

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Case No.

People of the State of New York, by ERIC T. SCHNEIDERMAN, Attorney General of the State of New York,

17-cv-3706

COMPLAINT

Plaintiff,

-against-

Kenneth Griep, Ronald George, Patricia Musco, Randall Doe, Osayinwense N. Okuonghae, Anne Kaminsky, Brian George, Sharon Doe, Deborah M. Ryan, Angela Braxton, Jasmine LaLande, Dorothy Rothar, Prisca Joseph, and Scott Fitchett, Jr.

Defendants.

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PRELIMINARY STATEMENT

1. Plaintiff the People of the State of New York, by Eric T. Schneiderman, Attorney General of the State of New York (“OAG”), brings this action to end a weekly pattern of threatening, obstructive, and violent activity by a network of anti-abortion protesters at Choices Women’s Medical Center (“Choices”), 147-32 Jamaica Avenue, Jamaica, New York.

2. Choices is an outpatient surgery center that provides, in addition to abortion care, a full array of medical services for women. The protesters’ singular purpose is to prevent women from receiving the reproductive health-care services offered at Choices.

3. Since 2012, protesters have subjected incoming patients to a barrage of unwanted physical contact, as well as verbal abuse, threats of harm, and lies about the clinic’s hours and its services. Protesters descend on approaching patients to harangue them, sometimes pinning them against the clinic’s exterior wall or parking meters, and even forcing them into the street and oncoming traffic as they try to escape the protesters. Some protesters go so far as to touch or grab

at patients to get their attention and force printed anti-choice materials on them. The protesters also crowd patients arriving by car, using their bodies to block the passenger-side doors and thrusting their heads and hands through open windows in an effort to force their literature inside. Protesters deliberately collide into volunteer escorts who attempt to shield patients from unwanted physical contact and vitriol, pushing and shoving patients in the process.

4. Anti-choice protesters also make violent threats against both escorts and patients. Invoking terrorist attacks and murderous assaults on abortion clinics, the protesters warn that the same fate may befall patients and escorts. They have recorded license plates of patients and staff and, on at least one occasion, announced where a staff member lived. Certain protesters also film patients and staff entering the facility, and threaten to post images online and make them targets of other anti-choice militants.

5. In light of the history of abortion-clinic violence over the last several decades, these threats place the recipients in fear of imminent bodily harm. As a result, the protesters' obstructive tactics have their intended effect and routinely deter or delay patients who are attempting to access medically necessary care.

6. Meanwhile, escorts arrive at dawn each Saturday and attempt to shield patients from protester vitriol, clear a path to the clinic's entrance, and reduce the trauma of navigating the hostile environment. Yet this is often not enough. Patients regularly arrive at Choices shaken and scared. Some patients need to delay their appointments because they are crying, trembling, and in need of counseling. Some are deterred from returning to the clinic on a later date for follow-up services or other medically necessary care. Still others believe the lies about the clinic's services or hours of operation and simply leave before even entering Choices.

7. Mirroring a national trend of rising anti-abortion violence, the protest activity at Choices has become increasingly aggressive in the past year, prompting clinic staff to call the police on several occasions. Police officers have indicated to Choices staff that they are constrained from stopping this aggressive conduct unless they personally witness the commission of a crime. The anti-abortion protesters at Choices are thus emboldened by the perception that no laws restrict their efforts to prevent women from accessing reproductive health-care services.

8. To put a stop to this illegal and harmful conduct, the OAG brings this action for injunctive relief and damages pursuant to the Freedom of Access to Clinic Entrances Act, 18 U.S.C. § 248 (“FACE”), the New York Clinic Access Act, N.Y. Civ. Rights Law § 79-m (“NY Clinic Access Act”)¹, and the New York City Access to Reproductive Health Care Facilities Act, N.Y.C. Admin. Code §§ 8-803 and 8-804, (“NYC Clinic Access Act”).

9. The OAG seeks to enjoin the Defendants, as well as all those acting in concert with them, from engaging in protest activity within sixteen feet of the Choices’ premises, including the physical obstruction or use of force or threats of force to injure, intimidate, discourage and/or interfere with or attempt to injure, intimidate, discourage and/or interfere with persons who are seeking to obtain or provide reproductive health care at Choices. Unless enjoined, the protesters’ illegal conduct will continue to present a grave risk of irreparable harm to the legal rights and health and safety of patients seeking reproductive health care at Choices and the staff providing such services. As a proximate result of the anti-choice protesters’ actions, these individuals continue to suffer irreparable loss and injury, including but not limited to loss of access to reproductive health care and physical and emotional distress.

JURISDICTION AND VENUE

¹ The NY Clinic Access Act is codified in two parts of New York law: the Penal Law defines the prohibited conduct, N.Y. Penal Law §§ 240.70-240.71, and the Civil Rights Law authorizes the Attorney General to seek an injunction against that conduct, N.Y. Civ. Rights Law § 79-m.

10. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction to adjudicate Plaintiff's state and city law claims.

11. Venue lies in this district pursuant to 28 U.S.C. § 1391(b) because the events giving rise to the claims set forth herein have occurred and will occur in this district.

PARTIES

Plaintiff

12. Plaintiff, the People of the State of New York, is represented by its chief law enforcement officer, Eric T. Schneiderman, Attorney General of the State of New York. Pursuant to FACE and the NY Clinic Access Act, the Attorney General is authorized to commence a civil action where, as here, the Attorney General has reasonable cause to believe that persons within the State of New York may be injured by conduct that constitutes a violation of those laws. Further, pursuant to New York Executive Law § 63(1), as well as the Attorney General's inherent *parens patriae* authority, the Attorney General is authorized to commence legal action to enjoin ongoing violations of the NYC Clinic Access Act.

Defendants

13. Defendants are identified and discussed below, in the order in which they appear in the case caption. Overall, Defendants are a loose alliance of individuals associated with Church at the Rock in Brooklyn, New York; Grace Baptist Church in Woodhaven, New York; Helpers of God's Precious Infants in Brooklyn, New York; Bright Dawn Ministries in Brooklyn, New York; and protesters with no apparent group affiliation.

14. Defendants also act in concert with a consortium of anti-choice protesters whose total membership numbers have fluctuated between twenty-five to sixty-five individuals at any given time over the last four years.² Together they intimidate, threaten, harass, and interfere with patients and staff who seek to enter Choices, with the objective of obstructing the delivery of, and access to, reproductive health-care services.

