

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
Louisville Division

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 317-cv-432-DJH
	)	
RUSTY THOMAS, JAMES SODERNA,	)	
THOMAS RADDELL, DAVID GRAVES,	)	
LAURA BUCK, CHRIS KEYS,	)	
JAMES ZASTROW, EVA EDL,	)	
EVA ZASTROW, and DENNIS GREEN,	)	
	)	
Defendants.	)	
_____	)	

**COMPLAINT**

The United States of America, by the undersigned counsel, asserts a civil cause of action under the Freedom of Access to Clinic Entrances Act (“FACE Act”), 18 U.S.C. § 248 (1994), as follows:

1. In bringing this action, the United States alleges that: (1) Defendants Rusty Thomas, James Soderna, Thomas Raddell, David Graves, Laura Buck, Chris Keys, James Zastrow, Eva Edl, Eva Zastrow, and Dennis Green, have committed, and are likely to continue to commit, violations of the FACE Act; and (2) various persons are being, have been, and will continue to be injured, intimidated and/or interfered with by the Defendants’ conduct.

**JURISDICTION, STANDING, AND VENUE**

2. This Court has jurisdiction over this action pursuant to the FACE Act, 18 U.S.C. § 248 (1994), and 28 U.S.C. § 1345.

3. The United States is authorized to bring this action pursuant to the FACE Act, 18 U.S.C. § 248(c)(2).

4. Venue is proper in this judicial district, under 28 U.S.C. § 1391(b)(2), in that all the events giving rise to this complaint occurred in this judicial district.

### **DEFENDANTS**

5. Defendant Rusty Thomas is an individual who is the current director of Operation Save America (“OSA”), an organization formerly known as Operation Rescue, and resides at 1312 North Rock Creek Road, Waco, Texas 76708. OSA is an organization incorporated under the laws of Florida, with principal offices and a registered agent, Patricia McEwen, located at 1014 Vista Oaks Circle, Palm Bay, Florida 32905, and a mailing address of P.O. Box 740066, Dallas, Texas 75374. OSA, acting under the name of its predecessor organization, Operation Rescue, previously has been found by courts to have violated the FACE Act. *See N.Y. ex rel. Spitzer v. Operation Rescue Nat'l*, 273 F.3d 184, 192 (2d Cir. 2001); *U.S. v. White, et al.*, 893 F. Supp. 1423 (C.D. Cal. 1995); *U.S. v. Operation Rescue Nat'l, et al.*, 111 F. Supp. 2d 948, No. C-98-113 (S.D. Ohio 1999).

6. Defendant Thomas has entered into a Consent Decree to resolve allegations of FACE Act violations. *U.S. v. Operation Rescue Nat'l, et al.*, Case No. 3:98-cv-113, DN 212, (Dec. 28, 1998) (S.D. Ohio)

7. Defendant James Soderna, an individual, resides at 2511 Belmont Road, Brooksville, Kentucky 41004.

8. Defendant Soderna has previously violated the FACE Act. Defendant Soderna has a criminal misdemeanor conviction for violating the FACE Act. *U.S. v. Brock*, 863 F. Supp. 851 (E.D. Wis. 1994).

9. Defendant Thomas Raddell, an individual, resides at 134 East 212th Street, Euclid, Ohio 44123.

10. Defendant David Graves, an individual, resides at 3525 174th Place NE, Arlington, Washington 98223.

11. Defendant Laura Buck, an individual, resides at 16741 County Road 46, New Paris, Indiana 46553.

12. Defendant Chris Keys, an individual, resides at 16700 Kuykendahl, # 602, Houston, Texas 77068.

13. Defendant James Zastrow, an individual, resides at 25552 S. 2225 Road, Milo, Missouri 64767.

14. Defendant Eva Edl, an individual, resides at 1814 Pine Log Rd, Aiken, South Carolina 29803.

15. Defendant Edl has a judgment against her for violating the FACE Act. *Planned Parenthood Ass'n of SE PA, Inc. v. Walton, et al.*, 949 F. Supp. 290 (E.D. Pa. 1996).

16. Defendant Eva Zastrow, an individual resides at 540 Hurley Road, Dover, Arkansas 72837.

17. Defendant Dennis Green, an individual, resides at 868 Stonypoint Road, Cumberland, Virginia 23040. Defendant Green has previously violated the FACE Act.

### **FACTUAL BACKGROUND**

18. The EMW Women's Surgical Center ("EMW") is located at 136 West Market Street, Louisville, Kentucky, and provides reproductive healthcare services.

19. On May 13, 2017, when EMW opened for the day, a patient approached the entrance to the building. Thereafter, Rusty Thomas led James Soderna, Thomas Raddell, David Graves, Laura Buck, Chris Keys, James Zastrow, Eva Edl, Eva Zastrow, Dennis Green, and a

minor to block the sole public entrance to EMW. The group of eleven individuals entered EMW's property, sat down with their backs against EMW's doors, and refused to move from the entrance.

20. While the eleven individuals were sitting in front of the entrance to EMW, patients were not able to access the entrance to EMW. In addition, volunteer escorts, who usually assist patients as they approach EMW, were unable to facilitate access to the entrance to EMW, and individuals within EMW could not exit through the entrance.

21. Defendants' actions on May 13, 2017 rendered access to EMW impassable.

22. During the May 13, 2017 event, Louisville Metro Police Department ("LMPD") officers asked Rusty Thomas to move off EMW's property and to direct James Soderna, Thomas Raddell, David Graves, Laura Buck, Chris Keys, James Zastrow, Eva Edl, Eva Zastrow, Dennis Green, and a minor to also move off of EMW's property. Defendant Rusty Thomas refused. LMPD officers told each Defendant they would be arrested if they did not leave EMW's property. They all refused to leave. LMPD officers then arrested Rusty Thomas, James Soderna, Thomas Raddell, David Graves, Laura Buck, Chris Keys, James Zastrow, Eva Edl, Eva Zastrow, Dennis Green, and a minor for trespass.

23. On May 13, 2017, Defendants attempted to, and did, by physical obstruction, intentionally interfere with persons who were or had been obtaining or providing reproductive health services.

24. OSA is planning to hold a national event in Louisville, Kentucky, from July 22, 2017 to July 29, 2017.

25. Defendant Rusty Thomas, in his individual capacity and in his capacity as director of OSA, is using Facebook, Instagram, YouTube, Twitter, blogs, [www.operationsaveamerica.org](http://www.operationsaveamerica.org), radio, news reports, and/or public forums to encourage OSA

representatives, agents, employees, and others acting in concert or participation with Defendant Thomas to violate the FACE Act by physical obstruction of EMW during the OSA national event and otherwise.

**CAUSE OF ACTION UNDER 18 U.S.C. § 248**

26. The United States incorporates herein the averments of paragraphs 1 through 25.

27. Defendants' conduct as described in paragraphs 18 through 23 constituted a physical obstruction that intentionally interfered with persons, or constituted an attempt to interfere with such persons, because they were or had been obtaining or providing reproductive health services at EMW.

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

**PRAYER FOR RELIEF**

29. The United States is authorized under 18 U.S.C § 248(c)(2)(B) to seek and obtain temporary, preliminary, and/or permanent injunctive relief from this Court for Defendants' violation of the FACE Act.

30. The United States is authorized under 18 U.S.C. § 248(c)(2)(B) to seek and obtain statutory compensatory damages on behalf of persons aggrieved by Defendants' actions in violation of the FACE Act.

31. The United States is further authorized under 18 U.S.C. § 248(c)(2)(B)(i) to request that the Court assess a civil penalty against a defendant for violations of the FACE Act.

32. WHEREFORE, the United States respectfully requests judgment in its favor and against Defendants Rusty Thomas, James Soderna, Thomas Raddell, David Graves, Laura Buck, Chris Keys, James Zastrow, Eva Edl, Eva Zastrow, and Dennis Green, in the form of:

- A. A temporary restraining order, preliminary injunction, and permanent injunction prohibiting Defendants Rusty Thomas, James Soderna, Thomas Raddell, David Graves, Laura Buck, Chris Keys, James Zastrow, Eva Edl, Eva Zastrow, Dennis Green, and any representatives, agents, employees, or any others acting in concert or participation with any Defendant from:
1. using physical obstruction to intentionally interfere with any person, or attempt to intentionally interfere with any person, because the person was or had been obtaining or providing reproductive health services at EMW; and
  2. coming within a “buffer zone” directly outside EMW’s entrance, between EMW property and the curbside patient drop off zone, marked by a solid yellow rectangle on Exhibits A and B and comprising a grid of 5-by-7 concrete sidewalk slabs, approximately 15 feet from south to north (extending from EMW’s property line to the patient drop zone), by approximately 7.5 feet from east to west (extending to and from columns supporting an overhang to EMW’s entrance); and prohibiting Defendants and any representatives, agents, employees, or any others acting in concert or participation with any Defendant from entering onto EMW property, identified by the solid white line on the pavement in front of EMW abutting the sidewalk running east and west along West Market Street. (See Exhibit A)
- B. Statutory compensatory damages to each person aggrieved by Defendants’ FACE violation on May 13, 2017, as averred in paragraphs 18 through 23 above;
- C. A civil penalty assessment against each Defendant as authorized by the FACE Act for an initial or subsequent violation of the FACE Act, as averred in paragraphs 6, 8, and 15 above;

- D. An Order authorizing the United States Marshal to use reasonable means to execute the Court's Order and to arrest any person who impedes its execution of the Order;
- E. An Order authorizing any local, state or federal law enforcement agency to enforce the temporary restraining order, preliminary injunction, and permanent injunction against Defendants Rusty Thomas, James Soderna, Thomas Raddell, David Graves, Laura Buck, Chris Keys, James Zastrow, Eva Edl, Eva Zastrow, and Dennis Green and any representatives, agents, employees, or any others acting in concert or participation with any Defendant; and
- F. An Order for such additional relief as the interests of justice may require.

JOHN E. KUHN, JR.  
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