

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

December 13, 2023

Commission for Human Rights
57 Regional Drive, Suite 8
Concord, NH 03301

Re: John M. Formella, Attorney General v. Christopher Hood, Nationalist Social Club-131, an unincorporated association, and John Does 1-19 (RSA 354-A:2, XV(d) and RSA 354-A:17)

To the Commission for Human Rights:

Mr. John M. Formella in his capacity as the Attorney General for the State of New Hampshire (hereinafter "State") sends this letter to file a charge of discrimination against Mr. Christopher Hood (hereinafter "Hood"), the unincorporated association Nationalist Social Club-131 (hereinafter "NSC-131"), and nineteen presently unidentified men, John Does 1-19 (hereinafter "Does").

In support of this charge, the State alleges that on June 18, 2023, Hood, NSC-131, and Does attempted to incite, compel, or coerce the Teatotaller Café, a place of public accommodation located at 2 Capital Plaza, Concord, NH 03301, to engage in an unlawful discriminatory practice. Specifically, Hood, NSC-131, and Does attempted to incite, compel, or coerce the Teatotaller Café to refuse to make its place of public accommodation, which in the context of this matter refers to its operation as a theater, performance venue, or "other public hall," available to certain performers because of those performers' actual or perceived sex, sexual orientation, and/or gender identity. This attempt to incite, compel, or coerce a place of public accommodation to engage in an unlawful discriminatory practice is actionable under RSA 354-A:2, XV(d) and RSA 354-A:17. *See U.S. EEOC v. Fred Fuller Oil Co.*, 168 N.H. 606, 610-11 (2016). Attached to this letter is a copy of the State's complaint, filed in accordance with Hum 202.03.

Letter to the Commission for Human Rights

Re: Formella v. Hood, et al.

December 13, 2023

Page 2 of 2

As detailed in the attached complaint, the State seeks an administrative fine of \$10,000 for a first-time violation of the Law Against Discrimination, a cease-and-desist order ordering Hood, NSC-131, and Does to cease all actions that violate the Law Against Discrimination, other remedies that will effectuate the purpose of the Law Against Discrimination, damages, civil penalties, costs, and reasonable attorney's fees. RSA 354-A:21, II(d). Also attached with this letter is a motion for leave to remove the case to the Superior Court consistent with Hum 203.01.

Please do not hesitate to contact me with any questions.

Respectfully,

Sean R. Locke
Senior Assistant Attorney General
Director, Civil Rights Unit
N.H. Department of Justice
1 Granite Place-South
Concord, NH 03301
(603) 271-3650
Sean.R.Locke@doj.nh.gov

SRL/lek
Enclosure

THE STATE OF NEW HAMPSHIRE

COMMISSION FOR HUMAN RIGHTS

JOHN M. FORMELLA, ATTORNEY GENERAL

v.

**CHRISTOPHER HOOD, NATIONALIST SOCIAL CLUB-131, an unincorporated association,
AND JOHN DOES 1-19**

**ATTORNEY GENERAL JOHN M. FORMELLA'S COMPLAINT
UNDER THE NEW HAMPSHIRE LAW AGAINST DISCRIMINATION**

NOW COMES John M. Formella, Attorney General, ("State" or "Attorney General") with a complaint against the defendants, Christopher Hood, Nationalist Social Club-131 (hereinafter "NSC-131"), and John Does 1-19 (hereinafter, collectively, "Defendants"), for a violation of the New Hampshire Law Against Discrimination, RSA 354-A:1, et seq. The State asks that the Commission for Human Rights (hereinafter "Commission") find that Defendants' violated the New Hampshire Law Against Discrimination when Hood led a group of at least 19 other individuals, members of or otherwise affiliated with NSC-131, to attempt to incite, compel, or coerce a place of public accommodation to commit unlawful acts of discrimination against people for no other reason than the sex, sexual orientation, and/or gender identity of those people.

Attorney General Formella initiates this action to uphold the civil rights of members of the public whose rights Defendants attempted to violate when they initiated a demonstration designed to incite, compel, or coerce the Teatotaller Café, a place of public accommodation, to commit unlawful discriminatory practices. Specifically, to cancel a scheduled event and/or close their place of public accommodation, which among other things is a venue for small performances, to performers for no other reason than the sex, sexual orientation, and/or gender

identity of those performers. In short, Defendants attempted to terrorize a place of public accommodation into no longer opening their venue to drag performers for no other reason than the sex, sexual orientation, and/or gender identity of those performers.