15. Defendants engage in various types of illegal conduct—often within fifteen feet of the Choices entrance—as follows.

Anti-choice protesters from Church at the Rock (Canarsie, New York)

16. Defendant Kenneth Griep is Senior Pastor of Church at the Rock, a non-denominational Christian church situated at 1280 East 92nd Street, Brooklyn, New York 11236. On a weekly basis since the Spring of 2012 through the present, Defendant Kenneth Griep has led and directed approximately twenty-three Church at the Rock members and other unaffiliated protesters in illegal activity aimed at interfering with access to reproductive health care. Defendant Kenneth Griep's conduct includes obtaining three-by-five foot placards that church members and others use to block the path of individuals seeking to walk into the facility; directing

² These individuals are variously affiliated with Church at the Rock in Brooklyn, New York; Grace Baptist Church in Woodhaven, New York; Grace Reformed Baptist Church of Long Island in Merrick, New York; Syosset Gospel Church in Syosset, New York; Helpers of God's Precious Infants in Brooklyn, New York; Bright Dawn Ministries in Brooklyn, New York, and protesters with no apparent group affiliation. The OAG has identified approximately twenty-three protesters acting in concert with Defendants associated with Church at the Rock, including Lois Griep, Daniel Griep, Steven Griep, Esther Griep Kotze, Eugene Kotze, Terrance Collier, John Noel (together with his three minor sons), Bernice Davis Boothe-Alcindor, Terresia Atkinson, Paul Atkinson, Andrea Atkinson, Marie Doe, Charlene Doe, Evelyn Doe, Natalie Doe, and Jane Doe Protesters 1 through 5. The OAG also has identified two additional protesters, Peter Nicotra and Jane Doe Protester 6, acting in concert with Defendants associated with Grace Baptist Church. Defendants collectively act in concert with protesters associated with Grace Reformed Baptist Church of Long Island and Syosset Gospel Church. To date, the OAG has identified five protesters associated with Grace Reformed Baptist Church of Long Island, including Marc Grimaldi, Jonathan Devito, James Evak, Michael Arash Artan, and Donya Lovell; and four protesters associated with Syosset Gospel Church, including Michael Stephens, Anthony Peccia, Gary Rosenblatt, and Erika Steffens Peccia. The OAG has identified nineteen protesters with no discernable affiliation who act in concert with all named Defendants, collectively. They include: John Doe Protesters 1 through 7, Daniel Courney, Jose L. Abreu, Alex Solis, Marilyn Nevarez, Andy Martinez, Benito Contreras, Robert Parker, Matthew Tringali, Phil Sessa, Daniel Ramirez, Jah-Døn A. Hart, Kelvin Candelario, and Lauren Delapenha.

Church at the Rock members to position themselves near the Choices entrance so as to physically obstruct clinic access and make it unreasonably difficult or hazardous for individuals to enter; using said placards and his body to block the path of individuals attempting to enter Choices; chasing and crowding patients as they approach the building, in an attempt to disseminate anti-choice literature while ignoring patient pleas to be left alone; filming patients and escorts outside of the Choices facility; and following and harassing clinic escorts and patients within fifteen feet of the facility.

17. Defendant Ronald George is a member and Pastor at Church at the Rock. On a weekly basis since 2012 until present, Defendant Ronald George, in concert with Church at the Rock members and others, has engaged in illegal conduct including, making threats of violence to clinic patients, staff, and escorts; deliberately colliding with, forcefully shoving, and stepping on the feet of clinic escorts in an effort to get close to patients as they approach the clinic; stationing himself immediately next to the passenger side of arriving vehicles so as to obstruct the passenger's egress; physically leaning into said vehicles so as to provide unwanted anti-choice literature and harass patients and their companions; blocking patient access to the clinic entrance; coordinating with and inciting passersby to engage in threatening speech directed at clinic escorts; filming patients, escorts, and staff; intimidating and harassing patients, clinic escorts, and staff within fifteen feet of the premises; and propagating false information about the purported link between abortion and suicide.

18. Defendant Patricia Musco is a Director of Kids at the Rock and Counseling at Church at the Rock. On a weekly basis since the Spring of 2012 through the present, Defendant Musco, in concert with Church at the Rock members and others, has engaged in unlawful conduct including, physically colliding into volunteer escorts who are attempting to shield patients from

unwanted contact; stationing herself immediately next to arriving vehicles picking up or dropping off patients so as to block the passenger's egress from the car; physically leaning into said vehicles so as to force unwanted anti-choice literature inside and harass them; chasing patients as they approach the clinic and impeding their entrance into the clinic; filming patients and escorts outside of the Choices facility; impeding patient access to the clinic entrance by holding three-by-five foot posters that narrow the path to the Choices entrance; positioning herself within four feet of the clinic entrance and shouting into the clinic's interior when the front door is opened; and harassing and menacing patients, minor children, and volunteer escorts with comments such as "[y]our money supports the clinic, so you're a murderer."

19. Defendant Randall Doe³ is a member of Church at the Rock. On a weekly basis since 2012 until the present, Defendant Randall Doe, in concert with Church at the Rock members and others, has engaged in prohibited conduct including making threats of violence to clinic patients, staff, and escorts; harassing and deliberately colliding with clinic escorts who are attempting to shield patients from unwanted contact; pinning arriving patients and their companions against the outer wall of the Choices facility so as to disseminate anti-choice literature and rhetoric; stationing himself immediately next to the passenger side of vehicles pulling up to the clinic entrance so as to block the passenger's egress from the car; physically leaning into said vehicles so as to provide unwanted anti-choice literature and harass patients and their companions; following patients departing the clinic so as to harass them with anti-choice rhetoric; filming patients and clinic escorts walking to the clinic entrance; closely following and harassing patients who are attempting to enter the clinic, within five feet of the entrance, by

³ The OAG has been able to identify various Defendants through social media and license plate searches but was unable to ascertain a last name for this Defendant, who is referred to by other protesters as Randall. As with this Defendant, where the last name of an anti-choice protester is unknown, he or she will be referred to by their known first name and the last name "Doe."

shouting and holding oversized posters of mangled fetuses; following and harassing children who are accompanying patients by saying “don't let your mother go in there; they kill children in there”; and intentionally disseminating false information about the connection between suicide and various forms of cancer and abortion.

20. Osayinwense N. Okuonghae is a member of Church at the Rock. On a weekly basis since June 2016 until present, Defendant Osayinwense N. Okuonghae, in concert with Church at the Rock members and others, has engaged in illegal conduct including intentionally colliding with clinic escorts so as to get close to patients approaching the clinic entrance, shout at them, and force anti-choice literature on them; stationing himself immediately next to the passenger side of arriving vehicles so as to obstruct the passenger's egress; physically leaning into said vehicles so as to force unwanted anti-choice literature inside and harass patients and their companions; blocking patient access to the clinic entrance; and harassing patients, clinic escorts, and staff within fifteen feet of the premises.

