bring all of your friends. Let’s show them how strong Texas still is as Trump country. Get out there guys.”

43. Kambree Kawahine Koa, who uses the Twitter handle @KamVTV, retweeted Don Jr.’s message and encouraged her now more than 300,000 followers to give the Biden-Harris Campaign a “big Trump Texas Welcome” on October 30:⁹



Organized, SNOPEs (Nov. 2, 2020), <https://www.snopes.com/news/2020/11/02/operation-block-the-bus/>.

⁹ Kambree (@KamVTV), TWITTER (Oct. 28, 2020, 4:06 PM), <https://twitter.com/KamVTV/status/1321543980165857283>.

B. Trump Train Follows Biden-Harris Campaign Bus at October 28-29 Events

44. On October 28, 2020, the first day of the Bus Tour, social media posts began to circulate about Trump Train members attempting to follow the bus. Koa tweeted that “one of our guys” was following behind the Biden-Harris Campaign bus, and told her followers to “Stay tuned.” Koa, a freelance journalist and Women for Trump activist, appears to have been instrumental in organizing and publicizing Trump Trains throughout the state during the duration of the Bus Tour.¹⁰



45. At campaign stops in Lubbock, Fort Worth, Dallas, and Houston on the first and second days of the Bus Tour, Trump supporters confronted Biden-Harris supporters and Bus Tour participants. Trucks with Trump paraphernalia followed the bus between Fort Worth and Dallas, and surrounded the bus when it stopped outside a library in Dallas. Some Trump supporters got out of their vehicles and confronted individuals from the Biden-Harris Campaign. One Trump supporter screamed graphic insults at a child at the library. Trump supporters continued to follow

¹⁰ Kambree (@KamVTV), TWITTER (Oct. 28, 2020, 6:00 PM), <https://twitter.com/KamVTV/status/1321572618286342144>; Kambree (@KamVTV), TWITTER (Oct. 28, 2020, 6:55 PM), <https://twitter.com/KamVTV/status/1321586309299916801>.

the bus as it drove to Houston, and circled the area near the stop, shouting at Biden-Harris supporters and Bus Tour participants and disrupting the event.

46. At the next scheduled Bus Tour stop in Fort Bend, about 500 Trump supporters were waiting when the bus arrived. According to Plaintiff Gins, the Trump supporters began “descending upon” the bus and the Biden-Harris campaign’s roughly 50 supporters. Outnumbered, Gins was forced to end the event early.

47. On October 29, large crowds of Trump supporters showed up at Bus Tour stops in Houston, Fort Bend, and Corpus Christi, bringing military-grade vehicles—including a “Trump Tank”—displaying weapons, blaring music so as to drown out the campaign speeches, yelling, verbally threatening, pushing and shoving, and engaging in minor physical altercations with the campaign participants.¹¹



Kambree
@KamVTV

Biden Bus tour got greeted in Houston by the Trump tank. Sick!



5:25 PM · Oct 29, 2020 · Twitter for iPhone



Kambree
@KamVTV

The pro Trump hearse has laid out a casket next to the Biden Bus in Houston.



4:01 PM · Oct 29, 2020 · Twitter for iPhone

¹¹ Kambree (@KamVTV), TWITTER (Oct. 29, 2020, 5:25 PM), <https://twitter.com/KamVTV/status/1321926207915597826>; Kambree (@KamVTV), TWITTER (Oct. 29, 2020, 4:01 PM), <https://twitter.com/KamVTV/status/1321905049036070914>.



48. During the event at Corpus Christi, Trump supporters again outnumbered Biden-Harris supporters and proceeded to surround the bus. A woman tried to push her way into supporters of Biden-Harris Campaign surrogate Congressman Joaquin Castro. When a Biden-Harris Campaign staffer (“Campaign Staffer A”) attempted to block the woman, her husband told him: “If I see you again, I’m gonna f**king kill you.”

49. Trump supporters also continued to follow the bus. One vehicle included a “Trump hearse” that stated it was “collecting Democratic votes one dead stiff at a time.”¹²

¹² Kambree (@KamVTV), TWITTER (Oct. 29, 2020, 3:52 PM), <https://twitter.com/KamVTV/status/1321902646706528256>.



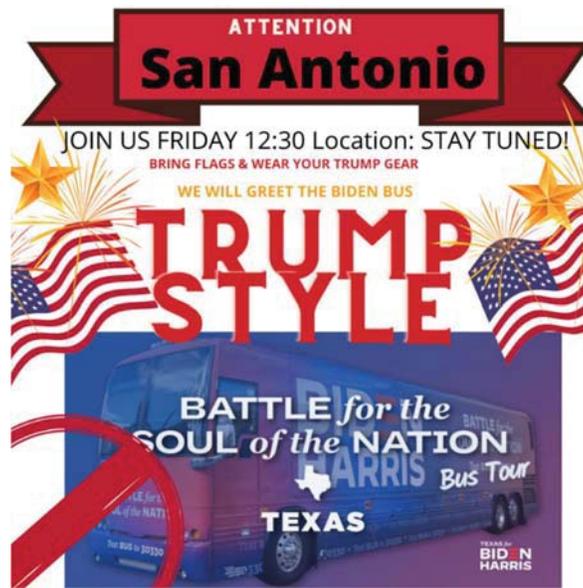
Photo of the pro-Trump hearse following the Biden Bus all over Houston. The Biden bus is running red lights like crazy trying to get away. It's all on film.



3:52 PM · Oct 29, 2020 · Twitter for iPhone

50. Social media continued to circulate about plans to interrupt the bus on the final day of its tour: October 30. Members of the Alamo City and New Braunfels Trump Trains, including Dolores Park, circulated calls to meet that Friday at 12:30pm to “greet the Biden Bus Trump Style”:¹³

¹³ Dolores Bedard Park, FACEBOOK (Nov. 2, 2020), <https://www.facebook.com/dolores.park.39/posts/10157770348953997>.



51. On Twitter, Trump supporters—including those, like Koa, who were openly publicizing the Trump Trains in Texas—focused significant attention on reports that then-VP Candidate Harris would be attending campaign events and might be present on the Biden-Harris Campaign bus.¹⁴



Kambree ✓
@KamVTV

The Biden Harris Bus tour stop couldn't do their interviews because the car horns were too loud. Beto was there and isn't happy. Cops blocked area off. Next stop Houston. The Biden bus tour isn't getting off this easy. This is Trump country.

Kamala, we will all see you Friday.

7:22 PM · Oct 28, 2020 · Twitter for iPhone



Damani Felder
@TheDamaniFelder

UPDATE: Was just sent the Biden/Harris bus tour link. They already came to Houston but are rolling on elsewhere. Patriots in Laredo, San Antonio, San Marcos, and Austin, keep your eyes peeled and make sure Kamala knows Texas is staying RED. #Trump2020



Damani Felder
@TheDamaniFelder

Apparently Kamala Harris is coming to Houston. It would be a shame if a bunch of Patriots found out where she'll be exactly and showed up to "welcome" her to Trump country 🇺🇸

4:28 PM · Oct 29, 2020 · Twitter for Android

¹⁴ Kambree (@KamVTV), TWITTER (Oct. 28, 2020, 7:22 PM), <https://twitter.com/KamVTV/status/1321593312743170050>; Damani Felder (@TheDamaniFelder), TWITTER (Oct. 29, 2020, 4:28 PM), <https://twitter.com/TheDamaniFelder/status/1321911838221676552>; Damani Felder (@TheDamaniFelder), TWITTER (Oct. 29, 2020, 4:45 PM), <https://twitter.com/TheDamaniFelder/status/1321915977676644352>.

52. Also on October 29, Koa hosted a live video on Periscope with Keith Lee, a founder of the “MAGA Drag the Interstate” movement and organizer of “MAGA Drag the Interstate” events in Texas.¹⁵ Koa told listeners that Lee was currently in a Trump Train “trolling” the Biden-Harris bus, and urged her followers to join the Trump Train on October 30: “So this is what we need everybody to do right now, because Keith is going to be following the Biden-Harris bus, which is for surrogates only, they’re following them to their next location tomorrow.” Lee replied, “This is epic trolling. Thank you President Trump for giving us the cojones to do this.” Several of the approximately 15,900 viewers left comments asking where they could meet up to join the Trump Train the next day.

53. As a result of these incidents, the Biden-Harris campaign became concerned about security and decided not to pre-announce the bus’s remaining stops in Texas, undermining the campaign’s goal of drawing supporters to the events. On October 29—more than 24 hours in advance of the planned campaign stop in San Marcos—Biden Supporter A notified Defendant Stapp of the upcoming event in San Marcos and reported public safety concerns related to plans for a Trump Train on the Bus Tour’s final day. Yet, Defendant Stapp and the San Marcos PD failed to alert the Hays County Sheriff’s Office of the event the next day in San Marcos.

