

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BOBBY TABRON

c/o Patrick Malone & Associates
1310 L Street, NW, Suite 800
Washington D.C. 20005

And

DEDIVINE K. CARTER

c/o Patrick Malone & Associates
1310 L Street, NW, Suite 800
Washington D.C. 20005

Plaintiffs,

v.

DONALD J. TRUMP

The Mar-A-Lago Club
1100 S. Ocean Blvd.
Palm Beach, FL 33480

Defendant.

Case No.:

COMPLAINT

1. This is a complaint for damages by Metropolitan Police Department Officers, Bobby Tabron, and DeDivine K. Carter for physical and emotional injuries caused by Defendant Donald Trump's wrongful conduct inciting a riot on January 6, 2021, by his followers trying to overturn the results of the 2020 presidential election.

I. THE PARTIES

2. The Plaintiffs Bobby Tabron and DeDivine K. Carter are Metropolitan Police Officers. Bobby Tabron is a resident and citizen of Maryland, and DeDivine K. Carter is a resident and citizen of the District of Columbia.

3. The Defendant, Donald J. Trump, was a candidate in the 2020 presidential election. At the time of the riot Trump had not publicly conceded that he had lost his re-election campaign and was instead regularly communicating to his followers that he had prevailed. Trump was the 45th President of the United States, from January 20, 2017, to January 20, 2021. He is a resident and citizen of Florida.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. § 1332(a)(1) because the parties are of diverse citizenship. The amount in controversy exceeds \$75,000, not counting interest and costs.
5. This Court has jurisdiction under 28 U.S.C. § 1331 because Plaintiff asserts claims under 42 U.S.C. § 1985(1).
6. This Court has supplemental jurisdiction over Plaintiff's non-federal law claims under 28 U.S.C. § 1367.
7. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b)(2) because most of the events giving rise to the claims occurred in the District of Columbia.

III. FACTUAL BACKGROUND

A. Introduction

8. Officer Bobby Tabron is a 19-year veteran of the Metropolitan Police Department (MPD). Officer DeDivine K. Carter is a five-year veteran of MPD.
9. Officers Tabron and Carter reported for duty on January 6, 2021, without any suspicion that they would soon become the targets of Trump's followers. Those followers had assembled in Washington at Trump's calling for a rally at the White House Ellipse that quickly evolved into a violent insurrection at the Capitol.

10. The insurrectionists were spurred on by Trump's conduct over many months in getting his followers to believe his false allegation that he was about to be forced out of the White House because of massive election fraud by his presidential adversary Joe Biden, and that the convening of Congress on January 6 to count the Electoral College results and declare the winner was their last chance to "stop the steal."
11. The insurrectionist mob, which Trump had inflamed, encouraged, incited, directed, and aided and abetted, forced its way over and past the Plaintiff and his fellow officers, pursuing and attacking him inside and outside the United States Capitol, and causing the injuries complained of herein.
12. As a result of Trump's speech on January 6th, 2021, his conduct and statements leading up to and on that date, and his refusal on that date to tell his followers to stop their continued violence at the Capitol, Trump engaged in unlawful conduct that resulted in injuries to United States Capitol Police officers and Metropolitan Police Department officers, including Plaintiff. These legal violations include:
 - Directing Assault and Battery
 - Aiding and Abetting Assault and Battery
 - Liability *Per Se* for Violation of D.C. Code § 22-1322 – Inciting to Riot
 - Liability *Per Se* for Violation of D.C. Code § 22-1321 – Disorderly Conduct
 - Conspiracy in Violation of 42 U.S.C. § 1985
 - Civil Conspiracy

B. Trump's Conduct Leading Up To the 2020 Presidential Election

13. At various moments during his 2016 campaign, and throughout his presidency, Trump espoused rhetoric that encouraged violence and glorified acts of violence by his followers, including white supremacists and far right-wing hate groups.
14. Trump's stoking of violence by his followers accelerated during the 2020 presidential campaign.

15. During the first presidential debate between candidates Trump and Biden, held on September 29, 2020, Trump repeatedly asserted, without evidence, that the election would be fraudulent and rigged:
 - “There’s fraud. They found them [ballots] in creeks. They found some, just happened to have the name Trump just the other day in a wastepaper basket . . . This is going to be a fraud like you’ve never seen;”
 - “It’s a rigged election;”
 - “This is not going to end well.”
16. Asked during that first presidential debate by moderator Chris Wallace to condemn white supremacists and far right-wing hate groups, Trump responded, “Proud Boys, stand back and stand by.” Minutes later, the Chairman of the Proud Boys, Enrique Tarrio, posted a message on Parler, a social networking service popular among extremist groups, saying, “Standing by sir.” Prominent Proud Boys member Joe Biggs also posted on Parler: “Trump basically said to go fuck them up. This makes me so happy.”
17. The Proud Boys were then standing by on January 6, when they coordinated, instigated, and led many of the most pivotal actions of the rioters’ rush into the Capitol Building. At a morning meeting before the Capitol was stormed, Proud Boy Daniel Scott aka Milkshake shouted, “Let’s take the fucking Capitol.”
18. On December 21, 2021 a junior member of the Proud Boys, Matthew Greene, pleaded guilty in federal court in the District Court to unlawfully conspiring to obstruct Congress from counting electoral votes as set out in the Twelfth Amendment of the United States Constitution.
19. At the first presidential debate, Wallace asked if Trump—whom the Constitution excluded from any official role in the counting of ballots, the counting of electoral votes,

or the certification of the election, but who had tremendous sway as a candidate over the conduct of his supporters—would urge his supporters to “stay calm” following the election, and “not to engage in any civil unrest.” Trump responded, “If it’s a fair election I am 100% on board. But if I see tens of thousands of ballots being manipulated, I can’t go along with that.”

20. In October 2020, a group of Trump’s supporters forced the cancellation of multiple Biden Campaign events in Texas after they ambushed a Biden campaign bus. After that incident, one of Trump’s supporters who was involved in an automobile accident during the incident with a Biden staffer’s car, described his actions on that day as “slamming that fucker” (referring to the Biden staffer) and “serv[ing] . . . 35 in[ch] tires” in a social media post shortly after the event. Nonetheless, Trump defended the ambush, tweeting, “In my opinion, these patriots did nothing wrong.” He then tweeted a video of the incident with the comment “I LOVE TEXAS!”
21. In the days leading up to the election, Trump repeated his assertion that his adversaries were “trying to steal” the election, which prepared his followers for more such baseless assertions once the election was over.

C. Trump Lost the 2020 Presidential Election and Immediately Stepped Up His False Claims of a Stolen Election

22. On the night of the election, at 2:30 a.m. on November 4, in a small rally held at the White House, Trump claimed that he had won the election, even though hundreds of thousands of votes in key swing states were still being counted. As more votes were counted, particularly from high-population areas, it became increasingly apparent that Joe Biden had won the election. This prompted Trump to begin repeatedly tweeting that the

election was being stolen:



23. These tweets and related statements, while taking advantage of Trump’s platform as President and his ability to incite his followers, were issued in Trump’s personal capacity as a candidate for elected office.
24. On November 5, Trump made a statement, “If you count the legal votes, I easily win. If you count the illegal votes, they can try to steal the election from us.”
25. On Saturday, November 7, every major news organization in the country called the election for Joe Biden after the count in Pennsylvania showed he held an insurmountable lead.

D. Trump Called for a “Wild” Protest on January 6, 2021, and His Followers Took His Words as a Call to Arms

26. In the weeks following the election, as several states began recounts, Trump continued claiming that the election was being stolen, despite offering no evidence that was found meritorious by any of the dozens of courts that considered his and his allies’ post-election lawsuits.

27. Trump's claims of fraud immediately following the election led to his followers, often armed, descending on state capitols and other government buildings throughout the country. Between the election on November 3, 2020, and January 6, 2021, there were dozens of protests around the country by Trump's followers. Two of these events occurred in the nation's capital, and at both police officers were injured trying to restrain Trump's followers. Trump knew that both events had turned violent.
28. Trump promoted a rally planned for November 14, 2020, in Washington, D.C.:



29. On November 14, 2020, Trump followers gathered at Freedom Plaza in Washington, D.C., a few blocks from the White House, in what would be called the first “Million MAGA March” (though it was estimated that the crowd numbered in the tens of thousands). These included members of far right-wing hate groups, including the Proud Boys, Three Percenters, Oath Keepers, and followers of the QAnon conspiracy theory.