21. Defendant Anne Kaminsky is a member of Church at the Rock. On a weekly basis since 2012 until present, Defendant Anne Kaminsky, in concert with Church at the Rock members and others, has engaged in illegal conduct including menacing clinic staff members by warning them that she will place their names are on a website devoted to anti-abortion activity, and that removal of their names was conditioned on ending their employment at Choices; stationing herself immediately next to the passenger side of arriving vehicles so as to obstruct the passenger's egress; physically leaning into said vehicles so as to provide unwanted anti-choice literature and harass patients and their companions; chasing and crowding patients within fifteen feet of the premises so as to provide unwanted anti-choice literature and harass them; and

obstructing the path of individuals wishing to enter the clinic by using three-by-five foot placards depicting gory images.

22. Defendant Brian George is a member of Church at the Rock. On a weekly basis since 2012 until present, Defendant Brian George, together with four of his minor children, and in concert with Church at the Rock members and others, has engaged in illegal conduct including intentionally colliding with clinic escorts so as to get close to patients approaching the clinic entrance; chasing and crowding patients within fifteen feet of the premises as patients approach Choices in order to force anti-choice literature on them; blocking patient access to the clinic entrance; and following and harassing patients, clinic escorts, and staff within fifteen feet of the premises.

23. Defendant Sharon Doe is a member of Church at the Rock. On a bi-monthly basis since 2012 until present, Defendant Sharon Doe, in concert with Church at the Rock members and others, has engaged in illegal conduct including intentionally colliding into clinic escorts to reach arriving patients, causing damage to patient personal property; closely following and harassing patients within fifteen feet of the clinic entrance as patients approach Choices, causing patients to dart into the street or collide with the exterior wall of the Choices building, in their efforts to escape her; and following and harassing patients, clinic escorts, and staff within fifteen feet of the premises.

24. Defendant Deborah M. Ryan is a member of Church at the Rock. On a weekly basis since 2012 until present, Defendant Deborah M. Ryan in concert with Church at the Rock members and others, has engaged in illegal conduct including intentionally colliding into clinic escorts to reach arriving patients; closely following and harassing patients as they approach the

clinic's entrance; and persistently following and harassing patients, clinic escorts, and staff within fifteen feet of the premises.

Anti-choice protesters from Grace Baptist Church (Woodhaven, New York)

25. Defendant Angela Braxton, a former member of Church at the Rock, is now affiliated with Grace Baptist Church, a Christian church located at 93-21 92nd Avenue in Woodhaven, New York 11421. On a weekly basis since approximately 2013 until present, Defendant Angela Braxton, in concert with Grace Baptist Church members and others, has engaged in illegal conduct including intentionally colliding with clinic escorts who are attempting to protect patients from unwanted contact; touching and closely following patients for 100 feet or more as they approach the clinic's entrance; causing patients to dart into the street or collide with the exterior wall of the Choices building, in their efforts to escape her; stationing herself immediately next to the passenger side of arriving vehicles so as to obstruct the passenger's egress; physically leaning into said vehicles so as to provide unwanted anti-choice literature and harass patients and their companions; filming patients and clinic escorts walking to the clinic entrance; following entering patients and holding open the clinic's front entrance door to scream inside that patients should not murder their children; harassing and following patients, minor children, and volunteer escorts, within fifteen feet of the facility, often handing children anti-choice literature and instructing them to "give this to your Mommy to read"; intentionally propagating false information about the negative health effects of abortion in order to impede women from accessing such care; and regularly organizing and inciting others to physically obstruct the clinic entrance and threaten and harass clinic patients, escorts, and staff within fifteen feet of the premises.

26. Defendant Jasmine LaLande is a member of Grace Baptist Church. On a monthly basis since approximately 2013 until present, Defendant Jasmine LaLande, in concert with Grace Baptist Church members and others, has engaged in illegal conduct including physically colliding into volunteer escorts who are attempting to shield patients from unwanted contact; closely following patients on foot for 100 feet or more as they approach the clinic's entrance; causing patients to dart into the street or collide with the wall of the Choices building in their efforts to escape her; stationing herself immediately next to the passenger side of arriving vehicles so as to obstruct the passenger's egress; physically leaning into said vehicles so as to force unwanted anti-choice literature inside and harass patients and their companions; intentionally propagating false information about the connection between suicide and abortion in order to impede women from accessing such care; and regularly organizing and inciting others to physically obstruct the clinic entrance and threaten and harass clinic patients, escorts, and staff within fifteen feet of the premises.

Other anti-choice protesters

27. Defendant Dorothy Rothar is the founder of Bright Dawn Ministries and is a member of Helpers of God's Precious Infants. Since 1995 until present, Defendant Dorothy Rothar, in concert with members of Helpers of God's Precious Infants and Bright Dawn Ministries and others, has engaged in illegal conduct including touching, grabbing and closely following patients for 100 feet or more as they approach the clinic's entrance; causing patients to dart into the street, collide, or be pinned against the wall of the Choices building as they attempt to escape her; and disseminating false information concerning the safety risks of an abortion in an effort to deter patients from going through with the procedure.

28. Defendant Prisca Joseph, on a weekly basis since 2013 until present has engaged in illegal conduct, in concert with others, including deliberately colliding with clinic escorts in an effort to get close to patients as they approach the clinic; closely following and harassing patients, clinic escorts, and staff as they approach the clinic's entrance; causing patients to dart into the street or collide with the exterior wall of the Choices building in order to avoid her; stationing herself immediately next to the passenger side of arriving vehicles so as to obstruct the passenger's egress; physically leaning into said vehicles so as to provide unwanted anti-choice literature and harass patients and their companions; recording the license plate numbers of the cars of Choices' staff; impeding patient access to the clinic entrance; and following and harassing patients, clinic escorts, and staff within fifteen feet of the premises.

29. Defendant Scott Fitchett, Jr., on a weekly basis since 2014, until present has engaged in illegal conduct, in concert with others, including filming patients and clinic escorts walking to the clinic entrance; and following and harassing patients, clinic escorts, and staff by chanting statements such as "murderer, murderer, murderer, murder" at approaching individuals.

30. The foregoing Defendants regularly organize and incite other individuals to physically obstruct the clinic entrance and threaten and harass clinic patients and staff. On a weekly basis, going as far back as 2012 until present, they all have engaged in conduct, in concert with others, designed to intimidate, threaten, harass, and interfere with patients and staff who seek to enter Choices, with the objective of obstructing the delivery of, and access to reproductive health care.

