

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

CIDER RIOT, LLC; and ABRAM)	
GOLDMAN-ARMSTRONG,)	Case No. 19CV20231
)	
Plaintiffs)	AMENDED COMPLAINT
)	
v.)	(Negligence; Trespass; Intentional Infliction of
)	Emotional Distress; and Intentional
)	Interference with Economic Relations)
PATRIOT PRAYER USA, LLC; JOSEPH)	
“JOEY” GIBSON; IAN KRAMER;)	Damages: \$1,000,000
CHRISTOPHER PONTE; DAVID WILLIS;)	Filing Fee Subject to ORS 21.160(1)(c)
MACKENZIE LEWIS; MATTHEW)	(Not Subject to Mandatory Arbitration)
COOPER; and JOHN DOES 1-25.)	
Defendants)	Jury Trial Demanded

Plaintiffs alleges:

INTRODUCTION

1.

Following the election of Donald Trump far-right extremists have rallied across the country for the causes of white supremacy, white nationalism, and general xenophobia. Since its formation in 2016, the right-wing extremist group Defendant Patriot Prayer USA, LLC marked Portland as a target for violent intimidation. This intimidation serves to shutdown public democratic spaces through incitements of violence. Defendant Joseph Gibson then uses these self-initiated conflicts to fundraise. With their terror-campaign, Defendant Gibson and his acolytes, including Defendant Ian Kramer, have demonstrated a pattern and practice of

1 flouting local, state, and federal law to injure their perceived political enemies. This behavior
2 inevitably lead to the repeated, unwanted violence inflicted upon Plaintiffs.

3 **PARTIES**

4 2.

5 Plaintiff Cider Riot, LLC is an Oregon business located in Portland, Multnomah
6 County, Oregon, with the capacity to sue.

7 3.

8 Plaintiff Abram Goldman-Armstrong owns and operates Cider Riot, LLC.

9 4.

10 Defendant Patriot Prayer USA, LLC is incorporated in Washington State, with the
11 capacity to be sued. Their principal agent is Joseph “Joey” Gibson.

12 5.

13 Defendant Joseph “Joey” Gibson is a resident of Washington State who runs, operates,
14 and fundraises for Patriot Prayer USA, LLC. Defendant Gibson has operated Patriot Prayer
15 activities prior to Patriot Prayer USA, LLC’s incorporation.

16 6.

17 Defendant David Willis is a resident of Lincoln County, Oregon. He has participated in
18 Patriot Prayer activities since its inception.

19 7.

20 Defendant Ian Kramer is a resident of Multnomah County, Oregon. He has participated
21 in Patriot Prayer activities since its inception.

22 ///

23 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

8.

Defendant Chris Ponte is a resident of Clackamas County, Oregon. He has participated in Patriot Prayer activities since its inception.

9.

Matthew Demetrius Cooper is a resident of Multnomah County, Oregon. He has participated in Patriot Prayer activities since its inception.

10.

Plaintiffs do not know the legal names of Defendants John Does 1-25, and will sue them under fictitious names. John Does 1-25 are any persons who directed, conspired, neglected to prevent, or engaged in the tortious conduct described below.

COUNT 1: NEGLIGENCE

11.

Plaintiff Cider Riot is an Oregon business that specializes in making craft ciders from Northwest apples, and in providing a safe space for people to enjoy them. Their business operates on NE Couch St., in Portland, OR. Their business features a bar, brewery, and indoor or outdoor drinking areas for patrons.

12.

As described below, Patriot Prayer and Gibson's tactics vary from convening protesters to intimidate minorities, immigrants and/or leftists, to direct violence, to campaigns of terror under cover of night. Patriot Prayer exists as a cipher for other violent groups to conduct paramilitary actions in the Portland metro area. Their activities have culminated in a number of protests marked by state and right-wing violence. Patriot Prayer's strategy and intent for doing so is to a) force a confrontation with leftist groups, b) utilize police departments and

1 city governments into imposing harsh crowd control measures on leftists, and c) intimidate
2 groups into not showing up.

3 13.

4 Patriot Prayer's tactics pivoted after October 2018, when their followers were
5 photographed committing assaults on antifascists. On January 19, 2019, Defendant Gibson
6 attempted to violently trespass on the International Workers of the World Union Hall. The
7 night prior, on January 18, 2019, Patriot Prayer attempted to disrupt a meeting of the
8 Democratic Socialists of America at the same IWW Union Hall.
9

10 14.