As detailed in this complaint, the State asks that the Commission impose administrative fines, civil penalties, damages, costs, and reasonable attorney's fees upon Defendants, and to effectuate the purpose of the law against discrimination order Defendants to: (1) cease and desist all unlawful discriminatory practices, including efforts to incite, compel, or coerce places of public accommodation to commit unlawful discriminatory practices, (2) not go within 250 feet of the Teatotaller Café and (3) have no direct or indirect contact with the Teatotaller Café or its employees.

In support of this complaint, the State submits the following:

INTRODUCTION

1. The New Hampshire Law Against Discrimination (hereinafter "LAD"), RSA 354-A:1, et seq., provides that "practices of discrimination against any of its inhabitants because of age, sex, [sexual orientation,] gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin are a matter of state concern" and that "such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants." RSA 354-A:1. For the purposes of this complaint, the list of characteristics included in RSA 354-A:1 and throughout RSA Chapter 354 shall be referred to as "protected characteristics."

2. To that end, the LAD provides that "[t]he opportunity for every individual to have equal access to places of public accommodation without discrimination because of [protected

characteristics] is hereby recognized and declared to be a civil right.” RSA 354-A:16. To protect that civil right the LAD prohibits unlawful discriminatory practices in public accommodations. RSA 354-A:17. Those unlawful discriminatory practices include prohibiting “any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation” from: (1) refusing, withholding from, or denying any person because of their protected characteristics any of the accommodations, advantages, facilities, or privileges thereof; (2) publishing, circulating, issuing, displaying, posting, or mailing any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any place of public accommodation shall be refused, withheld from, or denied to any person because of their protected characteristics; and (3) publishing, circulating, issuing, displaying, posting, or mailing any written or printed communication, notice, or advertisement to the effect that the patronage or custom of any actually or purporting to possess a protected characteristic is unwelcome, objectionable or acceptable, desired or solicited. RSA 354-A:17.

3. The prohibition in the LAD is against excluding a person or group for no other reason than their protected characteristics.

4. A place of public accommodation means “any inn, tavern or hotel, whether conducted for entertainment, the housing or lodging of transient guests, or for the benefit, use or accommodations of those seeking health, recreation or rest, any restaurant, eating house, public conveyance on land or water, bathhouse, barbershop, theater, golf course, sports arena, health care provider, and music or other public hall, store or other establishment which caters or offers its services or facilities or goods to the general public.” RSA 354-A:2, XIV.

5. Unlawful discriminatory practices also include: (1) “[p]ractices prohibited by the federal Civil Rights Act of 1964, as amended (PL 88-352)”;

(2) “[p]ractices prohibited by Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. §§ 3601–3619)”;

and (3) “[a]iding, abetting, inciting, compelling or coercing another or *attempting to aid, abet, incite, compel or coerce another to commit an unlawful discriminatory practice.*” RSA 354-A:2, XV (emphasis added). In considering these additional unlawful discriminatory practices, the New Hampshire Supreme Court has held that the “aid, abet, incite, compel, or coerce another” language means that individuals and third parties can be liable for actual or attempted aiding, abetting, inciting, compelling, or coercing a place of public accommodation to commit another unlawful discriminatory practice. *Cf. U.S. EEOC v. Fred Fuller Oil Co.*, 168 N.H. 606, 610-11 (2016) (concluding that individual employees can be liable for employment discrimination if they aid and abet the commission of employment discrimination).

6. Here, Defendants violated the Law Against Discrimination when they attempted to incite, compel, or coerce a place of public accommodation to cancel an event and/or close its venue to certain performers for no other reason than the sex, sexual orientation, and/or gender identity of those performers. Specifically, Defendants terrorized the Teatotaller Café for over an hour to disrupt an ongoing event, a drag queen story hour where they, among other things, expressed homophobic sentiments, loudly engaged in chants and salutes emulating those of Nazi Germany,¹ banged on the glass windows, and made intimidating gestures at the performer and

¹ The United States Holocaust Memorial Museum explains that “the Nazi regime carried out a campaign against male homosexuality and persecuted gay men between 1933 and 1945.” United States Holocaust Memorial Museum, *Holocaust Encyclopedia: Gay Men Under the Nazi Regime* (last edited May 28, 2021) (available at <https://encyclopedia.ushmm.org/content/en/article/gay-men-under-the-nazi-regime>). This included using police raids and arrests to destroy gay communities and sending gay men to concentration camps. *Id.* Gay men were one of many groups persecuted by the Nazi regime. *Id.*

staff. Defendants did this as an attempt to incite, compel, or coerce the café into cancelling the event and to discontinue hosting such events in the future.

