

15TH JUDICIAL DISTRICT COURT FOR THE PARISH OF LAFAYETTE
STATE OF LOUISIANA

NO. _____

DIVISION: _____

LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT

v.

JOHN MERRIFIELD

FILED: _____

DEPUTY CLERK

PETITION FOR DAMAGES AND REIMBURSEMENT

NOW INTO COURT, through undersigned counsel, comes LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, who avers as follows:

1.

JOHN MERRIFIELD (“Merrifield”) is made Defendant herein.

2.

Merrifield is a person of full age and majority currently residing in Brooklyn, New York.

3.

Merrifield’s hometown is Lafayette, Louisiana.

4.

On May 31, 2020, the President of the United States tweeted: “The United States of America will be designating ANTIFA as a Terrorist Organization.”¹

5.

In the wake of this tweet, and additional coverage of antifa, hoaxes about scheduled antifa rallies or appearances spread on the internet.

6.

Smaller cities were targeted because the hoax could more easily spread among the smaller communities on social media.²

¹ Donald J. Trump, TWITTER.COM (May 31, 2020, 11:23 AM), <https://twitter.com/realDonaldTrump/status/1267129644228247552>.

² Russell Brandom, ‘Anita Bus’ Hoaxes are Spreading Panic Through Small-Town America, THE VERGE, (June 4, 2020, 1:41 PM), <https://www.theverge.com/2020/6/5/21281581/antifa-bus-hoax-trump-misinformation-protests-police>.

7.

These hoaxes caused havoc in these small cities. Local authorities had to investigate and debunk the hoaxes. But debunking the hoaxes often was not enough. Local citizens were often still concerned and some even took up arms to guard their cities.

8.

For example, armed local citizens in Forks, Washington harassed a family driving through town in a school bus for a camping trip believing the family were the antifa members they had read about online. The local citizens even cut down trees to prevent the family from exiting their camping site.³

9.

When a similar antifa hoax hit Couer d'Alene, Idaho, thirty to fifty armed men patrolled the streets for days waiting for antifa to arrive.⁴ Similarly, armed counter protestors stood watch over Missoula, Montana in response to an antifa hoax, despite the mayor and police chief debunking the hoax.⁵

10.

Likely the largest, and arguably most successful antifa hoax, occurred on the Fourth of July at Gettysburg National Military Park. In June of 2020, the Facebook page Left Behind USA began promoting an antifa sponsored event set on the Fourth of July at Gettysburg National Military Park. The event called for the burning of the American flag. It claimed to be a family friendly event, with Antifa face painting and small flags for the children to safely burn. Despite the, arguably, satirical language in the post, it still spread quickly online. The small town of Gettysburg was flooded with calls from concerned local residents. The town discussed mobilizing its entire police force and bringing in others to protect the town. Militia groups and others from out of state vowed to protect the town as well. Eventually, the local police publicly debunked the

³Chad Sokol, *Spokane Family Harassed, Then Trapped in Forest Campsite in Western Washington, Sheriff's Office Says*, THE SPOKESMAN-REVIEW, (June 6, 2020), <https://www.spokesman.com/stories/2020/jun/05/spokane-family-accused-of-being-antifa-by-armed-lo/>; see also *Spokane Family Harassed, Stranded on Olympic Peninsula after Locals Accuse them of Antifa Affiliation*, Q13 FOX SEATTLE, (June 5, 2020), <https://www.q13fox.com/news/spokane-family-harassed-stranded-on-olympic-peninsula-after-locals-accuse-them-of-antifa-affiliation>.

⁴Jason Wilson, *Rightwing Vigilantes on Armed Patrol after Fake Rumors of Antifa Threat*, THE GUARDIAN, (June 6, 2020), <https://www.theguardian.com/us-news/2020/jun/06/rightwing-vigilante-armed-antifa-protests>.