11 While Gibson had always advocated for the direct removal of masks worn by
12 antifascists,¹ his zeal heightened during this period, and Gibson launched a campaign on
13 Facebook calling for such batteries. On January 19, 2019, Gibson and his followers violently
14 battered people on East Burnside. Gibson and Hayley Adams, a frequent fixture at Patriot
15 Prayer events, directed Patriot Prayer members to cross East Burnside and attack onlookers.
16 After a worker at a shop across the street pulled the battery victims into their business, Patriot
17 Prayer members began banging on the business's windows, trespassing in an attempt to
18 menace. Later that day, Gibson was seen doing the same exact thing to an anarchist affinity
19 group at a "March For Life" anti-abortion rally.
20

21 15.

22 Shortly after these incidents, on January 24, 2019, three locations in Portland,
23 including Plaintiff Cider Riot, were vandalized with graffiti. At Cider Riot, Defendants had
24 either participated in, directed, conspired, or engaged in conduct that foreseeably lead to the
25

26 _____
27 ¹ A recent example of this tactic can be found here:
<https://twitter.com/Kherman112/status/1102342852959297536>

1 spray-painting of “Fuck Antifa” on its walls. Additionally, X's were placed on the business's
2 windows and a mural. The IWW Union Hall was also vandalized with graffiti and one of the
3 front-windows was smashed. The graffiti read “ANTIFA HOUSE” and “SMASH
4 COMMUNISM” on it. Lastly, the Democratic Party of Oregon’s building was vandalized.

5
6 16.

7 Later that night, Gibson showed up at the IWW Union Hall once again, this time to
8 denounce the vandalism as a “false-flag” aimed at discrediting his organization. Gibson then
9 announced his intention to show up at any antifascist event in Portland with Patriot Prayer.

10 17.

11 Leading up to May 1, 2019, Defendants Gibson coordinated with Patriot Prayer
12 members to arrive at Cider Riot in the afternoon. Defendant Willis likewise organized people
13 to “take the fight to Antifa,” coordinating people to arrive at Cider Riot in the evening on May
14 1, 2019. In previous online messages, Willis had announced his intent to “cleanse the streets”
15 with violence against putative antifascists. Cider Riot was hosting a May Day/International
16 Worker’s Day celebration. Defendants were spoiling for a fight.

17
18 18.

19 Gibson spent the earlier portion of May 1, 2019 attempting to bait confrontations with
20 demonstrators attending rallies and marches throughout Portland.

21 19.

22 Defendants arrived at Cider Riot at approximately 7:30 pm on May 1, 2019. Upon
23 arrival, Gibson began harassing and menacing patrons at Cider Riot.

24
25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

20.

Gibson livestreamed this encounter on his Facebook page. Often, when Gibson livestreams his activities, he appends a link to a personal donations page. On his livestream from this particular event, he introduced Cider Riot as “Antifa central,” then asked his followers to look into the business, its owners, and its landlord. He then told his audience that “If they cared about Portland... take care of this establishment.”

21.

Gibson and Defendant Mackenzie Lewis battered one individual in an effort to “demask” the person. After individually harassing the patrons of Cider Riot, Gibson’s crew of approximately 20 people, most clad in armor and visibly carrying weapons, join him in the harassment. One Patriot Prayer member began pepper-spraying Cider Riot’s patrons. In self-defense, the patrons used pepper-spray to repel the Patriot Prayer members.

22.

Gibson then facilitated and refereed a street fight between two persons outside of Cider Riot. He dictated the rules, and kept others from intervening while livestreaming to his followers.

23.

Gibson continued to antagonize the patrons at Cider Riot, whom were trying to force his retreat. Gibson encouraged his followers to continue to fight individuals. Defendant Matthew Cooper accepted Gibson’s call, and battered Plaintiffs’ patrons and attempted to intimidate them. Defendant Ian Kramer, a frequenter of Patriot Prayer rallies and associate of Gibson, used a baton to crack a Cider Riot patron on the head, knocking her unconscious. Upon information and belief, she suffered a serious vertebrae fracture.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

24.

Gibson directed his group to back up, but continued to livestream and harass Cider Riot patrons while acknowledging the battery.

25.

Despite the violence they had wrought, on multiple Facebook posts, Patriot Prayer and Gibson have vowed to return to Cider Riot. Since filing their initial Complaint against Defendants, Plaintiffs have suffered a persistent stream of harassment directed at them by Defendant Gibson. In a Facebook post on May 4, 2019, Defendant Gibson posted a frivolous call to his followers to submit false reports to the Oregon Liquor Control Commission. His followers, including John Does 1-25, have also posted comments revealing the names and addresses to Plaintiffs' business partners in an effort to encourage harassment. As recently as 12:46 pm on the date of filing this Amended Complaint, Gibson has called on his followers to harass businesses that sell Plaintiffs' products.