7. Defendants did this because the performer at the story hour identified as a male and was dressed in drag and therefore traditionally feminine attire. Defendants did this because of the cultural connection between drag performances and the LGBTQ+ community. Defendants did this to encourage unlawful discriminatory practices for no other reason than sex, sexual orientation, and gender identity. Defendants did this to encourage discrimination in New Hampshire. In doing this, Defendants committed an unlawful discriminatory practice.

8. These acts violated the LAD because they attempted to incite, compel, or coerce a place of public accommodation into closing its venue to performers for no other reason than the sex, sexual orientation, and/or gender identity of those performers. The discriminatory animus was plainly demonstrated by logos on their banner, which showed animus toward the LGBTQ+ community through language, such as calling the performer, Nathan Yetton, and others “Groomers,”² the targeting of the event and venue, which has historically been supportive of and supported by the LGBTQ+ community, and the chanting of homophobic slurs and behavior designed to instill fear in members of the LGBTQ+ community. The only reasonable interpretation of Defendants’ conduct is that it intended to terrorize performers and local businesses, including the Teatotaller Café, from hosting drag queen story hours and other LGBTQ+ friendly events in the future. Although ultimately unsuccessful, Defendants attempted

² References to LGBTQ+ people as “groomers” or “pedophiles” increased since 2021 as a method to demonize LGBTQ+ people by promoting a false narrative that LGBTQ+ people are grooming children for sexual abuse. See Anti-Defamation League, *What is “Grooming?” The Truth Behind the Dangerous, Bigoted Lie Targeting the LGBTQ+ Community* (Sept. 16, 2022) (available at <https://www.adl.org/resources/blog/what-grooming-truth-behind-dangerous-bigoted-lie-targeting-lgbtq-community>) (describing the history, context, and rise of the slur “groomer” as directed at LGBTQ+ people).

to incite, compel, or coerce a place of public accommodation into engaging in an unlawful discriminatory practice.

9. In response to this violation, the Attorney General asks the Commission to find that Defendants violated the LAD, impose administrative fines against Defendants, order Defendants to cease and desist all planned or future unlawful discriminatory acts, order Defendants not to enter or approach within 250 feet any Teatotaler Café locations, and order Defendants to have no direct or indirect contact with employees or owners of any Teatotaler Café locations.

PARTIES

10. John M. Formella is the Attorney General of New Hampshire. The Attorney General's Office is located at 1 Granite Place South, Concord, NH.

11. Pursuant to RSA 354-A:21, the Attorney General has the authority to make, sign, and file verified complaints alleging that an unlawful discriminatory practice has occurred and seeking relief to protect the public from unlawful discriminatory practices. RSA 354-A:21, I(a).

12. The known defendant, Christopher Hood, resides at 19 Christie Drive, Unit 2, Newburyport, MA 01950.

13. The unincorporated association defendant, NSC-131, has no fixed address but has members located in New Hampshire, Massachusetts, and other New England states. "[A]n unincorporated association is not an entity, and has no status distinct from the persons composing it." 6 Am. Jur. 2d *Associations and Clubs* § 1. An unincorporated association functions like a class of individuals with the common thread among them being membership and/or participation in the association's activities. Unincorporated associations can, on behalf of

the collective membership, sue and be sued. *Textile Workers Union v. Textron, Inc.*, 99 N.H. 385, 386-87 (1955).

14. “[A]n unincorporated association is generally created and formed by the voluntary action of a number of individuals in associating themselves together under a common name for the accomplishment of some lawful purpose.” *Exeter Hosp. Medical Staff v. Board of Trustees of Exeter Hosp.*, 148 N.H. 492, 495-96 (2002) (quotation omitted).

15. NSC-131 describes itself as:

A pro-white, street-oriented fraternity dedicated to raising authentic resistance to the enemies of our people in the New England area. This takes the form of networking, training, activism, outreach, and above all action.

...

We are a social club of nationalists from New England focused on building a network of likeminded men & women dedicated to defending their lands and their people. We oppose the criminal anti-American & anti-white street gangs such as MS13, Black Lives Matter, and ANTIFA. We are for us, by us, and against those against us.

