

Declaration of Rights. The objections are invalid. The First Amendment, and the Fifth Amendment and Article 12, provide only narrow privileges against disclosure in civil litigation. The defendants' contention that the privileges attach to effectively all written discovery in this case is simply obstructionist. In fact, the objections the defendants have asserted are generally insufficient to invoke the privileges or establish that they apply to the discovery at issue.

The defendants' refusal to provide discovery has impeded the Commonwealth's ability to develop evidence in support of its claims and prepare its case for trial in a timely and efficient manner. To remedy the defendants' continuing misconduct, the Court should enter an order under Mass. R. Civ. P. 37 compelling the defendants to provide complete written discovery and directing that, if they fail to do so within 60 days, appropriate evidentiary sanctions will be imposed against them.

Superior Court Rule 9C(c) Statement

The full text of the requests to which the Commonwealth is seeking to compel discovery, and the defendants' responses and objections to those requests, are set out in the appendix. The arguments in this memorandum apply to each request as further detailed in the appendix.

Background

Defendants have failed to provide discovery as required by Mass. R. Civ. P. 26, 33, and 34 (hereafter "Rule *"). The Commonwealth served its First Set of Requests for the Production of Documents (the "RFPs" or "Document Requests") and First Set of Interrogatories (the "Interrogatories") on defendants Hood and McNeil (the "Defendants") on May 30, 2024.¹ To date, Defendants have refused to produce a single document in response to the RFPs or provide

¹ See Ex. A – D.

substantive answers to the Interrogatories.² Defendants do not contest that the Commonwealth is seeking relevant documents and information that fall within the scope of permissible discovery under Rule 26. Instead, Defendants are refusing to provide discovery based principally upon the following objections:

The disclosure of...[the requested information or documents] infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and [be] used to attempt to establish criminal liability.

As further set out in the appendix, Defendants have asserted these objections in response to requests seeking discovery concerning the specific incidents of misconduct described in the complaint; discovery sufficient to identify individuals who participated in that misconduct; discovery sufficient to identify potential witnesses and other sources of discoverable material; and discovery concerning Mr. Hood and Mr. McNeil's suitability to serve as representative defendants for the Nationalist Social Club under Rule 23.2. Defendants have also asserted the objections in response to more general requests, such as:

Document Request No. 11: All Documents Concerning the subject matter of the claims and defenses asserted by the Parties in this Action not already produced.

Interrogatory No. 16: Identify any Person not already identified who may have knowledge, possession, custody, or control of Discoverable Material.

Defendants have not served a privilege log, or otherwise identified and described the material they are withholding subject to their objections, as required by Rule 26(b)(5)(A)(ii) and Superior Court Rules 30A(2) and 30A(3)(b) (hereafter "Sup. Ct. R. *").

² See Ex. E – J.

Argument

1. Defendants' associational objections are invalid.

The associational objections Defendants have asserted do not provide a basis to withhold discovery. Through the objections, Defendants are effectively attempting to invoke “a First Amendment *privilege*.” *Perry v. Schwarzenegger*, 591 F.3d 1126, 1140 (9th Cir. 2010) (“A party who objects to a discovery request as an infringement of the party’s First Amendment rights is in essence asserting a First Amendment *privilege*.”) (emphasis in original). That privilege is both narrow and qualified. As relevant here, it permits associational litigants to withhold certain confidential information concerning their internal affairs from discovery, if disclosure of that information would improperly deter the lawful exercise of First Amendment rights. *See generally NAACP v. Alabama*, 357 U.S. 449 (1958); *U.S. v. Comley*, 890 F.2d 539 (1st Cir. 1989); *see also Perry*, 591 F.3d at 1141-43 and n. 9 and 12 (privilege applies to certain private information concerning the “internal affairs” of an association). Defendants, however, have not demonstrated that this privilege applies to any of the material they are refusing to produce. *See Comley*, 890 F.2d at 545 (party asserting First Amendment privilege bears burden of establishing it applies). Moreover, even if the privilege applied, the Commonwealth has a sufficient interest in obtaining discovery to override Defendants’ objections. *See NAACP*, 357 U.S. at 465 (First Amendment privilege is qualified not absolute).

A. Defendants are attempting to abuse the First Amendment privilege.

Defendants’ assertion of the First Amendment privilege over nearly all written discovery in this case is flagrantly improper. The privilege is limited in scope and cannot be used to “circumvent general discovery.” *Wilkinson v. FBI*, 111 F.R.D. 432, 436-37 (C.D. Calif. 1986); *see also Mi Familia Vota v. Fontes*, 344 F.R.D. 496, 515 (D. Ariz. 2023) (“Political associations

are not entitled to assert a blanket privilege by virtue of their status as associations”). The privilege is most commonly invoked by associational litigants to block abusive attempts to discover the identities of anonymous rank-and-file members, where that information has no substantial bearing on the claims at issue in the underlying litigation. *See, e.g., NAACP*, 357 U.S. at 465-466 (State of Alabama may not compel NAACP to disclose list of members engaged in lawful associational activity); *see also Sexual Minorities of Uganda v. Lively*, 2015 WL 4750931, *1-3 (D. Mass. Aug. 10, 2015) (defendants may not compel plaintiff association to produce identifying information about members and supporters in litigation alleging defendants had conspired “to persecute LGBTI individuals”). Courts have occasionally applied the privilege outside this context, but only to protect similarly sensitive information concerning private and internal associational activity. *See, e.g., Perry*, 591 F.3d at 1165 n. 12 (applying the privilege to protect “*private, internal* [political] campaign communications concerning the *formulation of campaign strategy and messages*” because disclosure would “deter the exercise of [constitutionally] protected activity”) (emphasis in original).

Defendants are attempting to use the privilege for another purpose: to improperly shield information relevant to the Commonwealth’s claims from disclosure. Defendants have asserted the privilege over entire categories of discovery to which it has no established application, including discovery concerning Defendants’ roles and activities as publicly identified leaders of the Nationalist Social Club, *see e.g. Andersen v. Hale*, 2001 WL 503045, *7 and n. 7 (N.D. Ill. May 10, 2001) (privilege not implicated by discovery of information concerning an association’s “publicly identified members”)³; discovery concerning the public and unlawful conduct

³ Defendants identified themselves as leaders of the Nationalist Social Club before the Commonwealth filed this action. *See* Ex. K (Complaint) at ¶¶ 17-18. Given that Defendants’ association with NSC is public, disclosure of additional information concerning their specific roles and activities does not implicate the constitutional interests

described in the complaint, including the identities of individuals who participated in that unlawful conduct, *see e.g. NAACP*, 357 U.S. at 466 (privilege protects “the right of [rank-and-file] members to pursue their lawful private interests privately”; distinguishing cases “involving acts of unlawful intimidation and violence”)⁴; and discovery concerning third-party witnesses and other potential sources of discoverable material, *see e.g. Mi Familia*, 344 F.R.D. at 513 (privilege protects only “internal communications or information otherwise held in confidence within a political party or association”). Defendants have not – and cannot – demonstrate that disclosure of this material would improperly infringe on any constitutionally protected interest or right. *See Perry*, 591 F.3d at 1140 (party asserting privilege must make prima facie showing of infringement of protected First Amendment right); *Comley*, 890 F.2d at 544 (accord).

B. Defendants’ have not shown that the First Amendment privilege applies to any discovery.

Defendants’ objections are facially insufficient to establish that the First Amendment privilege applies to any of the information or documents they are withholding from discovery. As with other evidentiary privileges, Defendants bear the burden of establishing “the existence and applicability of the privilege.” *Marx v. Kelly, Hart & Hallman, P.C.*, 929 F.2d 8, 12 (1st Cir. 1991) (discussing evidentiary privileges); *Comley*, 890 F.2d at 545 (accord for First Amendment privilege). They have not done so.

that serve as the basis for the privilege. *See NAACP*, 357 U.S. at 462 (privilege protects the “vital relationship between freedom of association and privacy in one’s associations”; indicating privilege does not protect information concerning “official members...[or] directors and officers” of association).

⁴ For example, Defendants have asserted the privilege over information and documents concerning a December 2022 incident during which NSC members attacked two victims on the steps of the Fall River Public Library. *See* Complaint at p. 9-11 (describing incident). Defendants’ objections provide no indication as to how a privilege that protects “private, internal” information concerning the “exercise of fundamental rights” attaches to this material. *Perry*, 591 F.3d at 1139; *see also NAACP*, 357 U.S. at 460 (privilege protects the right of individuals “to engage in lawful association in support of their common beliefs”).

First, Defendants' objections lack the specificity necessary to invoke the First Amendment privilege. Because the privilege is limited in scope, it may only be asserted with respect to specifically identified information and documents; blanket and conclusory assertions of the privilege are ineffective. *See Marx*, 929 F.2d at 12 (“the assertion of [an evidentiary] privilege must...be accompanied by sufficient information to allow the court to rule intelligently on the privilege claim”); *see also Society of Jesus of New England v. Com.*, 441 Mass. 662, 663-64 (2004) (evaluating assertion of First Amendment privilege to specific documents identified in privilege log); *Perry*, 591 F.3d at 1153 n. 1 (“some form of a privilege log” is required to support assertion of First Amendment privilege); *Mi Familia*, 344 F.R.D. at 515 (“The associational privilege is limited...so assertion of the privilege must be specifically asserted on a document-by-document basis” (cleaned up)); *La Union Del Pueblo Entero v. Abbot*, 2022 WL 17574079, *9 (W.D. Texas) (“Conclusory assertions of privilege are insufficient to carry out the proponent’s burden of establishing the relevant privilege.”) (quotations and citations omitted). Defendants, however, have failed to properly identify and describe the material they are withholding, either in a privilege log or otherwise. Their objections generally do not even meet the minimum requirements of the rules of civil discovery. *See* Rule 26(b)(5)(A)(ii) (requiring privilege log); Sup. Ct. R. 30A(3) and (4)(b) (requiring identification of information and documents withheld from written discovery); *see also Meyer v. King*, 1995 WL 1312543, * 4 (Mass. Super. Ct. Dec. 19, 1995) (party objecting to interrogatory on privilege grounds must specify the particular information that is allegedly privileged and explain “the grounds on which [it] is privileged”).

And second, Defendants have failed entirely to demonstrate that the (unspecified) material they are withholding falls within the scope of the privilege they are asserting. Defendants' bare

assertion that providing discovery will infringe on their protected associational rights does not make it so. *Comley*, 890 F.2d at 544 (party asserting privilege must affirmatively demonstrate a “protectable first amendment interest” in withholding discovery); *Hinds v. General Nutrition Corp., Inc.*, 1995 WL 808725, *1 (Mass. Super. Ct. June 26, 1995) (the “mere incantation of an asserted privilege does not give that privilege life”). As discussed above, Defendants have asserted the privilege over a broad range of material to which it simply does not apply. And, more broadly, Defendants have not demonstrated that disclosing any of the material they are withholding would deter the future, lawful exercise of protected First Amendment Rights. In their objections, Defendants assert that providing discovery will cause “harassment, membership withdrawal, [and] discouragement of new members and chill the[ir]...speech.” But these “general allegations concerning the harassment or harm that will result [from disclosure]” are insufficient as a matter of law to sustain an assertion of the privilege. *Comley*, 890 F.2d at 544; *see also Sherwin-Williams Co. v. Spitzer*, 2005 WL 2128938, *5 (N.D.N.Y. Aug. 24, 2005) (“Speculating that document demands may cause withdrawal of membership does not bolster...[a] claim of a First Amendment infringement”).⁵

C. The Commonwealth has a sufficient interest in obtaining discovery to override Defendants’ assertion of the First Amendment privilege.

Even if Defendants’ assertions of the First Amendment privilege were valid, the Commonwealth’s interest in enforcing its laws, and protecting public safety, through this civil action is more than “sufficient to overcome...[their] constitutional objections.” *NAACP*, 357 U.S. at 465; *c.f. In re Grand Jury Proceedings*, 633 F.2d 754, (9th Cir. 1980) (ordering

⁵ Normal recourse for a party alleging that discovery will lead to embarrassment, oppression, or other undue burden is to move for a protective order. *See* Rule 26(c); *see also Sexual Minorities of Uganda*, 2015 WL 4750931 at *4 (party may withhold information subject to First Amendment privilege if “potential for harm cannot be wholly mitigated” by a protective order).

production of tax records in response to subpoena where there was “no showing of a chilling effect on the free right to associate which outweighs the government’s interest in enforcement of [the law]”). To override an assertion of the First Amendment privilege, the government must show that “the information sought through the discovery is rationally related to a compelling governmental interest...and the least restrictive means of obtaining the desired information.” *Perry*, 591 F.3d at 1161; *see also Comley*, 890 F.2d at 544 (accord). In practice, this standard requires the court to balance the burden demonstrated by the party resisting discovery against the government’s interest in obtaining that discovery. *Id.* Here, Defendants have offered only conclusory, unsupported assertions of speculative harm.⁶ On the other side of the balance, the Commonwealth has a compelling interest in enforcing its civil rights laws – and protecting public peace, safety, and order against the type of violent, threatening, intimidating and unlawful conduct described in the complaint. *See, e.g., Roberts v. United States Jaycees*, 468 U.S. 609, 628 (1984) (recognizing compelling state interest in eliminating discrimination in places of public accommodation); *Sherbert v. Verner*, 374 U.S. 398, 403 (1963) (recognizing compelling government interest in protecting “public safety, peace...[and] order”). Moreover, Defendants do not contest that the material the Commonwealth is seeking is highly relevant to its claims; nor can they contest that their blanket refusal to provide discovery will have a substantial bearing on the Commonwealth’s ability to prepare its case for trial. *C.f. NAACP*, 357 U.S. at 463-64 (upholding assertion of privilege where NAACP had “substantial[ly] complied” with discovery order and was seeking to withhold only limited information that had no “substantial bearing” on dispute). And the Commonwealth is aware of “no apparent [alternative and] reliable means of

⁶ Defendants’ failure to identify and describe the material they are withholding, or explain how disclosing that material will deter the lawful exercise of protected associational activity, prevents the Commonwealth from responding in more detail to their assertions of the privilege. *See, e.g., Abbot*, 2022 WL 17574079 at *9 (explaining that assertions of the privilege cannot be effectively addressed “in the abstract”).

obtaining” the information and documents it is seeking, *Comley*, 890 F.2d at 545 – including because Defendants have categorically refused to identify witnesses or other potential sources of discoverable material. Under these circumstances, Defendants’ objections provide no basis to withhold discovery. *Id.*

2. Defendants’ Fifth Amendment objections are invalid.

Defendants’ objections under the Fifth Amendment are similarly ineffective.⁷ The Fifth Amendment provides Defendants with a right to refuse to provide personally incriminating testimonial evidence. *See Com. v. Doe*, 405 Mass. 676, 678-79 (1989) (Fifth Amendment and Article 12 confer “the right...to be free from compelled testimonial incrimination” (cleaned up)). But Defendants may not excuse themselves from participating in written discovery simply by invoking the Fifth Amendment. *See In re Enforcement of Subpoena*, 435 Mass. 1, 3 (2001) (Fifth Amendment privilege “is not available to all comers in all circumstances merely because they have the presence of mind to chant the accepted constitutional liturgy”); *see also Com. v. Martin*, 423 Mass. 496, 502 (1996) (“blanket assertion[s]” of the privilege are not permitted). Further, because this is civil litigation, the court may impose evidentiary sanctions against Defendants for withholding material from discovery based upon its allegedly incriminating nature. *See Wansong v. Wansong*, 395 Mass. 154, 155 (1985), *cert. denied*, 474 U.S. 1014 (1985).

A. Defendants’ Fifth Amendment objections are facially overbroad and unsupported.

Defendants’ objections are insufficient to establish that the Fifth Amendment privilege applies to the information and documents they are withholding. Defendants have invoked the

⁷ For ease of reference, and because the Fifth Amendment and Article 12 provide similar protections, the Commonwealth will refer to Defendants’ objections as invoking a Fifth Amendment privilege. *See In re Enforcement of Subpoena*, 435 Mass. 1, 3 (2001) (“We apply broad standards, consistent with Federal standards, in determining whether a claim of the privilege against self-incrimination is justified [under the Fifth Amendment and Article 12].”)

privilege over broad categories of discovery that are not obviously self-incriminating – including extensive discovery concerning the activities of other NSC members. *See Matter of John Doe Grand Jury Investigation*, 418 Mass. 549, 552 (1994) (Fifth Amendment privilege is purely personal and may not be asserted over information incriminating to others). To sustain their assertions of the privilege, Defendants were obligated to come forward with information sufficient to demonstrate that producing the material they are withholding – all of the material – will subject them to a real and substantial risk of personal criminal prosecution. *See In re Enforcement of Subpoena*, 435 Mass. at 3 (party “is not exonerated from answering merely because he declares that in so doing he would incriminate himself – his say-so does not itself establish the hazard of incrimination”); *U.S. v. Melanchor-Moreno*, 536 F.2d 1042, 1049 (5th Cir. 1976) (assertions of privilege must be “particularized”; party “may not withhold all of the evidence demanded of him merely because some of it is protected from disclosure by the Fifth Amendment”). Defendants’ objections – which assert only that the production of unspecified material “may tend” to incriminate them for unspecified crimes – fall well short of this standard. *See In re Enforcement of Subpoena*, 435 Mass. at 3, 5-6 (requiring party asserting privilege in civil discovery to show that specific material would create risk of prosecution for specific crimes).

Defendants’ objections to the Commonwealth’s Document Requests are deficient for an additional reason. Defendants have refused to produce documents that they contend contain “information that may tend to incriminate [them] and [be] used to attempt to establish criminal liability.” But the Fifth Amendment protects only against compelled testimonial incrimination. *See Com. v. Brennan*, 368 Mass. 772, 776, 782 (1982). The fact that a document contains potentially incriminating information does not bring it within the scope of the Fifth Amendment

privilege. *See Com. v. Burgess*, 426 Mass. 206, 211 (1997) (right against self-incrimination applies only to evidence of a testimonial or communicative nature); *see also Fisher v. U.S.*, 425 U.S. 391, 409-10 (1976) (incriminating statements in voluntarily created documents are not “compelled” within the meaning of the Fifth Amendment).

B. The Court should impose evidentiary sanctions against Defendants for withholding relevant discovery based upon its allegedly incriminating nature.

It is settled law that “discovery sanctions may be imposed against a litigant in a civil case who invokes the protection against self-incrimination pursuant to the Fifth Amendment to the United States Constitution and art. 12 of the Declaration of Rights.” *Wansong*, 395 Mass. at 155.⁸ To determine whether sanctions are appropriate, the court must balance the relative interests of the parties in withholding and obtaining discovery. *Id.* As under the First Amendment analysis above, that balance tips heavily in favor of the Commonwealth. On the one side, Defendants have asserted facially overbroad objections that generally fail to demonstrate any real and substantial likelihood of personal incrimination. On the other, Defendants refusal to provide the Commonwealth with discovery concerning virtually any issue relevant to its claims will impede a “fair determination in this action.” *Id.* at 158. Under these circumstances, the court is justified in entering an order compelling Defendants to provide discovery and directing that, if they continue to withhold material pursuant to their Fifth Amendment objections, appropriate evidentiary sanctions will enter against them. *See, e.g., Fahey v. Briddon*, 29 Mass.L.Rptr. 72, *4 (Mass. Super. Ct. 2011) (entering case terminating sanctions against defendant who asserted

⁸ In addition to imposing sanctions under Rule 37(b), the Court may also draw adverse evidentiary inferences against the Defendants’ either at trial or in deciding any dispositive motion. *See Planned Parenthood v. Operation Rescue*, 406 Mass. 701, 712 n. 11 (1990) (court may draw adverse evidentiary inferences based upon assertion of right against self-incrimination in answer to complaint alleging Civil Rights Act violations).

Fifth Amendment privilege in civil discovery); *Cape Wind Assoc., LLC v. Donelan*, 2004 WL 1194739, *1-2 (Mass. Super. Ct. May 29, 2004) (same).

Conclusion

For the reasons stated, the Court should grant the Commonwealth's motion and enter an order:

- (1) Pursuant to Mass. R. Civ. P. 37(a), compelling defendants Hood and McNeil to provide complete discovery in response to the Document Requests and Interrogatories;
- (2) Pursuant to Mass. R. Civ. P. 37(b), directing that if defendants Hood and McNeil fail to provide complete discovery within 60 days, the following evidentiary sanctions will be imposed:
 - a. Factual matters falling within the scope of the Commonwealth's discovery requests shall be taken as established for the purposes of this action, including the factual allegations set out at paragraphs 3, 10-11, 17-18, 21, 23-27, 29-31, 33-35, 38-42, 46-77, 79-95, 97-122, 124-133 and 134-153 of the complaint; and
 - b. Defendants Hood and McNeil, in their individual capacities and as representative defendants for the Nationalist Social Club, will be prohibited from opposing the Commonwealth's claims, or supporting any defenses, by presenting testimonial or documentary evidence that falls within the scope of the Commonwealth's discovery requests.
- (3) Ordering defendants Hood and McNeil to pay the reasonable costs and fees associated with this motion;

- (4) Extending deadlines in the tracking order to permit the Commonwealth to complete discovery, file any appropriate dispositive motions, and prepare its case for trial; and
- (5) Providing such additional relief as may be appropriate or necessary.

Respectfully submitted,

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Appendix

Interrogatories:

Interrogatory No. 1:

Identify each Person who Participated in the NSC Activity described in the Complaint. Your answer must specify the NSC Activity in which each Identified Person Participated.⁹

Objections¹⁰:

- 1) The disclosure of each Person who Participated in the NSC Activity described in the Complaint infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and [be] used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of individuals who participated in NSC Activity because these individuals (a) are a primary source of discoverable material; and (b) may be personally liable for the misconduct at issue in this litigation. *See* Rule 26(b)(1) (authorizing discovery concerning "any matter, not privileged, which is relevant to the...claim or defense of the party seeking discovery" and the "identity and location of persons having knowledge of any discoverable matter").

Defendants' objections are invalid:

- 1) The objection stated is facially insufficient to invoke the First Amendment privilege or establish that it applies to this Interrogatory. *See supra* Section 1. Defendants have not demonstrated that information responsive to this Interrogatory falls within the limited scope of the privilege; nor have they shown that disclosure of information being withheld would improperly deter the future, lawful exercise of First Amendment rights. *Id.*¹¹

⁹ "NSC Activity" is defined as "the conduct attributed to NSC and its members in the Complaint and any similar or related conduct identifiable by, or known to, You."

¹⁰ Except where otherwise noted, Defendants' responses and objections to the Commonwealth's discovery requests are identical.

¹¹ The Commonwealth will refer to this argument as the "First Amendment argument."

2) The objection stated does not provide a basis to refuse to answer the Interrogatory. Defendants have not demonstrated that disclosure of any and all information responsive to this interrogatory would subject them to a real and substantial risk of personal criminal prosecution. *See supra* Section 2.¹²

Interrogatory No. 2:

Identify each Person who appears in each image in the Complaint. Your answer must specify the image in which each Identified Person appears.

Objections:

1) The disclosure of the identification of each Person who appears in each image of the Complaint infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

The Commonwealth repeats the arguments set forth with respect to Interrogatory No. 1.

Interrogatory No. 3:

Identify each Person with whom You have Communicated Concerning NSC Activity.

Objections:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.¹³

2) The disclosure of Persons whom [Defendant] has Communicated with Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment,

¹² The Commonwealth will refer to this argument as the "Fifth Amendment argument."

¹³ Defendants' objections differ slightly in that Defendant Hood asserts that the request "seeks communications dating back over 25 months from the first incident alleged against the Defendant," while Defendant McNeil asserts that the request "seeks communications dating back over 37 months from the first incident alleged against the Defendant." As indicated below, Defendants asserted this identical objection in response to multiple Interrogatories and Document Requests; the same difference exists in each case.

membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of individuals with whom Defendants have communicated concerning NSC Activity because these individuals are likely to have knowledge of discoverable information and custody of discoverable documents. *See* Rule 26(b)(1) (authorizing discovery concerning the “identity and location of persons having knowledge of any discoverable matter” and “the existence, description, nature, custody, condition, and location of any...documents”).

Defendants' objections are invalid:

1) The objection stated does not provide a basis to refuse to answer the Interrogatory. First, the objection is not responsive to the Interrogatory, which does not “seek[] communications” as Defendants assert.¹⁴

Second, the time frame for the Interrogatory – January 2019 to the present¹⁵ – is reasonable and appropriate. The complaint alleges that NSC was founded in 2019 and describes incidents of misconduct beginning in 2020. *See* Complaint, ¶¶ 21-23, 38, 134, 140. The complaint further alleges that Defendant Hood is a founding member of NSC; that Defendant McNeil joined NSC in or about 2020; and that the Defendants personally participated in all of the NSC Activity described in the complaint. *Id.* at ¶¶ 12, 13, 18.¹⁶

And third, Defendants have failed to make a threshold showing that information responsive to the Interrogatory is subject to the attorney-client privilege. *See, e.g., Commissioner of Revenue v. Comcast Corp.*, 453 Mass. 293, 304 (2009) (defining scope of privilege and establishing that party asserting privilege bears the burden of demonstrating “all...elements involved in determination of the existence of the privilege”).¹⁷

2) The Commonwealth repeats the First Amendment argument.

¹⁴ The Commonwealth will refer to this as the “Non-Responsive argument.”

¹⁵ The Instructions accompanying the Interrogatories state: “Unless otherwise specified, the time period covered by these Interrogatories shall be January 1, 2019 to the present.”

¹⁶ The Commonwealth will refer to this as the “Time Frame argument.”

¹⁷ The Commonwealth will refer to this as the “Privilege argument.”

3) The Commonwealth repeats the Fifth Amendment argument.

Interrogatory No. 4:

Identify each Method of Communication You have used to Communicate with any Person Concerning NSC Activity.¹⁸

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the Methods of Communication that [Defendant] uses to Communicate with any Person Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of the methods Defendants used to communicate concerning NSC Activity in order to order to (a) determine the existence, custody, and location of discoverable documents and information; and (b) evaluate the need to issue third party subpoenas under Rule 45 for documents that Defendants have failed to produce in response to the Document Requests. *See* Rule 26(b)(1) (authorizing discovery of "any matter, not privileged, which is relevant to the subject matter involved in the pending action" and "the existence, description, nature, custody, condition, and location of any...documents").

Defendants' objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, and Privilege arguments.
- 2) The Commonwealth repeats the First Amendment argument.
- 3) The Commonwealth repeats the Fifth Amendment argument.

¹⁸ "Method of Communication" is defined as "any program, application or service used to Communicate including by telephone, email, text, chat, messaging, or document sharing or exchange. The definition includes private, direct, and encrypted Methods of Communication."

Interrogatory No. 5

Identify each Device You have used to Communicate with any Person Concerning NSC Activity.¹⁹

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the Devices that [Defendant] uses to Communicate with any Person Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of devices that Defendants have used to communicate concerning NSC Activity because these devices are likely to contain copies, records, and other discoverable information concerning relevant communications. *See* Rule 26(b)(1) (authorizing discovery concerning the "existence, description, nature, custody, condition, and location of any...documents or tangible things").

Defendants' objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, and Privilege arguments.
- 2) The Commonwealth repeats the First Amendment argument.
- 3) The Commonwealth repeats the Fifth Amendment argument.

¹⁹ "Device" is defined as "any computer, smart phone, smart device, or other tangible thing capable of generating, transmitting, receiving, or storing Communications, Documents, Recordings or other information or data."

Interrogatory No. 6:

Identify each Platform You have used to Post information Concerning NSC Activity.²⁰

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of the platforms Defendants have used to post information concerning NSC Activity in order to (a) determine the existence, custody and location of discoverable documents and information; and (b) evaluate the need to issue third party subpoenas under Rule 45 for material that Defendants have failed to produce in response to the Document Requests. *See* Rule 26(b)(1) (authorizing discovery of “any matter, not privileged, which is relevant to the subject matter involved in the pending action” and “the existence, description, nature, custody, condition, and location of any...documents”).

Defendants’ objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, and Privilege Arguments.
- 2) The Commonwealth repeats the Fifth Amendment argument.

Interrogatory No. 7:

Identify each Device You have used to Post information Concerning NSC Activity to any Platform.

Objections:

²⁰ “Platform” is defined as “any website, program, or application used to Post information, including social media and networking sites and applications such as Bitchute, Discord, 8chan, Facebook, 4chan, Gab, Getter, Instagram, Parler, Odysee, Reddit, Rumble, Snapchat, Telegram, Tiktok and YouTube. The definition includes publicly accessible, private, subscription, membership based, and otherwise restricted Platforms.”

1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.

2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of the devices Defendants have used to post information concerning NSC Activity because these devices are likely to contain copies, records, and other discoverable information concerning relevant posts. *See* Rule 26(b)(1) (authorizing discovery concerning the “existence, description, nature, custody, condition, and location of any...documents or tangible things”).

Defendants’ objections are invalid:

1) The Commonwealth repeats the Non-Responsive, Time Frame, and Privilege Arguments.

2) The Commonwealth repeats the Fifth Amendment argument.

Interrogatory No. 8:

Identify each Device you have used to Record NSC Activity.

Objections:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.

2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of the devices Defendants have used to record NSC Activity because these devices are likely to contain copies, records, and other discoverable information concerning relevant recordings. *See*

Rule 26(b)(1) (authorizing discovery concerning the “existence, description, nature, custody, condition, and location of any...documents or tangible things”).

Defendants’ objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, and Privilege Arguments.
- 2) The Commonwealth repeats the Fifth Amendment argument.

Interrogatory No. 9:

Identify any System You have used to store, edit, transmit, or receive any Recording of any NSC Activity.²¹

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of the systems Defendants have used to store, edit, transmit, and receive recordings of NSC Activity because the systems are likely to contain copies, records, and other discoverable information concerning relevant recordings. *See* Rule 26(b)(1) (authorizing discovery concerning the “existence, description, nature, custody, condition, and location of any...documents or tangible things”).

Defendants’ objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, and Privilege Arguments.
- 2) The Commonwealth repeats the Fifth Amendment argument.

²¹ “System” is defined as “any program, application, software, data storage service, cloud service, or other service capable of generating, transmitting, receiving, or storing Communications, Documents, Recordings or other information or data.”

Interrogatory No. 10:

Identify any Location Tracking Device or System that you have used or possessed.²²

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of the location tracking devices and systems that Defendants have used because those devices and systems are likely to contain discoverable information concerning Defendants' physical location on the dates NSC Activity occurred – and, therefore, concerning Defendants' personal participation in that activity.²³ *See* Rule 26(b)(1) (authorizing discovery of “any matter, not privileged, which is relevant to the subject matter involved in the pending action”).

Defendants' objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, and Privilege Arguments.
- 2) The Commonwealth repeats the Fifth Amendment argument.

Interrogatory No. 11:

Describe any incident in which an NSC Member was stopped, questioned, detained, or arrested by any law enforcement agency while Participating in NSC Activity.

²² “Location Tracking Device or System” is defined as “any Device or System that is capable of generating, transmitting, receiving or storing geolocation data including any relevant mobile phone, smart device, navigation application, ride sharing application, weather application, social media application, retail and shopping application, or health and fitness application.”

²³ To be clear, the Commonwealth does not contend that information concerning Defendants' geolocation at all dates and times is relevant; nor does this Interrogatory require Defendants' to disclose any geolocation data. The Interrogatory simply requires Defendants to identify Devices and Systems they have used. The Commonwealth has separately issued a discovery request for “All Documents Concerning Your location on the dates NSC Activity occurred, including any Geolocation Data.” *See infra* Document Request No. 4. Defendants have objected and refused to produce documents in response to that request.

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Without waiving the above objections, [Defendant] answers:

On July 23, 2022 there was an incident in Jamaica Plain in which Christopher Hood was arrested for Affray after being attacked by a counter-protester. It is my understanding that he was found not guilty at trial.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. The Commonwealth is seeking identification of incidents during which NSC members had interactions with law enforcement in connection with NSC Activity in order to (a) determine the existence, location, and custody of discoverable documents, such as police reports; and (b) identify potential witnesses. *See* Rule 26(b)(1) (*See* Rule 26(b)(1) (authorizing discovery concerning the "identity and location of persons having knowledge of any discoverable matter" and the "existence, description, nature, custody, condition, and location of any...documents or tangible things";).

Defendants' objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, and Privilege Arguments. Further, Defendants' assertion that the Interrogatory "improperly seeks to shift the burden of proof from the plaintiff onto the defendant" does not constitute a cognizable basis for an objection. The fact that the Interrogatory seeks relevant information that supports the Commonwealth's claims makes the request proper – not objectionable. *See Strom v. American Honda Motor Co., Inc.*, 423 Mass. at 336 (principle purpose of civil discovery is to provide parties with access to information and evidence relevant to claims); *see also* Rule 26(b)(1).²⁴
- 2) The Commonwealth repeats the First Amendment argument.

²⁴ The Commonwealth will refer to this as the "Burden Shifting argument."

3) The Commonwealth repeats the Fifth Amendment argument.

Interrogatory No. 12:

Describe any incident in which an NSC Member engaged in Trespass and Vandalism while Participating in NSC Activity.²⁵

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. Information concerning incidents during which NSC members engaged in trespass and vandalism in connection with NSC activity is directly relevant to the subject matter of this action. *See, e.g.*, Compl. ¶¶ 27, 103 – 121, 134, 138 – 142, 151 – 154; *see also* Rule 26(b)(1) (authorizing discovery of “any matter, not privileged, which is relevant to the subject matter involved in the pending action”).

Defendants' objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, Privilege, and Burden Shifting arguments.
- 2) The Commonwealth repeats the First Amendment argument.
- 3) The Commonwealth repeats the Fifth Amendment argument.

²⁵ “Trespass and Vandalism” is defined to mean “conduct described at paragraphs 138 to 141 and 151 to 154 of the Complaint; any other similar or related conduct identifiable by, or known to, You; and any other conduct that may constitute an offense under G.L. c. 266, § 120; G.L. c. 266, § 126; G.L. c. 266, § 126A; G.L. c. 266, § 127; or G.L. c. 270, § 16.”

Interrogatory No. 13:

Describe any incident in which an NSC Member engaged in a Physical Altercation while Participating in NSC Activity.²⁶

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Notwithstanding the above objections, [Defendant] answers: See answer to Interrogatory #11.

Argument

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. Information concerning incidents during which NSC members engaged in physical altercations in connection with NSC Activity is directly relevant to the subject matter of this action. *See, e.g.*, Compl. ¶¶ 33 – 35, 58 – 59, 65, 70 – 75, 90, 117 – 120, 128 – 132, 135 – 136, 147 – 150; *see also* Rule 26(b)(1) (authorizing discovery of “any matter, not privileged, which is relevant to the subject matter involved in the pending action”).

Defendants' objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, Privilege, and Burden Shifting arguments.
- 2) The Commonwealth repeats the First Amendment argument.

²⁶ “Physical Altercation” is defined to mean “the nonconsensual use of physical force on another Person; any attempt to use nonconsensual physical force on another person; conduct that would cause a reasonable Person to believe that nonconsensual physical force is going to be used on them; conduct that may constitute an assault or battery under the common law of Massachusetts; and any other conduct that may constitute an offense under G.L. c. 265, §§ 13A and 15A.”

3) The Commonwealth repeats the Fifth Amendment argument.

Interrogatory No. 14

Describe any incident in which an NSC Member possessed a Dangerous Weapon while Participating in NSC Activity.²⁷

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Interrogatory seeks relevant information that falls within the scope of permissible discovery under Rule 26. Information concerning incidents during which NSC members possessed dangerous weapons in connection with NSC Activity is directly relevant to the subject matter of this action. *See, e.g.*, Compl. ¶¶ 27, 34 – 35, 137; *see also* Rule 26(b)(1) (authorizing discovery of “any matter, not privileged, which is relevant to the subject matter involved in the pending action”).

Defendants' objections are invalid:

- 1) The Commonwealth repeats the Non-Responsive, Time Frame, Privilege, and Burden Shifting arguments.
- 2) The Commonwealth repeats the First Amendment argument.
- 3) The Commonwealth repeats the Fifth Amendment argument.

²⁷ “Dangerous Weapon” is defined to mean “any knife; any telescoping or expandable baton; any object listed, described, or referenced at G.L. c. 269, § 10(b); any assault weapon, firearm, machine gun, rifle, shotgun, stun gun, or other weapon as defined at G.L. c. 140, § 121; and any other tangible object designed to cause, or possessed with the intent to cause, or attempt to cause, physical injury or death, or reasonable fear of physical injury or death, to another person.”

Interrogatory No. 16:

Identify any Person not already Identified who may have knowledge, possession, custody, or control of Discoverable Material.

