

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CRISIS PREGNANCY SERVICES, INC,
d/b/a COMPASSCARE

Plaintiff,

v.

Case No: 23-1057
COMPLAINT AND
DEMAND FOR A JURY
TRIAL

HANNAH KAMKE and JENNIFER L. PAGE,
JOHN DOE 1 and JANE DOE 2

Defendant(s).

Plaintiff, Crisis Pregnancy Services, Inc., d/b/a CompassCare (hereinafter CompassCare), by and through its counsel, Ganguly Brothers, PLLC, for its complaint against Defendants, Hannah Kamke, Jennifer L. Page, John Doe 1, and Jane Doe 2, states as follows, upon knowledge as to its own acts and otherwise upon information and belief:

PRELIMINARY STATEMENT

1. There has been a dramatic rise of violence against pro-life pregnancy centers and health care facilities by militant pro-abortion advocates over the past several years. The problem has significantly increased since the leak of the US Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* which overturned a federal so-called right to abortion.
2. On May 2, 2022, Politico published a leaked draft of the *Dobbs* opinion, which showed the Supreme Court's intent to overturn *Roe v. Wade*.
3. On November 15, 2022, FBI Director Christopher Wray gave a troubling statistic while speaking at a hearing before the Senate Homeland Security Committee that

approximately 70% of abortion-related threats of violence in the US since the *Dobbs* leak have been against pro-life groups.

4. More than 310 crisis pregnancy centers (CPCs), pro-life organizations and churches have been attacked, some repeatedly, since the *Dobbs* leak. More than a dozen attacks have been claimed by the left-wing, pro-abortion, extremist group Jane's Revenge; however, upon information and belief, few if any members of the group have been arrested.
5. In response to *Dobbs*, Jane's Revenge carried out multiple attacks on pro-life organizations, a church, and a Congressional office. The attacks included firebombing, vandalism, and arson. By the end of 2022, Jane's Revenge had claimed responsibility for at least 16 such attacks.
6. Jane's Revenge often leaves their "calling card": the phrase "Jane Was Here" graffitied at the site of the attack.
7. CompassCare was one of the pro-life organizations attacked by Jane's Revenge. On June 7, 2022, two masked individuals, herein referred to as Jane Doe 1 and Jane Doe 2, whose identities are yet to be confirmed, firebombed the CompassCare's Amherst, New York facility by throwing Molotov cocktails through a window. The firebombing drew a large response from firefighters and law enforcement. At least two firefighters were injured in the blaze. Damage to the facility exceeds five hundred thousand dollars (\$500,000).
8. Originally intended to be used to protect abortion clinics, The Freedom of Access to Clinic Entrances Act of 1994 (FACE) makes it a federal crime to physically obstruct the entrance to a clinic or to use force, the threat of force, or physical obstruction, such as a sit-in, to interfere with, injure, or intimidate clinic workers or women seeking abortions or other reproductive health services.

9. The Act also grants the right to a private cause of action against violators, so that victims can seek civil remedies against individuals that violate the FACE Act. While for many years the FACE Act was used by attorneys general and abortion service providers to prosecute pro-life advocates, the FACE Act equally applies to protect pro-life pregnancy clinics and centers against violent pro-abortion advocates.
10. Despite the numerous attacks against pro-life groups, there have been appallingly few prosecutions of the attackers.
11. CompassCare is leading the growing list of pro-life FACE Act victims that are calling for action from law enforcement. CompassCare's demand is simple: equal protection under the law.
12. Through this lawsuit, CompassCare is seeking justice for the illegal actions taken by the defendants against CompassCare's employees, patients, and property.

NATURE OF THE ACTION

13. This lawsuit is brought under the Freedom of Access to Clinic Entrances Act ("FACE Act"), which prohibits threats of force, obstruction and property damage intended to interfere with reproductive health care services. 18 U.S.C. § 248.
14. Defendants Hannah Kamke and Jennifer L. Page violated the FACE Act by engaging in illegal conduct intended to prevent or attempt to prevent women from obtaining reproductive healthcare services provided by CompassCare, and by using threats and intimidation to prevent or attempt to prevent CompassCare staff and volunteers from providing reproductive healthcare services. Moreover, this lawsuit alleges that the

defendants intentionally damaged and defaced CompassCare's Amherst, New York clinic because CompassCare provides reproductive healthcare.

15. Plaintiff seeks *inter alia* injunctive relief and monetary damages against defendant(s).

JURISDICTION AND VENUE

16. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 as a federal question is at issue under the laws of the United States.

17. Venue lies in this district pursuant to 28 U.S.C. § 1391(b)(1) and 28 U.S.C. § 1391(b)(2) because the defendants reside in the judicial district and a substantial part of the events giving rise to the claim occurred in Erie County, Town of Amherst NY which is in the Buffalo division of the Western District of New York.

LEGAL STANDARD

18. Jennifer L. Page and Hannah Kamke are known pro-abortion activists who have been criminally charged for vandalism, theft, and damage to the CompassCare reproductive health facility in Amherst, NY. By these actions, defendants intended to cause CompassCare's employees and patients to feel threatened, intimidated and interfered with.

19. The FACE Act subjects to civil penalties any person who "by force or threat of force . . . intentionally . . . intimidates or interferes with or attempts to . . . intimidate or interfere with any person because that person is or has been . . . providing reproductive health services." 18 U.S.C. § 248(a)(1).

20. The FACE Act also subjects to civil penalties any person who “intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services.” *Id.* § 248(a)(3).
21. The FACE Act authorizes a private right of civil action by any person aggrieved by reason of the conduct prohibited [enumerated in subsection (a)] *id.* § 248(c)(1).
22. The FACE Act defines “reproductive health services” as “reproductive health services provided in a . . . clinic . . . or other facility, and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services related to pregnancy.” *Id.* § 248(e)(5).
23. The FACE Act defines “facility” as “a hospital, clinic, physician’s office, or other facility that provides reproductive health services, and includes the building or structure in which the facility is located. ” *Id.* § 248(e)(1).
24. The FACE Act authorizes that “the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.” *Id.* § 248(c)(1)(B).

FACTUAL ALLEGATIONS

25. Plaintiff, CompassCare, is a New York not-for-profit corporation with a principal place of business in Rochester, New York, and which operates a reproductive health facility in Amherst, New York (“Amherst Facility”).

26. Plaintiff's Amherst Facility provides health care services to women with unplanned pregnancy and sexual health needs. For over 40 years CompassCare has been Upstate NY's leader in women's reproductive health. All services are provided to patients at no cost.
27. Defendant Jennifer L. Page, a/k/a Jennifer L. Clark and Queen City Feminist (DOB 1/23/1984), is a self-described "abortion enthusiast" who resides in Buffalo, NY.
28. Defendant Hannah Kamke, a/k/a Hannah Kam (DOB 5/23/1983), is a resident of Buffalo, NY.
29. On or about May 1, 2021, defendant Jennifer L. Page, using the name Queen City Feminist on social media, organized a demonstration against CompassCare's "Walk for Life". The Walk for Life is an annual family-friendly event hosted by CompassCare to raise awareness of the value of all human life, while raising funds to provide for the unmet healthcare resource needs of women considering abortion.
30. Jennifer L. Page organized a counter protest at said "Walk for Life", wherein pro-abortion extremists banded together in disguise to block the public highway, in order to prevent pro-life citizens from exercising their first amendment rights, and to threaten and intimidate patients, employees, prospective patients and supporters of CompassCare from working at, seeking services from or supporting CompassCare. Upon information and belief, some of the specific acts taken by Page's co-conspirators include, illegally blocking a public highway, engaging in acts of assault on walkers and police. Page's co-conspirators hit a police officer with a bullhorn, punched CompassCare supporter, placed nails and glass in a public walkway (injuring at least one person), and graffitied lewd, vulgar, threatening messages on the sidewalk.

31. On two subsequent occasions, Page organized demonstrations at the Amherst Facility, trespassing on the property and writing graffiti in the driveway of the facility, thereby blocking the entrance to the facility's parking lot and intending to deter, and in fact deterring, staff, volunteers and patients from entering the facility.
32. On yet another occasion, Page trespassed at the Amherst Facility and stole a no-trespassing sign. She was eventually arrested and charged by Amherst Police with theft.
33. Upon information and belief, following her arrest, Page provided law enforcement with information regarding two (2) potential suspects in connection with the June 7, 2022 firebombing.



