

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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U. S. DISTRICT COURT  
MID. DIST. TENN.

ROQUE "ROCKY" DE LA FUENTE,

PLAINTIFF,

v.

DEMOCRATIC PARTY OF TENNESSEE;  
and TRE HARGETT, SECRETARY OF STATE  
OF TENNESSEE,

DEFENDANT(S).

CASE NO.: 3:16-cv-00189

**AMENDED COMPLAINT**  
**FOR NOMINAL AND COMPENSATORY DAMAGES**

On February 5, 2016, Plaintiff filed a Complaint for Declaratory and Injunctive Relief. On March 8, 2016, Defendant Tennessee Democratic Party served via U.S. mail a Motion to Dismiss under Rule 12(b). Pursuant to Fed. R. Civ. P. 15(a)(1)(B), Plaintiff submits this Amended Complaint and brings this action for nominal and compensatory damages and alleges as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction of the subject matter of this action pursuant to Article II, §1; Article VI, and the First, Fifth, and Fourteenth Amendments of the U.S. Constitution; 28 U.S.C. §1331, 1343, 1361 and 2201 to 2202; and 42 U.S.C. §1983.

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the real and immediate harm faced by the Plaintiffs is threatened in this judicial district and at least one Defendant maintains its headquarters in this district.

### **THE PARTIES**

3. Plaintiff, Roque “Rocky” De La Fuente is a Hispanic registered Democratic voter and is registered with the Federal Election Commission as a presidential candidate of the Democratic Party as of October 1, 2015. Plaintiff is a well-known business owner, and a resident of San Diego, California who meets the qualification prescribed in Article 2, Section 1 of the United States Constitution for election to the office he seeks because he is a natural-born citizen of the United States, is over the age of 35, and has been a resident within the United States for 40 years.

4. Defendant, Tennessee Democratic Party, is one of the two major political parties in Tennessee and is the official representative entity of the Democratic National Committee in Tennessee, and was responsible for, among other things, promulgating delegate selection rules for Tennessee for the 2016 Democratic National Convention.

5. Defendant, Tre Hargett, Tennessee Secretary of State, (“Hargett”) is the agent of the State of Tennessee responsible for administering elections in the State of Tennessee.

### **FACTS**

6. On October 1, 2015, Plaintiff, filed a statement of intent to seek the Democratic Party’s nomination for President of the United States with the Federal Election Commission (hereinafter the FEC). Plaintiff immediately began organizing a nationwide campaign, hiring employees and accepting volunteers to work on his campaign as well as filing the required

documents with each state's Democratic Party. Plaintiff gained nationwide recognition as a presidential candidate within less than two months after the announcement of his candidacy.

7. Within one month of filing with the FEC, Plaintiff was qualified to appear on the Democratic Party Presidential Preference Primary Ballots of Alabama, Arkansas and New Hampshire.

8. On or about November 23, 2015, Plaintiff sent a letter to Defendant Hargett in which he formally requested to be placed on the Presidential Primary Ballot for the Democratic Party. In this request he outlined the current state of his campaign, provided a list of news media sources that had covered his campaign, and listed the future steps he was planning to take to run a nation-wide campaign. (Exhibit A)

9. Based upon information and belief, Plaintiff asserts that the Tennessee Democratic Party provided a recommendation to Secretary Hargett which influence his decision not to include Plaintiff on the Democratic presidential primary ballot.

10. On December 17, 2015, Defendant Hargett issued a memorandum certifying Presidential candidates to the Presidential Preference Primary Ballot. The memorandum only included the following four three candidates: Hillary Clinton, Martin J. O'Malley, and Bernie Sanders as candidates for the Democratic Party. (Exhibit B).

11. As of the date of this filing, Plaintiff has been accepted into the Presidential Primary Ballot, or has eligible to caucus, in over forty states and territories (including but not limited to: Massachusetts, Michigan, North Carolina, Ohio, and most recently in California where the Secretary of State placed Plaintiff on the ballot as a "generally-recognized" candidate).

Plaintiff's campaign continues to seek out voters and is confident that he will be accepted into the remaining states by early May, the final filing deadline.

### **STATE ACTION**

12. There are two methods by which a presidential candidate can gain access to the Democratic preference primary ballot in the state of Tennessee. One method is to be named by the Secretary of State who may recognize a candidate based on national news media coverage throughout the United States. This year the deadline for the Secretary of State to submit the names to the state election commission was December 1, 2015. Tennessee Democratic Party's 2016 Delegate Selection Plan. Further it is specified that, "The Secretary of State has sole discretion to include only those candidates that he/she determines are generally advocated or recognized as candidates in the national news media."