Objections:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the identification of any Person who may have knowledge, possession, custody, or control of Discoverable Materials infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants' objections are invalid:

- 1) The objection is not responsive to the Interrogatory, which requests the identities of individuals who are likely to have discoverable information and documents. *See* Rule 26(b)(1) (authorizing discovery concerning the "identity and location of persons having knowledge of any discoverable matter" and "the existence...custody...[and] location of any...documents").
- 2) The Commonwealth repeats the First Amendment argument.
- 3) The Commonwealth repeats the Fifth Amendment argument.

Document Requests:

Request No. 1:

Documents sufficient to show the organizational structure of NSC.

Objections:

- 1) The disclosure of any Documents relating to the organizational structure of NSC, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Request seeks relevant documents that fall within the scope of permissible discovery under Rule 26. Documents concerning the organizational structure of NSC are directly relevant to the subject matter of this action – including the Commonwealth’s allegations concerning civil conspiracy, associational liability, and Defendants’ suitability to serve as representative defendants under Rule 23.2. *See, e.g.*, Compl. ¶¶ 14 – 18, 29 – 30, 32, 37, 176 – 177; *see also* Rule 26(b)(1) (authorizing discovery of “any matter, not privileged, which is relevant to the subject matter involved in the pending action”).

Defendants objections are invalid:

1) The objection stated is facially insufficient to invoke the First Amendment privilege or establish that it applies to this Request. *See supra* Section 1. Defendants have not demonstrated that documents responsive to this Request fall within the limited scope of the privilege; nor have they shown that disclosure of documents being withheld would improperly deter the future, lawful exercise of First Amendment rights. *Id.*²⁸

2) The objection stated does not provide a basis to refuse to produce documents in response to the Request. First, Defendants may not rely on the Fifth Amendment privilege to withhold documents because they “contain information that may tend to incriminate [them] and be used to attempt to establish criminal liability.” *See supra* Section 2. Second, Defendants’ have not demonstrated that disclosure of any and all documents responsive to this request would subject them to a real and substantial risk of personal criminal prosecution. *Id.*²⁹

Request No. 2:

All Documents Concerning Your relationship, involvement, position, role, and responsibilities with NSC.

Objections:

1) The disclosure of documents concerning [Defendant’s] relationship, involvement, position, role, and responsibilities with NSC, if any exist, infringes on the Defendants’ protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants’ speech.

²⁸ From this point on, “First Amendment argument” refers to this paragraph.

²⁹ From this point on, “Fifth Amendment argument” refers to this paragraph..

2) The Defendant objects and asserts his privilege against self-incrimination guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

Argument:

The Commonwealth repeats the arguments set forth with respect to Request No. 1.

Request No. 3:

All Documents Concerning Your Participation in NSC Activity.

Objections:

1) The disclosure of Documents concerning [Defendant's] Participation in NSC Activity, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

2) This request is overly broad and unduly burdensome as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.

3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Request seeks relevant documents that fall within the scope of permissible discovery under Rule 26. Documents concerning Defendants' participation in NSC Activity are directly relevant to the subject matter of this action. *See* Rule 26(b)(1) (authorizing discovery of "any matter, no privileged, which is relevant to the subject matter involved in the pending action").

Defendants' objections are invalid:

1) The Commonwealth repeats the First Amendment argument.

2) The objection stated does not provide a basis to refuse to produce documents in response to the Request. First, the objection is not responsive to the Request, which seeks documents concerning Defendants' participation in NSC Activity as described in the complaint. Documents concerning NSC Activity in which Defendants did not participate are not covered by the

Request. Second, the Commonwealth repeats the Burden argument. And third, the Commonwealth repeats the Privilege argument set forth above.

3) The Commonwealth repeats the Fifth Amendment argument.

Request No. 4:

All Documents Concerning Your location on the dates NSC Activity occurred, including any Geolocation Data.³⁰

Objections:

- 1) The disclosure of Documents Concerning [Defendant's] location on the dates NSC Activity occurred, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) This request is overly broad and unduly burdensome as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Request seeks relevant documents that fall within the scope of permissible discovery under Rule 26. Documents concerning Defendants' physical location on dates NSC Activity occurred are directly relevant to the Commonwealth's allegation that Defendants personally participated in NSC Activity. *See* Compl. ¶ 18; *see also* Rule 26(b)(1) (authorizing discovery of "any matter, not privileged, relevant to the subject matter involved in the pending action").

Defendants' objections are invalid:

- 1) The Commonwealth repeats the First Amendment argument.
- 2) The Commonwealth repeats the Time Frame and Privilege arguments.
- 3) The Commonwealth repeats the Fifth Amendment argument.

³⁰ "Geolocation Data" is defined as "information Concerning the geographic location of a device or user generated, transmitted, received, or stored by any application, program, service, smart phone or device, or other tangible thing."

Request No. 5:

Documents sufficient to identify any other Person who participated in NSC Activity.

Objections:

- 1) The disclosure of Documents sufficient to identify any other Person who participated in NSC Activity, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) This request is overly broad and unduly burdensome as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Request seeks relevant documents that fall within the scope of permissible discovery under Rule 26. The Commonwealth is seeking documents sufficient to identify individuals who participated in NSC Activity because these individuals are (a) a primary source of discoverable information; and (b) may be personally liable for the misconduct at issue in this litigation. *See* Rule 26(b)(1) (authorizing discovery concerning "any matter, not privileged, which is relevant to the...claim or defense of the party seeking discovery" and the "identity and location of persons having knowledge of any discoverable matter").

Defendants' objections are invalid:

- 1) The Commonwealth repeats the First Amendment argument.
- 2) The Commonwealth repeats the Time Frame and Privilege arguments.
- 3) The Commonwealth repeats the Fifth Amendment argument.

Request No. 6:

All Communications, Recordings, and other Documents Concerning:

- a. the conduct described at paragraphs 3, 10-11, 17-18, 21, 23-27, 29-31, 33-35, 38-42, 46-77, 79-95, 97-122, 124-133, and 134-153 of the Complaint;

- b. NSC Membership and Leadership Practices³¹;
- c. NSC Tactics³²;
- d. NSC Trainings³³;
- e. Trespass and Vandalism in connection with NSC Activity;
- f. Physical Altercations in connection with NSC Activity; and
- g. Dangerous Weapons in connection with NSC Activity.

Objections:

- 1) The disclosure of these Documents, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) This request is overly broad and unduly burdensome as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request. Further, this request improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants do not contest that the Request seeks relevant documents that fall within the permissible scope of discovery under Rule 26. Documents responsive to this request are directly relevant to the subject matter of this action, including the conduct described at paragraphs 3, 10-13, 16-18, 21, 23-27, 29-42, 46-77, 79-95, 97-122, 124-133, 134-153, and 155-177 of the complaint. *See* Rule 26(b)(1) (authorizing discovery concerning "any matter, not privileged,

³¹ "NSC Membership and Leadership Practices" is defined as "any conduct Concerning the recruitment, enrollment, control, direction, leadership, regulation, discipline, roles or functions of NSC members, including the conduct described at paragraphs 10-13, 16-18, 21, and 29-30 of the Complaint."

³² "NSC Tactics" is defined as "the strategies and coordinated conduct developed, planned or utilized by NSC Members in connection with NSC Activity, including the conduct described at paragraphs 29-33 and 35-40 of the Complaint."

³³ "NSC Training" is defined as "any event or activity conducted by NSC for the purpose of directly or indirectly preparing any Person to Participate in NSC Activity; and any event or activity attended by any NSC Member for the purpose of directly or indirectly preparing to participate in NSC Activity, including the conduct described at paragraph 34 of the Complaint."

which is relevant to the subject matter involved in the pending action...[including] the claim or defense of the party seeking discovery”).

Defendants’ objections are invalid:

- 1) The Commonwealth repeats the First Amendment argument.
- 2) The Commonwealth repeats the Time Frame, Privilege, and Burden Shifting arguments.
- 3) The Commonwealth repeats the Fifth Amendment argument.

Request No. 7:

All Documents You relied upon or reviewed in connection with answering the Commonwealth’s First Set of Interrogatories Directed to [Defendant].

Objections:

- 1) The disclosure of these Documents, if any exist, infringes on the Defendants’ protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants’ speech.
- 2) To the extent that the Interrogatories were objected to based on their overly broad and unduly burdensome nature, [Defendant] objects to this request as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants’ objections are invalid:

- 1) The Commonwealth repeats the First Amendment argument.
- 2) The objection stated is not responsive to the Request and does not provide a basis to refuse to produce responsive documents.
- 3) The Commonwealth repeats the Fifth Amendment argument.

Request No. 8:

All Documents referenced in your answers to the Commonwealth's First Set of Interrogatories Directed to [Defendant].

Objections:

- 1) The disclosure of these documents, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) To the extent that the Interrogatories were objected to based on their overly broad and unduly burdensome nature, [Defendant] objects to this request as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

The Commonwealth repeats the argument set forth with respect to Request No. 7.

Request No. 10:

All Documents Concerning [Defendants'] suitability to serve as a representative defendant under Mass. R. Civ. P. 23.2 not already produced.

Objections:

- 1) The disclosure of Documents Concerning my suitability to serve as a representative defendant under Mass. R. Civ. P. 23.2, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

Defendants' objections are invalid:

- 1) The Commonwealth repeats the First Amendment argument.
- 2) The Commonwealth repeats the Fifth Amendment argument.

Request No. 11:

All Documents Concerning the subject matter of the claims and defenses asserted by the Parties in this Action not already produced.

Objections:

- 1) The disclosure of any Documents Concerning the subject matter of the claims and defenses asserted by the Parties in this Action not already produced, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Argument:

The Commonwealth repeats the argument set forth with respect to Request No. 10.

Exhibit A

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 2384cv02779

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al,

Defendants.

**THE COMMONWEALTH'S FIRST SET OF REQUESTS FOR
THE PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED
INFORMATION AND TANGIBLE THINGS DIRECTED TO CHRISTOPHER HOOD**

Pursuant to Rules 26 and 34 of the Massachusetts Rules of Civil Procedure, the Commonwealth of Massachusetts requests that defendant Christopher Hood produce the following documents on or before July 1, 2024, to the attention of Jon Burke at the Office of the Attorney General, One Ashburton Place, Boston, MA 02108, or through a secure file transfer protocol to be negotiated between the parties.

These Requests are subject to the instructions and definitions below.

Instructions

1. These Requests incorporate relevant provisions of Mass. R. Civ. P. 26 and 34 and Superior Court Rule 30A. The instructions and definitions below are supplementary.
2. In responding to these Requests, you are required to furnish all responsive documents, electronically stored information, and tangible things (collectively "documents") that are within your possession, custody or control.

3. Documents produced in response to these Requests shall be clearly and consecutively numbered on the face of the document.
4. Electronically stored information must be produced in its original or native format according to the specifications set out in attached Data Delivery Standards.
5. Documents that respond, in whole or part, to any portion of these Requests shall be produced in their entirety, including all metadata, attachments, enclosures, and embedded information or materials.
6. Copies and volumes of original documents shall be legible in their entirety, without abbreviation or expurgation, including any attachment or other matter affixed thereto, and shall be accurate and true copies of the original.
7. If any document called for by these Requests is withheld on the grounds of privilege, please state all grounds for that objection and include the following:
 - a. the basis for your claim that any document is protected from disclosure by attorney-client privilege, work product doctrine, or any other grounds;
 - b. the identities of the attorney and client as to whom that privilege or other protection is claimed;
 - c. the date, author, recipient, and subject matter of each document to which an objection is interposed; and
 - d. the identity of all persons having knowledge of any facts which you claim are privileged or otherwise protected from disclosure.
8. If any document requested was at one time, but is no longer, in your possession, custody, or control, or is no longer in existence, state whether the document:
 - a. is lost or missing;

- b. has been destroyed;
- c. has been transferred to others; or
- d. has been otherwise discarded.

In each instance, explain the circumstances surrounding such disposition and state the date on which the disposition occurred.