Figure 1. Photo of damage to CompassCare's Amherst facility caused by the June 7, 2022 firebombing.

34. In addition to the firebombing, the Jane Doe defendants are responsible for spray-painting graffiti on the building saying “Jane was Here”.



Figure 2. Photo of Jane’s Revenge’s “calling card”:: the phrase “Jane Was Here” spraypainted on CompassCare’s Amherst facility.

35. On or about March 16, 2023 at or around 12:30am, Defendant Kamke trespassed on the Amherst Facility property and spray-painted graffiti over the entrance sign reading “Liars.” The value of the damage to the sign was over two thousand five hundred dollars (\$2500.00).

36. Kamke subsequently pled guilty to disorderly conduct in Amherst Town Court in



Figure 3. Photo of graffiti spraypainted on CompassCare's sign by Defendant Kamke.

FIRST CAUSE OF ACTION

Threatening and Intimidating Persons in Violation of 18 U.S.C. 248(a)(1)

37. Plaintiff(s) hereby repeats and realleges all allegations made above as if made in full below.
38. The FACE Act prohibits threatening or intimidating, or attempting to threaten or intimidate “any person because that person is or has been . . . providing reproductive health services.” 18 U.S.C. § 248(a)(1).
39. “Reproductive health services” includes “medical” and “counseling” services related to pregnancy. Id. § 248(e)(5).
40. The persons who worked at the CompassCare facility in Amherst, NY, provided reproductive health services.
41. Defendants threatened and intimidated persons working at the CompassCare facility in Amherst, NY because they provide reproductive health services.
42. Defendants committed these violations as part of a wave of violence against pro-life pregnancy centers.
43. Plaintiff(s) seeks from Defendants, jointly and severally, compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses.

SECOND CAUSE OF ACTION

**Damaging the Property of a Reproduction Services Facility in
Violation of 18 U.S.C. 248(a)(3)**

44. Plaintiff(s) hereby repeats and realleges all allegations made above as if made in full below.

45. The FACE Act prohibits “intentionally damag[ing] or destroy[ing] the property of a facility, or attempting to do so, because the facility provides reproductive health services.” 18 U.S.C. § 248(a)(3).
46. “Reproductive health services” includes “medical” and “counseling” services related to pregnancy. *Id.* § 248(e)(5).
47. The CompassCare facility in Amherst, NY, provides reproductive health services.
48. Defendants damaged the property of the CompassCare facility in Amherst, NY because it provides reproductive health services.
49. Defendants committed these violations during a wave of violence against pro-life pregnancy centers.
50. Plaintiff(s) seeks from Defendants, jointly and severally, compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses.

THIRD CAUSE OF ACTION

Request for Permanent Injunctive Relief

51. Plaintiff(s) hereby repeats and realleges all allegations made above as if made in full below.
52. The FACE Act authorizes the Plaintiff(s) to seek permanent injunctive relief. 18 U.S.C. § 248(c)(1)(B).
53. Defendants have a history of disruptive criminal behavior in the name of political activism, especially towards providers of reproductive health services.
54. Defendants have a history of repeatedly violating the FACE Act.

55. Defendants are likely to continue to intimidate and interfere with the provision of reproductive services in the State of New York.

56. Plaintiff(s) requests the following injunctive relief:

a. Prohibit Defendants from going within 100 feet of any pro-life pregnancy center in the State of New York.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands the following relief:

- a) Judgment against Defendants, jointly and severally, in the amount yet to be determined for compensatory and punitive damages;
- b) Award Plaintiff(s) its reasonable costs and expenses, including attorney fees, incurred in the prosecution of this action as authorized by § 248(c)(1)(B).
- c) Enjoin Defendants from going within 100 feet of any pro-life pregnancy center or CompassCare facility in the State of New York.
- d) Award such other relief as the Court deems equitable and just.

Dated: October 5, 2023

Ganguly Brothers, PLLC
Attorneys for Plaintiff

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