

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

FEMHEALTH USA, INC., d/b/a
CARAFEM,

Plaintiff,

v.

RICKEY NELSON WILLIAMS, JR.;
BEVELYN Z. WILLIAMS;
EDMEE CHAVANNES; OPERATION
SAVE AMERICA; JASON STORMS;
CHESTER GALLAGHER; MATTHEW
BROCK; COLEMAN BOYD; FRANK
LINAM; BRENT BUCKLEY; and AJ
HURLEY

Defendant.

Civil Action No. _____

COMPLAINT

This is an action for an emergency temporary restraining order, and all other necessary and proper relief, alleging that Defendants have violated and will continue to violate the Freedom of Access to Clinic Entrances Act (“FACE Act”), 18 U.S.C. §248(1994). Defendants are alleged to have violated the FACE Act by, *inter alia*, physically obstructing, intimidating and interfering with persons obtaining or providing reproductive health services at Plaintiff’s facility.

As set forth further in the accompanying Motion and Memorandum of Law for an Emergency Temporary Restraining Order, if Defendants are not enjoined from continued obstruction of the entrance to Plaintiff’s facility, Plaintiff will continue to be aggrieved by reasons of the conduct of the Defendants.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to the FACE Act, 18 U.S.C. § 248 (1994), and 28 U.S.C. § 1345. The Court has authority to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201-2202 and Fed. R. Civ. P. 57 and 65.

2. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2). The violations of law by defendants are taking place in Mt. Juliet, Tennessee.

PARTIES

1. Plaintiff carafem is a 501(c)(3) nonprofit organization registered in the District of Columbia that provides women's reproductive health services. carafem operates a network of health centers, including one located in Mt. Juliet, Tennessee, that provide a variety of reproductive healthcare services including abortion care; most methods of birth control; and testing for sexually-transmitted infections. **Ex. 1**, Declaration of P. Wheeler ("Wheeler Decl.") at ¶ 2. In addition to its Mt. Juliet location, carafem has clinics located in Atlanta, Georgia; Washington, D.C.; and Chicago, Illinois.

3. Defendant Rickey Nelson Williams, Jr. is, on information and belief, a resident of Ooltewah, Tennessee, and is currently staying at a hotel in Murfreesboro, TN.

4. Defendant Bevelyn Z. Williams (aka Bevelyn Beatty), on information and belief, a resident of Ooltewah, Tennessee. She is, on information and belief, currently staying at a hotel in Murfreesboro, TN. Along with Edmee Chavannes, Ms. Williams has been sued by the Attorney General of the State of New York for violations of the FACE Act, specifically "obstructive, threatening, harassing, and violent activity . . . at Planned Parenthood of Greater New York's Manhattan Health Center." *See New York v. Beatty and Chavannes*, Case No. 21-cv-1159 (S.D.N.Y., April 29, 2021) (entering order that Beatty and Chavannes must not enter buffer zone

around clinic). She was represented by Christopher A. Ferrara, 148-29 Cross Island Parkway, Whitestone, NY 11357, and Stephen M. Crampton, Thomas More Society, 309 W. Washington St., Suite 1250, Chicago, IL 60606.

5. Defendant Edmee Chavannes, upon information and belief, a resident of Collegedale, TN and is currently staying at a hotel in Murfreesboro, TN. She was also a party to the above suit; in that suit, she was represented by Stephen M. Crampton.

6. Defendant Jason Storms is National Director of Operation Save America National Inc. (“OSA”).¹ Ex. 2, Declaration of M. Davidson (“Davidson Decl.”) at ¶ 4. On information and belief, defendant Storms resides at 955 County C Grafton, WI, 53024, and is currently staying at a hotel in Murfreesboro, TN.

7. Defendant OSA is incorporated under the laws of Florida, with principal offices and a registered Frank Campana, with a principal place of business of 847 Remsen Avenue NW, Palm Bay, Florida 32907. OSA, acting under the name of its predecessor organization, Operation Rescue, previously has been found by courts to have violated the FACE Act. *See N.Y. ex rel. Spitzer v. Operation Rescue Nat’l*, 273 F.3d 184, 192 (2d Cir. 2001); *U.S. v. White, et al.*, 893 F. Supp. 1423 (C.D. Cal. 1995); *U.S. v. Operation Rescue Nat’l, et al.*, 111 F. Supp. 2d 948, No. C98-113 (S.D. Ohio 1999). OSA is staging its “Foundations of Freedom” national gathering at Parkway Baptist Church, located at 1715 Lee Victory Parkway, Smyrna, TN, 37167. Davidson Decl. at ¶ 4.

8. Defendant Chester Gallagher is a member of OSA. Davidson Decl. at ¶¶ 4, 9. He has previously been arrested numerous times for alleged FACE violations, including for

¹ Martha Kelner, ‘Babies are murdered here’: The anti-abortion activist using his family to protest outside Planned Parenthood Clinics, SkyNews (July 14, 2022 at 6:05 PM), available at <https://news.sky.com/story/us-abortion-debate-action-outside-planned-parenthood-clinic-in-wisconsin-is-on-frontline-in-a-divided-america-12633602>.

obstructionist activities outside Jackson Women's Health Organization in Jackson, Mississippi.²

On information and belief, defendant Gallagher resides at 6420 E. Tropicana Ave., Unit 62, Las Vegas, NV, 89122, and is currently staying at a hotel in Murfreesboro, TN. D

9. Defendant Matthew Brock is Assistant Director of OSA and, on information and belief, is a resident of South Carolina and is currently staying at a hotel in Murfreesboro, TN. Davidson Decl. at ¶¶ 4, 9.

10. Defendant Coleman Boyd is a member of OSA. Davidson Decl. at ¶¶ 4, 9. On information and belief, Defendant Boyd is a resident of Mississippi and is currently staying at a hotel in Murfreesboro, TN.

11. Defendant Frank "Bo" Linam is a member of OSA. Davidson Decl. at ¶¶ 4, 9. On information and belief, Defendant Linam is a resident of Tennessee. Defendant Linam, along with other members of OSA, comes to carafem several times each week to interrupt carafem's patient services. *See* Wheeler Decl. at ¶ 5.

12. Defendant Brent Buckley is a member of OSA. Davidson Decl. at ¶¶ 4, 9. On information and belief, Defendant Buckley can currently be found at one of the following locations in Murfreesboro, TN: 1233 Fortress Blvd, Murfreesboro, TN 37129; 130 John R Rice Blvd Murfreesboro, TN 37129; or 2282 Armory Dr. Murfreesboro, TN 37129.

13. Defendant AJ Hurley is a member of OSA. Davidson Decl. at ¶¶ 4, 9. On information and belief, Defendant Hurley is a resident of California and is currently staying at a hotel in Murfreesboro, TN.

² Heather Clark, *Former Police Officer Arrested by Professing Christian Commander at Last Miss. Abortion Facility*, Christian News (April 20, 2013), available at <https://christiannews.net/2013/04/20/former-police-officer-arrested-by-professing-christian-commander-at-last-miss-abortion-facility/>; *see also* <https://www.operationsaveamerica.org/2014/02/18/chet-gallaghers-court-appearance/>.

14. Defendants OSA, Storms, Gallagher, Brock, Boyd, Linam, Buckley and Hurley are collectively referred to as the “OSA Defendants.”

FACTS

15. Plaintiff carafem is located at Suite 260 at the Providence Pavilion, a medical office building, at 5002 Crossing Circle, Mt. Juliet, TN, 37122. Wheeler Decl. at ¶ 5.

16. Plaintiff carafem provides reproductive healthcare services at this location.

17. On July 26, 2022, OSA members and affiliates gathered outside carafem’s health clinic located at 5002 Crossings Circle in Mt. Juliet, TN. A group of about 150 individuals gathered on the streets and sidewalks in front of the parking lot of the Providence Pavilion medical building (“the medical building”). They held signs depicting graphic images and used megaphones, accosting vehicles entering the parking lot in an attempt to disrupt carafem’s operations. Wheeler Decl. at ¶ 7.

18. After several hours, a group of approximately seven men, led by defendants Storms and Gallagher and including the remaining OSA Defendants, crossed the medical building’s property line and entered the parking lot. Storms and Gallagher approached the front entrance of the building where they were stopped by building security at the sliding glass front doors. Wheeler Decl. at ¶ 8.

19. OSA Defendants refused to move from the front doors and blocked entrance and exit from the building for several minutes. Wheeler Decl. at ¶ 9.

20. Upon learning of OSA Defendants’ entrance onto the medical building’s property, carafem security assisted patients and staff into a safe, locked room and followed lockdown procedures—meaning no staff or patient was allowed to leave the locked safe room. Staff and

patients remained on lockdown for approximately thirty minutes. Wheeler Decl. at ¶ 10; *see generally* Davidson Decl.

21. Carafem security alerted Mt. Juliet Police personnel about the OSA Defendants attempting to enter into the medical building. Wheeler Decl. at ¶ 11.

22. Mt. Juliet Police personnel proceeded to the entrance of the medical building and spoke with the OSA Defendants. Wheeler Decl. at ¶ 12. OSA Defendants refused to move from the front entrance to the building. *Id.* This prevented visitors to the medical building, including patients, from entering the building. *Id.*; Davidson Decl. at ¶ 8–12.

23. After several minutes of insistence by Mt. Juliet Police, OSA Defendants exited medical building property and relocated to the sidewalks, where they resumed their protest activities. Wheeler Decl. at ¶ 13.

24. Mt. Juliet Deputy Police Chief reported to carafem staff that the OSA Defendants with whom he spoke stated that they intended to return to the medical building each day for the remainder of the week, planned to “escalate” activities on Friday, July 29, 2022, and planned to “fill the hallways” of the clinic “sometime soon” and that they “have men out here who are willing to do what needs to be done.” Davidson Decl. at ¶¶ 11, 14.

25. Patients and staff at carafem reported feeling “panicked,” “uneasy,” “unsafe” and “threatened,” believing they were at imminent risk of harm. Davidson Decl. at ¶ 20. Staff describe having to change both their personal security habits (for example, changing their routes to and from their home, paying attention to who is following them on the interstate), as well as the security operations of the clinic (for example, evaluating whether they can take walk-in appointments ever again), due to the intrusions. during this incident. Davidson Decl. at ¶ 20.

26. Staff members reported nightmares and the need to seek psychiatric assistance for the ongoing fear. One staff member stated: “We were told at some point by Officer Mullins [sic] that the OSA was planning to occupy the hallway between now and 8/25/22 when the trigger ban takes effect. This makes me feel anxious all over again because it could happen any time and we may not have the [security] team here. I am concerned for the clinic staff's safety. I am scared to leave and run errands, or take time off in case the incident happens when I am not here. Occasionally, I have had to bring my kids to grab something from the clinic, and I feel that I can no longer do that for fear of putting them in unnecessary danger. My anxiety around this has caused me to have trouble sleeping, feel [completely exhausted], and fearful. Lately, we have increased our home [security] by adding blinds to the front of our house and other [security equipment], which has been a financial [burden]. I am constantly worried about the [safety] of my children.” Davidson Decl. at ¶ 20.

27. The next day, July 27, 2022, 30-35 individuals who are, on information and belief, members or affiliates of OSA, arrived at the medical building. Like the previous day, these individuals began protesting on the sidewalks outside the medical building property with graphic signs and megaphones.

28. Later on July 27, 2022, Defendants Rickey Williams, Jr., Bevelyn Williams, and Edmee Chavannes were observed at a rally at City Hall in Nashville, TN organized by OSA. Davidson Decl. at ¶ 15. Defendant Storms, along with others, was a speaker at that rally. Defendants Rickey Williams, Jr., Bevelyn Williams, and Edmee Chavannes are, on information and belief, close associates with OSA. Davidson Decl. at ¶ 16.

29. On July 28, 2022, approximately 60 people who are, on information and belief, members or affiliates of OSA, including Defendants Rickey Williams, Jr., Bevelyn Williams, and

Edmee Chavannes, arrived at the medical building. Like the previous day, these individuals began protest activities on the sidewalks outside the medical building property with graphic signs and megaphones. Wheeler Decl. at ¶ 15.

30. At approximately 11:20am on July 28, 2022, Defendants Rickey Williams, Jr., Bevelyn Williams, and Edmee Chavannes entered into the medical building and proceeded to the second-floor hallway where carafem's suite is located, though they had no medical or other business purpose in the building. Defendant Bevelyn Williams filmed Defendants Rickey Williams, Jr., Edmee Chavannes, and Defendant Bevelyn Williams' attempts to enter Plaintiff's clinic and subsequent blocking of the clinic entrance. Wheeler Decl. at ¶ 16; Davidson Decl. at ¶ 18.

31. Defendants Bevelyn Williams, Rickey Williams, Jr., and Edmee Chavannes attempted to enter the clinic by ringing the front desk via an intercom system, pretending to seek services from the clinic. Wheeler Decl. at ¶ 17; Davidson Decl. at ¶ 18.

32. When denied entrance, Defendant Bevelyn Williams threatened on video, "Now either they [are] gonna let us in or we take this whole building down. It's up to them." She then got even more specific with her threats, stating, "We are trying to see if they let us into the office, into carafem. But if not, we are just going to terrorize this whole building."³ Wheeler Decl. at ¶ 18.

33. As they had earlier in the week, during this time, carafem staff brought patients from the waiting room and into a secure location behind locked doors and called the police. Wheeler Decl. at ¶ 19.

³ <https://twitter.com/MsBevelynBeatty/status/1552690559722016769>.

34. For over six minutes, Mt. Juliet police personnel attempted to remove Defendants Rickey Williams, Jr., Bevelyn Williams, and Edmee Chavannes from the hallway. Defendants were screaming at the clinic and visitors to the medical building and refusing to comply with the police during this time. Eventually, police personnel escorted the Defendants from the building. Wheeler Decl. at ¶ 20; Davidson Decl. at ¶ 18.

35. During this time, at least one carafem patient was unable to enter the clinic suite. This patient reported to clinic staff that when Defendants Rickey Williams, Jr., Bevelyn Williams, and Edmee Chavannes were in front of the clinic entrance, she had been hiding down the second-floor hallway, around a corner so as to remain unseen and so they could not accost her. Wheeler Decl. at ¶ 21.

36. Patients reported that they felt “scared to come back” to carafem. Davidson Decl. at ¶ 20.

37. Patients at carafem remained on lockdown for 35-45 minutes. Wheeler Decl. at ¶ 19.

38. A few hours later on July 28, 2022, Defendants Rickey Williams, Jr., Bevelyn Williams, and Edmee Chavannes attempted to enter another reproductive health facility and were arrested. Davidson Decl. at ¶ 19. When being placed under arrest by Metro Nashville Police personnel, Defendant Rickey Williams, Jr. was found to have a firearm concealed in his waistband. *Id.*

CAUSE OF ACTION UNDER 18 U.S.C. §248

39. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

40. Defendants' conduct as described in paragraphs 17 through 38 constitutes physical obstruction that intentionally interfered with persons, or an attempt to interfere with such persons, because they were or had been obtaining or providing reproductive health services at carafem.

41. Unless Defendants are restrained by this Court, Defendants will continue to engage in the illegal conduct averred herein.

PRAYER FOR RELIEF

42. Plaintiff is authorized under 18 U.S.C. § 248(c)(1) to seek and obtain temporary, preliminary, and/or permanent injunctive relief from this Court for Defendants' violation of the FACE Act.

WHEREFORE, Plaintiff respectfully requests an entry of judgment in its favor and that the Court:

A. Issue an emergency temporary restraining order to (1) restrain Defendants, and any representatives, agents, employees, or any others acting in concert or participation with any Defendant, from physically obstructing, intentionally intimidating, or intentionally interfering with, (or attempting to do the same) any person because that person is or has been obtaining or providing reproductive health services from Plaintiff's facility; (2) prohibit Defendants, and any representatives, agents, employees, or any others acting in concert or participation with any Defendant, from entering onto the property of Providence Pavilion at 5002 Crossings Circle, Mt. Juliet, TN 37122 during carafem's hours of operation as indicated on carafem's website, and during the time periods both two hours before and two hours after carafem's hours of operation.

B. Issue an Order authorizing the United States Marshal to use reasonable means to execute the Court's Order and to arrest any person who impedes its execution of the Order.

C. Issue an Order authorizing any local, state or federal law enforcement agency to enforce the temporary restraining order against Defendants and any representatives, agents, employees, or any others acting in concert or participation with any Defendant.

D. Grant an award of statutory compensatory damages to each person aggrieved by Defendants' FACE violation on July 26 and 28, 2022, as averred above.

E. Assess a civil penalty against each Defendant as authorized by the FACE Act for an initial or subsequent violation of the FACE Act, as averred above.

F. Grant an award of Plaintiffs' attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and/or

G. Grant such other and further relief as this Court deems appropriate.

Date: July 29, 2022

Respectfully submitted,

/s/ Sarah B. Miller

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