9. Unless otherwise specified, the time period covered by these Requests shall be January 1, 2019 to the present.

10. Terms used in these Requests are to be construed broadly and inclusively to bring more information within their scope. Without limiting the foregoing, and as may be relevant, the singular form of any word shall include the plural and vice versa; the use of any tense of any verb shall include all other tenses; a masculine, feminine or neuter term shall include all other genders; the term “and” shall include “or” and vice versa; the term “each” shall include “every” and vice versa; and the term “all” shall include “any” and vice versa;

Definitions

The Uniform Definitions provided in Superior Court Rule 30A are incorporated by reference. The Uniform Definitions, as supplemented by the following definitions, apply to these Requests unless otherwise indicated:

- 1. “Action” means the above captioned civil action, *Commonwealth v. Nationalist Social Club et al.*
- 2. “Complaint” means the complaint the Commonwealth filed in this Action and any subsequent or amended complaint that may be filed.
- 3. “Communication” means any transmittal of information of any kind, whether transmitted in writing, orally, electronically or by other means. A Document that abstracts, digests,

transcribes, records, reflects, evidences, or constitutes a Communication is both a Communication and a Document.

4. “Concerning” means directly or indirectly, in whole or in part, describing, evidencing, referring to, relating to, or constituting.

5. “Dangerous Weapon” means any knife; any telescoping or expandable baton; any object listed, described, or referenced at G.L. c. 269, § 10(b); any assault weapon, firearm, machine gun, rifle, shotgun, stun gun, or other weapon as defined at G.L. c. 140, § 121; and any other tangible object designed to cause, or possessed with the intent to cause, or attempt to cause, physical injury or death, or reasonable fear of physical injury or death, to another Person.

6. “Document” is defined to be synonymous in meaning and equal in scope to the usage of the term in Mass. R. Civ. P. 34(a), and includes electronically stored information and tangible things of every type and description.

7. “Geolocation Data” means information Concerning the geographic location of a device or user generated, transmitted, received, or stored by any application, program, service, smart phone or device, or other tangible thing.

8. “NSC” means defendant Nationalist Social Club and any predecessor, successor, or pseudonymous entity.

9. “NSC Activity” means the conduct attributed to NSC and its members in the Complaint and any similar or related conduct identifiable by, or known to, You.

10. “NSC Member” means Christopher Hood, Liam McNeil, and any Person who has participated in NSC Activity.

11. “NSC Membership and Leadership Practices” means any conduct Concerning the recruitment, enrollment, control, direction, leadership, regulation, discipline, roles or functions of

NSC members, including the conduct described at paragraphs 10-13, 16-18, 21, and 29-30 of the Complaint.

12. “NSC Tactics” means the strategies and coordinated conduct developed, planned or utilized by NSC Members in connection with NSC Activity, including the conduct described at paragraphs 29-33 and 35-40 of the Complaint.

13. “NSC Training” means any event or activity conducted by NSC for the purpose of directly or indirectly preparing any Person to Participate in NSC Activity; and any event or activity attended by any NSC Member for the purpose of directly or indirectly preparing to Participate in NSC Activity, including the conduct described at paragraph 34 of the Complaint.

14. “Participate” means to directly or indirectly take part in, contribute to, or facilitate conduct including through planning, directing, aiding, or abetting that conduct.

15. “Physical Altercation” means the nonconsensual use of physical force on another Person; any attempt to use nonconsensual physical force on another Person; conduct that would cause a reasonable Person to believe that nonconsensual physical force is going to be used on them; conduct that may constitute an assault or battery under the common law of Massachusetts; and any other conduct that may constitute an offense under G.L. c. 265, §§ 13A and 15A.

16. “Recording” means any audio recording, photograph, video recording, or other depiction of sound or visual images however produced, stored, or maintained. A Document that abstracts, digests, transcribes, records, reflects, evidences, or constitutes a Recording is both a Recording and a Document.

17. “Trespass and Vandalism” means conduct described at paragraphs 138 to 141 and 151 to 154 of the Complaint; any other similar or related conduct identifiable by, or known to, You; and

any other conduct that may constitute an offense under G.L. c. 266, § 120; G.L. c. 266, § 126; G.L. c. 266, § 126A; G.L. c. 266, § 127; or G.L. c. 270, § 16.

18. “You” means defendant Christopher Hood and any Person acting as his agent, on his behalf, or in active concert or participation with him or them.

Documents to be Produced

1. Documents sufficient to show the organizational structure of NSC.
2. All Documents Concerning Your relationship, involvement, position, role, and responsibilities with NSC.
3. All Documents Concerning Your Participation in NSC Activity.
4. All Documents Concerning Your location on the dates NSC Activity occurred, including any Geolocation Data.
5. Documents sufficient to identity any other Person who participated in NSC Activity.
6. All Communications, Recordings, and other Documents Concerning:
 - a. the conduct described at paragraphs 3, 10-11, 17-18, 21, 23-27, 29-31, 33-35, 38-42, 46-77, 79-95, 97-122, 124-133, and 134-153 of the Complaint;
 - b. NSC Membership and Leadership Practices;
 - c. NSC Tactics;
 - d. NSC Trainings;
 - e. Trespass and Vandalism in connection with NSC Activity;
 - f. Physical Altercations in connection with NSC Activity; and
 - g. Dangerous Weapons in connection with NSC Activity.
7. All Documents You relied upon or reviewed in connection with answering the Commonwealth’s First Set of Interrogatories Directed to Christopher Hood.

8. All Documents referenced in your answers to the Commonwealth's First Set of Interrogatories Directed to Christopher Hood.

9. All Documents you expect to use for any purpose in connection with any deposition or trial in this Action.

10. All Documents Concerning Christopher Hood's suitability to serve as a representative defendant under Mass. R. Civ. P. 23.2 not already produced..

11. All Documents Concerning the subject matter of the claims and defenses asserted by the Parties in this Action not already produced.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Jon Burke

Jon Burke, BBO No. 673472
Helle Sachse, BBO No. 660937
David Rangaviz, BBO No. 681430
Assistant Attorneys General
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200
jonathan.burke@mass.gov

Dated: May 30, 2024

Exhibit B

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 2384cv02779

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al,

Defendants.

**THE COMMONWEALTH'S FIRST SET OF REQUESTS FOR
THE PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED
INFORMATION AND TANGIBLE THINGS DIRECTED TO LIAM MCNEIL**

Pursuant to Rules 26 and 34 of the Massachusetts Rules of Civil Procedure, the Commonwealth of Massachusetts requests that defendant Liam McNeil produce the following documents on or before July 1, 2024, to the attention of Jon Burke at the Office of the Attorney General, One Ashburton Place, Boston, MA 02108, or through a secure file transfer protocol to be negotiated between the parties.

These Requests are subject to the instructions and definitions below.

Instructions

1. These Requests incorporate relevant provisions of Mass. R. Civ. P. 26 and 34 and Superior Court Rule 30A. The instructions and definitions below are supplementary.
2. In responding to these Requests, you are required to furnish all responsive documents, electronically stored information, and tangible things (collectively "documents") that are within your possession, custody or control.

3. Documents produced in response to these Requests shall be clearly and consecutively numbered on the face of the document.
4. Electronically stored information must be produced in its original or native format according to the specifications set out in attached Data Delivery Standards.
5. Documents that respond, in whole or part, to any portion of these Requests shall be produced in their entirety, including all metadata, attachments, enclosures, and embedded information or materials.
6. Copies and volumes of original documents shall be legible in their entirety, without abbreviation or expurgation, including any attachment or other matter affixed thereto, and shall be accurate and true copies of the original.
7. If any document called for by these Requests is withheld on the grounds of privilege, please state all grounds for that objection and include the following:
 - a. the basis for your claim that any document is protected from disclosure by attorney-client privilege, work product doctrine, or any other grounds;
 - b. the identities of the attorney and client as to whom that privilege or other protection is claimed;
 - c. the date, author, recipient, and subject matter of each document to which an objection is interposed; and
 - d. the identity of all persons having knowledge of any facts which you claim are privileged or otherwise protected from disclosure.
8. If any document requested was at one time, but is no longer, in your possession, custody, or control, or is no longer in existence, state whether the document:
 - a. is lost or missing;

- b. has been destroyed;
- c. has been transferred to others; or
- d. has been otherwise discarded.

In each instance, explain the circumstances surrounding such disposition and state the date on which the disposition occurred.

9. Unless otherwise specified, the time period covered by these Requests shall be January 1, 2019 to the present.

10. Terms used in these Requests are to be construed broadly and inclusively to bring more information within their scope. Without limiting the foregoing, and as may be relevant, the singular form of any word shall include the plural and vice versa; the use of any tense of any verb shall include all other tenses; a masculine, feminine or neuter term shall include all other genders; the term “and” shall include “or” and vice versa; the term “each” shall include “every” and vice versa; and the term “all” shall include “any” and vice versa;

Definitions

The Uniform Definitions provided in Superior Court Rule 30A are incorporated by reference. The Uniform Definitions, as supplemented by the following definitions, apply to these Requests unless otherwise indicated:

- 1. “Action” means the above captioned civil action, *Commonwealth v. Nationalist Social Club et al.*
- 2. “Complaint” means the complaint the Commonwealth filed in this Action and any subsequent or amended complaint that may be filed.
- 3. “Communication” means any transmittal of information of any kind, whether transmitted in writing, orally, electronically or by other means. A Document that abstracts, digests,

transcribes, records, reflects, evidences, or constitutes a Communication is both a Communication and a Document.

4. “Concerning” means directly or indirectly, in whole or in part, describing, evidencing, referring to, relating to, or constituting.

5. “Dangerous Weapon” means any knife; any telescoping or expandable baton; any object listed, described, or referenced at G.L. c. 269, § 10(b); any assault weapon, firearm, machine gun, rifle, shotgun, stun gun, or other weapon as defined at G.L. c. 140, § 121; and any other tangible object designed to cause, or possessed with the intent to cause, or attempt to cause, physical injury or death, or reasonable fear of physical injury or death, to another Person.

6. “Document” is defined to be synonymous in meaning and equal in scope to the usage of the term in Mass. R. Civ. P. 34(a), and includes electronically stored information and tangible things of every type and description.

7. “Geolocation Data” means information Concerning the geographic location of a device or user generated, transmitted, received, or stored by any application, program, service, smart phone or device, or other tangible thing.

8. “NSC” means defendant Nationalist Social Club and any predecessor, successor, or pseudonymous entity.

9. “NSC Activity” means the conduct attributed to NSC and its members in the Complaint and any similar or related conduct identifiable by, or known to, You.

10. “NSC Member” means Christopher Hood, Liam McNeil, and any Person who has participated in NSC Activity.

11. “NSC Membership and Leadership Practices” means any conduct Concerning the recruitment, enrollment, control, direction, leadership, regulation, discipline, roles or functions of

NSC members, including the conduct described at paragraphs 10-13, 16-18, 21, and 29-30 of the Complaint.

12. “NSC Tactics” means the strategies and coordinated conduct developed, planned or utilized by NSC Members in connection with NSC Activity, including the conduct described at paragraphs 29-33 and 35-40 of the Complaint.

13. “NSC Training” means any event or activity conducted by NSC for the purpose of directly or indirectly preparing any Person to Participate in NSC Activity; and any event or activity attended by any NSC Member for the purpose of directly or indirectly preparing to Participate in NSC Activity, including the conduct described at paragraph 34 of the Complaint.

14. “Participate” means to directly or indirectly take part in, contribute to, or facilitate conduct including through planning, directing, aiding, or abetting that conduct.

15. “Physical Altercation” means the nonconsensual use of physical force on another Person; any attempt to use nonconsensual physical force on another Person; conduct that would cause a reasonable Person to believe that nonconsensual physical force is going to be used on them; conduct that may constitute an assault or battery under the common law of Massachusetts; and any other conduct that may constitute an offense under G.L. c. 265, §§ 13A and 15A.

16. “Recording” means any audio recording, photograph, video recording, or other depiction of sound or visual images however produced, stored, or maintained. A Document that abstracts, digests, transcribes, records, reflects, evidences, or constitutes a Recording is both a Recording and a Document.

17. “Trespass and Vandalism” means conduct described at paragraphs 138 to 141 and 151 to 154 of the Complaint; any other similar or related conduct identifiable by, or known to, You; and

any other conduct that may constitute an offense under G.L. c. 266, § 120; G.L. c. 266, § 126; G.L. c. 266, § 126A; G.L. c. 266, § 127; or G.L. c. 270, § 16.

18. “You” means defendant Liam McNeil and any Person acting as his agent, on his behalf, or in active concert or participation with him or them.