13. As such, the Tennessee Secretary of State acts "in matters of high public interest, matters intimately connected with the capacity of government to exercise its functions unbrokenly and smoothly" in restricting primary ballot access to presidential candidates. *Nixon v. Condon*, 286 U.S. 73, 89, 52 S. Ct. 484, 487 (1932).

14. Indeed, Defendant Hargett, acting under color of state law, may declare who is fit to run, and who is fit to govern, which constitutes "state action" within the meaning of the Fourteenth Amendment.

### **FIRST CAUSE OF ACTION**

#### **Declaratory Relief - 42 U.S.C. § 1983 – Violation of the Due Process Clause – Void for Vagueness**

15. Plaintiff repeats, re-alleges, and incorporates by reference each and every allegation contained in paragraphs 1 through 14.

16. In order to prevail on a §1983 claim Plaintiffs must show that: (1) the conduct complained of was committed by a person acting under the color of state law; and (2) the conduct deprived a person of rights, privileges or immunities secured by the Constitution or laws of the United States. *Parratt v. Taylor*, 451 U.S. 527, 535, 101 S.Ct. 1908, 1912, 68 L.Ed.2d 420 (1981).

17. In the present case, Defendant Hargett, acting pursuant to state law, is committing acts in violation of the 14th Amendment to the United States Constitution by arbitrarily determining which candidates seeking the Presidential nomination of their political party will have access to the Presidential Preference Primary Ballot.

18. The Tennessee Code does not provide a person of ordinary intelligence fair notice of what standards the Secretary of State requires in order to be considered a nationally recognized candidate, stating only:

a. (a) The names of candidates for president of the United States shall be printed on the ballot for the presidential preference primary only if they are: (1) The names of persons whom the secretary of state, in the secretary of state's sole discretion, has determined are generally advocated or recognized as candidates in national news media throughout the United States. Tenn. Code Ann. § 2-5-205.

19. The Tennessee Democratic Party's Delegate Selection Plan and the Tennessee Code both fail to explain or define "nationally recognized candidates" or even specify by whom a candidate must be "generally recognized." Further, Plaintiff must necessarily guess at the meaning of the statute, and make important decisions based on such unavoidable guesswork. For example, if Plaintiff was not eligible to be placed on the ballot pursuant to the statute

(which eventually occurred), his only other alternative was to gather 2,500 signatures by petition. However, there was no ascertainable standard by which he could determine whether or not he complied. Therefore, when Plaintiff was informed that he was not chosen as “nationally recognized” by Defendant Hargett, it was too late for him to take any alternative action.

20. The lack of standards renders section 2-5-205 vague and permits Defendant Hargett to discriminate against any qualified candidates on any ground, while acting under the guise of statutory mandate. As such, this statute allows for entirely arbitrary enforcement of the statute by Secretary of State’s approval of the list of candidates permitting the Secretary of State to discriminate against individuals for any ground whatsoever.

21. Furthermore, the decision of Defendant Hargett not to place Plaintiff on the presidential primary ballot acts as a de facto deprivation of access to the General Presidential election process because 47 states have enacted what are known as “Sore Loser Laws.” These laws prevent a losing candidate in a primary election from subsequently filing to run as a listed candidate in the general election as the nominee of another party or as an independent candidate. As Plaintiff has already been accepted on the ballot in over forty states and territories, he can no longer run an effective Independent candidate campaign. Therefore, by denying Plaintiff access to the presidential primary, Defendant Hargett has effectively precluded any resident of Tennessee from voting for him altogether.

22. Defendant Hargett has a non-discretionary duty to prepare and approve a list of all recognized Democratic presidential Candidates, not just the ones he favors or chooses; the process he employed is so vague and ambiguous that it deprives Plaintiff of due process.

**SECOND CAUSE OF ACTION**  
**Violation of the Due Process Clause – De Facto Discrimination**

23. Plaintiff realleges paragraphs 1 through 22, as set forth herein.

24. As referenced above, the candidates which have been included on the Democratic Presidential Preference Primary ballot in Tennessee are all Caucasian: Hillary Clinton, Bernie Sanders, and Martin O'Malley.

25. Defendant Hargett is subject to 42 U.S.C. § 2000d et seq., also known as Title VI of the Civil Rights Act of 1964 (hereinafter "The Act"), in that he is the agent of the State of Tennessee responsible for determining which candidates are placed on the Presidential Preference Primary Ballot in the State of Tennessee.

26. As set forth above, the Defendant's refusal to include the Plaintiff's name on the list of approved candidates to appear on the Tennessee Presidential Preference Primary Ballot on March 1, 2016 has resulted in de facto discrimination against the Plaintiff based on national origin. Further, by excluding Plaintiff from the Democratic Party Ballot Defendant Hargett's actions have resulted in de facto discrimination against all voters in Tennessee who wish to vote for a Hispanic candidate.