FACTUAL ALLEGATIONS

I. Choices Women's Medical Center

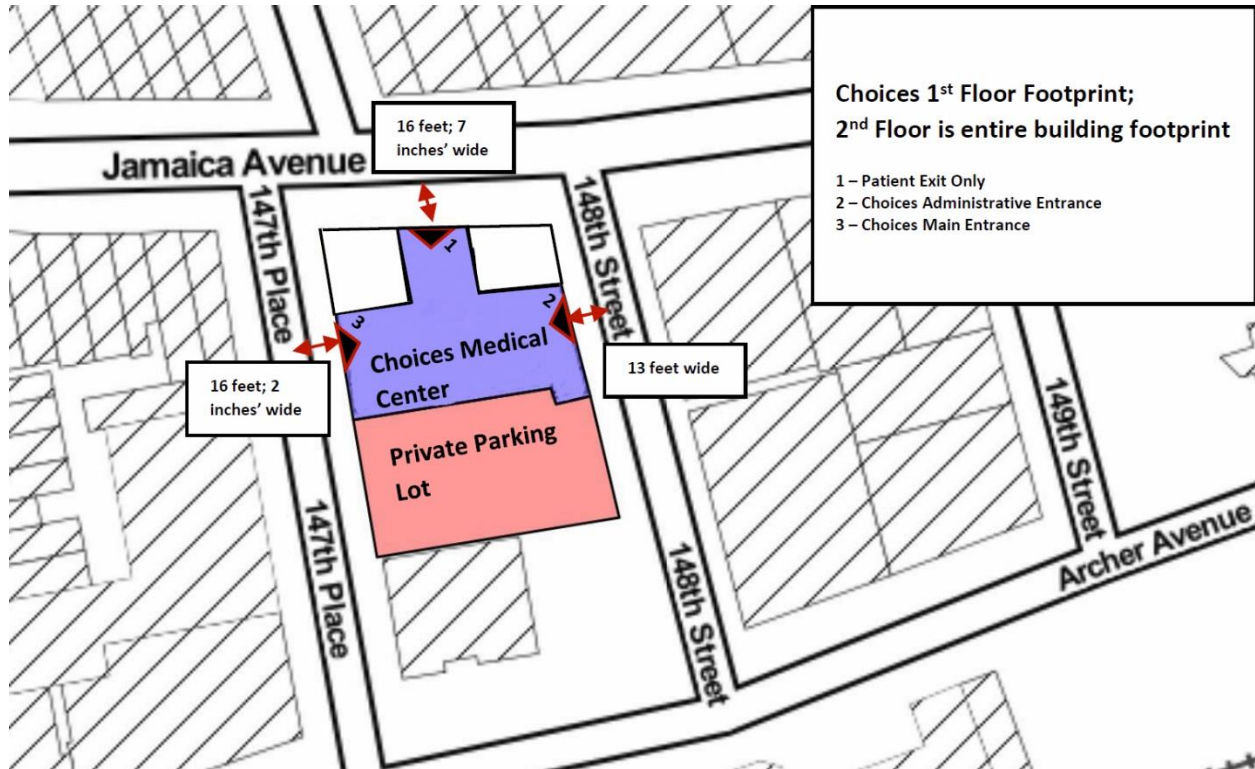
31. Choices was founded in 1971 as one of the first outpatient abortion centers in the United States, shortly after New York State legalized abortion and two years before *Roe v. Wade* legalized abortion nationwide. On March 3, 2012, Choices relocated to its current location and opened an 18,000-square-foot ambulatory outpatient medical center at 147-32 Jamaica Avenue, Jamaica, New York. The clinic is accredited by the American Association of Ambulatory Health Care and licensed by the State of New York as an outpatient medical facility.

32. Choices' services include routine gynecological care such as annual "well-woman" exams, including breast and pelvic exams screenings; birth-control counseling and prescription services, including access to the morning-after pill; testing and treatment for sexually transmitted infection and HIV; pregnancy screening and prenatal care; abortion and other reproductive surgical services (such as Colposcopy, LEEP, Cryotherapy, Membrane Sweeps, Essure); alcohol and substance-abuse counseling; smoking cessation assistance; depression screening; and counseling services directed at facilitating each category of care.

33. Choices provides early medical and surgical abortion. Medical abortion is available for women who are up to ten weeks of gestation, using Mifeprex (a combination of two medications, mifepristone and misoprostol). Surgical abortion services are available in both the first trimester (up to twelve weeks of gestation) and second trimester (from twelve to twenty-four weeks of gestation).

34. Choices is located in a predominantly commercial neighborhood with some residential units. The clinic is housed in a building that occupies the full length of Jamaica Avenue between 147th Place and 148th Street and approximately one-half the length of these side streets, respectively. Choices occupies approximately seventy-five percent of the first floor and the entire

second floor of this structure as well as some office space in the basement. Choices has three means of egress: (i) a public entrance which opens on 147th Place at the mid-point of that block, between Jamaica and Archer Avenues; (ii) an administrative entrance for employees that opens at the midpoint of 148th Street, between Jamaica and Archer Avenues; and (iii) a dedicated patient exit, which opens at the midpoint of Jamaica Avenue, between 147th Place and 148th Street.



35. The width of the sidewalk in front of the clinic’s public entrance measures sixteen feet two inches to the roadway on 147th Place. Going north, the length of the sidewalk from the main entrance towards the Jamaica roadway measures one hundred feet. Going south, the length of the sidewalk from the entrance towards the end of building/parking area, in the direction of Archer Avenue, measures fifty feet.

36. The width of the sidewalk in front of the administrative entrance building line measures thirteen feet to the roadway on 148th Street. Going north, the sidewalk length from the entrance to the roadway towards Jamaica Avenue measures 100 feet. Going south, the length of

the sidewalk from the entrance towards the end of building/parking area, in the direction of Archer Avenue, measures approximately eighty-five feet.

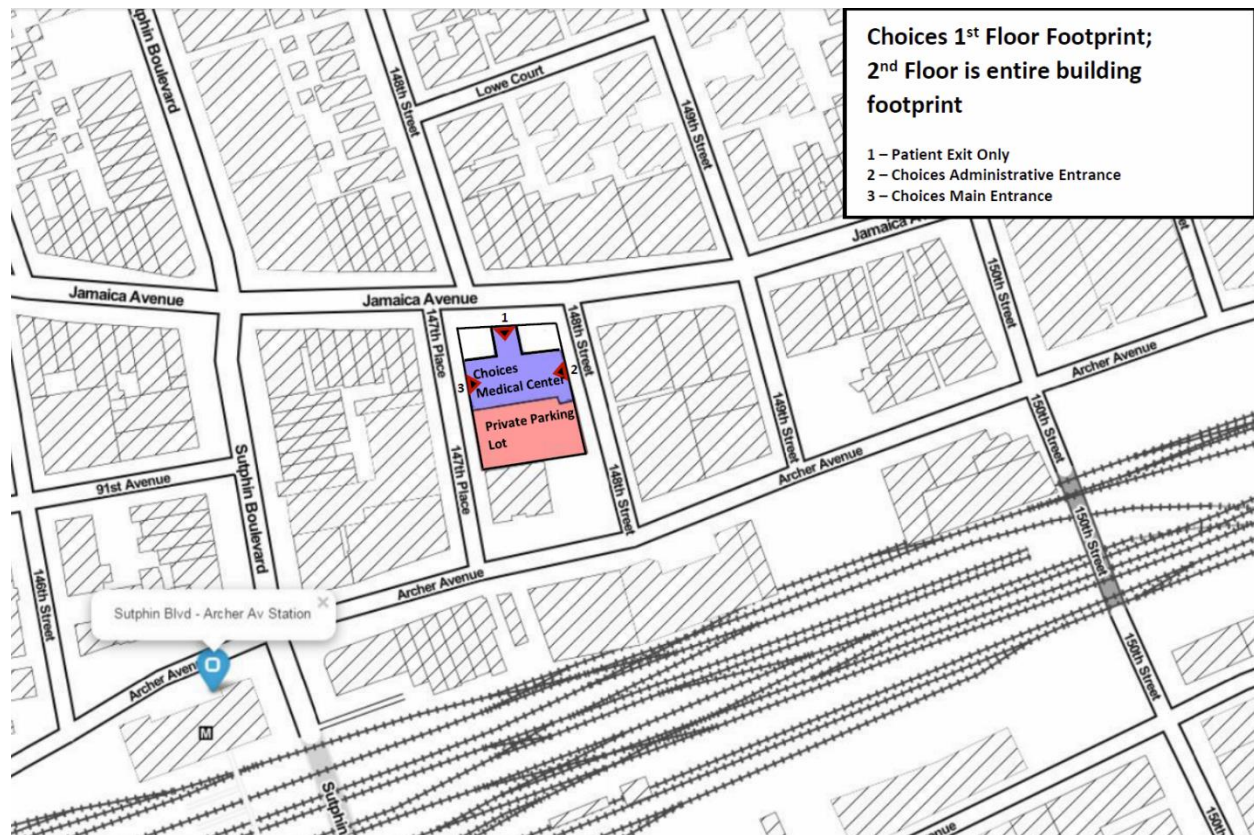
37. The width of the sidewalk in front of the dedicated patient exit measures sixteen feet, seven inches to the roadway on Jamaica Avenue. Going east, the length of the sidewalk from the entrance towards the 148th Street roadway measures 100 feet. Going west, the length of the sidewalk from the entrance towards 147th Place roadway measures fifty feet.

38. The first floor of Choices contains a reception area, administrative offices, two sonography labs, hematology labs, and restrooms. The second floor houses two waiting rooms, a surgical suite, recovery rooms, and prenatal and gynecological exam rooms.

39. Patients entering the 147th Place entrance first reach a small vestibule. There they must be cleared by an attendant who greets them and verifies the purpose of their visit, and then “buzzes” the patients in through an inner door leading to a reception area.

40. The building’s Jamaica Avenue side faces a number of low-rise commercial buildings with residential apartments located above the first floor. The building’s 147th Place side faces some commercial store fronts and an abandoned post office. The 148th Street side of the building also faces a number of retail spaces.

41. Choices’ patients and staff gain access to the facility by walking on the public sidewalk on 147th Place to the Choices’ main entrance. Patients approach Choices from a number of different routes.



42. Most often, patients travel on foot from the subway exit at Archer Avenue and Sulphin Boulevard. Coming from the corner of Archer Avenue and Sulphin Boulevard, patients generally walk east on Archer Avenue for approximately 52 feet, turn left on Sulphin Boulevard and walk for approximately 433 feet, turn right onto Jamaica Avenue and walk for 276 feet, and then turn right onto 147th Place and walk seventy-two feet to the clinic entrance.

43. Other patients travel to Choices by private vehicle or taxi. Cars generally pull up on 147th Place directly in front of the Choices entrance; patients then exit the vehicle and walk to the entrance. There is a public parking lot next to Choices on the side of the building that faces away from Jamaica Avenue.

44. Since the clinic's opening on March 3, 2012, several anti-choice protesters, as described above, have regularly engaged in illegal conduct at Choices, with the heaviest activity occurring on Saturdays.

45. Defendants employ a variety of unlawful tactics designed to intimidate, threaten, harass, and interfere with patients and staff who seek to enter Choices. Through their prohibited conduct, they assault patients, staff, volunteers, and passersby on practically every sensory level—visual, physical, and auditory. Defendants have engaged in these unlawful activities for the last five years, but more recently have increased their frequency and intensity.

46. In response, Choices has recruited volunteer clinic escorts to guide and walk patients to the clinic's entrance while offering words of support and trying to ensure that the protesters do not harm or impede their access to the clinic.

II. Defendants' Violations of Law

47. Under FACE, 18 U.S.C. § 248(a)(1), it is illegal to use force, threat of force or physical obstruction, intentionally intimidate and/or interfere with, or attempt to intimidate and/or interfere with, a person because that person has obtained or provided, or seeks to obtain or provide, reproductive health services.

48. Pursuant to the NY Clinic Access Act, N.Y. Penal Law § 240.70(1), it is illegal to use force, threat of force or physical obstruction, intentionally intimidate, and/or interfere with, or attempt to intimidate and/or interfere with, a person because that person has obtained or provided, or seeks to obtain or provide, reproductive health services, or in order to discourage that person from obtaining or providing reproductive health services.

49. Under the NYC Clinic Access Act, N.Y.C. Admin. Code §§ 8-803 and 8-804, it is illegal for any person to interfere with access to a reproductive health-care facility in so far as they engage in any of the following conduct: (1) knowingly physically obstructing or blocking another person from entering into or exiting from the premises of a reproductive health-care facility by physically striking, shoving, restraining, grabbing, or otherwise subjecting a person to

unwanted physical contact, or attempting to do the same; (2) knowingly obstructing or blocking the premises of a reproductive health-care facility, so as to impede access to or from the facility, or attempt to do the same; (3) following and harassing another person within fifteen feet of the premises of a reproductive health-care facility; (4) engaging in a course of conduct or repeatedly committing acts within fifteen feet of the premises of a reproductive health-care facility when such behavior places another person in reasonable fear of physical harm, or attempting to do the same; (5) physically damaging a reproductive health-care facility so as to interfere with its operation, or attempting to do the same; or (6) knowingly interfering with the operation of a reproductive health-care facility, or attempting to do the same, by activities including interfering with, or attempting to interfere with (i) medical procedures being performed at such facility or (ii) the delivery of goods to such facility.

a. Defendants use force to intimidate and interfere with patients entering Choices.