Documents to be Produced

1. Documents sufficient to show the organizational structure of NSC.
2. All Documents Concerning Your relationship, involvement, position, role, and responsibilities with NSC.
3. All Documents Concerning Your Participation in NSC Activity.
4. All Documents Concerning Your location on the dates NSC Activity occurred, including any Geolocation Data.
5. Documents sufficient to identify any other Person who participated in NSC Activity.
6. All Communications, Recordings, and other Documents Concerning:
 - a. the conduct described at paragraphs 3, 10-11, 17-18, 21, 23-27, 29-31, 33-35, 38-42, 46-77, 79-95, 97-122, 124-133, and 134-153 of the Complaint;
 - b. NSC Membership and Leadership Practices;
 - c. NSC Tactics;
 - d. NSC Trainings;
 - e. Trespass and Vandalism in connection with NSC Activity;
 - f. Physical Altercations in connection with NSC Activity; and
 - g. Dangerous Weapons in connection with NSC Activity.
7. All Documents You relied upon or reviewed in connection with answering the Commonwealth’s First Set of Interrogatories Directed to Liam McNeil.

8. All Documents referenced in your answers to the Commonwealth's First Set of Interrogatories Directed to Liam McNeil.
9. All Documents you expect to use for any purpose in connection with any deposition or trial in this Action.
10. All Documents Concerning Liam McNeil's suitability to serve as a representative defendant under Mass. R. Civ. P. 23.2 not already produced..
11. All Documents Concerning the subject matter of the claims and defenses asserted by the Parties in this Action not already produced.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Jon Burke
Jon Burke, BBO No. 673472
Helle Sachse, BBO No. 660937
David Rangaviz, BBO No. 681430
Assistant Attorneys General
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200
jonathan.burke@mass.gov

Dated: May 30, 2024

Exhibit C

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 2384cv02779

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al,

Defendants.

**THE COMMONWEALTH'S FIRST SET OF
INTERROGATORIES DIRECTED TO CHRISTOPHER HOOD**

Pursuant to Rules 26 and 33 of the Massachusetts Rules of Civil Procedure, the Commonwealth of Massachusetts requests that defendant Christopher Hood respond to the following Interrogatories on or before July 15, 2024, and provide answers to the attention of Jon Burke, at the Office of the Attorney General, One Ashburton Place, Boston, MA 02108 or through a secure file transfer protocol agreed to by the parties.

These Interrogatories are subject to the instructions and definitions below.

Instructions

1. These Interrogatories incorporate relevant provisions of Mass. R. Civ. P. 26 and 33 and Superior Court Rules 30 and 30A. The instructions and definitions below are supplementary.
2. Your answer to each Interrogatory must include the information requested and any other information reasonably necessary to understand or interpret your response.
3. You must include in your answers all information that you know or that is available to you, including any and all information that you can obtain from: (1) making

reasonable inquiry of (as relevant) your directors, officers, agents, employees, attorneys, and persons in active concert and participation with you or them, whether past or present and without regard to whether or not their relationship with you currently exists or has been terminated; and (2) making reasonable examination of any documents, electronically stored information, or tangible things in your possession, custody, or control that in any way refer or relate to, concern, or contain the information sought by these Interrogatories.

4. Each Interrogatory is to be construed as asking for the source of any information provided in your answer, including the identification of each person from whom you obtained any information provided in your answer, as well as a description of documents, electronically stored information, or tangible things relied upon by you in making your answer. Unless otherwise specifically stated, your answer will be deemed to be a statement by you of your own knowledge.

5. Unless otherwise specified, the time period covered by these Interrogatories is January 1, 2019 to the present.

6. Terms used in these Interrogatories are to be construed broadly and inclusively to bring more information within their scope. Without limiting the foregoing, and as may be relevant, the singular form of any word shall include the plural and vice versa; the use of any tense of any verb shall include all other tenses; a masculine, feminine or neuter term shall include all other genders; the term “and” shall include “or” and vice versa; the term “each” shall include “every” and vice versa; and the term “all” shall include “any” and vice versa.

Definitions

The Uniform Definitions provided in Superior Court Rule 30A are incorporated by reference.

The Uniform Definitions, as supplemented by the following definitions, apply to these Interrogatories unless otherwise indicated:

1. “Action” means the above captioned civil action, *Commonwealth v. Nationalist Social Club et al.*
2. “Complaint” means the complaint the Commonwealth filed in this Action and any subsequent or amended complaint that may be filed.
3. “Communicate” and “Communication” mean any transmittal of information of any kind, whether transmitted in writing, orally, electronically or by other means. A Document that abstracts, digests, transcribes, records, reflects, evidences, or constitutes a Communication is both a Communication and a Document.
4. “Concerning” means directly or indirectly, in whole or in part, describing, evidencing, referring to, relating to, or constituting.
5. “Dangerous Weapon” means any knife; any telescoping or expandable baton; any object listed, described, or referenced at G.L. c. 269, § 10(b); any assault weapon, firearm, machine gun, rifle, shotgun, stun gun, or other weapon as defined at G.L. c. 140, § 121; and any other tangible object designed to cause, or possessed with the intent to cause, or attempt to cause, physical injury or death, or reasonable fear of physical injury or death, to another Person.
6. “Device” means any computer, smart phone, smart device, or other tangible thing capable of generating, transmitting, receiving, or storing Communications, Documents, Recordings or other information or data.

7. “Document” is defined to be synonymous in meaning and equal in scope to the usage of the term in Mass. R. Civ. P. 34(a), and includes electronically stored information and tangible things of every type and description.

8. “Describe” means to provide a substantial summary of all relevant facts and information, including the essential acts (or failure(s) to act) involved in any incident or conduct; the location(s) where any incident or conduct occurred; the date(s) on which any incident or conduct occurred; and the Identity of any Person who Participated in any incident or conduct.

9. “Discoverable Material” means information and Documents that may be subject to discovery pursuant to the Massachusetts Rules of Civil Procedure in this Action – including under Rules 26, 30, 31, 33, 34, 35, 36, and 45 – whether or not you claim the information or Documents are subject to any privilege or other protection that may excuse or prevent disclosure.

10. “Identify” when used with respect to a Device means to (a) state the manufacturer, model, serial number and any other relevant identifying information; (b) provide the current location of the Device; and (c) if You claim that the Device has been lost, discarded, destroyed, or is otherwise no longer in your possession, custody, or control, state the date and Describe the circumstances under which the Device was lost, discarded, destroyed, or otherwise ceased to be in your possession, custody, or control.

11. “Identify” when used with respect to a Method of Communication, Platform, or System (“Method of Communication/Platform/System”) means to (a) state the Method of Communication/Platform/System; (b) Identify any associated service provider; (c) state the dates during which the Method of Communication/Platform/System was used or active; and (d) provide any telephone number, email address, username, handle, site address, or other account

information associated, or otherwise used in connection, with the Method of Communication/Platform/System.

12. “Identify” when used with respect to a Person means to provide (a) the information required by the Uniform Definitions; and (b) any telephone number, email address, or other contact information for the Identified Person.

13. “Location Tracking Device or System” means any Device or System that is capable of generating, transmitting, receiving or storing geolocation data including any relevant mobile phone, smart device, navigation application, ride sharing application, weather application, social media application, retail and shopping application, or health and fitness application.

14. “Method of Communication” means any program, application or service used to Communicate including by telephone, email, text, chat, messaging, or document sharing or exchange. The definition includes private, direct, and encrypted Methods of Communication.

15. “NSC” means defendant Nationalist Social Club and any predecessor, successor, or pseudonymous entity.

16. “NSC Activity” means the conduct attributed to NSC and its members in the Complaint and any similar or related conduct identifiable by, or known to, You.

17. “NSC Member” means Christopher Hood, Liam McNeil, and any other Person who has Participated in NSC Activity.

18. “Participate” means to directly or indirectly take part in, contribute to, or facilitate conduct, including through planning, directing, aiding, or abetting that conduct.

19. “Physical Altercation” means the nonconsensual use of physical force on another Person; any attempt to use nonconsensual physical force on another Person; conduct that would cause a reasonable Person to believe that nonconsensual physical force is going to be used on them;

conduct that may constitute an assault or battery under the common law of Massachusetts; and any other conduct that may constitute an offense under G.L. c. 265, §§ 13A and 15A.

20. “Platform” means any website, program, or application used to Post information including social media and networking sites and applications such as Bitchute, Discord, 8chan, Facebook, 4chan, Gab, Gettr, Instagram, Parler, Odysee, Reddit, Rumble, Snapchat, Telegram, Tiktok, X, and YouTube. The definition includes publicly accessible, private, subscription, membership based, and otherwise restricted Platforms.

21. “Post” means to broadcast, circulate, disclose, disseminate, distribute, issue, publish, print, produce, or share any Communication, Document, Recording, or other information.

22. “Record” means any method of recording sound or visual images.

23. “Recording” means any audio recording, photograph, video recording, or other depiction of sound or visual images however produced, stored, or maintained. A Document that abstracts, digests, transcribes, records, reflects, evidences, or constitutes a Recording is both a Recording and a Document.

24. “System” means any program, application, software, data storage service, cloud service, or other service capable of generating, transmitting, receiving, or storing Communications, Documents, Recordings or other information or data.

25. “Trespass and Vandalism” means conduct described at paragraphs 138 to 141 and 151 to 154 of the Complaint; any other similar or related conduct identifiable by, or known to, You; and any other conduct that may constitute an offense under G.L. c. 266, § 120; G.L. c. 266, § 126; G.L. c. 266, § 126A; G.L. c. 266, § 127; or G.L. c. 270, § 16.

26. “You” means defendant Christopher Hood and any Person acting as his agent, on his behalf, or in active concert or participation with him or them.

INTERROGATORY NO. 1

Identify each Person who Participated in the NSC Activity described in the Complaint. Your answer must specify the NSC Activity in which each Identified Person Participated.

INTERROGATORY NO. 2

Identify each Person who appears in each image in the Complaint. Your answer must specify the image in which each Identified Person appears.

INTERROGATORY NO. 3

Identify each Person with whom You have Communicated Concerning NSC Activity.

INTERROGATORY NO. 4

Identify each Method of Communication You have used to Communicate with any Person Concerning NSC Activity.

INTERROGATORY NO. 5

Identify each Device You have used to Communicate with any Person Concerning NSC Activity.

INTERROGATORY NO. 6

Identify each Platform You have used to Post information Concerning NSC Activity.

INTERROGATORY NO. 7

Identify each Device You have used to Post information Concerning NSC Activity to any Platform.

INTERROGATORY NO. 8

Identify each Device you have used to Record NSC Activity.

INTERROGATORY NO. 9

Identify any System You have used to store, edit, transmit, or receive any Recording of any NSC Activity.

INTERROGATORY NO. 10

Identify any Location Tracking Device or System that you have used or possessed.

INTERROGATORY NO. 11

Describe any incident in which an NSC Member was stopped, questioned, detained, or arrested by any law enforcement agency while Participating in NSC Activity.

INTERROGATORY NO. 12

Describe any incident in which an NSC Member engaged in Trespass and Vandalism while Participating in NSC Activity.

INTERROGATORY NO. 13

Describe any incident in which an NSC Member engaged in a Physical Altercation while Participating in NSC Activity.

INTERROGATORY NO. 14

Describe any incident in which an NSC Member possessed a Dangerous Weapon while Participating in NSC Activity.

INTERROGATORY NO. 16

Identify any Person not already Identified who may have knowledge, possession, custody, or control of Discoverable Material.

INTERROGATORY NO. 17

Identify any Device or System not already identified that may contain, or facilitate access to, Discoverable Material.

INTERROGATORY NO. 18

Identify each Person You expect to depose or call as a witness during any trial in this Action.

INTERROGATORY NO. 19

Identify each Document that you expect to use for any purpose in connection with any deposition or trial in this Action.

INTERROGATORY NO. 20

Describe the steps You have taken to collect and preserve Documents discoverable in this action.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Jon Burke

Jon Burke, BBO No. 673472
Helle Sachse, BBO No. 660937
David Rangaviz, BBO No. 681430
Assistant Attorneys General
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200
jonathan.burke@mass.gov

Dated: May 30, 2024

Exhibit D

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 2384cv02779

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al,

Defendants.

**THE COMMONWEALTH'S FIRST SET OF
INTERROGATORIES DIRECTED TO LIAM MCNEIL**

Pursuant to Rules 26 and 33 of the Massachusetts Rules of Civil Procedure, the Commonwealth of Massachusetts requests that defendant Liam McNeil respond to the following Interrogatories on or before July 15, 2024, and provide answers to the attention of Jon Burke, at the Office of the Attorney General, One Ashburton Place, Boston, MA 02108 or through a secure file transfer protocol agreed to by the parties.