¹⁵ Kambree (@KamVTV), *Biden bus tour update in Texas*, PERISCOPE (Oct. 2020), <https://www.pscp.tv/w/11DxLylzdyZKm>.

III. THE OCTOBER 30 TRUMP TRAIN

A. Members of the Trump Train Coordinate Ambush of Biden-Harris Campaign Bus

54. On the morning of October 30, posts on social media indicated that members of the Alamo City and New Braunfels Trump Trains began to communicate on social media for the purpose of coordinating their ambush of the Bus Tour.

55. On Facebook, Jason Frank, a leader of the New Braunfels Trump Train, encouraged his friends and followers to “go get that Biden bus,” and that he “can’t wait for pics and videos” of the Trump Train. Frank included with the post a video produced by Tammy Coiteux and Cody Ceh, other members of the Trump Train.¹⁶ Set to dramatic action movie music, the video rallies Trump Train members to action, and uses language evocative of a military campaign: “TRUMP 2020 THE LAST STAND.”

56. In the New Braunfels Trump Train group, Randi Ceh spread the word about the group’s plan to track the bus’s route and converge on the Bus Tour participants.¹⁷ Multiple group members asked about the logistics for meeting up to begin their attack on the bus, asking: “where are they meeting???”; “where is Solms exit?”; and “Does anybody estimate the time that they will be going to new Braunfels [sic][.]” Several group members posted that they were “on [their] way.”

¹⁶ Jason Frank, FACEBOOK (Oct. 31, 2020), <https://www.facebook.com/freedom.rings.7/posts/718832605395799> (last accessed May 28, 2021).

¹⁷ Resist Programming (@RzstProgramming), TWITTER (Nov. 1, 2020, 5:58 AM), <https://twitter.com/RzstProgramming/status/1322855604042539008>.

Replies

Shana Evans
Are you going Randi??
34m Like Reply

Randi Ceh 
[Shana Evans](#) some of the TT kids are..
31m Like Reply

Randi Ceh 
Sadly I'm working
31m Like Reply

Shay Speer Charles
[Randi Ceh](#) where is Solms exit? We are on our way
30m Like Reply

Shana Evans
[Shay Speer Charles](#) I'm off so I'm on my way
29m Like Reply 1 

Shana Evans
[Randi Ceh](#) where are they meeting???

Replies

Mark Carrillo
<https://www.facebook.com/FoxNews/videos/3478231538931948/?vh=e&d=n>
16m Like Reply 1 

Shay Speer Charles
[Mark Carrillo](#) NO SHES NOT! She's in San Antonio!! We Found her
14m Like Reply 1 

Michaela Zapata
[Shay Speer Charles](#) how long before she gets in NB
13m Like Reply

William Kirk Kunde
[Mark Carrillo](#) Does anybody estimate the time that they will be going to new Braunfels
12m Like Reply

Randi Ceh 
[Michaela Zapata](#) I have people lining up at 1:30-2:00
11m Like Reply 1 

  25 > 

Dawn Christy-Moseley 
She's live in Ft. Worth right now



11m Like Reply

Timothy M Davis
Seriously don't these people have jobs in the daytime like us working class Trumper's?
9m Like Reply

Mimi Vetter
On my way!!
11m Like Reply

Darla Potter Pundt
Awww working. Please post pics!!!
10m Like Reply

57. Reports also circulated in the group that then-Vice Presidential Candidate Harris would be on the bus as it passed through New Braunfels, with one group member asking, “how long before she gets in [sic] NB [New Braunfels?]” Despite these false conclusions about Vice President Harris’s whereabouts on October 30—she attended the previously announced events in McAllen, Fort Worth, and Houston for the entirety of the day—the possibility that the then-Vice Presidential Candidate would be in attendance at the Bus Tour whipped up further agitation within the New Braunfels Trump Train group.

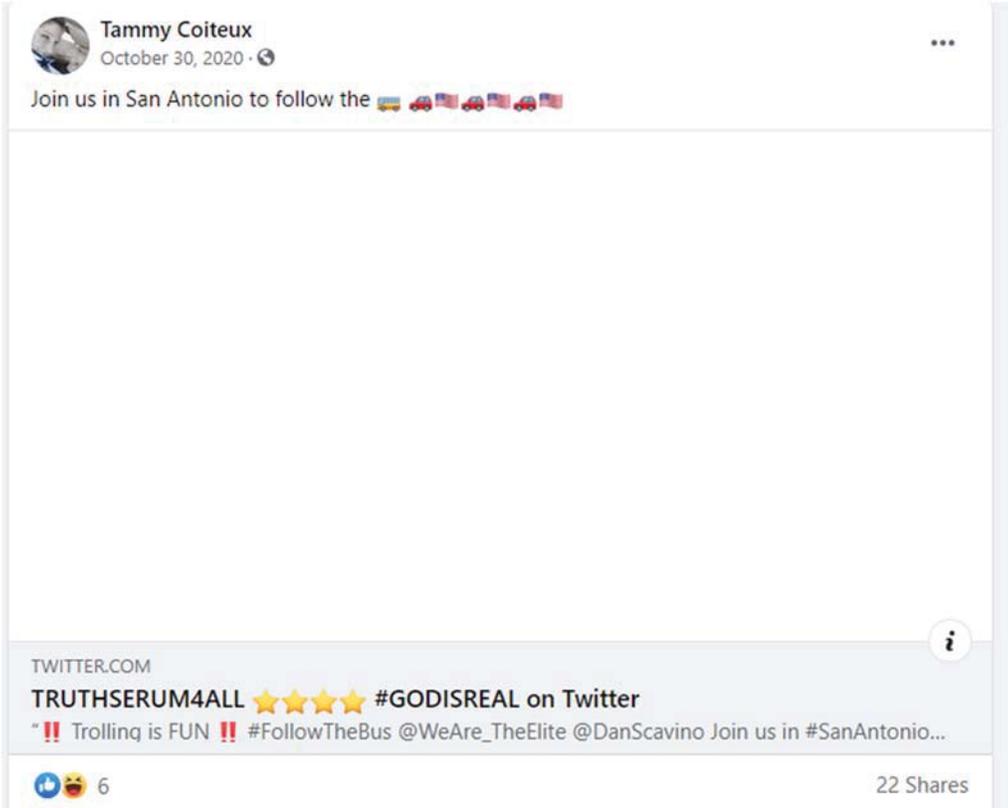
58. Members of the Trump Trains were also monitoring the northern-bound movement of the bus from overpasses on I-35. According to a publicly posted YouTube video entitled “Operation Biden Harris Bus Escort – Oct. 30,” “Trump Train members coordinated with other TT [Trump Train] groups in McAllen, to track the bus as it was coming north to San Antonio for a Rally.”¹⁸ Alamo City Trump Train members, too, were tipped off on the bus’s advance into San Antonio.

59. Around 12:30pm, Twitter user @truthserum4all posted on Twitter:



¹⁸ Lee Besing, *Operation Biden Bus Escort Duty on IH-35 in Texas - October 30th - Part 1*, YOUTUBE (Nov. 1, 2020), <https://www.youtube.com/watch?v=hyUH3mdXNyQ>.

60. New Braunfels Trump Train member Tammy Coiteux shared @truthserum4all’s Tweet on Facebook, telling her friends and followers, “Join us in San Antonio to follow the [bus emoji.]” The post was shared 22 times.¹⁹



¹⁹ Tammy Coiteux, FACEBOOK (Oct. 30, 2020), <https://www.facebook.com/tammy.coiteux/posts/3934764559870485>.

B. The Bus Tour Begins With Events In Laredo and San Antonio

61. Meanwhile, the Bus Tour began the day in Laredo. Plaintiffs originally planned to attend campaign events in San Antonio, San Marcos, and Austin, mostly by navigating north on I-35. After three planned stops in San Antonio, the Bus Tour was scheduled to stop at Texas State University in San Marcos, where it would speak to students rallied by student advocates, and at the AFL-CIO in Austin, where Plaintiff Davis, a former state senator and then-Democratic candidate for Texas's 21st congressional district, was slated to speak with U.S. Representative Lloyd Doggett. The bus had two additional stops planned after the AFL-CIO event, one at a polling location at the University of Texas at Austin and another at a polling location in greater Austin. The same day, Vice President Harris was scheduled to campaign in other cities in Texas, including at an event in McAllen.