27. Because the decision of the Defendant to refuse to include the Plaintiff, De La Fuente's name on the list of approved candidates to appear on the Tennessee Presidential Preference Primary Ballot on March 1, 2016, violates the rights of the Plaintiff as set forth above, the Defendant should be required to pay nominal and compensatory damages for injuries incurred by the Plaintiff.

28. Furthermore, “when a plaintiff seeks compensation for an injury that is likely to have occurred but difficult to establish, some form of presumed damages may possibly be appropriate.” *Memphis Cmty. Sch. Dist. v. Stachura*, 477 U.S. 299, 310-11,(1986) (citing *Carey*, 435 U.S., at 262; cf. *Dun & Bradstreet, Inc. v. Greenmoss Builders*, 472 U.S. 749, 760-761 (1985) (opinion of POWELL, J.); *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 349 (1974). Here, Plaintiff has spent millions of dollars on a nationwide campaign in which Defendant deprived him of the opportunity to receive delegates from one state and harmed the reputation of Plaintiff’s nationwide campaign. It is situations like this for which the *Stachura* Court held, “presumed damages may roughly approximate the harm that the plaintiff suffered and thereby compensate for harms that may be impossible to measure.”

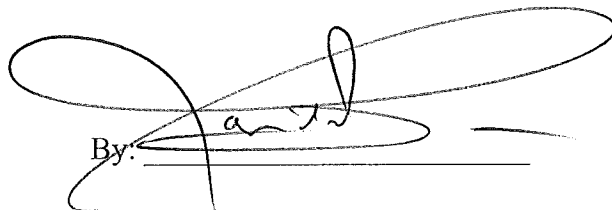
29. **WHEREFORE**, the Plaintiff requests that this Court enter judgment:

- a. Declaring that Tennessee Code Section 2-5-205 is unconstitutionally vague on its face for failure to provide any standards with which Defendant Hargett must follow in order to determine who is a nationally recognized candidate.
- b. Granting Plaintiff judgment for nominal and compensatory damages against Defendants based on the Defendants’ determination to exclude Plaintiff’s name on the list of approved candidates on Tennessee’s Presidential Primary Ballot on March 1, 2016, in an amount reasonable and commensurate with the losses imposed upon him by Defendants’ unlawful acts;
- c. Granting Plaintiff a jury trial on all issues so triable; and
- d. Granting Plaintiff any and all additional relief as this Court deems proper and just.



**I declare under penalty of perjury that to my knowledge the foregoing is true and correct.**

Signed this 29<sup>th</sup> day of March, 2016.

By: 

Roque "Rocky" De La Fuente  
5440 Morehouse Drive  
Suite 45  
San Diego, CA 92121  
Telephone: (858) 353-5252  
Facsimile: (858) 623-9009  
[roque@rocky2016.com](mailto:roque@rocky2016.com)

# Exhibit A



November 23, 2015

Tre Hargett  
Tennessee Secretary of State  
State Capitol  
Nashville, Tennessee 37203

**Via Email, Only**  
[tre.hargett@tn.gov](mailto:tre.hargett@tn.gov)

**RE: DEMOCRATIC PARTY PRESIDENTIAL CANDIDATE  
ROQUE "ROCKY" DE LA FUENTE  
FORMAL REQUEST TO BE PLACED ON THE PRESIDENTIAL BALLOT**

Dear Mr. Hargett:

I am running for president as a candidate for Democratic Party. Per T.C.A. §2-5-205, Tennessee's Secretary of State has the sole discretion to determine presidential candidates who "are generally advocated or recognized as candidates in national news media throughout the United States," and include them in the Presidential Primary Ballot.

I am formally requesting that you include my name on the ballot for the Democratic Party's Presidential Primary, together with other qualified presidential candidates for Democratic Party. Although I announced my candidacy in October 2015, I have been included in statewide news media in multiple states, including Arkansas News, Washington Times, Idaho Statesman, and countless news articles in San Diego, California. Additionally, I have received national and international news media attention. Please see attached a list of news articles.

Our office is currently using its best efforts to prepare a fifty (50) state campaign. We are in the process of finalizing the campaign strategy, and soon will be launching it nationwide.

We are also in the process of opening an office in Nashville, Tennessee, and hiring employees and volunteers for that office. Our office will begin campaigning in Tennessee shortly. Please feel free to visit my website at [www.rocky2016.com](http://www.rocky2016.com) for more information about my candidacy.

Further, while I started late, I have already been selected to be placed on the Democratic Presidential Primary Ballot for Alabama, Arkansas, and New Hampshire. Our office also mailed the required nomination documents and statements of candidacy to Idaho, South Carolina, Florida, Arizona, Texas and Iowa. We will be filing nomination documents with Massachusetts, Louisiana, Nevada, Hawaii, and Oklahoma within the next weeks.



Our office has already provided the majority of State Democratic Parties, including Georgia, Alabama, Arkansas, New Hampshire, Tennessee, South Carolina, Louisiana, Oklahoma, Virginia, Michigan, Texas, Ohio, North Carolina, Massachusetts, Missouri, Minnesota, Illinois, Vermont, Mississippi, Indiana, Colorado, Wisconsin, Maryland, New Mexico, Pennsylvania, Delaware, Connecticut, Oregon, Wyoming, District of Columbia, California, New Jersey, Kansas, and Iowa with the campaign plan listing specific steps we will be taking to encourage full participation in State Democratic Parties' Delegate Selection Process.

Lastly, I have an extensive record demonstrating my faithfulness and genuine commitment to the interests, welfare, and success of the Democratic Party, including my active participation as an at-large delegate for the state of California in 1992 Democratic National Convention.

Please confirm your willingness to include my name on the Ballot for Tennessee's Democratic Party's Presidential Primary.

I look forward to the opportunity to represent the Democratic Party in the Tennessee's Presidential Preference Primary.

Thank you for your time and cooperation in this matter.

Sincerely,

By: \_\_\_\_\_  
Roque "Rocky" De La Fuente

Attachment: List of News Articles for Roque "Rocky" De La Fuente

Cc: Elections Division at [tennesseeelections@tn.gov](mailto:tennesseeelections@tn.gov)

Cc: Mary Mancini, Tennessee Democratic Party Chairwoman



**ROCKY 2016.COM**

**Media Report**

**Sun Times Network**

San Diego, CA

Local

Oct 2, 2015

<http://sandiego.suntimes.com/sd-entertainment/7/92/218508/rocky-for-president-in-2016>

**The San Diego Union Tribune**

San Diego, CA

Local

Oct 3, 2015

<http://www.sandiegouniontribune.com/news/2015/oct/05/roque-de-fuente-president-democrat-trump-clinton/>

**ABC, Channel 10**

San Diego, CA.

Local

October 5, 2015

<https://www.youtube.com/watch?v=RUNsPMueN8s>

**Maldonado Noticias**

Uruguay

National

October 10, 2015

<http://www.maldonadonoticias.com/beta/mundo/4087-empresario-con-fuertes-intereses-en-punta-del-este-va-por-la-presidencia-de-eeuu.html>

**KUSI, Channel 51**

San Diego, CA

Local

October 13, 2015

<http://www.kusi.com/clip/11918174/rockys-we-the-people-2016-presidential-campaign>

**Voice of San Diego**

San Diego, CA

Local

October 14, 2015

<http://www.voiceofsandiego.org/topics/news/morning-report-horn-is-out-on-lilac-hills-vote/>

**NBC, Channel 7-39**

San Diego, CA

Local

“Politically speaking”

October 18, 2015

<http://www.nbcsandiego.com/video/#!/on-air/as-seen-on/De-La-Fuente-Wants-to-Win-Your-Vote/333285611>

**FOX 5**

San Diego, CA

Local

November 02, 2015

<http://fox5sandiego.com/2015/11/02/san-diego-businessman-rocky-de-la-fuente-has-eyes-set-on-the-white-house/>

#### **AFTER MEXICO CITY’S TRIP:**

**El Mañana USA**

Nuevo Laredo, Tamaulipas.

Local

November 04, 2015

<http://elmanana.com.mx/noticia/84038/Roque-de-la-Fuente-el-empresario-de-origen-mexicano-que-enfrentara-a-Donald-Trump.html>

**Excelsior**

Mexico City

National

November 04, 2015

<http://www.excelsior.com.mx/global/2015/11/04/1055260>

**Tiempo y forma**

Online news service

Mexico/ National

November 04, 2015

<http://tiempoyforma.com/publicacion/trump-podria-enfrentar-a-candidato-de-origen-mexicano/>

**Noticias MVS**

Mexico, D.F.