50. Defendants Deborah M. Ryan, Angela Braxton, Jasmine LaLande, Patricia Musco, Ronald George, Brian George, Randall Doe, Osayinwense N. Okuonghae, Sharon Doe, Anne Kaminsky, Dorothy Rothar, and Prisca Joseph routinely collide with clinic escorts who are shielding arriving patients from unwanted contact, and physically bump into the patients themselves. These Defendants regularly shove and step on the feet of the clinic escorts and patients when they reach past escorts to force pamphlets into the patients' hands.

51. Defendant Ronald George often does so with significant force. For example, on April 16, 2016, approximately thirty feet from the Choices entrance and ten feet from the premises, Defendant George shoved a petite female escort to reach a patient walking toward the clinic entrance, causing the escort to stumble and nearly fall over.

52. On May 6, 2017, while trying to force anti-choice literature on a patient and her companion and repeatedly intoning “don’t kill your baby”, Sharon Doe followed a patient and her companion so closely from the corner of Jamaica and 147th Place to within fifteen feet of the clinic door that she stepped on the patient’s sandal and broke the patient’s shoe. The patient, who was already visibly upset as she turned onto 147th Place, began to openly weep with frustration at having lost her shoe and the ongoing harassment.

53. Defendants Angela Braxton and Dorothy Rothar touch or grab at patients in order to get their attention.

54. Defendants Angela Braxton, Dorothy Rothar, and Prisca Joseph often pin patients against the clinic’s outer wall or force them into parking meters or the street as they chase after them to provide anti-abortion literature.

b. Defendants make threats of force to intimidate and interfere with patients and staff entering Choices

55. As detailed above, Defendants have repeatedly used threats of force and physical harm to intimidate, threaten, harass, and interfere with access to, and the delivery of, reproductive health-care services at Choices. Given Defendants’ acts of force, as well as the history of abortion clinic violence nationwide over the last three decades, which has escalated in the last two years, patients, staff, and volunteers reasonably fear that Defendants will cause them bodily harm. These threats impermissibly interfere with the receipt and provision of reproductive-health services. Defendants engage in this conduct within fifteen feet of the Choices premises and often within fifteen feet of the Choices patient entrance.

56. For example, in April of 2016, an altercation between two men unrelated to the clinic occurred on the sidewalk outside of Choices. One aggressor pulled out a knife, prompting

the clinic escorts to retreat into the building while the anti-choice protesters remained outside. In response to the incident, Defendant Randall Doe taunted the escorts, “you can die any minute.”

57. On April 16, 2016, Defendant Ronald George warned clinic escorts, “On 9/11, 3,000 people didn’t realize they wouldn’t be coming home that day. You never know when you wake up in the morning that you might die.”

58. On January 7, 2017, Defendant Randall Doe referenced mass shootings and terrorist events in the news, mentioning the January 6, 2017 Fort Lauderdale airport shooting and cautioning, again, “you never know when you are going to die.”

59. On two occasions, protesters affiliated with Defendant Angela Braxton, who routinely recruits additional protesters, threatened escorts and patients. Specifically, on February 27, 2016, Daniel Courney, a protester and acquaintance of Defendant Angela Braxton, warned “You don't know the day of death. If you are wise you will number your days.” On June 18, 2016, Alex Solis, a protester and acquaintance of Angela Braxton, threatened clinic escorts and patients, “So you don't know the day of your death. Calamity might strike any moment.”

60. While entering the clinic one day, a Choices staff member heard one of the Defendants yell out her name and where she lived, causing her to fear violence to herself and her family. Defendant Anne Kaminsky then informed this staff member that her name was on a website devoted to anti-abortion activity, and that Kaminsky could remove her name from the website, provided that the staff member ceased working at Choices.

61. Defendants Kenneth Griep, Patricia Musco, Ronald George, Angela Braxton, and Scott Fitchett, Jr. use their smartphones and GoPro cameras to film patients, clinic escorts, and staff outside the clinic.

62. Defendant Prisca Joseph routinely refers to the volunteer clinic escorts as “deathscorts” and takes copious notes of what is happening outside the clinic, chronicling who enters, when they enter, and what they look like. On February 18, 2017, an escort observed her record the license plate number of a clinic staff person.

63. On at least one occasion, Defendant Randall Doe chased a patient as she exited Choices and returned to her car parked more than a block away, hovering over her as she retrieved an item from her vehicle, and then following her back to the clinic.

c. Defendants physically obstruct patients entering Choices

64. Typically, when patients approach the clinic from the corner of Jamaica Avenue and 147th Place, they face a gauntlet of anti-choice protesters holding posters measuring approximately three feet wide by five feet high, bearing graphic images purporting to be mangled fetuses. Defendants and other protesters position themselves and their signs so as to narrow the width of the sixteen-foot and two-inch sidewalk to just five feet. Visual examples are as follows:





65. Defendant Kenneth Griep coordinates the distribution of these materials among approximately ten Church at the Rock members present at Choices each week and positions them on the sidewalk outside of the clinic. Church at the Rock members use these placards to impede clinic access, and they share them with other unaffiliated protesters at Choices in order to add to the maze that patients must navigate to get into the building. About twenty to twenty-five protesters appear outside of Choices in staggered shifts every Saturday, such that there are ten to fifteen or more protesters on the sidewalk at any given time. As a result, approaching patients and staff have no choice but to navigate around the protesters and their signs.

66. Defendants Brian George, Randall Doe, Ronald George, Prisca Joseph, and Patricia Musco regularly physically obstruct access to Choices by blocking the clinic entrance door directly or getting so close to the door that patients and staff must maneuver around them. Defendants Randall Doe, Ronald George, Patricia Musco, and Brian George engage in such behavior while yelling loudly within five to nine feet of the clinic's entrance.

67. Defendants Kenneth Griep, Randall Doe, Ronald George, Anne Kaminsky, Brian George, Deborah M. Ryan, Patricia Musco, Angela Braxton, Jasmine LaLande, Osayinwense N. Okuonghae, Dorothy Rothar, Prisca Joseph, and Sharon Doe swarm patients and their

companions as they approach the clinic. They obstruct patient access by walking slowly in front of patients, side-by-side, or directly on the heels of patients, clinic escorts, and staff, all the while yelling at them. They refuse to move away, even when asked repeatedly. These tactics often force the patients to veer dangerously close to the wall of the building, a parking meter, or into oncoming street traffic.