62. Plaintiffs Holloway and Gins departed Laredo on the bus early on the morning of October 30. During its drive from Laredo to San Antonio, Campaign Staffer A escorted the bus in a white Ford Edge SUV, driving ahead of the bus for long stretches between Laredo and San Antonio. About halfway through that drive, the staffer reported seeing roughly 15 to 20 vehicles sporting Trump Campaign paraphernalia on an I-35 feeder road. A fellow campaign staffer suggested to Plaintiff Gins that the bus take a side road to avoid the convoy. Concerned for their safety if they were to run into Trump Train vehicles, Plaintiffs Holloway and Gins exited I-35 and took an alternative route into San Antonio.

63. Trump Train members, who had been tracking the bus from Laredo to San Antonio, soon realized that their plans to intercept the bus had been thwarted. According to the "Operation Biden Harris Bus Escort – Oct. 30" YouTube video, "A group of Trump Train supporters camped out on the I-35 overpass with their flags, south of San Antonio, waiting patiently for the bus that

never arrived[.]”²⁰ However, members of the New Braunfels and Alamo City Trump Trains were not dissuaded, and began deploying to pre-planned positions along I-35. Around 9:30am, Alamo City Trump Train members began to post in the Facebook group that they were “[g]oing to head over to [I-]35 and wait,” and that some members were already “located at [I-]35N and [Route] 1604. Ready to rock.”



64. Shortly after arriving in San Antonio, Plaintiff Davis met up with the bus, on which she would be a passenger for the rest of the Bus Tour. Plaintiff Cervini also met the bus in San Antonio in his own vehicle, planning to escort the bus throughout the day.

65. The Bus Tour made three stops in San Antonio, the last of which was the AT&T Center, where the tour participants were met with Trump supporters waiting in the parking lot.

C. The Bus Tour Is Besieged Driving Between San Antonio and Austin

66. The bus left San Antonio around 2:15pm with the assistance of a prearranged police escort. There were four people aboard the bus as it left San Antonio: Plaintiffs Holloway, Davis, and Gins, as well as the other bus driver who was off-duty that day. Plaintiff Cervini was driving about a mile ahead of the bus, and other Biden-Harris Campaign and political aides and volunteers, including Campaign Staffer A, were driving in vehicles escorting the bus.

67. About half an hour before the Trump Train intercepted the bus, members of the Biden-Harris Campaign began seeing posts on Instagram and Snapchat about the converging

²⁰ Lee Besing, *Operation Biden Bus Escort Duty on IH-35 in Texas - October 30th - Part 1*, YOUTUBE (Nov. 1, 2020), <https://www.youtube.com/watch?v=hyUH3mdXNyQ>.

vehicles. At the city limits of San Antonio, as the Bus Tour headed into the city of Live Oak, the police escort dropped off.

68. As the bus crossed from Live Oak to Selma, while the bus was passing the intersection of Route 1604 and I-35 by The Forum shopping mall, Trump Train vehicles converged on the bus. Vehicles—most of them large trucks and SUVs—displayed a variety of flags, including Trump campaign flags, Confederate battle flags, and many others. The Trump Train began harassing the bus by surrounding it, forcing it to slow down, honking, yelling, and making hand gestures. Vehicles started getting close to the bus and taking videos.

69. Upon information and belief, among the vehicles who joined the ambush at or around this time was Eliazar Cisneros. In a 2:33pm video posted to his since-deleted Facebook page, Cisneros can be seen waiting on the shoulder of I-35 to join other Trump Train vehicles.²¹ The video shows the Biden-Harris bus drive past Cisneros's watch post on the I-35 shoulder, already flanked by several Trump Train vehicles. Cisneros, driving a black Ford F-150, Texas License Plate # 67555 DV, joined the Trump Train on I-35 shortly thereafter.

70. Around 3:04pm, while driving just south of New Braunfels near Exit 184, Rueckle Road, Plaintiff Cervini encountered bumper-to-bumper traffic on I-35 and observed a line of at least 40 vehicles lying in wait on the side of the interstate. Plaintiff Cervini filmed these vehicles and later posted the video on Twitter.²²

71. Shortly thereafter, Plaintiff Cervini exited I-35 at Exit 184 and continued on the planned route to the next campaign stop at Texas State University in San Marcos, Texas.

²¹ Resist Programming (@RzstProgramming), TWITTER (Nov. 1, 2020, 11:10 AM), <https://twitter.com/RzstProgramming/status/1322934038739492866>.

²² Dr. Eric Cervini (@ericcervini), TWITTER (Oct. 30, 2020, 8:34 PM), <https://twitter.com/ericcervini/status/1322336226792321025?s=20>.

72. Also at this time, Plaintiff Cervini messaged the other Bus Tour participants to warn them, and suggested they take another route to avoid the traffic and the Trump Train. From the bus, Plaintiff Gins responded that it was too late; they were “stuck in it.”

73. As the vehicular aggression intensified, Campaign Staffer A stayed behind the bus to protect its blind spot.

74. Meanwhile, New Braunfels Trump Train members were also waiting in the wings to join the increasingly escalating situation on I-35. According to a publicly posted YouTube video, Trump Train members on I-35 “called ahead to the New Braunfels Trump Train group.”²³ The video shows a “few dozen more vehicles” waiting to join those already in the Trump Train.

75. Upon information and belief, among the vehicles who joined the ambush of the Bus Tour around this time were Hannah Ceh, Joeylynn Mesaros, Robert Mesaros, Dolores Park, and a John/Jane Doe driving a red Toyota Tundra bearing Texas License Plate # GLB 9729.

76. Based on social media posts and video evidence, Hannah Ceh rode in a white Toyota Tundra along with at least two John Does, Texas License Plate # LXT 9066, which had three flags attached to the back, including a Trump flag and Confederate flag. Based on self-posted social media posts, Hannah Ceh was the passenger of a white Toyota Tundra seen throughout the incident:²⁴

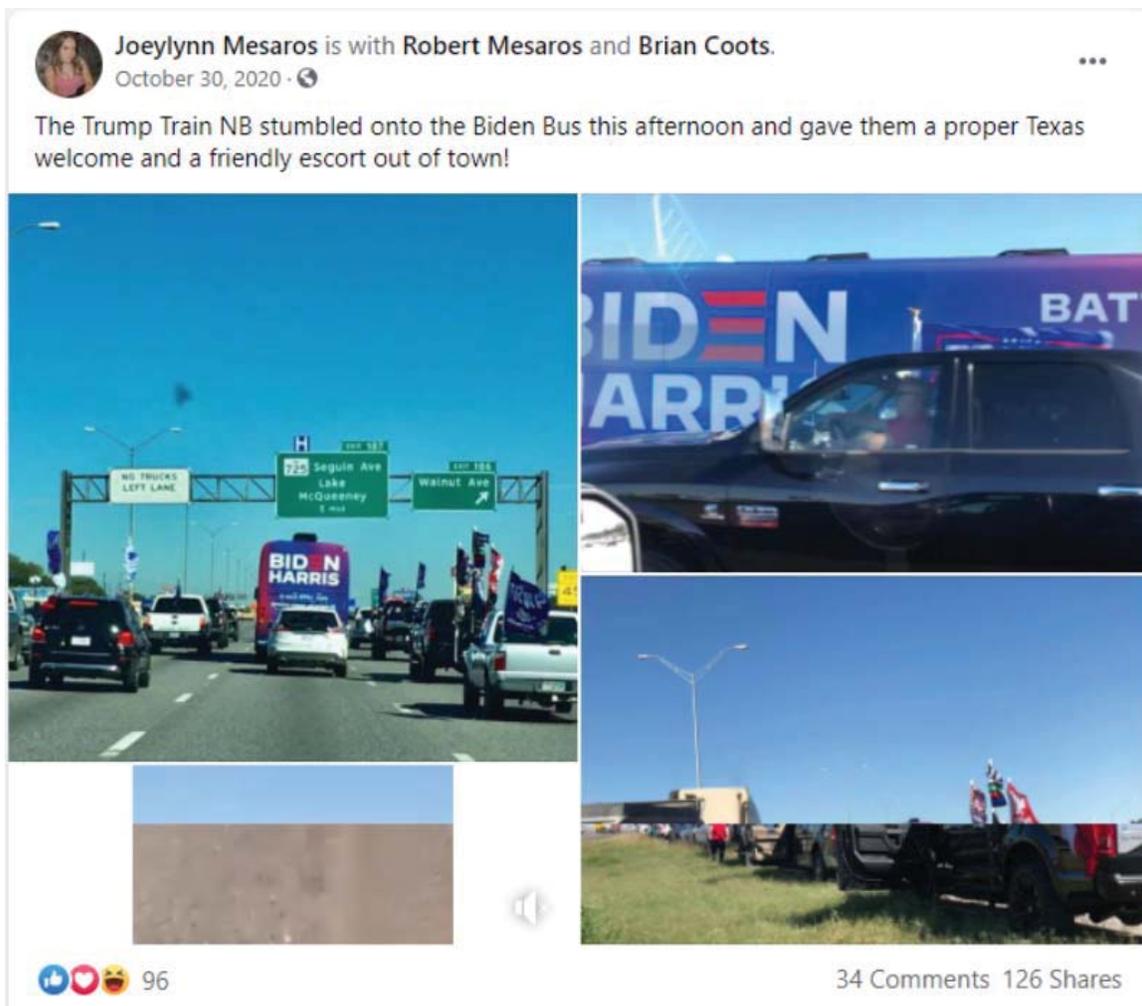
²³ Lee Besing, *Operation Biden Bus Escort Duty on IH-35 in Texas - October 30th - Part 1*, YOUTUBE (Nov. 1, 2020), <https://www.youtube.com/watch?v=hyUH3mdXNyQ>.