National

November 04, 2015

<http://www.noticiasmvs.com/#!/noticias/la-migracion-a-eu-terminara-cuando-mexico-genere-empleos-rocky-139>

**Once Noticias**

Online news service

Mexico/National

November 04, 2015

<http://oncenoticias.tv/index.php?modulo=interior&nota=82&dt=2015-11-04>

**El Arsenal**

Online news service

Mexico/National

November 04, 2015

<http://www.elarsenal.net/2015/11/04/rocky-el-democrata-que-busca-contender-por-la-presidencia-de-eua/>

**Paola Rojas**

Online news service

Mexico/National

November 04, 2015

<http://paolarojas.com.mx/de-origen-mexicano-el-democrata-que-enfrentara-a-donald-trump/>

**El Heraldo de Saltillo**

Saltillo. Coahuila. Mexico

Local

November 04, 2015

<http://www.elheraldodesaltillo.mx/2015/11/04/de-origen-mexicano-el-democrata-que-enfrentara-a-donald-trump/>

**Plano informativo**

Online news service

Mexico/National

November 04, 2015

<http://planoinformativo.com/nota/id/423543/noticia/de-origen-mexicano%2c-democrata-que-busca-contender-por-la-presidencia.html>

**El Mañana**

Online news service

Mexico/National

November 04, 2015

<http://elmanana.com.mx/noticia/84038/Roque-de-la-Fuente-el-empresario-de-origen-mexicano-que-enfrentara-a-Donald-Trump.html>

**Enterate**

Online news service

Mexico/National

November 04, 2015

<http://www.enterate.mx/mexicano-contr-trump-y-clinton-va-rumbo-a-la-casa-blanca/>

**Rotativo**

Queretaro, Mexico

Local

November 04, 2015

<https://rotativo.com.mx/noticias/internacionales/470614-rocky-el-democrata-que-busca-contender-por-la-presidencia-de-eua/>

**Yahoo Noticias**

Online news service

International

November 04, 2015

<https://es-us.noticias.yahoo.com/rocky-dem%C3%B3crata-busca-contender-presidencia-eua-213031322.html>

**Noticias Terra**

Online news service

International

November 04, 2015

<http://noticias.terra.com.mx/mexico/rocky-el-democrata-que-busca-contender-por-la-presidencia-de-eua%2c7fcd50b1ec6251065fe925933ea28ac5o3x20d0a.html>

**Linea Directa**

Online news service

Mexico/National

November 04, 2015

<http://www.lineadirectaportal.com/movil/publicacion.php?id=269460>

**Nuevo Laredo Express**

Nuevo Laredo, Tamaulipas. Mexico

Local

November 05, 2015

<http://www.nuevolaredoexpress.com/albricias-entre-mexicanos-en-eu-tienen-en-rocky-de-la-fuente-rival-para-trump/>



**N3. Noticias en 3 minutos**

Online news service

Mexico/National

November 05, 2015

<http://noticiasen3minutos.com/trump-solo-dice-tonterias-y-estupideces-rocky-de-la-fuente/>

**El Informador**

Guadalajara, Jal. Mexico

Local

November 05, 2015

<http://www.informador.com.mx/internacional/2015/624379/6/rocky-de-la-fuente-tambien-busca-ir-por-la-casa-blanca.htm>

**La Razon**

Online news service

Mexico/National

November 05, 2015

<http://www.razon.com.mx/spip.php?article283824>

**Diario de Mexico USA**

Online news service

Nueva York/ International

November 05, 2015

<http://www.diariodemexicousa.com/rocky-de-la-fuente-busca-macar-la-diferencia-entre-bancada-democrata/>

**Quadratin. Mexico**

Online news service

Mexico/National

November 05, 2015

<https://mexico.quadratin.com.mx/Si-en-Mexico-hubiera-empleo-se-acabaria-la-migracion-ilegal-Rocky/>

**Siete24.mx**

Online news service

Mexico/National

November 05, 2015

<http://www.siete24.mx/trump-un-peligro-para-mexico-rocky/>

**Milenio**

Online news service

Mexico/National

November 05, 2015

<http://www.pressreader.com/mexico/milenio/20151105/281784217969756/TextView>

## **AFTER SAN DIEGO'S NEWS CONFERENCE:**

### **Frontera**

Baja California/ San Diego area

Local

November 06, 2015

<http://www.fronterasandiego.info/EdicionEnLinea/Notas/SanDiego/06112015/1024042-Empresario-latino-de-SD-se-lanza-a-candidatura-presidencial.html>

### **La Opinion**

Los Angeles, CA

National

November 07, 2015

<http://www.laopinion.com/2015/11/07/hispano-aspira-a-la-presidencia-de-eeuu-para-detener-a-trump/>

### **TVN**

Panama

National

November 07, 2015

[http://www.tvn-2.com/mundo/eu/Empresario-hispano-inscribe-candidatura-Trump\\_0\\_4341315884.html](http://www.tvn-2.com/mundo/eu/Empresario-hispano-inscribe-candidatura-Trump_0_4341315884.html)