68. Just as with patients arriving on foot, Defendants harass and intimidate patients who are exiting vehicles. Defendants Randall Doe, Osayinwense N. Okuonghae, Angela Braxton, Jasmine Lalande, Anne Kaminsky, Prisca Joseph, and Patricia Musco physically obstruct patients who arrive by car by (a) standing immediately next to the vehicle's doors so that the patients and their companions cannot open the doors to exit, (b) physically leaning into the windows of arriving vehicles and shoving anti-choice materials into the occupants' hands, and (c) crowding those patients who succeed in exiting the car as they walk toward the Choices entrance.

d. Defendants follow and harass patients and staff within fifteen feet of Choices

69. Defendants engage in a pervasive and pernicious pattern of closely following arriving patients and harassing and screaming at them as they attempt to reach the clinic's doors. Defendants engage in this conduct within fifteen feet of the Choices premises and often within fifteen feet of the Choices entrance.

70. Defendants Kenneth Griep, Patricia Musco, Angela Braxton, Jasmine LaLande, Prisca Joseph, Randall Doe, Ronald George, Brian George, Anne Kaminsky, and Scott Fitchett, Jr. regularly follow and harass arriving patients within fifteen feet of the premises in an effort to further obstruct their care, as described in detail below.

71. Defendant Patricia Musco loiters within approximately four feet of the clinic entrance. When a patient enters the clinic, she follows them and holds open the door to shouts anti-abortion messages into the clinic's vestibule.

72. Defendant Angela Braxton also has followed entering patients and held open the clinic's doors to scream anti-abortion messages into the interior of the clinic.

73. Defendants Randall Doe, Ronald George, Patricia Musco, and Brian George stand within five to nine feet of the clinic door and follow and harass patients, loudly screaming into the clinic as the patients enter. Other protesters, including Defendant Scott Fitchett, Jr., stand within ten feet of the front door of the building and engage in the same pattern of conduct.

74. Defendant Patricia Musco has followed and harassed clinic patients who identify themselves as being present for wellness visits, shouting at them within fifteen feet of the clinic: "Your money supports the clinic, so you're a murderer"; "don't go in there, they will convince you to kill your baby—that's how they make money"; "you have the blood of dead babies on yours hands"; and "they are killing babies above your heads".

75. Defendant Randall Doe, while raising an enlarged image of a purportedly aborted fetus, harasses patients and closely follows them within nine feet of the clinic door, telling them that they will regret killing their child for the rest of their lives.

76. Defendant Scott Fitchett, Jr. routinely follows and harasses patients approaching the clinic entrance, screaming that they are killing their children and shedding innocent blood.

77. Defendant Jasmine LaLande follows and harasses arriving patients as they approach the clinic, yelling, "This is a place that murders children."

78. Defendants Randall Doe, Ronald George, and Brian George follow and harass minor children accompanying patients by holding up and banging on oversized anti-abortion posters to get their attention, often causing children visible distress.

79. Defendant Angela Braxton follows and harasses minor children accompanying patients by handing them unwanted anti-choice literature and instructing the children to “give this to your Mommy to read.”

80. Defendant Randall Doe follows and harasses children accompanying patients, telling them, “Don't let your mother go in there; they kill children in there.”

e. Defendants knowingly interfere with the operation of Choices by disseminating misinformation about the clinic's services

81. Defendants Dorothy Rothar, Anne Kaminsky, Randall Doe, Ronald George, Angela Braxton, and Jasmine LaLande also have intentionally disseminated false medical information to arriving patients in an effort to further obstruct their care.

82. Defendant Dorothy Rothar has interfered with patient care by knowingly circulating pamphlets containing false medical information. For example, one pamphlet indicates that it is possible to reverse the start of a second trimester abortion without any adverse consequences to the health of the mother or the fetus by simply removing the laminaria, which is used to dilate the cervix and initiate the abortion. However, once dilation has occurred, the chance of infection or miscarriage is higher than had the laminaria never been introduced in the first place. Therefore, doing so remains dangerous to both the woman and fetus if the pregnancy were to continue, following removal of the laminaria. The pamphlets distributed by Defendant Dorothy Rothar read as follows:

MOM,
ARE YOU THINKING ABOUT \
HAVING AN ABORTION?

We know you are probably upset and
Confused [sic]. To save the life of your BABY
The LAMINARIA (seaweed sticks) can
STILL BE REMOVED. Please don't do
Anything now that will HURT YOUR
CHILD because you will later regret it.

Please feel free to come out and talk
With us. We are outside to
LISTEN AND TO HELP YOU.

83. Defendants Ronald George, Randall Doe, Anne Kaminsky, Angela Braxton, and Jasmine LaLande loudly and falsely inform patients entering the clinic, on a regular basis, that there are higher rates of suicide, breast and ovarian cancer, and schizophrenia among individuals who have had abortions, in order to impede them from obtaining such care.

84. Defendants also have lied to patients approaching Choices about the services offered as well as whether the facility was even open at the time.

85. Defendants have falsely represented that Choices does not offer prenatal care, but rather only performs abortion.

86. Defendants also have intentionally misrepresented the likelihood of patient death due to an abortion, in order to impede them from obtaining such care.

III. Ongoing Harm Caused by Defendants' Unlawful Conduct

87. Defendants' unlawful conduct—including their physical obstruction of the clinic entrance, acts of force and threats of force, as well as their pattern of verbal harassment against patients, staff, and escorts—has interfered with individual patient care and thus harmed women seeking reproductive-health services.

88. Defendants' illegal activities have caused some patients to decline to proceed with their medical appointments because the patients believed their lies that the clinic was closed.

Other patients have been deterred from attending their appointments because of the difficulty navigating their threats, harassment, and physical obstruction on the way to the entrance.

89. Some patients who manage to make it past the protesters still have difficulty accessing care, because they arrive at the clinic shaking and crying. Patients in this traumatized condition require additional time and counseling by staff, who must calm and reassure the patients before addressing the reason for their visit. The trauma that Defendants inflict on patients is exemplified by one patient's statement to staff after encountering Defendants on the sidewalk: "The people outside told me I could die and now I'm scared of being put to sleep." Defendants' unlawful conduct means that Choices staff must spend more time counseling patients on the days with anti-abortion activity than on those days when Defendants are not present.

90. The harm to patients continues even if they are able to access reproductive health care. Many are worried about their safety and are scared to leave the facility after their appointments. Patients also fear for their privacy given that certain Defendants capture video of patients entering and exiting the clinic. Many are concerned that the Defendants will post information about their visits on social media networks and that their relatives or colleagues will learn that they had an abortion. A patient's fear of having her abortion publicized was triggered when Defendant Patricia Musco recognized her and yelled her name.