²⁴ Resist Programming (@RzstProgramming), TWITTER (Nov. 1, 2020, 5:47 AM), <https://twitter.com/RzstProgramming/status/1322852781041061888>; *see also* Resist Programming (@RzstProgramming), TWITTER (Nov. 1, 2020, 6:18 AM), <https://twitter.com/RzstProgramming/status/1322860570610147331>.



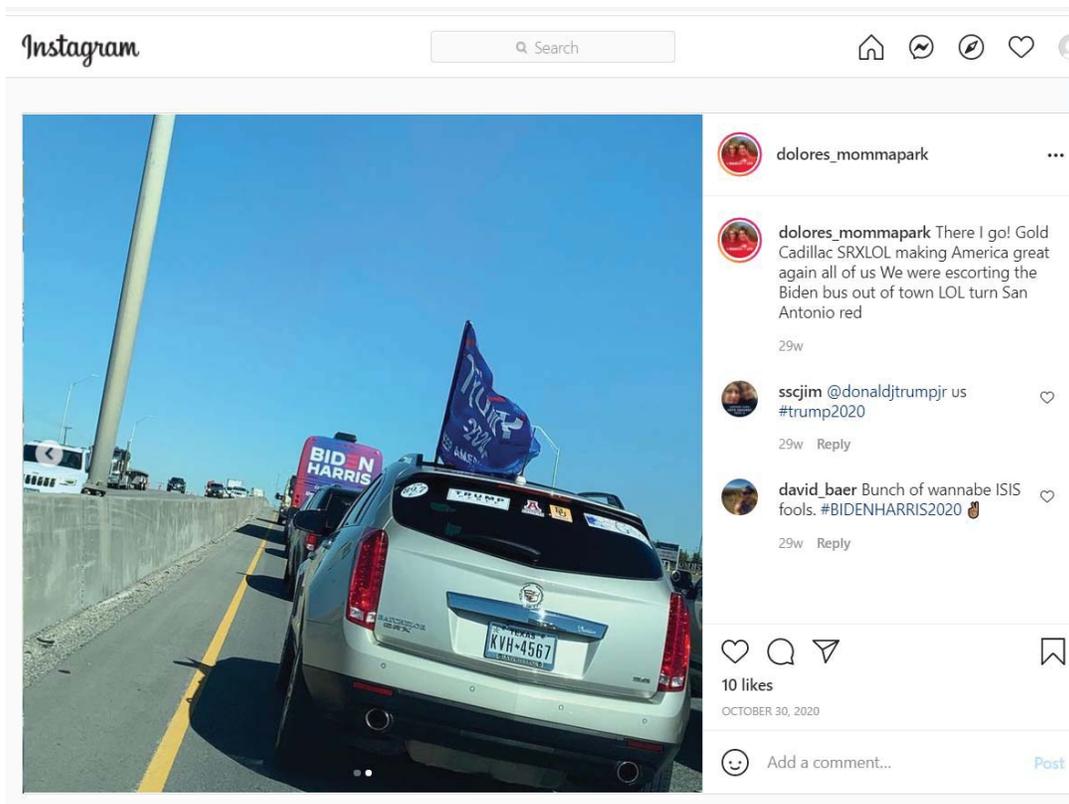
77. Based on social media posts and video evidence, Robert and Joeylynn Mesaros rode in a black Ford F-150, Texas License Plate # NJX 1701, which had at least five flags attached to the back. Joeylynn Mesaros posted on social media identifying herself and her husband as present on I-35 during the incident driving in a black Ford F-150, and Joeylynn Mesaros appears to have taken a Facebook live video during the incident.²⁵

²⁵ Joeylynn Mesaros, FACEBOOK (Oct. 31, 2020), <https://www.facebook.com/100000575746052/videos/pcb.3923562267672926/3923553967673756> (last accessed May 27, 2021); Joeylynn Mesaros, FACEBOOK (Oct. 30, 2020), <https://www.facebook.com/joeylynn.aramendiamesaros/posts/3920656761296810> (last accessed May 27, 2021).



78. Based on social media posts and video evidence, Dolores Park drove a Cadillac SRX, Texas License Plate # KVVH 4567. Park posted on social media identifying herself as present on I-35 during the incident driving in a Cadillac SRX.²⁶

²⁶ @dolores_mommapark, INSTAGRAM (Oct. 30, 2020), https://www.instagram.com/p/CG_IgOgH2C9/; @dolores_mommapark, INSTAGRAM (Oct. 30, 2020), https://www.instagram.com/p/CG_OL3ung4J/.



79. As the aggressive behavior of the Trump Train escalated, Plaintiff Davis began filming video of the view from the bus's front window. Plaintiff Holloway, who had to this point tolerated the Trump Train's behavior, asked, "Are they gonna stop me? Like, come on man. It's getting stupid now." Several minutes later, Holloway noted that they had slowed down to 15 miles per hour.

80. The view from the front window of the bus shows how close the Trump Train vehicles were driving to the bus on all sides and how abruptly they were routinely braking. This tactic repeatedly forced the bus to quickly slow down to a dangerously low speed in order to avoid a collision. Around Exit 189, Cisneros's truck moved in front of the bus. Video evidence shows Cisneros rapidly decelerating within seconds of entering the right-hand lane in front of the bus in an apparent attempt to slow the bus down.



81. By the time the bus reached New Braunfels, there were dozens of Trump Train vehicles surrounding the bus.²⁷



²⁷ US✪ P✪A✪T✪R✪I✪O✪T✪us (@BlessUSA2024), TWITTER (Oct. 31, 2020, 2:43 PM), <https://twitter.com/BlessUSA2024/status/1322610261124141057>.



82. Also around this time, near Exit 193 in New Braunfels, Park streamed two live videos to Facebook. In one, she states, “This Biden bus is surrounded! Like seriously surrounded by Trump flags!” and “If my husband sees me like this he’s going to kill me for driving like this!”²⁸ In another, she comments on other non-Trump Train vehicles on the road, stating, “they’re gonna try to break us up; they try to break us up but it doesn’t work ... there’s too many of us, and then someone just lets everyone in.”²⁹ Later in the same video, she explains how she and others have been maneuvering to slow down traffic near the bus to keep it surrounded by Trump Train vehicles: “See when you scoot over, then you let everyone else in, like this.... He’s [non-Trump Train vehicle] been with us for quite a few miles, he’s been trying to cut everyone off but I’m going to let everyone in.”

²⁸ Dolores Bedard Park, FACEBOOK (Oct. 30, 2020), <https://www.facebook.com/dolores.park.39/videos/10157762463158997/>.

²⁹ Dolores Bedard Park, FACEBOOK (Oct. 30, 2020), <https://www.facebook.com/dolores.park.39/videos/10157762399613997/>.

D. Plaintiffs Seek Police Protection from the Trump Train in San Marcos, But Defendants Fail to Help

83. Upon entering New Braunfels, Campaign Staffer A called 911 to report the escalating situation and to request a police escort or other safety measures.³⁰ The New Braunfels Police Department sent vehicles to I-35. As soon as the police arrived, the Trump Train resumed driving at around the posted speed limit and stopped harassing the bus passengers. When the Bus Tour reached the New Braunfels-San Marcos city line, however, the New Braunfels police dropped off, and the Trump Train resumed its harassing behavior.

84. Lacking a police escort in San Marcos, Plaintiffs grew terrified of what the Trump Train would do next. The Biden-Harris Campaign, including Campaign Staffer A, had a conference call with police dispatchers from both New Braunfels and the San Marcos PD to request a police escort or other safety measures. Defendants Richard/Rachel Roes refused to send an escort and said officers would be looking out for traffic violations as usual. They said that unless the Biden-Harris Campaign was reporting a crime, “*we can’t help you.*”

85. When the bus was about 30 minutes from the Texas State event, Biden Supporter A called Defendant Chase Stapp for a second time and pleaded for assistance, explaining that the Trump Train was surrounding the bus. Defendant Stapp assured Biden Supporter A that San Marcos PD would send backup, but no one arrived.