30. November 14, 2020, Trump issued numerous tweets about the election being stolen, while tweeting his support for the rally. He also pushed the idea that rallies like this one might result in him “winning” the election:





31. Later in the evening on November 14, violence erupted, as four police officers were injured and over twenty-one arrests were made, including destruction of property, carrying a pistol without a license, inciting violence, and disorderly conduct.
32. On December 10, 2020, Trump tweeted, “This is going to escalate dramatically. This is a very dangerous moment in our history.” He was quoting one of his supporters.
33. On December 12, 2020, Trump followers again gathered in Washington, D.C., for a second “Million MAGA March,” (though again, the actual number of Trump followers

who attended was in the thousands). Again, Trump supported the rally, tweeting on the morning of December 12, “WE HAVE JUST BEGUN TO FIGHT!!!”

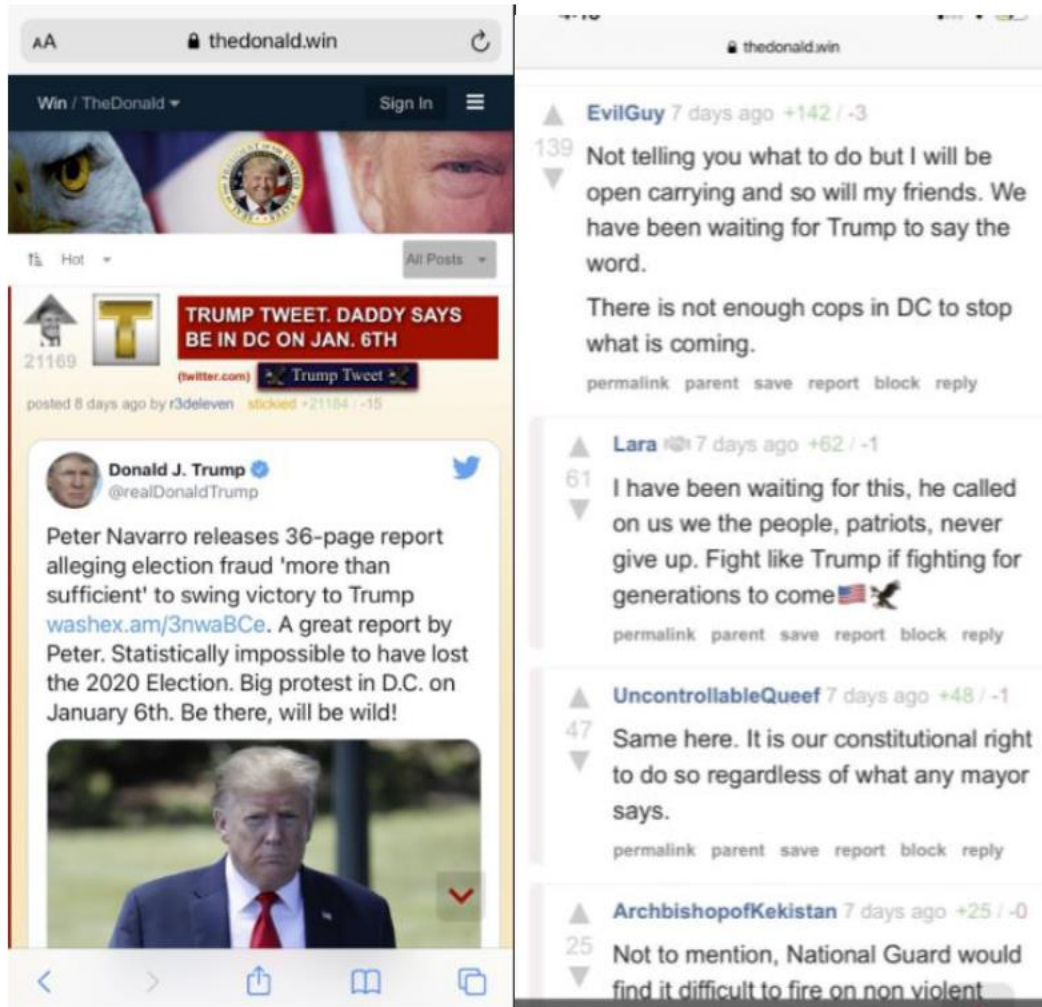
34. As before, members of far right-wing hate groups appeared at the second “Million MAGA March,” and Trump followers clashed with D.C. police, at least eight of whom were injured. Four people were stabbed. The police made over thirty arrests including ten arrests for assault on a police officer, eleven arrests for simple assault, one arrest for assault with a deadly weapon, and two arrests for possession of a prohibited weapon.
35. Officials warned Trump that his incendiary rhetoric about the election could cause injury or death, but he persisted. On December 1, 2020, as Trump placed increasing pressure on Georgia election officials to overturn the state’s results which favored Joe Biden, one official, Gabriel Sterling, gave a press conference in which he reported on death threats made to Georgia election workers, and addressed Trump, saying, “Mr. President, you have not condemned these actions This has to stop Stop inspiring people to commit potential acts of violence. Someone is going to get shot, someone is going to get killed. And it’s not right.” Despite this, Trump never condemned the threats made against Georgia election officials, and four days before the January 6 insurrection, he implored Georgia Secretary of State Brad Raffensperger to “find” enough votes to swing the election in his favor.
36. As his efforts with state officials and in the courts failed, Trump began to focus on January 6, 2021, the date Congress was set to count the state-certified election results.
37. On December 15, 2020, the Trump campaign made payments to Event Strategies Inc., the firm that would be named as the production vendor on the permit application for the January 6 rally on the Ellipse.

38. On December 19, 2020, Trump began promoting a January 6 rally to his followers:



39. Trump's December 19th tweet about the January 6th rally was understood by many of his supporters as a literal call to arms. For example, within minutes of Trump posting this tweet, it was shared on a pro-Trump website called TheDonald.win, with the title: "Trump Tweet. Daddy Says Be in DC on Jan 6." One user "EvilGuy," said, in response

to Trump's call to action, "I will be open carrying and so will my friends. We have been waiting for Trump to say the word. There is [sic] not enough cops in DC to stop what is coming."



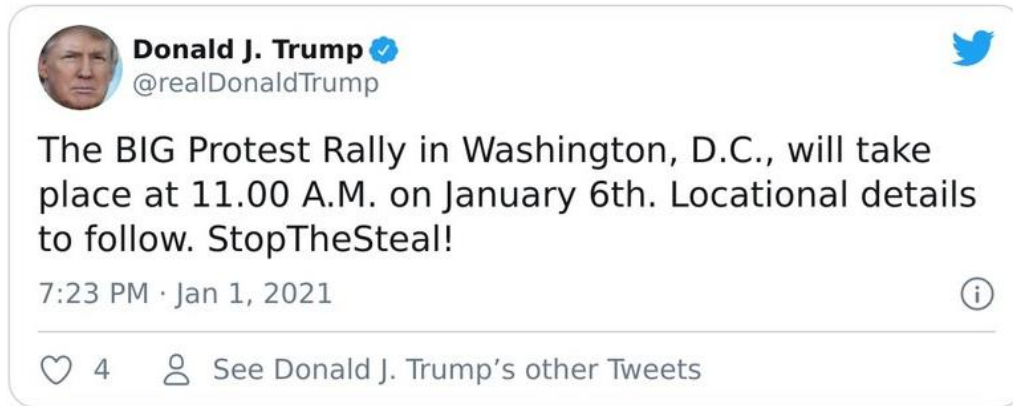
40. Other users on TheDonald.win commented that they understood Trump's tweet to be "marching orders." One user said, "doesn't matter if they steal the election, if patriots burst into the building by the thousands and cut the heads off the hydra." Another said, "Storm the People's House and retake from the fuckin' commies." "We've got marching orders, bois," read one post. "He can't exactly openly tell you to revolt. This is the closest

he'll ever get," read another, to which came the reply, "Then bring the guns we shall." A user called "loveshock" wrote:

 [loveshock](#) 3 points 1 hour ago +7 / -4

Cops don't have "standing" if they are laying on the ground in a pool of their own blood.

41. Law enforcement investigations have uncovered communications from Kelly Meggs, the self-described leader of the Florida chapter of the Oath Keepers, revealing that within days, supporters—based on Defendant Trump’s call that the rally will be wild—began plotting traveling to Washington D.C. “to insurrection.” Contemporaneous communications from Meggs indicated he knew the January 6 event would be no mere “rally,” and that the Proud Boys, Oath Keepers, and other militia members were discussing how to, as described by Meggs, “work together and shut this shit down.”
42. Another militia group with ties to Trump and his advisors was also foreshadowing violence. On January 4, the Twitter account of the militia group called 1st Amendment Praetorian posted that “[t]here may be some young National Guard Captains facing some very, very tough choices in the next 48 hours. Pray with every fiber of your being that their choices are Wise, Just, and Fearless.” Members of the group were listed as “demonstration marshals” on the permit for the January 5th rally at Freedom.
43. In the week before January 6, Trump repeatedly encouraged his followers to attend the event and continually referred to “Stop the Steal.”