These Interrogatories are subject to the instructions and definitions below.

Instructions

1. These Interrogatories incorporate relevant provisions of Mass. R. Civ. P. 26 and 33 and Superior Court Rules 30 and 30A. The instructions and definitions below are supplementary.
2. Your answer to each Interrogatory must include the information requested and any other information reasonably necessary to understand or interpret your response.
3. You must include in your answers all information that you know or that is available to you, including any and all information that you can obtain from: (1) making

reasonable inquiry of (as relevant) your directors, officers, agents, employees, attorneys, and persons in active concert and participation with you or them, whether past or present and without regard to whether or not their relationship with you currently exists or has been terminated; and (2) making reasonable examination of any documents, electronically stored information, or tangible things in your possession, custody, or control that in any way refer or relate to, concern, or contain the information sought by these Interrogatories.

4. Each Interrogatory is to be construed as asking for the source of any information provided in your answer, including the identification of each person from whom you obtained any information provided in your answer, as well as a description of documents, electronically stored information, or tangible things relied upon by you in making your answer. Unless otherwise specifically stated, your answer will be deemed to be a statement by you of your own knowledge.

5. Unless otherwise specified, the time period covered by these Interrogatories is January 1, 2019 to the present.

6. Terms used in these Interrogatories are to be construed broadly and inclusively to bring more information within their scope. Without limiting the foregoing, and as may be relevant, the singular form of any word shall include the plural and vice versa; the use of any tense of any verb shall include all other tenses; a masculine, feminine or neuter term shall include all other genders; the term “and” shall include “or” and vice versa; the term “each” shall include “every” and vice versa; and the term “all” shall include “any” and vice versa.

Definitions

The Uniform Definitions provided in Superior Court Rule 30A are incorporated by reference.

The Uniform Definitions, as supplemented by the following definitions, apply to these Interrogatories unless otherwise indicated:

1. “Action” means the above captioned civil action, *Commonwealth v. Nationalist Social Club et al.*
2. “Complaint” means the complaint the Commonwealth filed in this Action and any subsequent or amended complaint that may be filed.
3. “Communicate” and “Communication” mean any transmittal of information of any kind, whether transmitted in writing, orally, electronically or by other means. A Document that abstracts, digests, transcribes, records, reflects, evidences, or constitutes a Communication is both a Communication and a Document.
4. “Concerning” means directly or indirectly, in whole or in part, describing, evidencing, referring to, relating to, or constituting.
5. “Dangerous Weapon” means any knife; any telescoping or expandable baton; any object listed, described, or referenced at G.L. c. 269, § 10(b); any assault weapon, firearm, machine gun, rifle, shotgun, stun gun, or other weapon as defined at G.L. c. 140, § 121; and any other tangible object designed to cause, or possessed with the intent to cause, or attempt to cause, physical injury or death, or reasonable fear of physical injury or death, to another Person.
6. “Device” means any computer, smart phone, smart device, or other tangible thing capable of generating, transmitting, receiving, or storing Communications, Documents, Recordings or other information or data.

7. “Document” is defined to be synonymous in meaning and equal in scope to the usage of the term in Mass. R. Civ. P. 34(a), and includes electronically stored information and tangible things of every type and description.

8. “Describe” means to provide a substantial summary of all relevant facts and information, including the essential acts (or failure(s) to act) involved in any incident or conduct; the location(s) where any incident or conduct occurred; the date(s) on which any incident or conduct occurred; and the Identity of any Person who Participated in any incident or conduct.

9. “Discoverable Material” means information and Documents that may be subject to discovery pursuant to the Massachusetts Rules of Civil Procedure in this Action – including under Rules 26, 30, 31, 33, 34, 35, 36, and 45 – whether or not you claim the information or Documents are subject to any privilege or other protection that may excuse or prevent disclosure.

10. “Identify” when used with respect to a Device means to (a) state the manufacturer, model, serial number and any other relevant identifying information; (b) provide the current location of the Device; and (c) if You claim that the Device has been lost, discarded, destroyed, or is otherwise no longer in your possession, custody, or control, state the date and Describe the circumstances under which the Device was lost, discarded, destroyed, or otherwise ceased to be in your possession, custody, or control.

11. “Identify” when used with respect to a Method of Communication, Platform, or System (“Method of Communication/Platform/System”) means to (a) state the Method of Communication/Platform/System; (b) Identify any associated service provider; (c) state the dates during which the Method of Communication/Platform/System was used or active; and (d) provide any telephone number, email address, username, handle, site address, or other account

information associated, or otherwise used in connection, with the Method of Communication/Platform/System.

12. “Identify” when used with respect to a Person means to provide (a) the information required by the Uniform Definitions; and (b) any telephone number, email address, or other contact information for the Identified Person.

13. “Location Tracking Device or System” means any Device or System that is capable of generating, transmitting, receiving or storing geolocation data including any relevant mobile phone, smart device, navigation application, ride sharing application, weather application, social media application, retail and shopping application, or health and fitness application.

14. “Method of Communication” means any program, application or service used to Communicate including by telephone, email, text, chat, messaging, or document sharing or exchange. The definition includes private, direct, and encrypted Methods of Communication.

15. “NSC” means defendant Nationalist Social Club and any predecessor, successor, or pseudonymous entity.

16. “NSC Activity” means the conduct attributed to NSC and its members in the Complaint and any similar or related conduct identifiable by, or known to, You.

17. “NSC Member” means Christopher Hood, Liam McNeil, and any other Person who has Participated in NSC Activity.

18. “Participate” means to directly or indirectly take part in, contribute to, or facilitate conduct, including through planning, directing, aiding, or abetting that conduct.

19. “Physical Altercation” means the nonconsensual use of physical force on another Person; any attempt to use nonconsensual physical force on another Person; conduct that would cause a reasonable Person to believe that nonconsensual physical force is going to be used on them;

conduct that may constitute an assault or battery under the common law of Massachusetts; and any other conduct that may constitute an offense under G.L. c. 265, §§ 13A and 15A.

20. “Platform” means any website, program, or application used to Post information including social media and networking sites and applications such as Bitchute, Discord, 8chan, Facebook, 4chan, Gab, Gettr, Instagram, Parler, Odysee, Reddit, Rumble, Snapchat, Telegram, Tiktok, X, and YouTube. The definition includes publicly accessible, private, subscription, membership based, and otherwise restricted Platforms.

21. “Post” means to broadcast, circulate, disclose, disseminate, distribute, issue, publish, print, produce, or share any Communication, Document, Recording, or other information.

22. “Record” means any method of recording sound or visual images.

23. “Recording” means any audio recording, photograph, video recording, or other depiction of sound or visual images however produced, stored, or maintained. A Document that abstracts, digests, transcribes, records, reflects, evidences, or constitutes a Recording is both a Recording and a Document.

24. “System” means any program, application, software, data storage service, cloud service, or other service capable of generating, transmitting, receiving, or storing Communications, Documents, Recordings or other information or data.

25. “Trespass and Vandalism” means conduct described at paragraphs 138 to 141 and 151 to 154 of the Complaint; any other similar or related conduct identifiable by, or known to, You; and any other conduct that may constitute an offense under G.L. c. 266, § 120; G.L. c. 266, § 126; G.L. c. 266, § 126A; G.L. c. 266, § 127; or G.L. c. 270, § 16.

26. “You” means defendant Liam McNeil and any Person acting as his agent, on his behalf, or in active concert or participation with him or them.

INTERROGATORY NO. 1

Identify each Person who Participated in the NSC Activity described in the Complaint. Your answer must specify the NSC Activity in which each Identified Person Participated.

INTERROGATORY NO. 2

Identify each Person who appears in each image in the Complaint. Your answer must specify the image in which each Identified Person appears.

INTERROGATORY NO. 3

Identify each Person with whom You have Communicated Concerning NSC Activity.

INTERROGATORY NO. 4

Identify each Method of Communication You have used to Communicate with any Person Concerning NSC Activity.

INTERROGATORY NO. 5

Identify each Device You have used to Communicate with any Person Concerning NSC Activity.

INTERROGATORY NO. 6

Identify each Platform You have used to Post information Concerning NSC Activity.

INTERROGATORY NO. 7

Identify each Device You have used to Post information Concerning NSC Activity to any Platform.

INTERROGATORY NO. 8

Identify each Device you have used to Record NSC Activity.

INTERROGATORY NO. 9

Identify any System You have used to store, edit, transmit, or receive any Recording of any NSC Activity.

INTERROGATORY NO. 10

Identify any Location Tracking Device or System that you have used or possessed.

INTERROGATORY NO. 11

Describe any incident in which an NSC Member was stopped, questioned, detained, or arrested by any law enforcement agency while Participating in NSC Activity.

INTERROGATORY NO. 12

Describe any incident in which an NSC Member engaged in Trespass and Vandalism while Participating in NSC Activity.

INTERROGATORY NO. 13

Describe any incident in which an NSC Member engaged in a Physical Altercation while Participating in NSC Activity.

INTERROGATORY NO. 14

Describe any incident in which an NSC Member possessed a Dangerous Weapon while Participating in NSC Activity.

INTERROGATORY NO. 16

Identify any Person not already Identified who may have knowledge, possession, custody, or control of Discoverable Material.

INTERROGATORY NO. 17

Identify any Device or System not already identified that may contain, or facilitate access to, Discoverable Material.

INTERROGATORY NO. 18

Identify each Person You expect to depose or call as a witness during any trial in this Action.

INTERROGATORY NO. 19

Identify each Document that you expect to use for any purpose in connection with any deposition or trial in this Action.

INTERROGATORY NO. 20

Describe the steps You have taken to collect and preserve Documents discoverable in this action.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Jon Burke

Jon Burke, BBO No. 673472
Helle Sachse, BBO No. 660937
David Rangaviz, BBO No. 681430
Assistant Attorneys General
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200
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Dated: May 30, 2024

Exhibit E

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 2384CV02779

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al,

Defendant.

**CHRISTOPHER HOOD'S RESPONSE TO THE COMMONWEALTH'S FIRST SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS, ELECTRONICALLY
STORED INFORMATION AND TANGIBLE THINGS**

1. Documents sufficient to show the organizational structure of NSC.

OBJECTION:

- 1) The disclosure of any Documents relating to the organizational structure of NSC, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
 - 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.
2. All Documents Concerning Your relationship, involvement, position, role, and responsibilities with NSC.

OBJECTION:

- 1) The disclosure of documents concerning Christopher Hood's relationship, involvement, position, role, and responsibilities with NSC, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

3. All Documents Concerning Your Participation in NSC Activity.

OBJECTION:

1) The disclosure of Documents concerning Christopher Hood's Participation in NSC Activity, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

2) This request is overly broad and unduly burdensome as it seeks Documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.

3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

4. All Documents Concerning Your location on the dates NSC Activity occurred, including any Geolocation Data.

OBJECTION:

1) The disclosure of Documents Concerning Christopher Hood's location on the dates NSC Activity occurred, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

2) This request is overly broad and unduly burdensome as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.

3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

5. Documents sufficient to identify any other Person who participated in NSC Activity.

OBJECTION:

- 1) The disclosure of Documents sufficient to identify any other Person who participated in NSC Activity, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
 - 2) This request is overly broad and unduly burdensome as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
 - 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.
6. All Communications, Recordings, and other Documents Concerning:
 - a. the conduct described at paragraphs 3, 10-11, 17-18, 21, 23-27, 29-31, 33-35, 38-42, 46-77, 79-95, 97-122, 124-133, and 134-153 of the Complaint;
 - b. NSC Membership and Leadership Practices;
 - c. NSC Tactics;
 - d. NSC Trainings;
 - e. Trespass and Vandalism in connection with NSC Activity;
 - f. Physical Altercations in connection with NSC Activity; and
 - g. Dangerous Weapons in connection with NSC Activity.

OBJECTION:

- 1) The disclosure of these Documents, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) This request is overly broad and unduly burdensome as it seeks Documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request. Further, this request improperly seeks to shift the burden of proof from the plaintiff onto the

defendant.

- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

7. All Documents You relied upon or reviewed in connection with answering the Commonwealth's First Set of Interrogatories Directed to Christopher Hood.

OBJECTION:

- 1) The disclosure of these Documents, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) To the extent that the Interrogatories were objected to based on their overly broad and unduly burdensome nature, Christopher Hood objects to this request as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

8. All Documents referenced in your answers to the Commonwealth's First Set of Interrogatories Directed to Christopher Hood.