86. At or around 3:15pm, Plaintiff Gins also dialed 911 to report the Trump Train and request assistance. Fearing for other Plaintiffs’ and his own safety, and without a police escort to

³⁰ Counsel for Plaintiffs have filed requests under Texas’s Public Information Act for records of calls made to the San Marcos PD to verify Plaintiffs’ memories. Thus far, San Marcos PD has not produced any recordings responsive to this request. Plaintiffs have filed similar requests with other law enforcement departments connected to this event, including the Hays County Sheriff’s Office.

accompany the bus safely through San Marcos to its next stop at Texas State, Plaintiff Gins ultimately made the decision to cancel the Texas State event.

87. At or around 3:20pm, Plaintiff Cervini arrived at the Texas State venue in San Marcos, where a few police cars were waiting. Plaintiff Cervini implored one Defendant Richard Roe officer from the San Marcos City MD to assist the bus. Cervini explained the bus's location in San Marcos and told the officer that people on the bus feared for their safety. Defendant Richard Roe told Plaintiff Cervini to call 911 if people felt threatened (even though others had already done so, to no avail), that he did not know if the bus was in his jurisdiction, and that regardless, the bus would likely be out of his jurisdiction by the time any of the officers at Texas State arrived. Despite Plaintiff Cervini pleading him to assist—and Texas State being mere minutes from I-35—Defendant Richard Roe and the other Richard/Rachel Roe officers there waited around for roughly 20 minutes at the venue before some eventually drove off.

88. At or around 3:34pm, Plaintiffs Davis and Gins called the Hays County Sheriff's Office and the dispatcher connected them to the San Marcos PD. Plaintiffs Davis and Gins reported vehicular assault and implored the Defendant Rachel Roe dispatcher from the San Marcos PD in vain to provide an escort. Defendant Rachel Roe suggested that she knew about the Trump Train and understood that the bus was stuck in it, and asked what the Trump Train drivers were doing that was illegal. When Plaintiff Gins explained that the bus was moving 15 miles per hour because the Trump Train was blocking it, Defendant Rachel Roe suggested it was traffic. But Plaintiffs Gins and Davis made crystal clear what was happening. "They're *purposefully* causing us to slow down," they explained.³¹ Plaintiffs Davis and Gins provided the bus's location at least

³¹ Under Texas's Transportation Code, "[a]n operator may not drive so slowly as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law." Tex. Transp. Code § 545.363(a) (Minimum Speed Regulations).

four times throughout these communications, as Defendant Rachel Roe repeatedly asked which exit marker the bus had passed and what landmarks Gins and Davis could see in the vicinity.

89. Yet for the roughly 30 minutes it took to drive through San Marcos on the main highway that runs through it, there were no San Marcos PD, San Marcos MD, or any other police cars in sight—not on the I-35 exit or entrance ramps, nor on either side of the highway. Unlike the New Braunfels police, who quickly located and escorted the bus, *Defendants Richard/Rachel Roes failed to exercise reasonable care to protect Plaintiffs from an unlawful civil rights conspiracy.*

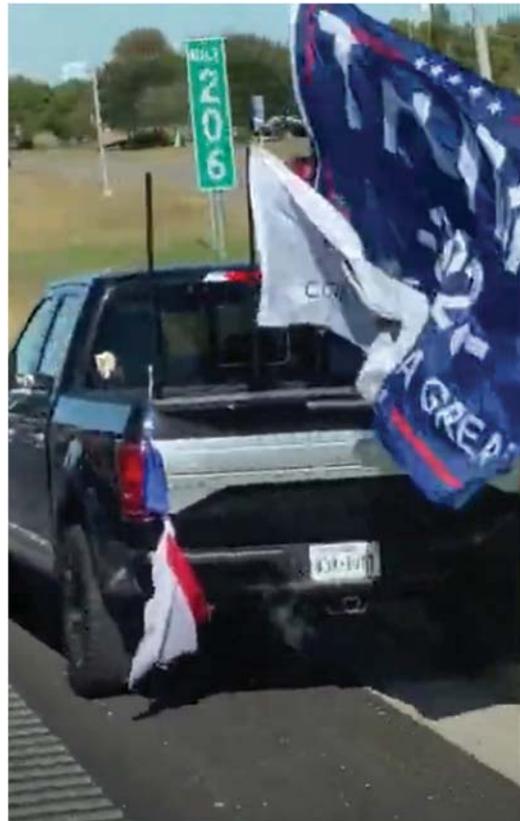
E. Plaintiffs Face Increased Violence Without Police Escort

90. Lacking an escort through San Marcos, the Trump Train became emboldened, and the conspiracy reached its zenith. The Trump Train again surrounded the bus and Campaign Staffer A's car.

91. Video evidence shows the black Toyota Tundra bearing Texas License Plate # NKS 8130, driven by a John Doe, and the gray Ford F-150 bearing dealer tag # 76022U6, driven by a John Doe, driving extremely close to the front and side of the bus and abruptly braking. The Cadillac SRX bearing Texas License Plate # KVVH 4567, which Dolores Park was driving, can be seen in the same footage assisting the gray Ford F-150 bearing dealer tag # 76022U6, driven by a John Doe, in boxing the bus in.



92. Vehicles in the Trump Train also cut sharply in front of the bus from parallel lanes and the shoulder, causing the bus to brake quickly. The gray Ford F-150 bearing dealer tag # 76022U6 can be seen in video footage driving dangerously close to the front of the bus. The Ford F-150 bearing Texas License Plate # NJX 1701, in which Robert and Joeylynn Mesaros rode, can be seen in the same footage waiting on the shoulder for the bus to arrive, and then dangerously and abruptly cutting right in front of it. Likewise, the red Toyota Tundra bearing License Plate # GLB 9729 can be seen in video footage cutting suddenly from the middle lane left of the bus, to right in front of the bus, and back, close enough to force the bus to slow down suddenly.

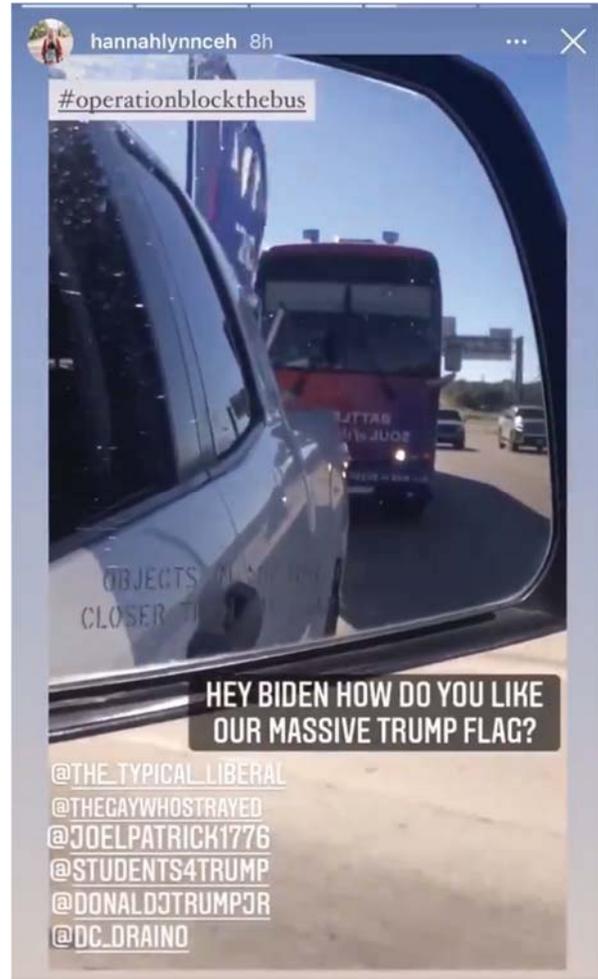




93. Through much of the drive, the white Toyota Tundra # LXT 9066, driven by a John Doe, was on the right-hand side of the bus, slightly ahead of it, with its window down. A John Doe backseat passenger of the vehicle was hanging out of the window, screaming.



94. At some points, the white Toyota Tundra # LXT 9066 moved to the left-hand side of the bus and began driving dangerously close to the bus. Video footage posted by Hannah Ceh, a passenger in the white Toyota Tundra # LXT 9066, shows the vehicle driving within inches of the bus.³²



95. Throughout this time, Trump Train vehicles started veering close to Campaign Staffer A and the bus, surrounding them and playing a game of “chicken” in what appeared to be

³² Resist Programming (@RzstProgramming), TWITTER (Nov. 1, 2020, 5:47 AM), <https://twitter.com/RzstProgramming/status/1322852781041061888>; Resist Programming (@RzstProgramming), TWITTER (Nov. 1, 2020, 6:18 AM), <https://twitter.com/RzstProgramming/status/1322860570610147331>.

an attempt to force Campaign Staffer A to leave his spot behind the bus. Trump Train vehicles would pass within three to four inches of his front right bumper, and would pull up and yell. They would not let up.