91. Defendants' protest activity also appears to incite others to threaten and harass clinic patients, staff, and escorts.

92. For example, on March 19, 2016, after consulting with Defendant Ronald George, a passerby yelled at a clinic escort: "you are going to burn in hell, you red-headed slut" and "I hope a nigger fucks you."

93. Similarly, in concert with the activities of Defendants, on or about September 10, 2016, a disturbed individual approached the clinic entrance with a box of unidentified electronic devices. He took the protester's pamphlets and threw them on top of the box, instructed the people around him not to touch the box, and threatened to kill everyone in the clinic.

94. On March 25, 2017, after consulting with Defendants, a construction worker lingered outside the clinic for approximately an hour and threatened escorts: "I'm going to burn this place down"; "You should all be shot"; "You should all die"; and "I'm surprised nobody has firebombed this place"

95. By using physical obstruction, acts of force, threats of force, and harassment, Defendants attempt to intimidate and interfere with individuals who obtain or seek to obtain reproductive health care, as well as those who provide or seek to provide the same. Defendants have caused and will continue to cause patients, staff, and volunteer escorts at Choices irreparable harm and emotional distress by making access to the clinic unreasonably difficult. Defendants' conduct is ongoing and likely to continue.

96. Defendants' violations of law have been and continue to be willful and malicious and in reckless and wanton disregard of Plaintiff's rights under the law.

97. Plaintiff has no adequate remedy at law.

CAUSES OF ACTION

First Cause of Action

Violations of the Freedom of Access to Clinic Entrances Act, 18 U.S.C. § 248(a)(1)

98. The OAG re-alleges and incorporates by reference the allegations in the foregoing paragraphs of this complaint as though fully set forth herein.

99. Defendants have repeatedly violated federal law by intentionally using force, making threats of force and causing physical obstruction to Choices, in order to intimidate and interfere with, and attempt to intimidate and interfere with, Choices patients because the patients have obtained or sought to obtain reproductive health services, and with Choices staff and volunteer escorts because those persons have sought to provide or provided reproductive health services.

100. Defendants have repeatedly violated federal law by intentionally using force, making threats of force and causing physical obstruction to Choices, in order to intimidate and interfere with, and attempt to intimidate and interfere with, Choices patients in order to discourage patients from obtaining reproductive health services, and Choices staff and volunteer escorts from providing such reproductive health services.

101. As a result of Defendants' violations, Choices patients, escorts and staff suffered harm.

102. The OAG seeks declaratory and injunctive relief remedying these ongoing violations.

Second Cause of Action
Violations of the NY Clinic Access Act,
N.Y. Penal Law § 240.70(1)(a)-(b)

103. The OAG re-alleges and incorporates by reference the allegations in the foregoing paragraphs of this complaint as though fully set forth herein.

104. Defendants have repeatedly violated New York State law by intentionally causing physical obstruction, engaging in acts of force, making threats of force, in order to intimidate and interfere with, and to attempt to intimidate and interfere with, Choices patients because the patients have obtained or sought to obtain reproductive health services, and with Choices staff

and volunteer escorts because those persons have sought to provide or have provided reproductive health services.

105. Defendants have repeatedly violated New York State law by intentionally causing physical obstruction, engaging in acts of force, making threats of force, in order to intimidate and interfere with, and to attempt to intimidate and interfere with, Choices patients in order to discourage patients from obtaining reproductive health services, and Choices staff and volunteer escorts from providing such reproductive health services.

106. As a result of Defendants' violations, Choices patients, escorts and staff suffered harm.

Third Cause of Action
Violations of the NYC Clinic Access Act,
N.Y.C. Admin. Code §§ 8-803(a)(1)-(4),(6) and 8-804

107. The OAG re-alleges and incorporates by reference the allegations in the foregoing paragraphs of this complaint as though fully set forth herein.

108. Defendants have repeatedly violated New York City law by physically obstructing and blocking individuals from entering or exiting Choices by shoving, restraining, grabbing, or otherwise subjecting individuals to unwanted physical contact, or attempting to do the same; obstructing and blocking the entrance to the clinic to impede access to and from the facility, or attempting to do the same; following and harassing clinic patients, staff, and escorts within fifteen feet of Choices; and engaging in a course of conduct within fifteen feet of Choices that places patients, staff, and escorts in reasonable fear of physical harm, or attempting to so.

109. Defendants Kenneth Griep, Randall Doe, Brian George, Osayinwense N. Okuonghae, Ronald George, Anne Kaminsky, Sharon Doe, Patricia Musco, Deborah M. Ryan,

Angela Braxton, Jasmine LaLande, Dorothy Rothar, Scott Fitchett, Jr., and Prisca Joseph have all repeatedly violated the fifteen-foot buffer zone created by NYC Clinic Access Act.

110. As a result of Defendants' violations, Choices patients, escorts and staff suffered harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully pray that this Court enter a judgment and order:

- A. declaring that Defendants' actions as described above violate FACE, the NY Clinic Access Act, and the NYC Clinic Access Act;
- B. preliminarily and permanently enjoining Defendants from violating FACE, the NY Clinic Access Act, and the NYC Clinic Access Act, and ordering injunctive relief necessary and appropriate to remedy Defendants' past violations of law and to ensure that Defendants do not physically obstruct or use force or threats of force to injure, intimidate, discourage and/or interfere with or attempt to injure, intimidate, discourage and/or interfere with persons who are seeking to obtain or provide reproductive health care at Choices, and to create a sixteen-foot buffer zone around the Choices premises, extending out from the building itself and encompassing all clinic entrances, where no protest activity may occur;
- C. directing each Defendant to pay statutory or compensatory damages for each violation as authorized by FACE, 18 U.S.C. § 248(c)(3)(B) and N.Y.C. Admin. Code §§ 8-804(2) and 8-807(c);
- D. directing each Defendant to pay civil penalties as authorized by FACE, 18 U.S.C. § 248(c)(3)(B);
- E. awarding Plaintiff reasonable costs and expenses incurred in the prosecution of this action;

F. retaining jurisdiction of this matter to ensure full, adequate, and effective implementation of the relief ordered by the Court; and

G. awarding Plaintiff such additional relief as is just and proper.

Dated: New York, New York
June 20, 2017

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

By: s/ Nancy Trasande
Nancy Trasande
Assistant Attorney General
Nancy.Trasande@ag.ny.gov

Sandra Pullman
Assistant Attorney General
Sandra.Pullman@ag.ny.gov

Lourdes M. Rosado
Bureau Chief
Lourdes.Rosado@ag.ny.gov

Office of the New York State Attorney General
Civil Rights Bureau
120 Broadway, 23rd Floor
New York, New York 10271
(212) 416-8905