⁵Nate Hegyi, *Spurred by Debunked Anita Rumors, Armed Men and Women Stand Watch over Protests*, BOISE STATE PUBLIC RADIO, (June 8, 2020), <https://www.boisestatepublicradio.org/post/spurred-debunked-antifa-rumors-armed-men-and-women-stand-watch-over-protests#stream/0>.

event, but it was too late. Hundreds of heavily armed counter protesters arrived on the Fourth of July to “protect” Gettysburg.⁶

11.

Merrifield observed these hoaxes occurring across the country, and was “inspired” to target his hometown, Lafayette, Louisiana, with a similar hoax.⁷ Merrifield thought it would be “fun.” He explained:

Essentially, I wanted to show how gullible some people could be . . . I saw a news story about another town where a similar thing was done, and I thought it would be fun to do it in Lafayette.⁸

12.

On July 4, 2020, Merrifield posted on Facebook an event called “ANTIFA takes River Ranch.” Merrifield wrote, “We will be gathering at Ruffino’s on the River [on July 11, 2020] to begin our complete takeover of the elite neighborhood known as River Ranch.” Like the Gettysburg hoax, he stated the event would begin by burning the American flag.

13.

The post had its intended effect. The group Right Side Millennial promoted a counter protest event, stating:

The radical left has made its way to Lafayette and plan to disgrace our nation’s flag. It is time patriots stand up to this mob and show them their dangerous ideology has no place in America.

14.

Concerned residents flooded Lafayette City-Parish Consolidated Government with phone calls. The Lafayette Police Department and Lafayette Parish Sherriff’s Office were forced to investigate the event. Law enforcement and the Lafayette Mayor-President urged individuals to allow law enforcement to handle the situation.

⁶ Shawn Boburg and Dalton Bennett, *Militias Flocked to Gettysburg to Foil a Supposed Antifa Flag Burning, an Apparent Hoax Created on Social Media*, THE WASHINGTON POST, (July 4, 2020, 8:58 PM), https://www.washingtonpost.com/investigations/hundreds-of-armed-men-went-to-gettysburg-to-defend-it-from-a-phantom-antifa-flag-burner-created-on-social-media/2020/07/04/206ee4da-bb05-11ea-86d5-3b9b3863273b_story.html.

⁷ Katie Gagliano, *Founder of ‘Anita’ Rally in River Ranch says Satirical Event was Meant to Poke Fun at Online Rumors*, THE ACADIANA ADVOCATE, (July 9, 2020, 6:00 AM), https://www.theadvocate.com/acadiana/news/article_d21f1cc0-c15b-11ea-8dc5-1f9aa4305434.html?utm_medium=social&utm_source=facebookacadiana&utm_campaign=snd (“Event founder John Merrifield, who started the “cajUUUn Memes” page, said he was inspired to create the satirical event after seeing similar stunts in other towns.”).

⁸ KATC NEWS, *UPDATE: Lafayette Police Ready to Respond to Fake Event*, KATC3 ACADIANA’S NEWS CHANNEL, (July 7, 2020, 3:44 PM) <https://www.katc.com/news/lafayette-parish/lcg-issues-statement-about-satire-pages-antifa-rally>.

15.

No credible information was found to support the post. Nonetheless, the hoax continued to spread and concerned citizens continued to call Lafayette City-Parish Consolidated Government.

16.

In fact, in a podcast appearance Merrifield explained that his own mother believed the antifa hoax because she knew he was an activist. His mother told one of Merrifield's former friends the post was real. The former friend spread that news to others.

17.

In the podcast appearance, Merrifield further explained that he antagonized those who believed the hoax by sending a video of himself burning a drawing of an American flag.

18.

Because the hoax continued to be believed and spread, Lafayette City-Parish Consolidated Government feared armed counter protesters, and perhaps actual antifa-inspired agitators, would appear at Ruffino's on the River and lead to violence and/or destruction of property. Accordingly, Lafayette City-Parish Consolidated Government was forced to take responsive action.

19.

The Lafayette Police Department deployed a surveillance station to the Ruffino's on the River parking lot.