96. Members of the Trump Train—including the white Toyota Tundra # LXT 9066 seen in video footage stills below—were also taking pictures and videos, making hand gestures, swerving dangerously in and out of lanes, and otherwise driving in a way that appeared to be an attempt to push the bus off the road onto the shoulder.



97. At times, the Trump Train’s hounding of the bus caused back-ups of unrelated traffic on I-35. At several points, Trump Train vehicles moved together in a coordinated fashion to allow unrelated traffic to pass by the convoy.

98. With no end to the harassment in sight, the bus took a defensive posture, covering the middle line of the interstate so that the bus had more room on its right to defend against the vehicles. Plaintiff Holloway sought to preserve room in the right lane in order to allow room for the bus to slow down if forced to stop suddenly.

99. Campaign Staffer A continued to follow the bus, but Cisneros approached from his right, at times straddling the solid line on the right-hand shoulder. As the bus and Campaign Staffer A's vehicle approached the San Marcos-Kyle line near Exit 213, and still with no officers in sight, Cisneros approached within feet of the back bumper of the bus:³³



100. As Campaign Staffer A attempted to continue on his course following the bus, Cisneros swerved the front edge of his pickup truck in what appeared to be an attempt to edge Campaign Staffer A off his course. In so doing, Cisneros collided with the side of Campaign Staffer A's car.

³³ Resist Programming (@RzstProgramming), TWITTER (Nov. 1, 2020, 9:43 AM), <https://twitter.com/RzstProgramming/status/1322912224311185409/photo/1>.

101. As a result of the impact, Campaign Staffer A temporarily lost control of his vehicle and swerved into the middle lane of traffic. He drifted back into the highway lane after gaining control of his vehicle.

102. As demonstrated by video footage, the driver's-side front of Cisneros's black Ford F-150 made contact with Campaign Staffer A's white SUV and forced it out of the right-most lane of traffic.³⁴



³⁴ melissa “cancel student debt” byrne (@mcbyrne), TWITTER (Oct. 31, 2020, 11:50 AM), <https://twitter.com/mcbyrne/status/1322566702048153600>.

103. The rental car that Campaign Staffer A was driving sustained damage along the side where Cisneros's vehicle collided with it.³⁵



104. Following the collision, Campaign Staffer A pulled over to the shoulder, but quickly resumed driving to try to stay close to the bus for safety after Cisneros pursued and cornered his vehicle on the shoulder. Video footage shows Cisneros's black Ford F-150 # 67555 DV speeding past the bus and maneuvering all the way from the lane to the left of the bus to the

³⁵ Katie Naranjo (@KatieNaranjo), TWITTER (Oct. 30, 2020, 6:55 AM), <https://twitter.com/KatieNaranjo/status/1322311181168758784/photo/2>.

right-hand shoulder, in pursuit of Campaign Staffer A. Cisneros’s truck then cuts directly in front of Campaign Staffer A’s white SUV on the shoulder in an attempt to block it in. As Campaign Staffer A attempts to pull back onto the highway, Cisneros’s truck abruptly brakes, causing Campaign Staffer A to come to a near stop. Finally, Campaign Staffer A is able to escape by darting in front of the bus. In one of the video stills, the John Doe backseat passenger of the Toyota Tundra # LXT 9066 can be seen coordinating with Cisneros, who proceeds to get back in a driving lane in front of the Toyota Tundra.





105. Also after the collision, some of the Trump Train members pulled over and got out of their vehicles. Upon information and belief, Robert and Joeylynn Mesaros were among these vehicles. Video footage shows a man and woman in the truck bed of the black Ford F-150 # NJX 1701 filming the bus as Campaign Staffer A attempts to pull over.



F. Plaintiffs Are Granted Reprieve Upon Arrival of Police Escort in Kyle

106. As the bus approached Kyle, Plaintiffs Davis and Gins continued to explain the bus's location while on the phone with the Defendant Rachel Roe dispatcher from the San Marcos PD. With the San Marcos PD failing to provide an escort for the bus as it drove through San Marcos, the Defendant Rachel Roe dispatcher transferred Plaintiffs Davis and Gins to the Kyle

Police Department at or around 3:45pm. Plaintiffs Davis and Gins described their location as the bus drove into Kyle, and the Kyle dispatcher said officers would assist. At around the same time, a Biden staffer informed Plaintiffs Gins and Cervini that he had notified the Kyle and Buda Police Departments about the bus's location. Shortly thereafter, a police escort arrived in Kyle, granting the bus a short reprieve.

107. The Trump Train again de-escalated its harassing behavior and resumed driving at around the posted speed limit. But as soon as the police escort exited I-35 at around the Travis County limit, the Trump Train resumed their threatening behavior. At that point, roughly twenty vehicles remained in the Trump Train, including the white Toyota Tundra # LXT 9066, which can be seen in Plaintiff Davis' video driving several cars ahead when the police escort is present, but quickly resuming its place right in front of the bus and boxing it in within approximately 30 seconds after the police escort drops off.





108. As the bus and the Trump Train then entered Travis County, the bus was still surrounded by approximately seven to eight Trump Train vehicles.

109. Finally seeing a brief opening provided by an approaching exit, Plaintiffs Holloway and Davis seized the opportunity to escape the convoy by abruptly taking an earlier-than-planned exit into downtown Austin. At this point, the bus was straddling the middle and right lanes, driving around the speed limit of 70 miles per hour. As the exit approached, Holloway feigned going straight, then cut to the Riverside exit ramp at the last second. Upon exiting I-35, the bus lost what remained of the convoy for its final entry into Austin.

110. Plaintiffs arrived at the AFL-CIO headquarters in Austin around 4:35pm, without any Trump Train vehicles in immediate pursuit. It was their first planned campaign stop for Austin, but by that point, the event had been cancelled, along with the two planned stops thereafter. The approximately 80-mile drive between the AT&T Center in San Antonio and the AFL-CIO in

Austin, which would normally take no more than ninety minutes, had taken approximately 2.5 hours.

G. Plaintiffs Are Harassed At Cancelled Austin Event Location

111. Shortly after Plaintiffs arrived at their Austin campaign stop at the AFL-CIO, members of the Trump Train also arrived at the location. These Trump Train vehicles, which had not appeared to have directly followed the bus off the Riverside exit, nonetheless knew the bus's next campaign stop and arrived to continue their harassment of Plaintiffs. Upon information and belief, these vehicles included the black Ford F-150 driven by Cisneros, and the white Toyota Tundra # LXT 9066, carrying Hannah Ceh and two John Does.

112. Upon arriving in the AFL-CIO parking lot, the Trump Train members got out of their trucks and confronted the Biden-Harris Campaign participants, screaming insults at Plaintiff Holloway and Campaign Staffer A in particular.

113. City of Austin police were present at the venue, but did not ask any members of the Trump Train to leave the parking lot. Plaintiff Gins asked the police to help when one member of the Trump Train got extremely physically close to Plaintiff Holloway and Campaign Staffer A while screaming at them.

114. By this point, the Biden-Harris Campaign had decided to cancel their scheduled campaign event and press conference at the AFL-CIO, as well as the rest of the Bus Tour and all other promotional events in Texas. Plaintiff Gins also spoke with a member of the Biden-Harris Campaign, who told the remaining Bus Tour participants to shelter in place within the AFL-CIO building if possible. Plaintiff Gins and others present at the venue proceeded to shelter in place.

115. Plaintiffs each left the scene shortly thereafter. Plaintiff Davis was met by her campaign manager—who had been escorting the bus in a separate vehicle throughout the

incident—and left the AFL-CIO in her campaign manager’s vehicle shortly after arriving at the venue.