### **BC Reporteros**

Baja California

Local

November 07, 2015

<http://bcreporteros.com/informa/hispanos-con-candidato-presidencial-en-e-u-vivio-en-tijuana/>

### **Sin embargo**

Online news service

Mexico/National

November 07, 2015

<http://www.sinembargo.mx/07-11-2015/1544124>

### **El Vocero Digital**

Chihuahua. Mexico

Local

November 07, 2015

<http://elvocerodigital.com/notas/n2015-11-0805:31:13.php>

**TELEMUNDO**

San Diego/ Baja California

Local

November 07, 2015

<http://www.telemundo33.com/2015/11/07/empresario-hispano-inscribe-su-candidatura-para-detener-la-amenaza-trump/>

**TELEVISA**

Notivisa

San Diego/ Baja California

Local

November 07, 2015

<https://www.facebook.com/TijuanaTelevisa/videos/vb.464784140206218/1107599199258039/?type=2&theater>

**El Nuevo Diario**

Nicaragua

National

November 07, 2015

<http://www.elnuevodiario.com.ni/internacionales/376174-empresario-hispano-inscribe-su-candidatura-detener/>

**YAHOO Noticias**

Online news service

International

November 07, 2015

<https://es.noticias.yahoo.com/empresario-hispano-inscribe-candidatura-detener-amenaza-trump-004000840.html>

**HOY LOS ANGELES**

(Los Angeles Times)

Los Angeles, CA

Local

November 08, 2015

<http://www.hoylosangeles.com/noticias/estadosunidos/hoyla-usa-empresario-hispano-rocky-de-la-fuente-inscribe-su-candidatura-para-detener-la-amenaza-trump-20151108-story.html>

**YAHOO Noticias**

Online news service

International

November 08, 2015

<https://es.noticias.yahoo.com/fotos/candidato-demócrata-presidencia-estados-unidos-roque-rocky-fuente-foto-021213229.html>

**Univision**

National

November 08, 2015

<http://www.univision.com/noticias/destino-2016/hispano-se-lanza-a-la-presidencia-para-detener-a-trump>

**Radio Tex-Mex**

Puebla. Mexico

Local

November 08, 2015

<http://radiotexmex.fm/la-migracion-ilegal-podria-frenarse-si-mexico-genera-empleo/>

**La Prensa**

Honduras

National

November 08, 2015

<http://www.laprensa.hn/mundo/898782-410/hispano-se-lanza-a-la-presidencia-de-eua-para-detener-a-trump>

**HispanTV**

Spain

National

November 08, 2015

<http://www.hispantv.com/newsdetail/EE-UU/74221/hispano-rocky-roque-trump-eeuu-elecciones>

**Tambien somos Americanos**

Online news service

US/National

Committed to immigrants

Noviembre 08, 2015

<http://tambiensomosamericanos.com/un-mexicano-en-la-casa-blanca/>

**El Nuevo Diario**

Nicaragua

National

November 08, 2015

<http://www.hispantv.com/newsdetail/EE-UU/74221/hispano-rocky-roque-trump-eeuu-elecciones>

**El Diario N.Y.**

New York

Local

November 08, 2015

<http://www.eldiariiony.com/2015/11/07/hispano-aspira-a-la-presidencia-de-eeuu-para-detener-a-trump/>

**PULZO.COM**

Bogota, Colombia

National

November 08, 2015

<http://www.newsjs.com/url.php?p=http://www.pulzo.com/mundo/falta-de-buenos-candidatos-empresario-hispano-inscribe-candidatura-que-detendra-trump/407513>

**Biz USA PERU**

Peru

National

<http://www.bizusaperu.com/tag.html?tag=Roque%20de%20la%20Fuente%20Guerra>

**UNOTV**

Online news service

Mexico

November 08, 2015

<http://www.unotv.com/noticias/portal/internacional/detalle/deteneramenazatrump-668896/>

**Articulo 7**

Online news service

Mexico

November 08, 2015

<http://a7.com.mx/index.php?notaid=52572>

**La Red 21 Mundo**

Uruguay

National

November 08, 2015

<http://www.lr21.com.uy/mundo/1262436-roque-de-la-fuente-empresario-hispano-punta-del-este-torreon-pelea-contra-donald-trump-presidencia-estados-unidos>

**Reporte Sur**

Argentina

National

November 08, 2015

<http://www.reportesur.info/2015/11/un-empresario-hispano-aspira-la-casa.html>

**Aprende a hacer**

Online news service

Europa

November 08, 2015

[http://www.aprendeahacer.eu/news\\_story/3371219/hispano-se-lanza-a-la-presidencia-de-eua-para-detener-a-trump](http://www.aprendeahacer.eu/news_story/3371219/hispano-se-lanza-a-la-presidencia-de-eua-para-detener-a-trump)

**Dinero.com**

Online news service

Mexico

November 08, 2015

<http://www.dinero.com/internacional/articulo/roque-de-la-fuente-guerra-inscribe-partido-democrata-estado-unidos/215756>

**Peru.com**

Peru

National

November 09, 2015

<http://peru.com/mundo-latino/us-news/eeuu-latino-se-lanza-presidencia-detener-donald-trump-noticia-418377>

**Uniradio informa**

Baja California/ San Diego area

Local

November 09, 2015

<http://www.uniradioinforma.com/noticias/sandiego/373380/aspirante-presidencial-que-crecio-en-tijuana-va-contra-trump.html>

**La Razon**

Online news service

Mexico/National

November 09, 2015

<http://www.razon.com.mx/spip.php?article283824>

**Radio Caracol 1260**

Miami, Fla. US

Local

November 11, 2015

[http://www.caracol1260.com/escucha/archivo\\_de\\_audio/hillary-en-el-calendario-chino-es-un-cerdo-y-yo-soy-un-caballo-roque-de-la-fuente/20151111/oir/2995301.aspx](http://www.caracol1260.com/escucha/archivo_de_audio/hillary-en-el-calendario-chino-es-un-cerdo-y-yo-soy-un-caballo-roque-de-la-fuente/20151111/oir/2995301.aspx)

**El Universal**

Online news service

Mexico/National

November 12, 2015

<http://www.eluniversal.com.mx/articulo/mundo/2015/11/12/le-ganare-clinton-por-20-puntos-roque-de-la-fuente>

**Soy de Izquierda**

Morelos. Mexico

Local

November 12, 2015

<http://pormorelossi.com/roque-de-la-fuente-va-por-la-presidencia-de-estados-unidos/>

**Sexenio**

Online news service

Mexico/National

November 12, 2015

<http://www.sexenio.com.mx/articulo.php?id=68956>

**El Latino**

San Diego, CA

Local

November 12, 2015

<http://ellatinoonline.com/news/2015/nov/12/aspirante-presidencial-latino-de-san-diego-quiere-/>

**En la lucha, Estrella TV**

Los Angeles

Local

November 13, 2015

<http://videos.estrellatv.com/video/empresario-hispano-pre-candidato-presidencial-democrata-en-la-lucha-ep-21>

**Peru.com**

Peru

National

November 13, 2015

<http://peru.com/mundo-latino/us-news/donald-trump-candidato-democrata-compara-al-magnate-hitler-noticia-419375>

**SYS-CON Media**

New Jersey, US

National

November 14, 2015

<http://news.sys-con.com/node/3555893>

**PR Newswire**

Online news service

US/ National

November 14, 2015

<http://www.prnewswire.com/news-releases/roque-rocky-de-la-fuente-announces-he-is-running-for-president-of-the-united-states-300178823.html>

**Awesome stocks**

Online news service

US/ National

November 14, 2015

<http://awesomestocks.xyz/2015/11/14/roque-rocky-de-la-fuente-announces-he-is-running-for-president-of-the-united-states/>

**SAT PR News**

Online news service

US/ National

November 14, 2015

<http://www.satprnews.com/2015/11/14/roque-rocky-de-la-fuente-announces-he-is-running-for-president-of-the-united-states-2/>

**The Voice of San Diego**

San Diego, CA

Local

November 16, 2015

<http://www.voiceofsandiego.org/topics/government/city-wants-to-settle-all-de-la-fuente-disputes-for-50m/>

**U-T San Diego**

San Diego, CA

Local

November 16, 2015

[http://www.utsandiego.com/uniontrib/20051116/news\\_2m16roque.html](http://www.utsandiego.com/uniontrib/20051116/news_2m16roque.html)



**El Latino**

San Diego, CA

Local

November 16, 2015

<http://ellatinoonline.com/videos/2015/nov/16/3786/>

**San Diego news**

San Diego, CA

Local

November 17, 2015

<http://www.sandiegonews.net/index.php/sid/238668017>

**KPBS**

San Diego, CA

Local

November 17, 2015

<http://www.kpbs.org/news/2015/nov/17/san-diego-settles-lawsuit-otay-mesa-developer/>

**KPBS**

San Diego, CA

Local

November 17, 2015

<http://www.kpbs.org/photos/2015/nov/17/66492/>

**KUSI**

San Diego, CA

Local

November 17, 2015

<http://www.kusi.com/story/30544798/land-dispute-in-otay-mesa-is-settled-after-20-years>

**NBC- San Diego**

San Diego, CA

Local

November 17, 2015

<http://www.nbcsandiego.com/news/politics/City-De-La-Fuente-Reach-Settlement-Over-Decades-Old-Property-Lawsuits-351095331.html>

**The San Diego Union Tribune**

San Diego, CA

Local

Nov 17, 2015

<http://www.sandiegouniontribune.com/news/2015/nov/17/de-la-fuente-lawsuit-settled-otay-mesa/>

**Times of San Diego**

San Diego, CA

Local

Nov 17, 2015

<http://timesofsandiego.com/politics/2015/11/17/san-diego-settles-long-running-de-la-fuente-legal-dispute/>

**UNIVISION**

San Diego, CA

Local

Nov 17, 2015

<http://noticias.entravision.com/san-diego/2015/11/17/fiscalia-llega-acuerdo-en-la-demanda-mas-larga-de-san-diego/>

**NVS 24**

Online news service

US

November 18, 2015

<http://nvs24.com/news/us/San-Diego-settles-its-oldest-lawsuit-1900991.html>

**The San Diego Union Tribune Editorial**

San Diego, CA

Local

Nov 18, 2015

<http://www.sandiegouniontribune.com/news/2015/nov/18/editorial-legal-settlement-san-diego-fuente/>

**Azteca**

Los Angeles, CA. U.S.

National

Nov 19, 2015

<http://us.azteca.com/videos/noticias/292607/candidato-latino-conoce-a-roque-de-la-fuente>

**IMPORTANT:**

The presidential Hopefuls Grouped by Party

<http://www.thegreenpapers.com/P16/candidates.phtml>

# Exhibit B




The Secretary of State  
State Capitol  
Nashville, Tennessee 37243-0305

Tre Hargett  
Secretary of State

615-741-2819  
Tre.Hargett@tn.gov

## MEMORANDUM

To: All County Election Commission Offices

From: Tre Hargett  
Secretary of State 

Date: December 17, 2015

Subject: Certification of Candidates for the March 1, 2016 Presidential Preference Primary

---

As required by Tennessee Code Annotated §§ 2-5-205(c) and 2-13-304(c), I, hereby issue a call for an election to be held March 1, 2016, for the purpose of electing delegates to the Republican National Convention, and certify the following names to be placed as Presidential candidates on the Presidential Preference Primary Ballot:

### **Republican Primary Ballot**

Jeb Bush  
Ben Carson  
Chris Christie  
Ted Cruz  
Carly Fiorina  
Jim Gilmore  
Lindsey O. Graham  
Mike Huckabee  
John R. Kasich  
George Pataki  
Rand Paul  
Marco Rubio  
Rick Santorum  
Donald J. Trump

**Democratic Primary Ballot**

Hillary Clinton

Martin J. O'Malley

Bernie Sanders

Furthermore, attached are the names of the delegate-at-large candidates and the delegate candidates in each congressional district to be placed on the Republican Primary ballot.

Thank you for conducting fair and trustworthy elections.

CERTIFICATE OF SERVICE

I, Drew Rosell, hereby certify that a true copy of the foregoing *Amended Complaint for Nominal and Compensatory Damages* was served on J. Gerard Stranch, IV and Benjamin A. Gastel, attorneys for Defendant Tennessee Democratic Party, and on Janet M. Kleinfelter attorney for Defendant Tre Hargett, Tennessee Secretary of State, by causing a copy of same to be deposited in the United States Mail, postage prepaid, this 29th day of March, 2016, addressed as follows:

J. Gerard Stranch, IV  
Branstetter, Stranch & Jennings, PLLC  
223 Rosa L. Parks Ave., Suite 200  
Nashville, TN 37203

Janet M. Kleinfelter  
Tennessee Attorney General's Office  
P O Box 20207  
Nashville, TN 37202-0207

By: 

Drew Rosell  
Rocky 2016 LLC  
5440 Morehouse Drive, Suite 3600  
San Diego, CA 92121  
Telephone: (714) 757-2368  
drew@rocky2016.com

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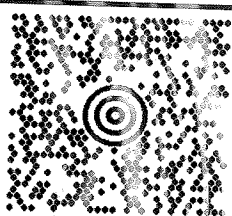


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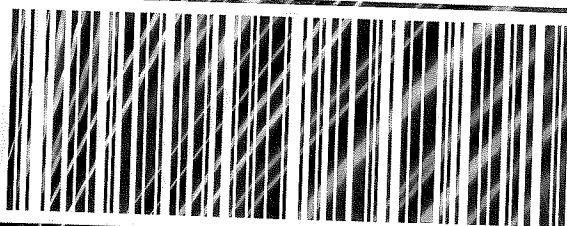
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