26.

Plaintiffs have been harmed by Patriot Prayers repeated, unwanted, alarming, and violent contacts with their business. Citing threats of violence, Cider Riot has had to increase security, give staff additional training on safety in case of another Patriot Prayer attack, and has lost business. Cider Riot will also need to respond to the frivolous OLCC complaints.

27.

Given the repeated extreme incitements of violence against perceived political enemies, it was foreseeable that Defendants' actions would lead to harm to Cider Riot. Defendants engaged in conduct, including but not limited to directing, conspiring, neglecting to prevent, or engaging in conduct that foreseeably lead to the injuries described above. This conduct

1 directly and proximately caused these injuries. Despite knowledge of the risk of harm to
2 Plaintiffs, and the foreseeability of this injury, Defendant breached their duty owed to
3 Plaintiffs, damaging them.

4 28.

5 Plaintiffs now seeks damages not to exceed \$1,000,000 for compensatory damages,
6 including but not limited to economic losses for additional security, clean-up, and lost profits,
7 and non-economic losses for emotional distress, and punitive damages where needed to deter
8 this tortious conduct. Plaintiffs also seek an order enjoining Defendants from entering within
9 a reasonable distance from their establishment. Plaintiffs should be awarded their costs,
10 including expert fees, against defendants.
11

12 **COUNT 2: TRESPASS**

13 29.

14 Plaintiff realleges and incorporates paragraphs 1-27.

15 30.

16 Plaintiffs lawfully possessed and retained control of the property where Cider Riot
17 resides.
18

19 31.

20 On May 1, 2019, Defendants did unlawfully interfere with this right of possession by
21 pepper-spraying into the crowd, onto Cider Riot's property, by holding street brawls outside,
22 and by engaging in harmful batteries against its patrons immediately adjacent to the property.
23

24 32.

25 Plaintiffs now seeks damages not to exceed \$1,000,000 for compensatory damages,
26 including but not limited to economic losses for additional security, clean-up, and lost profits,
27

1 and non-economic losses for emotional distress, and punitive damages where needed to deter
2 this tortious conduct. Plaintiffs also seek an order enjoining Defendants from entering within
3 a reasonable distance from their establishment. Plaintiffs should be awarded their costs,
4 including expert fees, against defendants.

5 **COUNT 3: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

6 33.

7 Plaintiff realleges and incorporates paragraphs 1-29.

8 34.

9 As described above, Defendants and their agents intentionally and/or with reckless
10 disregard inflicted severe emotional distress on Plaintiffs.

11 35.

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

14 36.

15 Plaintiffs now seeks damages not to exceed \$1,000,000 for compensatory damages,
16 including but not limited to economic losses for additional security, clean-up, and lost profits,
17 and non-economic losses for emotional distress, and punitive damages where needed to deter
18 this tortious conduct. Plaintiffs also seek an order enjoining Defendants from entering within
19 a reasonable distance from their establishment. Plaintiffs should be awarded their costs,
20 including expert fees, against defendants.

21 **COUNT 4: INTENTIONAL INTERFERENCE WITH ECONOMIC RELATIONS**

22 37.

23 Plaintiffs realleges and incorporates paragraphs 1-36.

38.

As described above, Defendants have intentionally attempted to interfere with Plaintiffs' business relationships with their patrons through the improper means of direct on-site harassment, through the harassment of their investors, and through calls to file frivolous complaints with OLCC. Defendants conduct has harmed Plaintiffs' economic relationships through their actions.

39.

Plaintiffs now seeks damages not to exceed \$1,000,000 for compensatory damages, including but not limited to economic losses for additional security, clean-up, and lost profits, and non-economic losses for emotional distress, and punitive damages where needed to deter this tortious conduct. Plaintiffs also seek an order enjoining Defendants from entering within a reasonable distance from their establishment. Plaintiffs should be awarded their costs, including expert fees, against defendants.

WHEREFORE, Plaintiffs prays for their costs and disbursements incurred herein and for the following in accordance with the proof at trial:

1. Economic damages;
2. Non-economic damages;
3. Injunctive relief; and
4. Any other relief the court deems proper.

DATED: May 6, 2019.

/s/ Juan C. Chavez
Juan C. Chavez, OSB #136428
jchavez@ojrc.info

/s/ Alex Meggitt
Alex Meggitt, OSB # 174131
ameggitt@ojrc.info

Oregon Justice Resource Center
(503) 944-2270