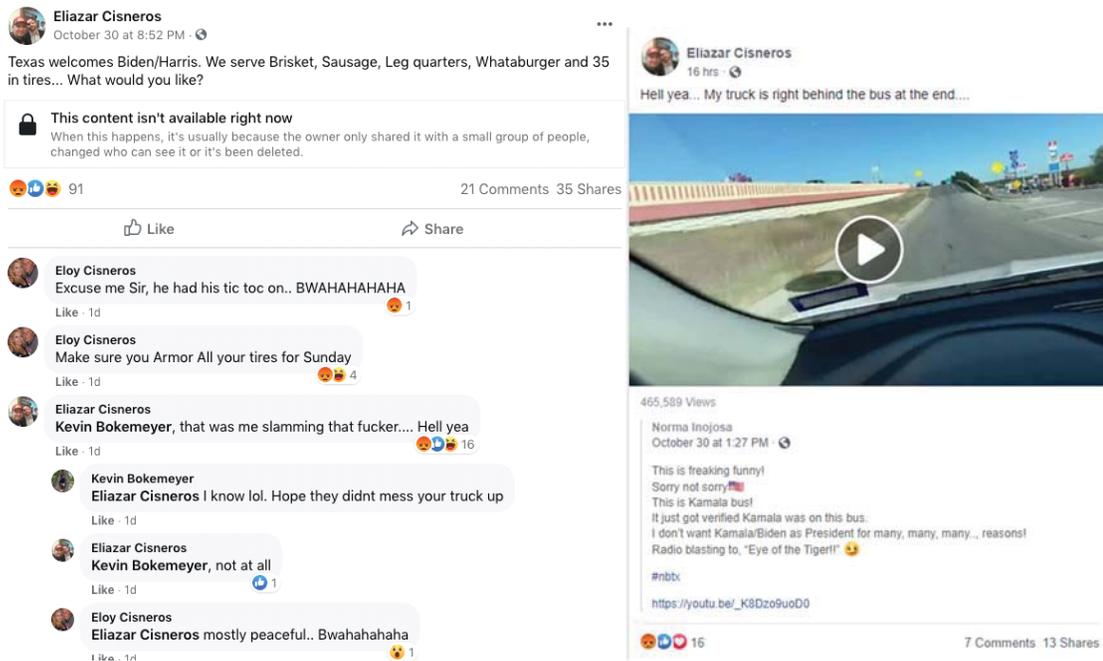
116. As Davis left and for some time thereafter, the other Bus Tour participants discussed how long to stay at the AFL-CIO. Plaintiffs Gins and Cervini were afraid to leave the shelter of the AFL-CIO, given their experience on I-35 and the continued presence and hostility of Cisneros and others at the AFL-CIO. Plaintiff Holloway was concerned about his continued safety if he stayed at the AFL-CIO parking lot.

117. Around this time, the police officers present at the AFL-CIO told the Bus Tour participants they were leaving, and that once the bus left the AFL-CIO, they were “on their own.” Shortly thereafter, Plaintiff Cervini left the premises in his vehicle, hoping to get away quickly from the remaining Trump Train vehicles and what he saw as a continued dangerous situation at the AFL-CIO parking lot. Plaintiff Gins, Campaign Staffer A, and a fellow campaign staffer got into the white SUV that Campaign Staffer A had driven, and also left. Plaintiff Holloway and the off-duty bus driver concluded that they would not be safe in Texas, and drove the bus out of state.

H. Continued Harassment After the I-35 Incident

118. Later that evening, Cisneros and other Trump Train members bragged about their exploits on social media.

119. On his Facebook page, Cisneros posted a photo or video that has since been deleted, stating “Texas welcomes Biden/Harris” with “35 in [inch] tires,” and telling a commenter “that was me slamming that fucker.... Hell yea.” One commenter joked about the violence of Cisneros’s actions on I-35, stating that Cisneros’s “protest” was “mostly peaceful.. Bwahahahaha” and telling him to “make sure you Armor All your tires for Sunday,” the date the final pre-Election Day MAGA Drag the Interstate event was planned. Cisneros also reposted a video taken by another Trump Train member, stating “Hell yea... My truck is right behind the bus at the end....”

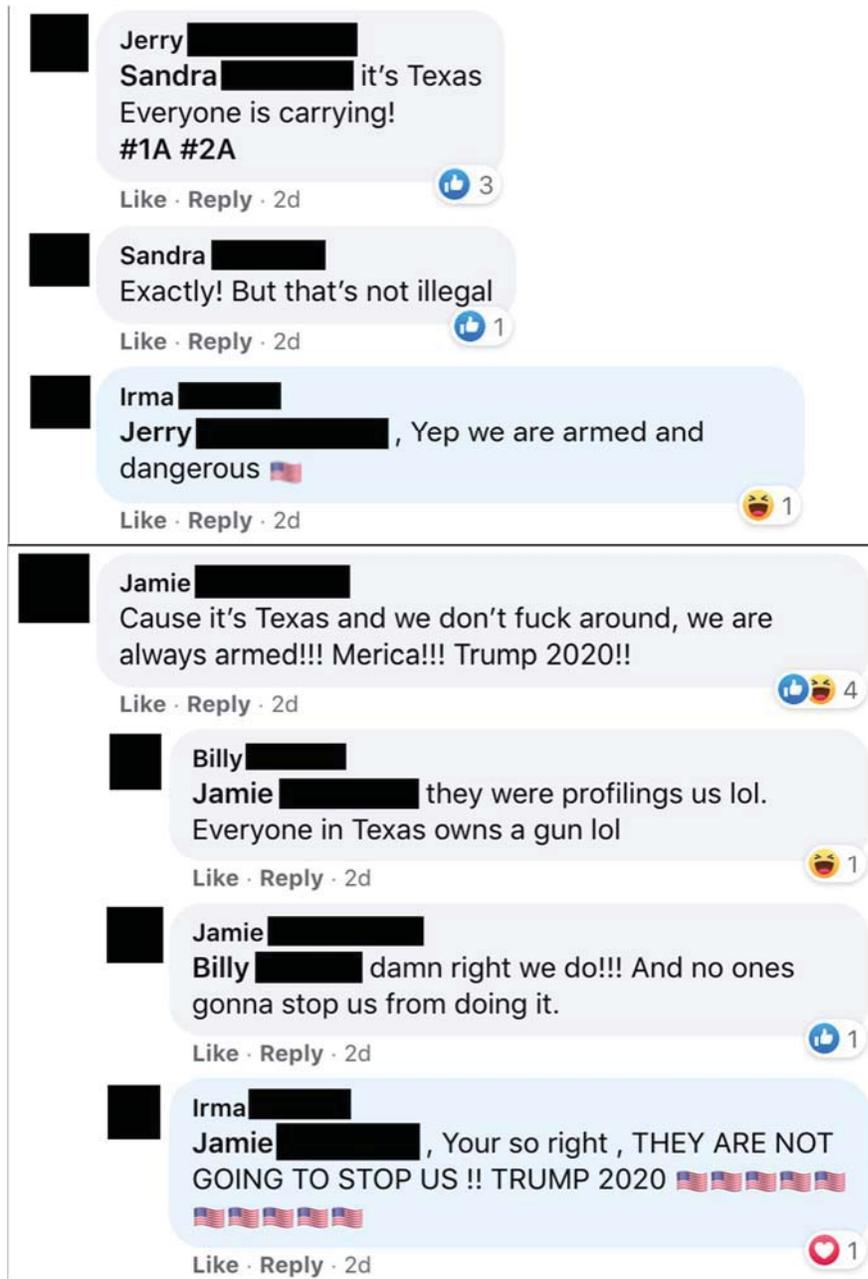


120. Jason Frank retweeted content by @truthserum4all, which has since been removed by Twitter, bragging about “My Squad holding the line”³⁶ as well as a video of the incident with the caption, “My Texas family escorting the Biden bus [crying laughing emoji] Get um @truthserum4all.”³⁷

121. The next day, several members of the Alamo City Trump Train Facebook group bragged about the event online, noting that they were “armed and dangerous” throughout the October 30 Trump Train.

³⁶ Freedom Rings (@FreedomRings007), TWITTER (Oct. 30, 2020, 9:47 PM), <https://twitter.com/FreedomRings007/status/1322354409561444354>.

³⁷ Freedom Rings (@FreedomRings007), TWITTER (Oct. 30, 2020, 4:51 PM), <https://twitter.com/FreedomRings007/status/1322279938339139584>.



122. The incident also caught the attention of the Trump Campaign. Between October 31 and November 2, 2020, then-President Trump spoke at campaign rallies in support of the violent intimidation of Plaintiffs and tweeted about the incident, including a retweet of video of the incident, writing, “I LOVE TEXAS!” Robert Mesaros reposted the tweet to Facebook, with the

caption, “We were in this small group of trucks!”³⁸ Dolores Park posted footage of the campaign speeches on social media, stating, “Talking about us again!! Lol San Antonio! Escorting Biden Bus right out of Town! Deplorables escort service[.]”³⁹

123. On November 1, 2020, Donald Trump Jr. shared road footage taken by a New Braunfels Trump Train member to his Instagram story. Hannah Ceh reposted Trump Jr.’s story on social media.⁴⁰

124. In the meantime, Trump Train participants continued to harass the Bus Tour participants online.

125. On the evening of October 30, Plaintiff Cervini tweeted about the incident. In response, his tweet received several thousand negative comments, and he received a number of threatening emails. One Twitter post, from Twitter user @WeFight4Freedom, threatened, “That’s nothing commie. We got more for you. Much more.” Cisneros identified Plaintiff Cervini’s professional Facebook page, and posted the message, “How did you like Texas?” On his Facebook profile at the time, Cisneros had posted a prominent picture wearing an “LGBT” (“Liberty Guns Beer Trump”) t-shirt, and holding a gun.

³⁸ Robert Mesaros, FACEBOOK (Oct. 31, 2020), <https://www.facebook.com/robertjmesaros/posts/4131515303542248> (last accessed May 27, 2021).

³⁹ Dolores Bedard Park, FACEBOOK (Nov. 2, 2020), <https://www.facebook.com/dolores.park.39/posts/10157765610483997>.

⁴⁰ Resist Programming (@RzstProgramming), TWITTER (Nov. 1, 2020, 6:18 AM), <https://twitter.com/RzstProgramming/status/1322860570610147331>.



126. Members of the Trump Train and their online supporters identified Campaign Staffer A online and harassed him on Snapchat. They also posted pictures on Facebook of the guns they had carried.

IV. PLAINTIFFS' INJURIES

127. During the ordeal on I-35, Plaintiffs feared for their lives. As the driver of and passengers on the bus, Plaintiffs Holloway, Davis, and Gins were subjected to an imminent threat of bodily harm as a result of the reckless and dangerous driving of certain vehicles in the Trump Train, which escalated without a police escort. Plaintiff Cervini suffered a similar imminent threat

of bodily harm while driving ahead of the bus and encountering the Trump Train on and around I-35.

128. Plaintiffs all suffered emotional distress. Plaintiff Holloway had trouble sleeping for over a month after the incident. He was so traumatized by the incident that he decided to cease his tour bus business, which had generally earned him revenue of \$600,000 to \$700,000 per year, and has since turned down opportunities to begin driving buses again.

129. Plaintiff Davis suffered substantial emotional distress, including experiencing fears that speaking publicly about her experience would put her at risk of physical harm from certain members of the Trump Train and their supporters, as she lives in Texas and many of her Trump Train assailants reside in the congressional district she was running to represent.

130. Plaintiff Gins was extremely shaken as a result of his ordeal. During the incident, he felt “terrorized” as a result of certain of the Trump Train vehicles’ collective actions in following, assaulting, and harassing the bus and its passengers. About an hour into the ordeal, he walked to the back of the bus and broke down in tears. He did not want the others to see him crying. He called his manager on the Biden-Harris Campaign begging for reassurance that they would be safe and that someone was coming to help them.

131. Following the incident, Plaintiff Gins has suffered from persistent acute anxiety and its physical manifestations, including stomach pains, nausea, lethargy, and trouble getting out of bed in the morning. He wanted to talk to others about the incident but was afraid to “face the world,” and at times opted to “stay under the covers” rather than relive his trauma by describing the events to others. After the January 6, 2021 insurrection, he volunteered to work full-time in then-President-Elect Biden’s Presidential Inaugural Committee in Washington, D.C., but quit after three or four days, finding himself unable to cope with the anxiety he still faced from October 30, 2020. The night before Inauguration Day, he was to participate in the Inaugural parade. After

initially agreeing, he declined by text message: “I’m sorry to back out but I’m just having anxiety about the security aspect. I was on the Biden bus in Texas [and] have been a little traumatized since then.”

132. Plaintiff Cervini describes the incident as a “nightmare” that caused emotional anxiety and stress about his safety and the safety of his family during the remainder of the 2020 election.

133. Plaintiffs were also prevented from engaging in political advocacy in support of their chosen candidates for President and Vice President, and from engaging in activities to support voter engagement and get-out-the-vote advocacy. As a result of the Trump Train’s intimidation and harassment, which escalated without a police escort present in San Marcos, Plaintiffs and the Biden-Harris Campaign were forced to cancel campaign stops in San Marcos and Austin to protect the physical safety of themselves and event participants, preventing Plaintiffs from engaging in the political process with prospective voters and exercising their First Amendment rights to freedom of speech and association.

COUNT I

(Claim Against Defendants for Violation of the Ku Klux Klan Act, 42 U.S.C. § 1986)

134. Plaintiffs incorporate by reference the preceding paragraphs as if fully set forth herein.

135. Plaintiffs bring a claim under 42 U.S.C. § 1986, which in relevant part provides that:

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an

action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action

136. Defendants had actual knowledge of a conspiracy of members of the Trump Train to knowingly intimidate constitutionally eligible voters out of providing support or advocacy in a federal election in violation of 42 U.S.C. § 1985(3). Defendant Stapp was made aware of the Trump Train at least one day in advance, when Biden Supporter A called Defendant Stapp and reported safety concerns relating to the Trump Train, which was being publicly planned on social media in the days leading up to October 30, 2020. Defendants Stapp and Richard/Rachel Roes were further made aware of the Trump Train conspiracy while the forceful, intimidating, and threatening conduct by members of the Trump Train was occurring, including through several requests for assistance from Plaintiffs and other Biden-Harris Campaign staff.

137. Defendants had the power to prevent or aid in preventing the commission of the same, and could have through reasonable diligence prevented the commission of the same, including by arranging for a police escort on I-35 to escort the bus as it traveled into and through the City of San Marcos, or by sending such an escort while the conspiracy was in progress.

138. Defendants neglected or refused to prevent or aid in preventing the commission of the wrongful conduct described above by failing to provide a police escort on I-35 to escort the bus as it traveled through the City of San Marcos, and by otherwise failing to protect Plaintiffs from the unlawful acts of the Trump Train. Defendants failed to take reasonable steps to protect Plaintiffs from an unlawful civil rights conspiracy and/or refused to send a police escort to aid the bus, despite being asked to provide one.

139. Plaintiffs suffered damages as a proximate result of Defendants' neglect or refusal to prevent or aid in preventing the wrongful acts described above. Had the Defendants aided in preventing the wrongful conduct described above, including by sending a police escort, Plaintiffs would not have suffered the same injuries described herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray this Court:

- a) Determine it has jurisdiction over this action;
- b) Declare that Defendants have violated 42 U.S.C. § 1986 as set forth above;
- c) Award nominal and compensatory damages in an amount to be determined at trial;
- d) Award punitive damages in an amount to be determined at trial;
- e) Award Plaintiffs' reasonable attorneys' fees and litigation costs; and
- f) Grant any such other relief as this Court may deem just and proper.

JURY DEMAND

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

DATED: June 24, 2021

Respectfully submitted,

/s/ Mimi Marziani

TEXAS CIVIL RIGHTS PROJECT

Mimi Marziani (TX Bar No. 24091906)
Emma Hilbert (TX Bar No. 24107808)
Texas Civil Rights Project
1405 Montopolis Drive
Austin, Texas 78741
Telephone: (512) 474-5073
Facsimile: (512) 474-0726
Email: mimi@texascivilrightsproject.org
emma@texascivilrightsproject.org

**THE PROTECT DEMOCRACY
PROJECT, INC.**

John Paredes (NY Bar No. 5225412) (*pro hac vice* forthcoming)
The Protect Democracy Project, Inc.
115 Broadway, 5th Floor
New York, NY 10006
Telephone: (202) 579-4582
Facsimile: (929) 777-8428
john.paredes@protectdemocracy.org

Cameron O. Kistler (DC Bar No. 1008922)
(*pro hac vice* forthcoming)
The Protect Democracy Project, Inc.
2020 Pennsylvania Ave. NW, Suite # 163
Washington, DC 20006
Telephone: (202) 579-4582
Facsimile: (929) 777-8428
cameron.kistler@protectdemocracy.org

Benjamin L. Berwick (MA Bar No. 679207)
(*pro hac vice* forthcoming)
The Protect Democracy Project, Inc.
15 Main Street, Suite 312
Watertown, MA 02472
Telephone: (202) 579-4582
Facsimile: (929) 777-8428
ben.berwick@protectdemocracy.org

WILLKIE FARR & GALLAGHER LLP

Michael Gottlieb (DC Bar No. 974960) (*pro hac vice* forthcoming)
Samuel Hall (DC Bar No. 242110) (*pro hac vice* forthcoming)

Meryl Conant Governski (DC Bar No.
1023549) (*pro hac vice* forthcoming)
JoAnna Suriani (DC Bar No. 1645212) (*pro
hac vice* forthcoming)
Willkie Farr & Gallagher LLP
1875 K Street, N.W.
Washington, DC 20006-1238
Telephone: (202) 303-1000
Facsimile: (202) 303-2000
Email: mgottlieb@willkie.com
shall@willkie.com
mgovernski@willkie.com
jsuriani@willkie.com

Madeleine Tayer (NY Bar No. 5683545)
(*pro hac vice* forthcoming)
Willkie Farr & Gallagher LLP
787 Seventh Avenue
New York, NY 10019
Telephone: (212) 728-8000
Facsimile: (212) 728-8111
Email: mtayer@willkie.com

Attorneys for Plaintiffs