See Attachment A (an NSC-131 flyer that was distributed in numerous communities across New Hampshire in the summer of 2022). NSC-131 and its members have engaged in, among other activities, protests at school board meetings and public and private events. NSC-131 has a public facing social media site³ where it regularly posts about its protests, demonstrations, and other activities. NSC-131, although it may engage in unlawful conduct, does engage in lawful conduct and its purported purpose is not patently unlawful.⁴ See *People ex rel. Reisig v. Broderick Boys*, 149 Cal. Rptr. 3d 64, 73-74 (Ct. App. Cal. 2007) (recognizing that an unincorporated association

³ <https://gab.com/newengland131>. See also Attachment A (containing contact information for the association).

⁴ The characterization of the defendant’s purpose as “not patently unlawful” should not be construed as the State’s endorsement of or condonement of the defendant’s purpose or activities in the state.

could have both lawful and unlawful purposes or lawful purposes and engage in unlawful acts). Accordingly, NSC-131 is an unincorporated association for the purposes of state law.

16. RSA 510:13 permits lawsuits against unincorporated associations by providing a mechanism through which such associations can be served with process. It states that, “[s]ervice of writs or other process against unincorporated associations . . . within this state may, except when otherwise provided, be made upon any officer thereof, of, if it has no officer, then upon any 2 members thereof.” RSA 510:13.

17. The two members of NSC-131 that will be served are Hood and Liam McNeil.⁵ Hood is the leader and founder of NSC-131. McNeil, who resides at 55 Montclair Avenue, Waltham, Massachusetts, 01950, is another leader in NSC-131 and has publicly identified himself as a member of NSC-131. Service upon the two of them will satisfy RSA 510:13’s requirements for service upon unincorporated associations.

18. Upon information and belief, at least 19 other unknown defendants, John Does 1-19, participated in this unlawful act of discrimination and are therefore liable under the LAD. Despite due diligence, at this time, the Attorney General cannot identify the 19 Doe defendants. The State, accordingly, reserves the right to amend this complaint if and when some or all of these Doe defendants are identified and will properly serve those defendants should that occur.

19. The alleged conduct occurred on June 18, 2023, outside the Teatotaller Café, 2 Capital Plaza, Concord, NH 03301. At this time, the State has not filed any other action based upon these allegations.

JURISDICTION AND VENUE

20. The Commission has jurisdiction over this action pursuant to RSA 354-A:21.

⁵ Given the number of unidentified defendants and McNeil’s role within NSC-131, it is possible that McNeil was also present at the June 18, 2023 incident.

21. The Commission is the proper venue for this action because the unlawful discriminatory practice occurred at a place of public accommodation in New Hampshire and was motivated by sex, sexual orientation, and/or gender identity.

FACTS

22. On June 18, 2023, the Teatotaler Café planned to host a drag queen story hour beginning at 11:00 a.m. In honor of Father's Day, the performer, Nathan Yetton, who performs under the name Juicy Garland, curated a range of children's books with the common theme of family to read that morning.

23. The Teatotaler Café is a tea and coffee shop in Concord, NH that also hosts events and community activities. The café spans two stories of a store front in Capital Plaza and its main entrance faces onto Main Street. The portion of the café that faces onto Capital Plaza is entirely glass, allowing people passing through the plaza to see into the business. It has hosted drag queen story hour events since November 2022. The café is owned by Emmett Soldati, managed by Liam Magan, and the property is leased from a company owned by Steve Duprey.

24. Yetton arrived at approximately 10:00 a.m. to finish preparing for the story hour. At approximately 10:30 a.m., he went downstairs to a portion of the café in the rear of the business where the story hour would occur. While waiting for the event to begin, Yetton, who was in drag at that time, spoke with some families who came to attend the story hour.

25. At approximately 10:45 a.m., twenty white men, dressed in black shirts and khaki or tan colored pants and wearing black face coverings, dark sunglasses, and baseball hats, entered Capital Plaza and stood along the windows facing into the café. One man, Christopher Hood, was not wearing a face covering. Hood was moving throughout the group with a video camera filming their activities. The group of men also carried a banner that read, "Defend White

Communities” and displayed logos, such as a pride rainbow crossed out in black, expressing a desire to eliminate or exclude LGBTQ+ people, people of color, and communists. The banner also included the group name, “NSC-131.”

26. Some of the men banged loudly on the glass to get the attention of Yetton and patrons in the café. Some of the men gestured aggressively at Yetton, including showing him the middle finger, and attempted to entice him into leaving the café and joining them in the plaza. Yetton maintained his composure but refused to leave out of concern for his safety. Instead, he began recording the group. Yetton expressed concern that members of the group may attempt to break the glass and described the behavior as being designed to intimidate.

27. The men began chanting, which they continued to do for the next ninety minutes, including slogans like, “Sieg Heil,” “Heil Hitler,” and a call and response of “Whose streets? Our Streets!” The men also shouted homophobic slurs and comments. Finally, the men, acting in unison, perform the Nazi salute. All the chanting, shouting, gestures, and salutes were directed towards the café.

28. Magan and Yetton developed a plan to relocate the event to the second-floor space to remove it from the view of the demonstrating group. Yetton remained downstairs and held the attention of the group while the second-floor space was set up for the story hour. The group remained fixated upon him and continued their chants, Nazi salutes, and homophobic commentary, while Magan and Teatotaler’s staff set up to hold the event upstairs.

29. Louise Spencer, a co-director of the New Hampshire Peacekeeping Project, received the call from Magan asking that they send peacekeepers to help prevent the situation at the café from escalating. Spencer arranged for two other peacekeepers to attend, Eileen and Robert Ehlers, and then she and her husband, who was also a peacekeeper, went to the café.

30. Spencer arrived shortly after the police. She could hear the group chanting before she could see them or the café. When she arrived, she met with Magan to discuss what was needed. She heard the group banging on the glass and chanting. She heard the group use the word "groomer" directed at Yetton. She saw the group doing Nazi salutes in the plaza. After discussing the plans with Magan, she went outside.

31. Spencer stationed herself and her husband near the main entrance to the café. When the Ehlers arrived, she had them stationed in Capital Plaza near the rear entrance to the café. The peacekeepers primarily worked to divert bystanders who wanted to confront the group and to prevent the situation from escalating.

32. Even with the event relocated out-of-sight of Defendants, they continued to direct comments and chants toward the second floor of the café. Some of the chants targeted the parents who brought their children to the event. The chants were coordinated, constant, and directed at the building rather than toward the public. The chants echoed and the sound reverberated throughout the alley. The chants were loud enough that patrons seated outside at a nearby restaurant could hear them and became upset with the group. Although more difficult to hear, the chants could be heard on the second floor of the café while the story hour proceeded.

33. While outside the rear entrance to the café, which is in Capital Plaza, the Ehlers heard the group chanting. They also witnessed the group verbally accost a same-gender couple and a mixed-race couple who were passing through the plaza while permitting white couples and individuals to pass without incident.

34. Eventually, the property owner, Duprey, arrived and after failing to convince police to disperse the group from the plaza, he spoke with Hood, who he presumed to be the

leader of the group, informed him that the plaza was private property, and the group would have to leave.

35. After this exchange with Duprey, the group moved to Main Street and shortly thereafter departed.

36. Inside the café, the chanting continued to be heard throughout the story hour. Yetton worked to keep the children distracted and the families at ease. Despite his best efforts, some parents did express concern about the group and the safety of the event. Shortly before the story hour ended, the group departed. As the group departed, Yetton recalled a quiet that fell over the story hour and that the adults finally seemed able to relax. After the story hour ended, Yetton recalled that several parents expressed gratitude that the event had been relocated because they would not have felt safe staying with the group chanting and shouting outside.

37. From beginning to end, Defendants efforts constituted a well-organized effort to disrupt, incite, compel, coerce, and terrorize Yetton, Magan and the café's staff, families who brought their children to the story hour, and members of the public. Defendants dressed in uniform, concealed their identities, engaged in synchronized chants and salutes, including comments and acts invoking Nazi Germany, directed their chants and salutes into the café itself and at the customers, staff, and participants, and created a sense of fear that violence could be imminent for the café and those participating in the story hour. Multiple witnesses had witnessed previous protests of drag queen story hours and described Defendants as starkly different and terrifying.

38. In the days and weeks after the story hour, NSC-131 made several posts to its public facing websites and social media pages with photos and videos taking credit for the disruption of the story hour.⁶

39. These websites also include posts with photos and videos of previous disruptions of similar events throughout the New England region, several of which express the group's animosity toward the LGBTQ+ community, including a video posted on February 13, 2022, related to a similar demonstration in Portsmouth, New Hampshire, for an event that did not occur. The post sharing this video also stated that "DRAG QUEENS ARE PEDOPHILES."⁷

40. In that video, NSC-131 stated that it and its members "had to intervene, and send a message to anyone in New England that wishes to push sexual degeneracy on our children that we will oppose them wherever and whenever they organize." The video further stated that NSC-131 and its "Granite State 131 Crew" attended "to make our presence and opposition known to the theatre employees, drag queens, and drag queen story hour attendees ahead of the event" and snow emergency, which prompted the cancellation of the event, "was an obvious ploy to pretend that the Granite State 131 Crew didn't shut down the event." NSC-131 declared that it "will continue to shut down drag queen story hours in the New England area until all related events cease."

COUNT I (Against Each and Every Defendant)

Violation of New Hampshire Law Against Discrimination (Public Accommodations)

⁶ See, for example, first post on June 20, 2023, <https://gab.com/NewEngland131/posts/110576338360307432>; second post on June 20, 2023, <https://gab.com/NewEngland131/posts/110576351880959371>; third post on June 20, 2023, <https://gab.com/NewEngland131/posts/110576354349106320>; post on June 22, 2023, <https://gab.com/NewEngland131/posts/110589977429074563>; and post on July 5, 2023, <https://gab.com/NewEngland131/posts/110663731523569631>.

⁷ Available at, <https://gab.com/NewEngland131/posts/107794180691506931>.

41. The Attorney General incorporates by reference all the previous paragraphs of this complaint as if stated herein in full.

42. Defendants' efforts on June 18, 2023, sought to cause the café to cancel a drag queen story hour event that it had planned for the day and to cease hosting such events in the future.

43. Defendants' efforts on June 18, 2023, were motivated by sex, sexual orientation, and/or gender identity and designed to discourage the café to exclude performers in the future for no other reason than the sex, sexual orientation, and/or gender identity of those performers.

44. Teatotaller Café is a place of public accommodation both in the food services it provides but also its service as a venue for performances.

45. For a place of public accommodation to deny performers access to its services or venue for no other reason than the sex, sexual orientation, and/or gender identity of those performers constitutes an unlawful discriminatory practice.

46. Defendants' conduct on June 18, 2023, constituted an attempt to incite, compel, or coerce a place of public accommodation to refuse access to its services or venue for no other reason than the sex, sexual orientation, and/or gender identity of the performer. Specifically, to cancel its event and/or to cease to hold future events for no other reason than the sex, sexual orientation, and/or gender identity of the performer. This too is an unlawful discriminatory practice. RSA 354-A:2, XV; RSA 354-A:17.

47. The defendant's action constituted a violation of the Law Against Discrimination, RSA 354-A:2, XV and RSA 354-A:17.

REQUEST FOR RELIEF (Against Each and Every Defendant)

WHEREFORE, the Attorney General respectfully requests that the Commission for Human Rights:

A. Find that Defendants violated the New Hampshire Law Against Discrimination, RSA 354-A:2, XV and RSA 354-A:17;

B. Order Defendants to pay an administrative penalty of \$10,000, for the Law Against Discrimination violation;

C. Issue an order commanding Defendants to cease and desist all unlawful discriminatory practices and enjoining Defendants from committing future unlawful discriminatory practices;

D. Enjoin Defendants for five years from entering or approaching within 250 feet of any Teatotaller Café location, including 2 Capital Plaza, Concord, NH, and from having any direct or indirect contact with any owner or employee of any Teatotaller Café location, including 2 Capital Plaza, Concord, NH;

E. Order that any violations of the Commission's order could result in further sanctions as provided for in RSA Chapter 354-A or any other relevant law;

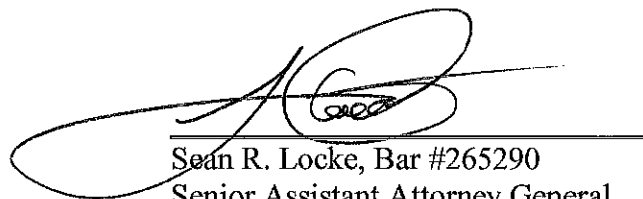
F. Award civil penalties, damages, costs, and reasonable attorney's fees; and

G. Grant such other and further relief as it deems just and equitable.

Respectfully submitted,

JOHN M. FORMELLA,
ATTORNEY GENERAL

December 13, 2023

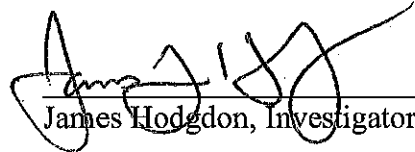


Sean R. Locke, Bar #265290
Senior Assistant Attorney General
Director, Civil Rights Unit
New Hampshire Department of Justice
Office of the Attorney General
1 Granite Place South, Concord, NH 03301
(603) 271-3650

VERIFICATION

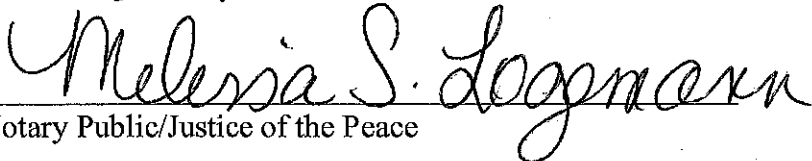
I, James Hodgdon, swear and affirm that I have read this Complaint and that it is true to the best of my knowledge and belief.

December 12, 2023
Date


James Hodgdon, Investigator

STATE OF NEW HAMPSHIRE
COUNTY OF Merrimack

Before me, personally appeared the above-named James Hodgdon and made oath that the foregoing allegations are true and correct to the best of his knowledge and belief, this 12th day of December, 2023.


Notary Public/Justice of the Peace

Print name: Melissa S. Logemann

My commission expires: _____

MELISSA S. LOGEMANN
Justice of the Peace - New Hampshire
My Commission Expires December 18, 2025

Attachment A



WE ARE A SOCIAL CLUB OF NATIONALISTS FROM
NEW ENGLAND FOCUSED ON BUILDING A NETWORK
OF LIKE-MINDED MEN & WOMEN DEDICATED TO
DEFENDING THEIR LANDS AND THEIR PEOPLE. WE
OPPOSE THE CRIMINAL ANTI-AMERICAN & ANTI-
WHITE STREET BANDS SUCH AS MO12, BLACK
LIVES MATTER, AND ANTIFA. WE ARE FOR US, BY
US, AND AGAINST THOSE AGAINST US.

WE STAND FOR THE SECURITY AND
PROSPERITY OF WHITE NEW ENGLANDERS. OUR
MEMBERS CARRY OUT THIS MISSION DO NOT
FROM PURE PLACE OF HATRED, BUT A LOVE FOR
OUR PEOPLE. NO ONE ELSE WILL PROTECT US!

NEWENGLANDNATS@PROTONMAIL.COM

**NEW
ENGLANDERS!**



**NATIONALIST
SOCIAL CLUB**

IS A POSITIVE, STREET-ORIENTED / PATRIOTIC ORGANIZATION
BRINGING AUTHENTIC ASSISTANCE TO THE NEEDS OF OUR PEOPLE IN
THE NEW ENGLAND AREA. THIS TAKES THE FORM OF NETWORKING,
TRAINING, ACTION, OUTREACH, AND ABOVE ALL, ACTION!

NO MATTER HOW YOU FEEL THIS, IF YOU ARE A MEMBER OF OUR CLUB
DESCEND IN THE NEW ENGLAND AREA YOU WILL SEE A BETTER
FUTURE FOR YOUR PEOPLE. CONTACT US TO GET TO WORK FOR ANY
AND ALL MEMBERS, QUESTIONS, OR CONCERNS.

EMAIL: MEMBERSHIP@NEWENGLANDERS.COM

INSTANT CONTACT: @NEWENGLANDERS BY TELEGRAM SECURE MESSENGER

WEBSITE: WWW.NEWENGLANDERS.COM OR WWW.NEWS171.COM

THE STATE OF NEW HAMPSHIRE

COMMISSION FOR HUMAN RIGHTS

JOHN M. FORMELLA, ATTORNEY GENERAL

v.

CHRISTOPHER HOOD, NATIONALIST SOCIAL CLUB-131, an unincorporated association,
AND JOHN DOES 1-19

**ATTORNEY GENERAL JOHN M. FORMELLA'S MOTION TO REMOVE
PURSUANT TO HUM 203.01**

NOW COMES Attorney General John M. Formella ("State" or "Attorney General") to ask that the Commission for Human Rights (hereinafter "Commission") grant the Attorney General leave to file a civil action in the superior court, pursuant to Hum 203.01. The State believes that such a request is justified under the circumstances and furthers the State's goal of seeking injunctive relief to protect the public from unlawful discriminatory practices.

In support of this motion, the State submits the following:

1. On December 12, 2023, the State filed a verified complaint against Christopher Hood, Nationalist Social Club-131, an unincorporated association, and nineteen John Doe defendants (collectively, "Defendants"). In its complaint, the State alleged that Defendants violated the Law Against Discrimination, RSA Chapter 354-A, by attempting to incite, compel, or coerce a place of public accommodation to commit the unlawful discriminatory practice of refusing service or access to that place of public accommodation for no other reason than the sex, sexual orientation, and/or gender identity of those seeking access to the place of public accommodation. RSA 354-A:2, XV(d); RSA 354-A:17; *U.S. EEOC v. Fred Fuller Oil Co.*, 168 N.H. 606, 610-11 (2016).