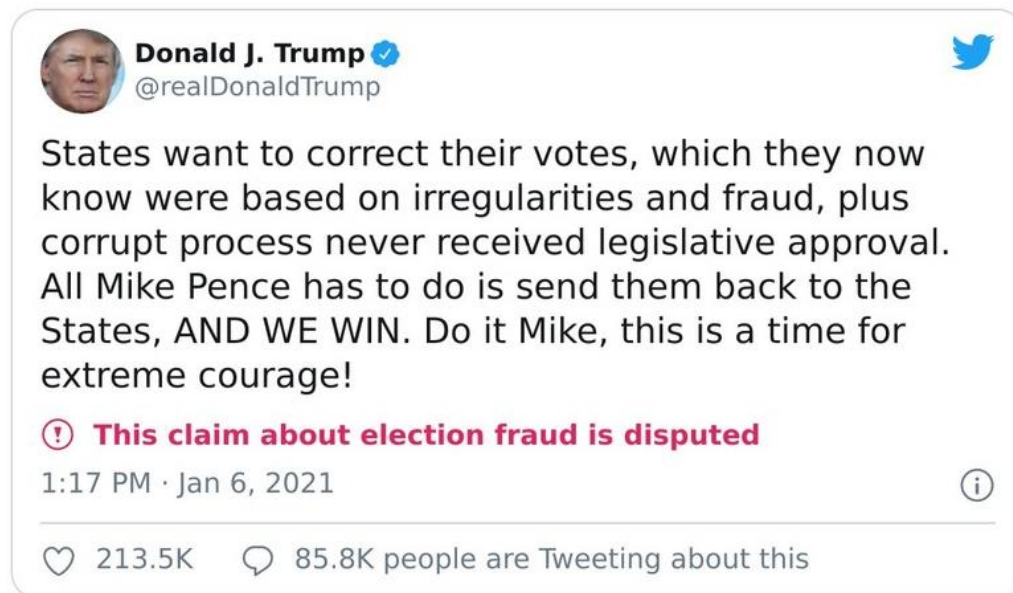


44. Law enforcement investigations have uncovered location, cellular, and call record data indicating that in the days just before the January 6 insurrection, a member of the Proud Boys was in communication with a person associated with the White House.
45. Law enforcement investigations have uncovered location, cellular, and call record data indicating that in the days just before the January 6 insurrection, a member of the Proud Boys was in communication with a person associated with the White House.
46. On the evening of January 5, Trump made several calls to loyal personal and campaign advisers who were gathered in a “war room” at the Willard Hotel in Washington, D.C., working to overturn the results of the 2020 election. These advisers included Rudy Giuliani, Trump’s personal lawyer; John Eastman, a scholar working on a baseless legal strategy to deny Joe Biden the presidency; Boris Epshteyn, a senior campaign aide; Jason Miller, a senior adviser to the campaign; Steve Bannon, Trump’s one-time White House chief strategist; and Michael Flynn, Trump’s one-time national security adviser. On at least one of those calls, Trump discussed ways to stop Congress’s joint session to ensure Biden would not be certified as president on January 6.
47. Also at the Willard on January 6 were other members and leaders of violent militias who were involved in the insurrection. On the morning of January 6, members of the Oath

Keepers were seen outside the Willard, accompanying Trump loyalist and pardoned criminal Roger Stone. Oath Keepers had also accompanied Stone as he spoke at pro-Trump rallies in Washington, D.C. on January 5, and had driven him around Washington.

48. Robert Patrick Lewis, the founder and leader of the militia group 1st Amendment Praetorian, was also at the Willard on January 6. On that day Lewis tweeted, “Today is the day true battles begin” and “You can only apply so much pressure to a system before it explodes.”
49. The day before the January 6 session of Congress, Trump gave his followers further motivation to “be wild” at the rally, as he promoted the baseless idea that Vice President Mike Pence could single-handedly reject the election outcome based on false claims that some states wanted to “decertify” or “correct” election results that were not in Trump’s favor.





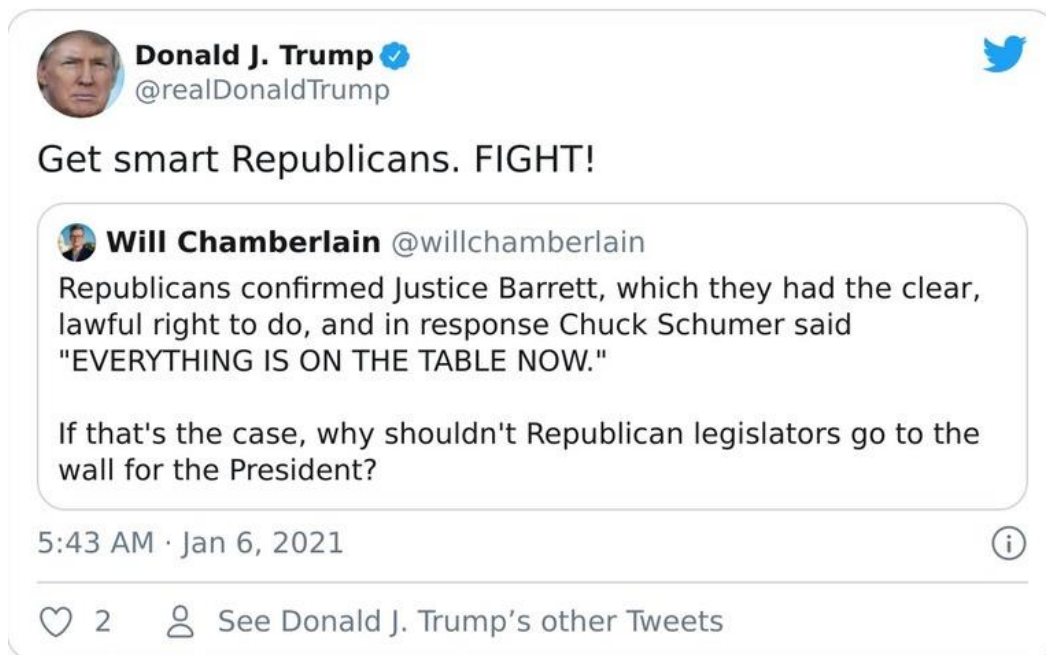
50. Trump's 2020 campaign, along with its joint fundraising committees, made more than \$3.5 million in direct payments to people and firms involved in the Washington, D.C. demonstrations on January 6.

51. In the weeks between the election and the storming of the Capitol, Rep. Paul Gosar (R-AZ) gave planners and organizers several assurances they would receive “blanket pardons” after staging protests against the election results.
52. Trump’s continued campaign to incite his followers to violently overturn the results of the election reflected the fact that under the U.S. Constitution, the President’s official responsibilities do not include determining the outcome of a presidential election. All his conduct inciting his followers was conducted in his personal capacity as a candidate for elected office, not in any official capacity as President.
53. The Constitution prescribes that the selection of electors shall be determined by “each state.” U.S. Const. art. II, sec. 1, cl. 2. The Constitution prescribes no role for the sitting president in their selection.
54. The selection of the next president is made by the electors when they “meet in their respective states and vote by ballot for President and Vice-President.” U.S. Const., amend. XII. The Constitution prescribes no role for the sitting president in determining the outcome of that vote.
55. The Framers were so committed to excluding the sitting president from a role in the selection of the next president that they prohibited electors from holding an Office of Trust or Profit under the United States, U.S. Const. art. II, sec. 1, cl. 2, lest those electors otherwise “be suspected of too great devotion to the President in office.” The Federalist No. 68 (Alexander Hamilton).
56. The Constitution prescribes that the counting of the votes that are cast and certified by the Electors in their respective states shall be conducted by the President of the Senate in the

presence of the Senate and House of Representatives. The Constitution prescribes no role for the sitting president in determining the outcome of that count either.

E. January 6, 2021

57. On January 6, 2021, thousands of Trump's followers congregated on the National Mall near the White House. Many were armed members of far right-wing hate organizations like the Proud Boys. Trump issued a directive for Republicans to "FIGHT" early in the day:



58. Officer Tabron and his platoon of twenty-four MPD officers assembled at their rally point outside MPD Headquarters at 300 Indiana Avenue, where they waited for further direction from their lieutenant.
59. Officer Carter was a member of the Mountain Bike Unit that was part of the Civil Disturbance Unit. On the morning of January 6, 2021, he and his unit were assigned to patrol the Ellipse on their bikes.

60. Beginning at 7 a.m., speakers took to the stage at the Ellipse, just south of the White House, where thousands of protesters had gathered to listen. The rally was broadcast live on several news outlets, and could be watched streaming over the internet, and could therefore be watched by those protesters who were not on the Ellipse itself, including those already near the Capitol. Numerous Trump allies spoke before Trump took the stage, all of whom repeated the message that the election had been stolen, that the country as they knew it was about to fall, and that it was up to the crowd to save the country, in the words of Trump's personal attorney Rudy Giuliani, in a "trial by combat."
61. The rally at the ellipse was a private event, organized in part by Trump's former campaign staff. As the *Wall Street Journal* reported, the event was "arranged and funded by a small group including a top Trump campaign fundraiser and donor facilitated by far-right show host Alex Jones."
62. Organizers of the Ellipse rally used difficult-to-trace "burner phones" for planning conversations and high-level communications with Trump's team. Burner phones are cheap, prepaid cell phones designed for temporary usage. They do not require users to have an account. This makes them hard to trace and ideal for concealing criminal activity.
63. Trump's aides were warned that the January 6 events could turn chaotic, with tens of thousands of people potentially overwhelming ill-prepared law enforcement officials.
64. Trump took the stage at noon on January 6, 2021. In an hour and fifteen-minute speech, Trump repeatedly claimed that the election had been "rigged" and "stolen," and said:
- "They rigged it like they've never rigged an election before;"
 - "We will never concede, it doesn't happen. You don't concede when there's theft involved. Our country has had enough. We will not take it anymore and that's what this is all about. To use a favorite term that all of you people really came up with, we will stop the steal;"

- “When you catch somebody in a fraud, you’re allowed to go by very different rules;”
- “You’ll never take back our country with weakness. You have to show strength, and you have to be strong;”
- “And we fight. We fight like hell. And if you don’t fight like hell, you’re not going to have a country anymore;”
- “And we’re going to the Capitol But we’re going to try and give our Republicans, the weak ones because the strong ones don’t need any of our help. We’re going to try and give them the kind of pride and boldness that they need to take back our country.”

65. As he was making these remarks, Trump’s followers on the Ellipse began chanting “Fight like Hell,” and “Fight for Trump.” After he was done speaking, they changed to, “Storm the Capitol,” “Invade the Capitol Building,” and “Take the Capitol right now.”
66. At the Capitol, the crowd began to swell on the east side of the Capitol.
67. While Trump was speaking, at 12:49 p.m., Capitol Police responded to a report of a possible explosive device at the Republican National Committee Headquarters, which was later identified as a pipe bomb. Shortly afterward, a second pipe bomb was found at the headquarters of the Democratic National Committee. Both were three blocks from the Capitol.
68. Officer Tabron heard the report of the suspicious packages at the Republican and Democratic National Headquarters on his radio.
69. As Trump concluded his speech near the White House, his followers who were already at the Capitol became insurrectionists. Thousands of them broke through police barricades and stormed up the steps of the Capitol on both fronts of the building, attacking and injuring police officers, including plaintiff. The insurrectionists finally entered the Capitol itself, intent on committing further acts of violence against elected officials,

where the insurrectionists continued to attack police officers. Many of these insurrectionists have since been charged with crimes.

70. Some of these protesters broke through the outer perimeter of barricades west of the Capitol building while Trump was still speaking, at 12:53 p.m. By 1:03 p.m., they had pushed Capitol Police onto the west Capitol steps. Many of them wore Trump hats and shirts, waved Trump flags, and bore Trump insignia around their necks. As the insurrectionists began battling with police, one was overheard saying, “It’s us versus the cops!” A man yelled at police through a megaphone plastered with stickers from “InfoWars,” a website operated by the right-wing conspiracy theorist Alex Jones, “You are traitors to the country!”
71. At 1:00 p.m., Capitol Police Chief Steven Sund called for backup from the Metropolitan Police Department, which deployed approximately 100 officers to the Capitol grounds within minutes. Shortly thereafter, Chief Sund asked House Sergeant at Arms Paul Irving and Senate Sergeant at Arms Michael Stenger to declare an emergency and call for the deployment of the National Guard.
72. Officer Carter rode with his unit toward the Capitol and could hear the crowd there roaring as they got closer. When they arrived, the sound was like the inside of a sports arena.
73. Over his MPD radio, Officer Tabron could hear that a very large crowd was forming and beginning to get out of control. While Trump was still speaking at the Ellipse, Officer Tabron and his platoon were called to the Capitol. They boarded an MPD van and were dropped off at the U.S. Capitol, with direction to report to the West Front.

74. Officer Tabron was directed to the stairs on the West Front of the Capitol and could see that many officers had been sprayed with chemicals and were struggling to clean their burning eyes and faces.
75. Officer Tabron's post was on the front line behind bicycle racks he and other officers were using to try to maintain the barrier between themselves and the surging crowd of insurrectionists clad in Trump gear and carrying flags and banners with Trump slogans.
76. From the time he arrived on the West Front, Officer Tabron faced insurrectionists who tried to grab and rip down the bicycle racks. They were throwing bottles, tear gas canisters, and other objects, and repeatedly spraying Officer Tabron with chemicals.
77. At one point in the on-going struggle, a large insurrectionist approached Officer Tabron and tried to pull the rack away. Suddenly, the insurrectionist swung and struck Officer Tabron in the side of the head with such force that it knocked his helmet sideways and left him dazed.
78. As he recovered from that blow to the head, other insurrectionists struck Officer Tabron with bats, and flagpoles with Trump logo and "blue line" flags attached.
79. Even though Officer Tabron had a face shield on his helmet, his face mask became soaked with the pepper spray and bear spray chemicals the insurrectionists were spraying on him, and he had to fall back from the front to wash his eyes, mouth, and face.
80. Against the relentless attack, Officer Tabron and the other officers could not hold the line of bike rack barriers against the insurrectionists any longer.
81. Once the insurrectionists broke through the bike rack barriers, Officer Tabron found himself in hand-to-hand combat. Officer Tabron was forcefully pushed and fell backward as thousands of insurrectionists surged forward.

82. As insurrectionists advanced and attacked Officer Tabron, they called him a n---er and shouted at him that he'd be nothing without his badge.
83. Fear was not something he was accustomed to experiencing while on duty, but Officer Tabron was afraid for his life and shaking uncontrollably as he fell backward and wondered what the insurrectionists were going to do to him. He feared someone would pull a weapon on him and kill him.
84. At around the same time, Officer Carter left his MPD mountain bike on the North side of the Capitol and quickly ran to the West Front of the Capitol to try to help United States Capitol Police (USCP) and MPD officers who were already under attack by the insurrectionists.
85. For some time, Officer Carter defended himself, other officers, and the barrier between them and the insurrectionists, but when those barriers failed to hold the insurrectionists back, Officer Carter characterized what descended on him next as "an all-out brawl."
86. He was sprayed with bear spray and other chemicals and got sucked into the crowd which surrounded him at times on all directions. In the crowd, he could see insurrectionists armed with guns, knives, and chemical spray.
87. An insurrectionist punched an officer beside Officer Carter and when he tried to help protect her, he was struck by multiple insurrectionists and found himself in a battle to them off and protect himself.
88. He took a brief break from the line and the next wave of attack was relentless. He was punched and struck repeatedly, hit with projectiles, and sprayed with chemicals.
89. Officer Carter disarmed an insurrectionist who lunged at another officer with a knife.

90. He helped several fellow officers who had been knocked down up from the ground. Some were bleeding, others could not breathe because of the chemical spray. Even as Officer Carter helped others, from the time he arrived at the Capitol from the Ellipse, he knew he was fighting for his life.
91. By 1:30 p.m., Officer Carter, Capitol Police and Metropolitan Police officers were forced by insurrectionists to the top of the Capitol steps on the West Front. Meanwhile, Trump's speech had ended, and many more thousands of protesters began marching toward the Capitol. About forty percent of the phones tracked near the rally stage on the National Mall during the speeches were found in and around the Capitol during the insurrection, showing that many of those who were listening to Trump's speech followed his direction to march on the Capitol.
92. At around 1:45 p.m., the insurrectionists overcame the MPD and USCP officers protecting the top of the Capitol's west steps, and the officers pulled back into the Capitol itself.
93. Around the same time, Officer Tabron got up and ran up the West Front stairs, through the archway and into the tunnel inside the ceremonial entrance from the West Front Terrace.
94. Officer Carter had to retreat through the same ceremonial entrance, into the tunnel. He ran up a flight of stairs to link back up with his unit. He was unfamiliar with the inside of the Capitol and tried to find his way, but he could see insurrectionists already inside the Capitol, coming up from another set of stairs.

95. He turned around and ran down another hallway, back to stairs to the tunnel at the ceremonial entrance to try to help keep the next wave of insurrectionists from surging in through that entrance.
96. Officer Carter found that his unit still had control of that stairway behind the MPD and USCP officers assembled in what he calls “the tunnel of death.”
97. Inside that tunnel, Officers Tabron and Carter and MPD and USCP officers faced another violent front of attack as the insurrectionists continued to try to force their way inside the Capitol.
98. Officer Tabron was already having difficulty breathing because of the chemicals continuously being sprayed on him, but now he found himself in a small space with officers pressed into the walls and each other as insurrectionists relentlessly attacked them from outside the doors.
99. He could hear the clicks of stun guns, constant screams, and yelling and verbal assaults of the insurrectionists.
100. Officers rotated from the front line, then to the back and again to the front and Officer Tabron returned to the front of the mass of officers over and over for what seemed like hours.
101. Insurrectionists had taken officers’ shields and were striking Officer Tabron and his colleagues with them. He was struck again in the head with an object that ripped his face shield off his helmet.
102. Each time he made it to the front line in the tunnel, insurrectionists struck Officer Tabron with poles and fists, grabbed at him, and attacked him relentlessly. His body-worn camera was ripped from his chest.

103. Officer Tabron was fighting for his life and felt certain he would not survive to make it home alive to his wife or see his family again. He wondered when gunfire would erupt and how such a battle, if started, would end.
104. Inside that same tunnel, Officer Carter was pushed and pulled and pressed into the walls and other officers. He took turns with other officers as lines pressed to the front to relieve those bearing the brunt of the worst of the attack.
105. He knew protecting the tunnel and fighting to prevent the insurrectionists from flowing in through the ceremonial entrance was critical to stopping or slowing the violence outside from spilling inside.
106. For what felt like hours, Officer Carter was struck, hit with poles, and crushed from every direction. He was sprayed with bear spray more times than he could count. The chemical saturated his mask and caused him to repeatedly vomit on himself. He saw other officers far larger than he overcome and being carried away.
107. He kept telling himself “I’m not going to die here,” and made it his entire purpose to make sure he and the other officers were given cover so they could make it home.
108. At 1:49 p.m.,¹ after Trump had returned to the White House, and was reportedly watching on TV as events were unfolding at the Capitol, he tweeted out the entirety of his speech:

¹ On January 8, 2021, Twitter permanently suspended Donald Trump’s personal account, removing his tweets from view. Publicly available archives of Trump’s tweets are limited and as a result, some of the images of Trump’s tweets used in this Complaint, such as the one in this paragraph, feature timestamps from other than the Eastern Time Zone.



109. At 1:59 p.m., insurrectionists pushed Capitol Police to the top of the east Capitol steps, and by 2:10 p.m., insurrectionists began attempting to break into the building through windows on the west side.
110. The Proud Boys made up a large portion of the first wave of insurrectionists to breach the Capitol and assault Capitol Police. Proud Boys also took deliberate steps to prevent the Capitol Police from securing the Capitol against unlawful entrants. And Proud Boy Dominic Pezzola, who was one of the first rioters to gain entrance into the Capitol after he used a Capitol Police shield to break a window, stated on a video subsequently posted to social media: “Victory smoke in the Capitol, boys. This is fucking awesome. I knew we could take this motherfucker over [if we] just tried hard enough.”
111. An FBI Special Agent later submitted an affidavit in support of a criminal complaint against Pezzola stating that Pezzola was part of a group that “said that anyone they got

their hands on they would have killed, including Nancy Pelosi,” and that they “would have killed [Vice President] Mike Pence if given the chance.”²

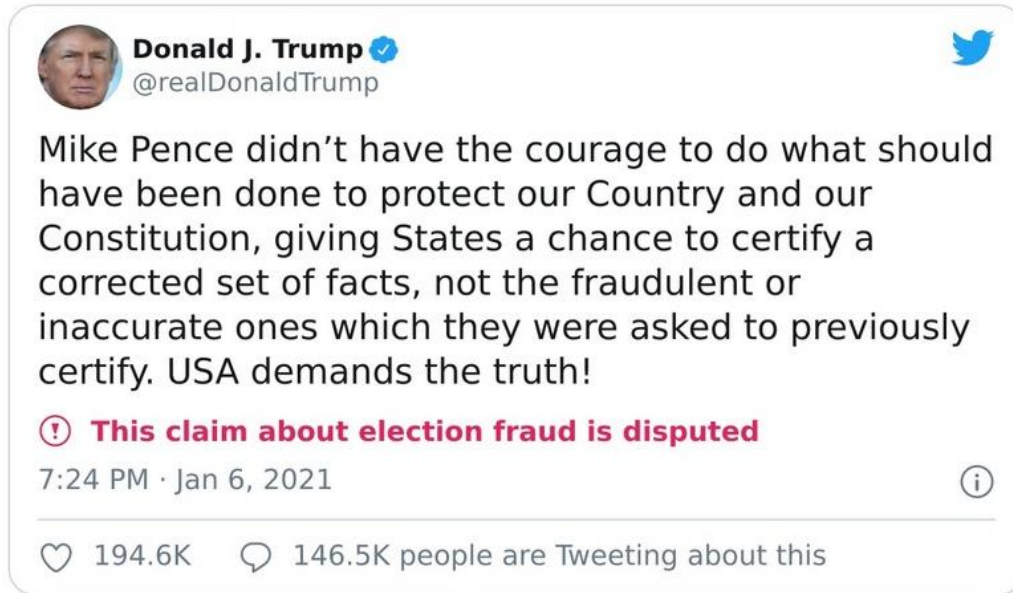
112. By 2:12 p.m., the insurrectionists entered the building through broken windows on both sides of the Capitol, opening up a door for additional insurrectionists to enter.
113. The insurrectionists acted as though they knew the Capitol’s vulnerabilities. Many of the Capitol’s 658 single-pane windows had been reinforced with metal and bomb-resistant glass a few years prior, but renovators skipped about a dozen ground-floor windows, including some installed in doors, because they were deemed low risk or structurally unfit for reinforcement. Some of the first insurrectionists to break through the police line ran past 15 reinforced windows—they aimed instead for unreinforced areas. Four of the dozen unreinforced ground-floor windows and doors became major access points that the insurrectionists used to break into and overtake the Capitol. Every reinforced window that was attacked by insurrectionists remained intact.
114. Some of those who entered had guns. Some were in helmets and tactical gear. Many carried baseball bats, Trump flags, hockey sticks, fire extinguishers, stolen police shields, collapsible batons, and other weapons.
115. Shortly thereafter, Vice President Pence was removed from the Senate chamber and the Senate was called into recess. Capitol Police confronted the insurrectionists but were greatly outnumbered. Outside the Capitol, the mob shouted, “Hang Mike Pence!” and had erected a gallows.
116. Inside the Capitol, the insurrectionists continued to physically attack MPD and USCP officers, while taunting them, saying, among other things, “You’re outnumbered. There’s

² (Brackets in original).

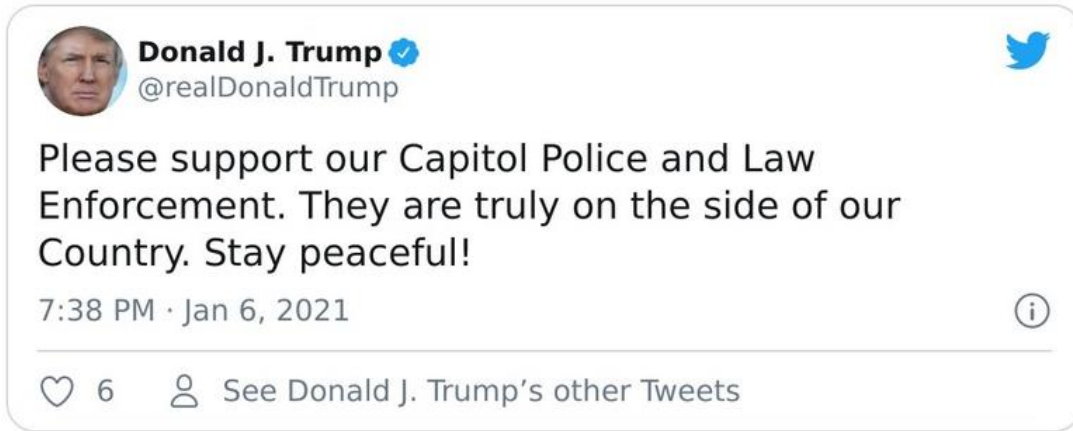
a fucking million of us out there. And we are listening to Trump—your boss,” “We can take you out,” and, “We were invited here by the President of the United States.”

117. As Officers Bobby Tabron and DeDivine K. Carter attempted to protect themselves from the insurrectionists, Trump watched the events unfold on live television. Those who were with him claimed that Trump was “delighted” and was “confused about why other people on his team weren’t as excited as he was.” Others described Trump as “borderline enthusiastic” about the unfolding violence.
118. The insurrectionists were clad in and carrying Trump, QAnon, Proud Boys, and Oath Keepers-themed clothing, hats, and flags. Law enforcement investigations have since revealed that Jessica Marie Watkins, a member of the Oath Keepers, stated on an Oath Keeper communication channel during the insurrection that “We have a good group We are sticking together and sticking to the plan.”
119. In a phone call to the White House, House Minority Leader Kevin McCarthy begged Trump to call off the insurrectionists, pleading with him that the rioters were all Trump followers. Trump refused to do so, and told McCarthy, “Well, Kevin, I guess these people are more upset about the election than you are.”
120. Sen. Ben Sasse has stated that White House officials reported that Defendant Trump was “delighted” to hear of the Capitol break-in and further that he was excited that rioters were “pushing against Capitol Police trying to get into the building.”
121. As Trump watched his followers (to whom he had lied when he told them that he would be joining them in walking to the Capitol) terrorize the Capitol and attack the police who guarded it, Trump’s advisors urged him to make a statement calling on his followers to stop. Trump chose not to condemn the attack. Instead, at 2:24 p.m., Trump tweeted, and

further incited his followers against his own Vice President whose life was being threatened:



122. An insurrectionist at the Capitol read this tweet aloud from the steps of the Capitol. Insurrectionists then chanted, "Mike Pence is a traitor," and continued their assault. Another insurrectionist later said, "Once we found out Pence turned on us and that they had stolen the election, like officially, the crowd went crazy."
123. Then, at 2:38 p.m., an hour after the first breach, Trump still chose not to call off the attack, but instead issued a banal statement of support for law enforcement, and stated, "stay peaceful" when he could see that his followers at the Capitol were anything but.



124. At around 2:44 p.m., Ashli Babbitt, an Air Force veteran and Trump follower, was shot and killed as she attempted to climb through a broken window in a set of locked doors that led to where House members were fleeing.
125. By 3:00 p.m., the District of Columbia local government issued a notice of an emergency citywide curfew to begin at 6 p.m.
126. Meanwhile, Trump's followers at the Capitol shouted, "We want Trump!" They attacked officers with rocks, bottles, fire extinguishers, metal poles, bear spray, and pepper spray. Officers reported being "flanked" and "los[ing] the line." For hours, officers were forced into hand-to-hand combat to prevent more rioters from entering the Capitol.
127. After what seemed to him like hours rotating from the back of the line to the front in tunnel inside the ceremonial entrance to the West side of the Capitol, Officer Tabron tried to help a member of his platoon who had fallen to the ground and was turning purple because he was unable to breathe. He called for a USCP officer to get a defibrillator as his fellow officer went in and out of consciousness and appeared unable to breathe.
128. Eventually, Officer Tabron was pulled from the tunnel he had been defending, to another place inside the Capitol. He found himself separated from his platoon and in a different tunnel, where trains were being used to evacuate members of Congress from the Capitol.

129. Officer Tabron could hear calls on USCP officers' radios and knew the insurrectionists were now inside the Capitol. He had never been inside the Capitol and was unfamiliar with his surroundings. He worried that he was without his platoon and most of his gear.
130. After hours of being the insurrectionists' target, he now had no cover and was terrified from which directions the next assault could come.
131. Officer Tabron had no sense of direction or place and had no idea what time of day it was.
132. Officer Tabron finally took a moment to focus on something other than merely surviving, and realized his wrist was becoming stiff and painful. He also realized that he did not have his cellphone, and his wife must be worried.
133. He eventually found another MPD officer in the train tunnel and borrowed his phone. As soon as Officer Tabron heard his wife's voice, he knew he had survived, even though he did not know what was still to come. He promised her he would make it home.
134. At 4:17 p.m., Trump tweeted a recorded video directed to his followers as they continued to ransack the Capitol. In the video, Trump told the insurrectionists, "I know your pain, I know you're hurt," and repeated his "big lie" about the stolen election that had driven the insurrectionists to the Capitol in the first place. He then said to his followers who had invaded the Capitol, assaulted and severely injured police officers, destroyed property, and generally tried to overthrow the Congress as it carried out its duty of certifying a presidential election: "Go home. We love you. You're very special."
135. At around 5:40 p.m., Capitol Police, with reinforcements from the Metropolitan Police and the National Guard, finally were able to begin to clear the Capitol. By that time, 140 police officers were physically hurt, and many more would be emotionally scarred. One

Capitol police officer suffered a fatal stroke linked to the events of January 6 and two others took their own lives shortly thereafter.

136. After the world had just watched the insurrectionists attack police, threaten members of Congress, and destroy property within the Capitol, Trump explained the day's events, once again reiterating his "big lie" and celebrating his followers' actions:



137. At approximately 7 p.m., Trump's agent Rudolph Giuliani attempted to leave a voicemail for Sen. Tommy Tuberville (but then left the voicemail in another Senator's voicemail box, who then subsequently released the message to the press) requesting that Sen. Tuberville "try to just slow [the congressional vote] down . . . so that we can get ourselves into tomorrow."
138. Eventually, Officer Tabron learned the Congress had returned to their chambers complete the count of electoral votes. He followed someone up a set of stairs and out of the Capitol through doors on the side of the building, where he and his platoon reassembled and were transported back to MPD headquarters.

139. Officer Carter continued defending himself, other officers, and the tunnel. At the end of the night and the next day, as his adrenaline wore off, his hands and face were swollen and burning. His body was sore and aching, but he made it home.
140. The experience was traumatic and for a long time, he could not talk about what he had endured. It felt to him like war.
141. He was unable to watch the news or hear others talk about what happened for months. The physical toll faded with time, but the emotional toll has persisted. Officer Carter willed himself to survive the attack and continues to use that determination to manage the recurrent thoughts that haunt him.
142. When Officer Tabron finally did get home around midnight, he removed his chemical-soaked clothes, showered, and tried to sleep. But his mind raced, and his skin still reeked of chemicals the insurrectionists had sprayed on him throughout the day.
143. The chemical smell soaked into his skin was so potent, even his wife's eyes burned.
144. Officer Tabron reported for work at 6 a.m. on January 7. As the workday went on, Officer Tabron's wrist became stiffer and more painful. The MPD medical unit staff suspected he had sprained it and gave him a splint and a several days leave.
145. But an MRI revealed that Officer Tabron's wrist was broken. He had surgery, and placement of a plate and screws to fix the fracture and has had a long recovery.
146. He carries a heavy burden in the form of physical and emotional scars. Officer Tabron quietly replays the memory of being attacked in his mind but struggles to describe the full impact.
147. Officer Tabron has had a lengthy absence from work, and even as his wrist began to heal, efforts to return have been complicated by the lingering effects of his concussion.

148. Officer Tabron had a quick and nimble mind before January 6. But since, his thinking is slower, and his speech is slightly slurred from the concussion he suffered when the insurrectionists repeatedly struck him in the head.
149. He has had physical therapy and speech therapy for his injuries.
150. Officer Tabron suffers from insomnia, and when he can sleep, he frequently has nightmares and night terrors in which he is fighting for his life at what seemed like the end of the world.

F. Lawmakers in the Capitol Recognized Trump as the Instigator of the Attack

151. In the aftermath of the January 6 insurrection, leaders within Trump's own party publicly said that Trump's "big lie" about the election and his provocation of his followers caused the January 6 insurrection.
- a. In a February 18, 2021, statement, Sen. Mitt Romney (R-Utah) said, "I hear many calls for unity. It is apparent that calling for unity while at the same time appeasing the big lie of a stolen election is a fraud. It is the lie that caused the division. It is in the service of that lie that a mob invaded the Capitol on January 6th."
- b. On January 12, 2021, Liz Cheney (R-Wyo.), the third highest ranking Republican in the House of Representatives, said, "The President of the United States summoned this mob, assembled the mob, and lit the flame of this attack. Everything that followed was his doing. None of this would have happened without the President. The President could have immediately and forcefully intervened to stop the violence. He did not. There has never been a greater

betrayal by a President of the United States of his office and his oath to the Constitution.”

c. On Feb. 13, 2021, Senator Mitch McConnell (R-Ky.) said:

There’s no question, none, that President Trump is practically and morally responsible for provoking the events of the day.

The people who stormed this building believed they were acting on the wishes and instructions of their president, and having that belief was a foreseeable consequence of the growing crescendo of false statements, conspiracy theories and reckless hyperbole which the defeated president kept shouting into the largest megaphone on planet Earth. He did not do his job. He didn’t take steps so federal law could be faithfully executed and order restored. No. Instead, according to public reports, he watched television happily – happily – as the chaos unfolded. Even after it was clear to any reasonable observer that Vice President Pence was in serious danger.

McConnell also said:

President Trump is still liable for everything he did while he was in office, as an ordinary citizen, unless the statute of limitations has run, still liable for everything he did while in office, didn't get away with anything yet – yet.

We have a criminal justice system in this country. We have civil litigation. And former presidents are not immune from being held accountable by either one.

G. The Insurrectionists Have Since Stated They Stormed the Capitol at Trump’s Direction

152. Many of the rioters cited Trump’s words and conduct as the inspiration for their violent actions. For example, the day after the insurrection, Jacob Angeli Chansley (the “QAnon Shaman”) called the FBI to tell them that “he came as a part of a group effort, with other ‘patriots’ from Arizona, at the request of the President that all ‘patriots’ come to D.C. on January 6, 2021.” Later, Chansley’s lawyer Al Watkins said in an interview, “Let’s roll the tape. Let’s roll the months of lies, and misrepresentations and horrific innuendo and hyperbolic speech by our president designed to inflame, enrage, motivate . . . What’s

really curious is the reality that our president, as a matter of public record, invited these individuals, as president, to walk down to the Capitol with him.” He also said that Chansley “regrets very much having . . . just been duped by the president.”

153. Attorneys for Proud Boys member William Chrestman, said in court papers that Trump gave the mob “explicit permission and encouragement” to do what they did, providing those who obeyed him with “a viable defense against criminal liability.” They further stated on Chrestman’s behalf, “It is an astounding thing to imagine storming the United States Capitol with sticks and flags and bear spray, arrayed against armed and highly trained law enforcement. Only someone who thought they had an official endorsement would even attempt such a thing. And a Proud Boy who had been paying attention would very much believe he did.”

IV. LIABILITY

COUNT ONE (Directing Assault and Battery)

154. Bobby Tabron and DeDivine K. Carter adopt and incorporate the prior paragraphs as if set forth fully herein and further state:
155. Through his words and conduct described herein, Defendant, Donald J. Trump, directed and ratified the intentional torts of assault and battery committed by his followers on Bobby Tabron and DeDivine K. Carter.
156. As the leader of this violent mob, who took their cues from his campaign rhetoric and personal Tweets and traveled from around the country to the nation’s capital at Trump’s invitation for the January 6 rally, Trump was in a position of extraordinary influence over his followers, who committed assault and battery on Bobby Tabron and DeDivine K. Carter.

157. Trump, by his words and conduct, directed the mob that stormed the Capitol and assaulted and battered Bobby Tabron and DeDivine K. Carter.
158. For several hours after the mob had stormed the Capitol, Trump had the continuing ability to issue statements through traditional media and his personal Twitter account but refused to communicate anything to his followers that might discourage their relentless assault and battery on Bobby Tabron, DeDivine K. Carter and their fellow officers at the Capitol. Trump thereby ratified the conduct of his followers and ensured that the assaults on the Plaintiffs and fellow officers would last much longer, worsening the physical and emotional injuries of the Plaintiffs and other officers.
159. When he finally did make statements late in the afternoon, Trump further ratified the tortious conduct when he again said that the election had been stolen by fraud, and that his followers had every reason to be angry, and by announcing support, praise, and love for his followers.
160. It appeared to Bobby Tabron and DeDivine K. Carter that Trump's followers then had the ability to carry out the harmful and offensive contact.
161. The words and conduct of Trump's followers caused Bobby Tabron and DeDivine K. Carter to fear imminent physical harm.
162. Trump's followers committed battery, and unlawfully and intentionally touched and used force on Plaintiffs in a harmful, offensive, and insulting way.
163. Trump's followers directly contacted, struck, put into motion objects that directly hit Bobby Tabron and DeDivine K. Carter, and sprayed them with chemical agents that burned their exposed eyes, face, and body.

164. Bobby Tabron and DeDivine K. Carter suffered physical injuries because of the batteries to which they were subjected.
165. Had Trump committed directly the conduct committed by his followers, it would have subjected Trump to direct liability.
166. The unlawful and intentional acts that Defendant directed his followers to commit on January 6, 2021, were a direct and proximate cause of Bobby Tabron and DeDivine K. Carter's injuries, pain, suffering, and other damages.

COUNT TWO
(Aiding and Abetting Assault and Battery)

167. Bobby Tabron and DeDivine K. Carter adopt and incorporate the prior paragraphs as if set forth fully herein and further state:
168. Through his words and conduct described throughout this Complaint, Defendant, Donald J. Trump, aided and abetted the intentional torts of assault and battery committed by his followers on Bobby Tabron and DeDivine K. Carter as described in Count One.
169. Trump aided and abetted his followers' assault and battery on Bobby Tabron and DeDivine K. Carter through his suggestive words and encouragement leading up to and on January 6, 2021, which were spoken from his position of the leader of a powerful political movement, including a private militia that was expressly "standing by" for his call to action, and gave his message extra weight.
170. Trump's words and encouragement leading up to and on January 6, 2021, created a foreseeable risk of harm to Bobby Tabron and DeDivine K. Carter.
171. Had Trump committed directly the conduct committed by his followers, it would have subjected Trump to direct liability.

172. The unlawful and intentional acts that Trump aided and abetted his followers to commit on January 6, 2021, were a direct and proximate cause of Bobby Tabron and DeDivine K. Carter's injuries, pain, suffering, and other damages.

COUNT THREE
(Violation of a Public Safety Statute: D.C. Code § 22-1322 – Inciting to Riot)

173. Bobby Tabron and DeDivine K. Carter adopt and incorporate the prior paragraphs as if set forth fully herein and further state:
174. Defendant, Donald J. Trump, is per se liable for his violation of two District of Columbia public safety statutes on January 6, 2021.
175. D.C. Code § 22-1322(b) makes it a criminal offense to willfully incite or urge other persons to engage in a riot.
176. The statute defines a "riot" as "a public disturbance involving an assemblage of 5 or more persons which by tumultuous and violent conduct or the threat thereof creates grave danger of damage or injury to property or persons." D.C. Code § 22-1322(a).
177. D.C. Code § 22-1322 was enacted to protect public safety officials and others from violence caused by rioting.
178. Through his words in the months during the 2020 presidential election and speaking from his position as the leader of a powerful political movement, including a private militia that was expressly "standing by," Trump planted the seeds to create a public disturbance which by tumultuous and violent conduct or the threat thereof would create grave danger or injury to property and persons.
179. More particularly, on the morning of January 6, 2021, Trump addressed his followers at the rally at the Ellipse, and explicitly directed them to march to the Capitol.

180. Defendant's followers, already primed by his months of inflammatory rhetoric, were spurred to direct action.
181. Defendant's words and conduct violated D.C. Code §§ 22-1322(b) and were a cause of tumultuous and violent conduct that created grave danger of damage or injury to property or persons, including Bobby Tabron and DeDivine K. Carter.
182. Defendant, by violating this statute, is liable per se and thereby liable for Bobby Tabron and DeDivine K. Carter's injuries and damages.

COUNT FOUR
(Violation of a Public Safety Statute:
D.C. Code § 22-1321 (a)(1), (a)(2), and (b) – Disorderly Conduct)

183. Bobby Tabron and DeDivine K. Carter adopt and incorporate the prior paragraphs as if set forth fully herein and further state:
184. Defendant, Donald J. Trump, is per se liable for his violation of two District of Columbia public safety statutes on January 6, 2021.
185. On January 6, 2021, there was in effect in the District of Columbia a statute that was enacted to protect Bobby Tabron and DeDivine K. Carter, and persons in their position, and to prevent the type of events that are described herein.
186. D.C. Code § 22-1321 (a)(1) makes it unlawful, in any place open to the general public, for a person to intentionally or recklessly act in such a manner as to cause another person to be in reasonable fear that a person is likely to be harmed.
187. D.C. Code § 22-1321 (a)(2) makes it unlawful, in any place open to the general public, for a person to incite or provoke violence where there is a likelihood that such violence will ensue.

188. D.C. Code § 22-1321(b) makes it unlawful “for a person to engage in loud, threatening, or abusive language, or disruptive conduct, with the intent and effect of impeding or disrupting the orderly conduct of a lawful public gathering.”
189. Bobby Tabron and DeDivine K. Carter are among the members of the class that the statute was enacted to protect.
190. Through his words in the months following the 2020 presidential election and speaking from his position as the leader of a powerful political movement, including a private militia that was expressly “standing by,” Defendant planted the seeds that made likely the violence that was unleashed on Bobby Tabron and DeDivine K. Carter on January 6, 2021.
191. Defendant repeatedly asserted that he and his followers were victims of a massive fraud and conspiracy that had resulted in the theft of the 2020 Presidential election.
192. More particularly, on the morning of January 6, 2021, Defendant addressed his followers at the Ellipse, and explicitly directed them to march to the Capitol.
193. Defendant’s words, when he spoke to them, were words likely to produce violence in others.
194. Defendant’s followers, already primed by his months of inflammatory rhetoric, were spurred to direct action.
195. By directing his followers as he did leading up to and on January 6, 2021, Defendant intentionally and recklessly acted in such a manner as to cause Bobby Tabron and DeDivine K. Carter to be in reasonable fear that they were likely to be harmed.

196. Defendant's provocative words and actions leading up to and on January 6, 2021, were likely to incite and provoke violence in others and did in fact incite and provoke violence directed at Bobby Tabron and DeDivine K. Carter.
197. Defendant's loud, threatening, and abusive language and conduct leading up to and on January 6, 2021, were intended to and did impede and disrupt the orderly conduct of the lawful public gathering to count the certified electoral votes to declare Joe Biden the winner of the 2020 presidential election.
198. Defendant's words and conduct in the months before and on January 6, 2021, violated D.C. Code § 1321 and were a cause of the violence that ensued in places in the District of Columbia open to the general public.
199. Defendant's violation of D.C. Code § 1321 caused severe injury and damages to Bobby Tabron and DeDivine K. Carter.
200. Defendant, by violating this statute, is per se liable for Bobby Tabron and DeDivine K. Carter's injuries and damages.

COUNT FIVE
(Punitive Damages)

201. Bobby Tabron and DeDivine K. Carter adopt and incorporate the prior paragraphs as if set forth fully herein.
202. Trump's words and conduct leading up to and on January 6, 2021, and his ratification through silence when words and action were necessary, and his further ratification by direct praise of the rioters, as set forth herein, demonstrated a willful and wanton disregard for and a reckless indifference to Bobby Tabron and DeDivine K. Carter's safety and that of their fellow officers.

203. Trump’s words and conduct leading up to and on January 6, 2021, were intentionally tortious and in violation of federal and D.C. statutes.
204. His words and conduct gave direction to and aided and abetted his followers in the commission of intentional torts of assault, battery, and intentional infliction of emotional distress that caused injury to Bobby Tabron and DeDivine K. Carter.
205. Those words and conduct incited the riot and disorderly conduct in violation of D.C. law on January 6, 2021, that caused injury to Bobby Tabron and DeDivine K. Carter.
206. Accordingly, Bobby Tabron and DeDivine K. Carter request punitive damages in an amount consistent with the evidence to be shown at trial against Trump to punish him for his intentional and wanton and reckless conduct, and to deter others from engaging in similar behavior.

COUNT SIX
(Conspiracy in Violation of 42 U.S.C. §1985(1))

207. Bobby Tabron and DeDivine K. Carter adopt and incorporate the prior paragraphs as if set forth fully herein.
208. The Reconstruction-era law known as the Ku Klux Klan Act, 42 U.S.C. §1985(1) “Preventing Officer from Performing Duties,” defines conspiracy to interfere with civil rights:

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties[.]

209. Under 42 U.S.C. §1985(3):

[I]f one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

210. On information and belief, Defendant Trump agreed and conspired with his followers to stage an attack on the Capitol to prevent Congress and Vice President Mike Pence, by force, intimidation, or threat, from discharging their duties of certifying the winners of the 2020 presidential election. Trump and his followers further agreed and conspired to prevent, by force, intimidation, or threat, Joseph Biden, and Kamala Harris from accepting and/or holding their respective offices as President and Vice President.

211. As described more fully above, communications between the co-conspirators began as early as September 2020. The Proud Boys were then “standing by” on December 19, when Defendant Trump publicized the “Stop the Steal” Rally and called for attendees to “be there” as it “will be wild!”.

212. The Proud Boys, Oath Keepers, and other militia members then took overt acts in furtherance of a conspiracy to—in the words of Oath Keeper Kelly Meggs—“work together and shut this shit down.” “[S]hut this shit down” referred to a plan to accomplish the objective of a Section 1985(1) conspiracy—using force, intimidation, and threats to prevent Congress and Vice President Mike Pence from discharging their duties of certifying the winners of the 2020 presidential election as well as using force, intimidation, and threats to prevent Joseph Biden and Kamala Harris from accepting and/or holding their respective offices as President and Vice President.

213. Members of the conspiracy engaged in multiple meetings directed at accomplishing the object of the conspiracy; obtained paramilitary gear and supplies included tactical vests, protective equipment, and radio equipment; and took steps to remain incognito and mask their participation in the conspiracy.
214. When the militia conspirators converged on the District of Columbia, Defendant Trump knowingly gave a speech urging them, among other things, that “when you catch someone in a fraud, you’re allowed to go by very different rules” and “if you don’t fight like hell, you’re not going to have a country anymore,” the natural and probable consequence of which would be to lead the mob to storm the Capitol and accomplish the objective of a Section 1985(1) conspiracy—using force, intimidation, and threats to prevent Congress and Vice President Mike Pence from discharging their duties of certifying the winners of the 2020 presidential election as well as using force, intimidation, and threats to prevent Joseph Biden and Kamala Harris from accepting and/or holding their respective offices as President and Vice President.
215. On information and belief, Defendant Trump intended the natural and probable consequences of the act he knowingly did, namely the use of force, intimidation, and threats to prevent Congress and Vice President Mike Pence from discharging their duties of certifying the winners of the 2020 presidential election as well as the use of force, intimidation, and threats to prevent Joseph Biden and Kamala Harris from accepting and/or holding their respective offices as President and Vice President. That intent, and approval of the events of January 6th, is further confirmed by, among other things, his delight when hearing of the Capitol break-in as well as his excitement that militia members were pushing against Capitol Police trying to get into the Capitol Building.

216. When Proud Boy Dominic Pezzola stated that he knew that the Proud Boys could “take this motherfucker over [if we] just tried hard enough,” he was referring to a common plan to accomplish the objective of a Section 1985(1) conspiracy—using force, intimidation, and threats to prevent Congress and Vice President Mike Pence from discharging their duties of certifying the winners of the 2020 presidential election as well as using force, intimidation, and threats to prevent Joseph Biden and Kamala Harris from accepting and/or holding their respective offices as President and Vice President.
217. When Jessica Marie Watkins, a member of the Oath Keepers, stated on an Oath Keeper communication channel that “We have a good group We are sticking together and sticking to the plan,” she was referring to a plan to accomplish the objective of a Section 1985(1) conspiracy—using force, intimidation, and threats to prevent Congress and Vice President Mike Pence from discharging their duties of certifying the winners of the 2020 presidential election as well as using force, intimidation, and threats to prevent Joseph Biden and Kamala Harris from accepting and/or holding their respective offices as President and Vice President.
218. In leading an attack on the Capitol, the Defendant Trump’s co-conspirators took overt acts in furtherance of their conspiracy with Defendant Trump. Those overt acts caused Bobby Tabron and DeDivine K. Carter to suffer severe injuries.

COUNT EIGHT
(Civil Conspiracy in Violation of Common Law)

219. Bobby Tabron and DeDivine K. Carter adopt and incorporate the prior paragraphs as if set forth fully herein.

220. As described above, Defendant Trump conspired with the Proud Boys and others to, among other things, incite an unlawful riot on January 6 with the goal of disrupting congressional certification of President Biden's electoral victory.
221. In furtherance of that conspiracy, one or more conspirators engaged in a riot and stormed the Capitol on January 6.
222. As a direct, proximate, and foreseeable result of that conspiracy, Bobby Tabron and DeDivine K. Carter suffered severe injuries.

V. PRAYER FOR RELIEF

WHEREFORE, Bobby Tabron and DeDivine K. Carter demand an award of the following relief:

- a. Judgment against Donald J. Trump on all Counts set forth herein;
- b. Compensatory damages in an amount consistent with the evidence to be shown at trial, in excess of \$75,000 for each of them, plus interest and costs;
- c. Punitive damages in an amount consistent with the evidence to be shown at trial, plus interest and costs;
- d. Costs and reasonable attorney's fees pursuant to 42 U.S.C. § 1988, and
- e. Such other relief as the Court and jury deem necessary and just.

Respectfully submitted,

/s/ Patrick A. Malone

Patrick A. Malone (Bar No. 397142)

Daniel Scialpi (Bar No. 997556)

Heather J. Kelly (Bar No. 453154)

PATRICK MALONE & ASSOCIATES, P.C.

1310 L Street, N.W., Suite 800

Washington, D.C. 20005

P: 202-742-1500

F: 202-742-1515

pmalone@patrickmalonelaw.com

dscialpi@patrickmalonelaw.com
hkelly@patrickmalonelaw.com

JURY DEMAND

The Plaintiffs demand trial by jury.

/s/ Patrick A. Malone
Patrick A. Malone, Esq.