20.

On July 11, 2020, the day of the scheduled hoax antifa rally, Lafayette City-Parish Consolidated Government had to send numerous police officers and sheriff deputies to the Ruffino's on the River parking lot to ensure no harm befell any citizens or property from people taking the antifa hoax seriously.

21.

The police officers and sheriff deputies had to be paid overtime at great expense to Lafayette City-Parish Consolidated Government.

22.

Meanwhile, Merrifield gleefully followed the coverage. He posted on social media, "I can't believe this worked." When his hoax event made the local news, he posted "I love my life." He exclaimed "[t]his is amazing" when the Lafayette Police Department deployed the surveillance

station. He took pride that he was able to “troll[] the entire city of Lafayette, Louisiana,” writing on Twitter:

I haven't been as active on here because I've been too busy trolling the entire city of Lafayette, Louisiana. Here's the full news story. Check my Facebook for more.

23.

Shockingly, Merrifield has sought to profit off the havoc he created. He created an “Acadianatifa” flag—a combination of the Acadiana flag and antifa symbols—which he began selling through Facebook.

24.

Apparently inspired by the attention he received, and armed with the knowledge that, at least some, Lafayette residents believe antifa hoaxes, Merrifield began spreading a hoax event on Facebook called “ANTIFA Takes Acadiana Mall” set for August 29, 2020.

25.

Merrifield promoted the hoax event in the days leading up to and on day of the event.

26.

Merrifield's hoax worked. On August 29, 2020, the Lafayette Police Department received panicked calls from mall employees and customers. Numerous police officers were dispatched to the Acadiana Mall, and the mall had to close early.

27.

Again, Merrifield provided commentary online as the events unfolded. One Facebook user complained that Merrifield was “affecting my family.” Merrifield responded, “I'm affecting a lot of people. That's the point.”

28.

Merrifield, again, seemed to take pride in his “trolling,” publicly posting: “I trolled my hometown again and people fell for it again and [the Lafayette Police Department] overreacted again” with a link to a news article about the response to his hoax event.

29.

Merrifield stated his intention with his hoaxes was to cost Lafayette, Louisiana money, stating: “None of this has been about money except the part about costing the city money.”

30.

Merrifield's antifa hoaxes had the intended effect. The hoaxes have caused Lafayette City-Parish Consolidated Government considerable sums of money—both in investigating and responding to the hoax events.

31.

Lafayette City-Parish Consolidated Government now seeks damages from Merrifield to recoup those expenses. Merrifield is liable under theories of negligence and pursuant to La. R.S. 14:126.1.1.

32.

The damages sought by Plaintiff, herein, are less than \$75,000.00.

WHEREFORE, premises considered, Plaintiff, LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, respectfully prays:

1. That after all legal delays be had there be a Judgment herein in favor of Plaintiff and against Defendant in an amount that is just and reasonable for the damages it has sustained, together with legal interest from the date of judicial demand and until paid, and for all costs incurred;
2. That JOHN MERRIFIELD be ordered to preserve and maintain, and if applicable, instruct his agents to preserve and maintain, all evidence, documents, recordings, social media postings, and records relevant to this Case, including but not limited to any social media postings on his personal social media account(s) and/or any social media account(s) controlled by him, and any podcast(s) and/or interview(s) he appeared on; and
3. For all other general and equitable relief under the law.

Respectfully submitted,

GIBSON LAW PARTNERS, LLC
Attorneys at Law



JAMES H. GIBSON, 14285
MICHAEL O. ADLEY, 37009
2448 Johnston Street (70503)
P.O. Box 52124
Lafayette, LA 70505
Telephone: 337-761-6023
Fax: 337-761-6061
Email: jimgibson@gibsonlawpartners.com
Email: michaeladley@gibsonlawpartners.com
Counsel for Plaintiff, LAFAYETTE-CITY PARISH
CONSOLIDATED GOVERNMENT

Service through the Louisiana Long-Arm Statute:

