

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUNIZ,
HANNAH PEARCE, MARCUS MARTIN,
NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a/ ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOCH”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

**PLAINTIFFS’ REPLY TO DEFENDANT CANTWELL’S RESPONSE IN OPPOSITION
TO ATTORNEYS WOODARD’S AND KOLENICH’S MOTION TO WITHDRAW AS
COUNSEL**

On July 2, 2019, Plaintiffs filed a Motion to Enjoin Defendant Cantwell from Making Unlawful Threats Against Plaintiffs and Plaintiffs’ Counsel (“the Motion”). (ECF No. 511.) On July 25, 2019, Mr. Cantwell’s attorneys moved to withdraw from representing him based, in part, on the threats that gave rise to the Motion. (ECF No. 530.) Yesterday, nearly three months after Plaintiffs filed the Motion, Mr. Cantwell filed a response. (ECF No. 560.) We write to draw the Court’s attention to the fact that, three days before filing his response, Mr. Cantwell addressed precisely the same topics on his virulently anti-Semitic talk show, the “Radical Agenda.” (*See* “Radical Agenda S05E071 – Global Climate Psych,” Sept. 21, 2019, *available at* <https://www.bitchute.com/video/3U1KrXUg8Miv/> (“Cantwell Podcast”).) His comments on these issues begin at 00:58:45. (*Id.*) We have included a transcription for the Court’s convenience. (Ex. 1 (Transcript, Radical Agenda Podcast Episode S05E071, Sept. 21, 2019).) Characteristically, Mr. Cantwell spews hate-filled invectives toward Plaintiffs’ lead counsel, Roberta Kaplan. (*Id.* (“She’s a fucking Jew, lying, asshole. . . . Roberta Kaplan also says that gays have a constitutional right to marry and it’s not true, right. . . . So like I do not threaten Roberta Kaplan, Roberta Kaplan accuses me of threatening her, which kind of removes the incentive for not threatening Roberta Kaplan, right?”); *see also* Cantwell Podcast at 00:59:31.)

Equally troubling, when speaking to his many listeners – unlike when he addresses the Court – he takes a decidedly more violent tack. In yesterday’s filing, Mr. Cantwell projects an air of peaceful humility, claiming this lawsuit is an effort “to silence” him – “a beaten man” – and his associates. (ECF No. 560.) To his impressionable and like-minded followers, however, he vividly spelled out what he believes is the natural consequence of this purported silencing: more shootings. (*See* Ex. 1 (“The Jews decided that the time for talk is over. And so, while I’m saying ‘we gotta talk’, and the Jews are saying ‘no talking’, the accelerationists win the argument, and people go

out shooting.”); *see also* Cantwell Podcast at 1:06:50.) It has been nearly three months since Plaintiffs urgently sought relief from Mr. Cantwell’s threats. Yesterday’s tardy and two-faced response makes the need for such an order no less vital.

Dated: September 25, 2019

Respectfully submitted,

/s/

Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
rcahill@cooley.com

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
Gabrielle E. Tenzer (*pro hac vice*)
Joshua A. Matz (*pro hac vice*)
Michael L. Bloch (*pro hac vice*)
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
gtenzer@kaplanhecker.com
jmatz@kaplanhecker.com
mbloch@kaplanhecker.com

Karen L. Dunn (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Jessica Phillips (*pro hac vice*)
BOIES SCHILLER FLEXNER LLP
1401 New York Ave, NW
Washington, DC 20005
Telephone: (202) 237-2727
Fax: (202) 237-6131
kdunn@bsfllp.com
wisaacson@bsfllp.com
jphillips@bsfllp.com

Yotam Barkai (*pro hac vice*)
BOIES SCHILLER FLEXNER LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 446-2300
Fax: (212) 446-2350
ybarkai@bsflp.com

Alan Levine (*pro hac vice*)
Philip Bowman (*pro hac vice*)
COOLEY LLP
1114 Avenue of the Americas, 46th Floor New
York, NY 10036
Telephone: (212) 479-6260
Fax: (212) 479-6275
alevine@cooley.com
pbowman@cooley.com

David E. Mills (*pro hac vice*)
COOLEY LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Fax: (202) 842-7899
dmills@cooley.com

J. Benjamin Rottenborn (VSB 84796)
Erin Ashwell (VSB 79538)
WOODS ROGERS PLC
10 South Jefferson St., Suite 1400
Roanoke, VA 24011
Telephone: (540) 983-7600
Fax: (540) 983-7711
brottenborn@woodsrogers.com
eashwell@woodsrogers.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2019, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Justin Saunders Gravatt
David L. Hauck
David L. Campbell
Duane, Hauck, Davis & Gravatt, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
jgravatt@dhdglaw.com
dhauck@dhdglaw.com
dcampbell@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

Elmer Woodard
5661 US Hwy 29
Blairs, VA 24527
isuecrooks@comcast.net

James E. Kolenich
Kolenich Law Office
9435 Waterstone Blvd. #140
Cincinnati, OH 45249
jek318@gmail.com

*Counsel for Defendants Matthew Parrott,
Robert Ray, Traditionalist Worker Party,
Jason Kessler, Nathan Damigo, Identity
Europa, Inc. (Identity Evropa), and
Christopher Cantwell*

Bryan Jones
106 W. South St., Suite 211
Charlottesville, VA 22902
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill,
Michael Tubbs, and League of the South*

John A. DiNucci
Law Office of John A. DiNucci
8180 Greensboro Drive, Suite 1150
McLean, VA 22102
dinuccilaw@outlook.com

Counsel for Defendant Richard Spencer

William Edward ReBrook , IV
The Rebrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
edward@rebrooklaw.com

*Counsel for Defendants Jeff Schoep, National
Socialist Movement, and Nationalist Front*

I further hereby certify that on September 25, 2019, I also served the following non-ECF participants, via electronic mail, as follows:

Elliot Kline
eli.f.mosley@gmail.com

Matthew Heimbach
matthew.w.heimbach@gmail.com

Vanguard America
c/o Dillon Hopper
dillon_hopper@protonmail.com

/s/
Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
rcahill@cooley.com

Counsel for Plaintiffs