2. The State now seeks to remove this case directly to the superior court consistent with RSA 354-A:21-a and Hum 203.01(c). It does so for three reasons: (1) requiring the Commission to conduct its own investigation would constitute a waste of precious resources for a case that has already been investigated by the Attorney General's Office; (2) requiring the Commission to conduct its own investigation would lead to delay that could further harm the public; and (3) requiring the State to wait to remove its action would delay its ability to file additional civil actions in conjunction with the facts underlying this complaint. The State will address each issue in turn.

3. First, requiring the Commission to conduct its own investigation would waste Commission resources in a case that has already been investigated by the Attorney General's Office. The verified complaint alleges that the unlawful discriminatory practice occurred on June 18, 2023. Since the acts occurred, the State has investigated this matter. It has performed numerous witness interviews, gathered photographic and video evidence of the acts, and taken additional steps to give it confidence that probable cause supports the complaint. The only individuals with evidence that the State has been unable to interview are Defendants. Despite this, the State remains confident that probable cause supports the complaint.

4. Although RSA 354-A:21 charges the Commission with investigating allegations of discrimination to determine whether probable cause supports those allegations, this charge is meant, in part, to ensure that the Commission can execute its duty of eliminating discrimination by supporting complainants who may lack access to legal counsel and/or the capacity to navigate the superior court system because that lack of support may cause discrimination allegations to go undetected. Here, the State has conducted its investigation and is confident that the allegations are supported by probable cause. Consuming duplicative investigatory resources takes those

resources away from complainants who may need the Commission's support while their charge is pending.

5. Additionally, if denied, the State intends to remove at the first opportunity. Should an investigation have commenced and not been completed within that time, resources will be wasted. Accordingly, permitting the State to file its civil action directly in the superior court is warranted.

6. Second, requiring the Commission to conduct its investigation will lead to delay that harms the public interest. The State has filed this action to protect the rights of the public to be free from discrimination in places of public accommodation. It intends to seek injunctive relief against Defendants. Needless delay hinders the State's ability to achieve these goals. Accordingly, permitting the State to file its civil action directly in the superior court is warranted.

7. Third, requiring the State to wait to remove prevents it from filing additional civil actions related to the facts of this case. The State has the potential to file additional civil actions stemming from the underlying conduct here. Should it do so, it would file those civil actions with this complaint. Delayed removal of this action to superior court delays the State's ability to file additional civil actions. Accordingly, permitting the State to file its civil action directly in the superior court is warranted.

8. Pursuant to Hum 203.01(c)(2), copies of this motion, and the accompanying complaint, will be mailed to Hood. Liam McNeil, as a representative party for the unincorporated association, will also receive a copy by mail.¹ They will receive copies at the addresses listed in the complaint.

¹ Hood is the other representative party for the unincorporated association as required by RSA 510:13 and detailed in the complaint..

9. Pursuant to Hum 203.01(d), Defendants have 10 days to object to the motion. If they do not object, then the investigating commissioner must act on this motion within 30 days. Hum 203.01(e). If they do object, then the investigating commissioner must act on this motion within 20 days of their objection. *Id.* Pursuant to 203.01(c)(3), because many of the defendants are unidentifiable at this time and the known defendants are in active litigation with the State in other, unrelated matters, seeking concurrence from them all would be futile. The State, therefore, presumes that they would object to the relief sought.

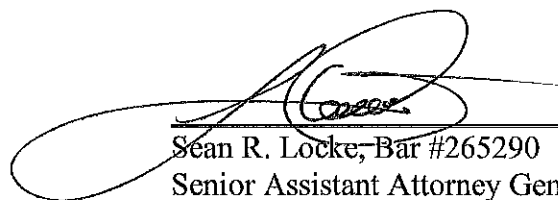
WHEREFORE, the Attorney General respectfully requests that the Commission for Human Rights:

- A. Grant the Attorney General leave to file a civil action alleging violations of the Law Against Discrimination in superior court; and
- B. Grant such other and further relief as the Commission deems just and equitable.

Respectfully submitted,

JOHN M. FORMELLA,
ATTORNEY GENERAL

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Sean R. Locke, Bar #265290
Senior Assistant Attorney General
Director, Civil Rights Unit
New Hampshire Department of Justice
Office of the Attorney General
1 Granite Place South, Concord, NH 03301
(603) 271-3650