OBJECTION:

- 1) The disclosure of these documents, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) To the extent that the Interrogatories were objected to based on their overly broad and unduly burdensome nature, Christopher Hood objects to this request as it seeks documents dating back over 25 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.

3) The Defendant objects and asserts his privilege against self incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

9. All Documents you expect to use for any purpose in connection with any deposition or trial in this Action.

ANSWER:

Christopher Hood has not yet determined any Documents to use in connection with any deposition or trial in this matter and will supplement this response as discovery progresses.

10. All Documents Concerning Christopher Hood's suitability to serve as a representative defendant under Mass. R. Civ. P. 23.2 not already produced.

OBJECTION:

- 1) The disclosure of Documents Concerning my suitability to serve as a representative defendant under Mass. R. Civ. P. 23.2, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

11. All Documents Concerning the subject matter of the claims and defenses asserted by the Parties in this Action not already produced.

OBJECTION:

- 1) The disclosure of any Documents Concerning the subject matter of the claims and defenses asserted by the Parties in this Action not already produced, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th

Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

DATED: September 27, 2024

Respectfully submitted,

Christopher Hood.
By his Attorney,

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document on the Office of the Attorney General by EMAIL and Counsel for Liam Meneil on:

DATE: 10/01/2024

SPR

/s/ William E. Gens

William E. Gens, BBO #556595
Gens & Stanton, P.C.
12 Ericsson Street, 2nd Floor
Boston, MA 02122
(617) 936-4591

Exhibit F

Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT DEPARTMENT
SUPERIOR COURT
DOCKET NO. 2384 CV 0 2779

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al.,

Defendants.

**LIAM MCNEIL'S RESPONSES TO THE
COMMONWEALTH'S FIRST SET OF
REQUESTS FOR THE PRODUCTION
OF DOCUMENTS, ELECTRONICALLY
STORED INFORMATION, AND
TANGIBLE THINGS**

1. Documents sufficient to show the organizational structure of NSC.

OBJECTION:

- 1) The disclosure of any Documents relating to the organizational structure of NSC, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
 - 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.
2. All Documents Concerning Your relationship, involvement, position, role, and responsibilities with NSC.

OBJECTION:

- 1) The disclosure of documents concerning Liam Mcneil's relationship, involvement, position, role, and responsibilities with NSC, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) The Defendant objects and asserts his privilege against self incrimination as

guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

3. All Documents Concerning Your Participation in NSC Activity.

OBJECTION:

- 1) The disclosure of Documents concerning Liam Mcneil's Participation in NSC Activity, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
 - 2) This request is overly broad and unduly burdensome as it seeks documents dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
 - 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.
4. All Documents Concerning Your location on the dates NSC Activity occurred, including any Geolocation Data.

OBJECTION:

- 1) The disclosure of Documents Concerning Liam Mcneil's location on the dates NSC Activity occurred, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) This request is overly broad and unduly burdensome as it seeks documents dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

5. Documents sufficient to identify any other Person who participated in NSC Activity.

OBJECTION:

- 1) The disclosure of Documents sufficient to identify any other Person who participated in NSC Activity, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
 - 2) This request is overly broad and unduly burdensome as it seeks documents dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
 - 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.
6. All Communications, Recordings, and other Documents Concerning:
 - a. the conduct described at paragraphs 3, 10-11, 17-18, 21, 23-27, 29-31, 33-35, 38-42, 46-77, 79-95, 97-122, 124-133, and 134-153 of the Complaint;
 - b. NSC Membership and Leadership Practices;
 - c. NSC Tactics;
 - d. NSC Trainings;
 - e. Trespass and Vandalism in connection with NSC Activity;
 - f. Physical Altercations in connection with NSC Activity; and
 - g. Dangerous Weapons in connection with NSC Activity.

OBJECTION:

- 1) The disclosure of these Documents, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

- 2) This request is overly broad and unduly burdensome as it seeks Documents dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request. Further, this request improperly seeks to shift the burden of proof from the plaintiff onto the Defendant.
 - 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.
7. All Documents You relied upon or reviewed in connection with answering the Commonwealth's First Set of Interrogatories Directed to Liam Mcneil.

OBJECTION:

- 1) The disclosure of these Documents, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
 - 2) To the extent that the Interrogatories were objected to based on their overly broad and unduly burdensome nature, Liam Mcneil objects to this request as it seeks documents dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
 - 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.
8. All Documents referenced in your answers to the Commonwealth's First Set of Interrogatories Directed to Liam Mcneil.

OBJECTION:

- 1) The disclosure of these documents, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

- 2) To the extent that the Interrogatories were objected to based on their overly broad and unduly burdensome nature, Liam Mcneil objects to this request as it seeks documents dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the request.
 - 3) The Defendant objects and asserts his privilege against self incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.
9. All Documents you expect to use for any purpose in connection with any deposition or trial in this Action.

ANSWER:

Liam Mcneil has not yet determined any Documents to use in connection with any deposition or trial in this matter and will supplement this response as discovery progresses.

10. All Documents Concerning Liam Mcneil's suitability to serve as a representative defendant under Mass. R. Civ. P. 23.2 not already produced.

OBJECTION:

- 1) The disclosure of Documents Concerning my suitability to serve as a representative Defendant under Mass. R. Civ. P. 23.2, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
 - 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.
11. All Documents Concerning the subject matter of the claims and defenses asserted by the Parties in this Action not already produced.

OBJECTION:

- 1) The disclosure of any Documents Concerning the subject matter of the claims and defenses asserted by the Parties in this Action not already produced, if any exist, infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

Respectfully Submitted,

Liam McNeil,
By his Attorney,

/s/ Patrick K. Daubert
Patrick K. Daubert, Esq.
BBO#: 694802
DAUBERT LAW, PLLC
100 Independence Dr., Ste. 7-591
Hyannis, MA 02601
Tel: (508) 205-4350
Fax: (508) 437-0365
DaubertLaw@iCloud.com

DATED: OCT. 3, 2024

CERTIFICATE OF SERVICE

I, Patrick K. Daubert, hereby certify that on this 3rd day of October, 2024, a true copy of the foregoing document was served via e-mail upon counsel of record for all other parties to this action, as enumerated below.

Jon Burke
Helle Sachse
David Rangaviz
Assistant Attorneys General
Commonwealth of Massachusetts

1 Ashburton Pl.
Boston, MA 02108

david.rangaviz@mass.gov

/s/ Patrick K. Daubert
Patrick K. Daubert, Esq.

Exhibit G

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 2384cv02779

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al,

Defendants.

**CHRISTOPHER HOOD'S ANSWER TO THE COMMONWEALTH'S
FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1

Identify each Person who Participated in the NSC Activity described in the Complaint. Your answer must specify the NSC Activity in which each Identified Person Participated.

OBJECTION: The disclosure of each Person who Participated in the NSC Activity described in the Complaint infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

INTERROGATORY NO. 2

Identify each Person who appears in each image in the Complaint. Your answer must specify the image in which each Identified Person appears.

OBJECTION: The disclosure of the identification of each Person who appears in each image of the Complaint infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

INTERROGATORY NO. 3

Identify each Person with whom You have Communicated Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of Persons whom Christopher has Communicated with Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

INTERROGATORY NO. 4

Identify each Method of Communication You have used to Communicate with any Person Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the Methods of Communication that Christopher uses to Communicate with any Person Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

INTERROGATORY NO. 5

Identify each Device You have used to Communicate with any Person Concerning NSC Activity.

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the Devices that Christopher uses to Communicate with any Person Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

INTERROGATORY NO. 6

Identify each Platform You have used to Post information Concerning NSC Activity.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

INTERROGATORY NO. 7

Identify each Device You have used to Post information Concerning NSC Activity to any Platform.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

INTERROGATORY NO. 8

Identify each Device you have used to Record NSC Activity.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

INTERROGATORY NO. 9

Identify any System You have used to store, edit, transmit, or receive any Recording of any NSC Activity.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

INTERROGATORY NO. 10

Identify any Location Tracking Device or System that you have used or possessed.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

INTERROGATORY NO. 11

Describe any incident in which an NSC Member was stopped, questioned, detained, or arrested by any law enforcement agency while Participating in NSC Activity.

OBJECTION:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of

the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.

2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

3) Christopher Hood asserts his Fifth Amendment right in refusing to answer this interrogatory as the disclosure of this information, if it exists, could likely result in criminal liability.

Without waiving the above objections, Christopher Hood answers:

ANSWER: On July 23, 2022 there was an incident in Jamaica Plain where I was arrested for Affray after being attacked by a counter-protester. After a trial on the merits, I was found not guilty after a motion for a required finding was allowed.

INTERROGATORY NO. 12

Describe any incident in which an NSC Member engaged in Trespass and Vandalism while Participating in NSC Activity.

OBJECTION:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.

2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

3) Christopher Hood asserts his Fifth Amendment right in refusing to answer this interrogatory as the disclosure of this information, if it exists, could likely result in criminal liability.

INTERROGATORY NO. 13

Describe any incident in which an NSC Member engaged in a Physical Altercation while Participating in NSC Activity.

OBJECTION:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of

the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.

2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

3) Christopher Hood asserts his Fifth Amendment right in refusing to answer this interrogatory as the disclosure of this information, if it exists, could likely result in criminal liability.

Notwithstanding the above objections, Christopher Hood answers:

ANSWER: See answer to Interrogatory #11.

INTERROGATORY NO. 14

Describe any incident in which an NSC Member possessed a Dangerous Weapon while Participating in NSC Activity.

OBJECTION:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.

2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

3) Christopher Hood asserts his Fifth Amendment right in refusing to answer this interrogatory as the disclosure of this information, if it exists, could likely result in criminal liability.

INTERROGATORY NO. 16

Identify any Person not already Identified who may have knowledge, possession, custody, or control of Discoverable Material.

OBJECTION:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

2) The disclosure of the identification of any Person who may have knowledge, possession, custody, or control of Discoverable Materials infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

INTERROGATORY NO. 17

Identify any Device or System not already identified that may contain, or facilitate access to, Discoverable Material.

ANSWER: I am not aware of any such device.

INTERROGATORY NO. 18

Identify each Person You expect to depose or call as a witness during any trial in this Action.

ANSWER: I have not yet determined any persons to depose or call as a witness during a trial in this matter. I will supplement this response as discovery progresses.

INTERROGATORY NO. 19

Identify each Document that you expect to use for any purpose in connection with any deposition or trial in this Action.

ANSWER: I have not yet determined which documents to use during a deposition or trial in this matter. I will supplement this response as discovery progresses.

INTERROGATORY NO. 20

Describe the steps You have taken to collect and preserve Documents discoverable in this action.

ANSWER: I have not destroyed or deleted any material upon learning of this lawsuit.

**SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 27th DAY OF
AUGUST, 2024**



Christopher Hood.

DATED: August 26, 2024

As to Objections,

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the Office of the Attorney General and Counsel for Liam Mcneil by EMAIL on:

DATE: 8 / 28 2024 SPR

/s/ William E. Gens

William E. Gens, BBO# 556595

Gens & Stanton, P.C.

12 Ericsson Street, 2nd Floor

Boston, MA 02122

(617) 936-4591

billgens@genslawoffices.com

Exhibit H

Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT DEPARTMENT
SUPERIOR COURT
DOCKET NO. 2384 CV 0 2779

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al.,

Defendants.

**LIAM MCNEIL'S ANSWERS AND
OBJECTIONS TO THE
COMMONWEALTH'S FIRST SET OF
INTERROGATORIES DIRECTED TO
LIAM MCNEIL**

INTERROGATORY NO. 1

Identify each Person who Participated in the NSC Activity described in the Complaint. Your answer must specify the NSC Activity in which each Identified Person Participated.

OBJECTION: The disclosure of each Person who Participated in the NSC Activity described in the Complaint would infringes on his protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the defendants' speech.

INTERROGATORY NO. 2

Identify each Person who appears in each image in the Complaint. Your answer must specify the image in which each Identified Person appears.

OBJECTION: The disclosure of the identification of each Person who appears in each image of the Complaint infringes on his protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the defendants' speech.

INTERROGATORY NO. 3

Identify each Person with whom You have Communicated Concerning NSC Activity.

OBJECTION:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications

unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

2) The disclosure of Persons whom Liam has Communicated with Concerning NSC Activity infringes on his protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the defendants' speech.

INTERROGATORY NO. 4

Identify each Method of Communication You have used to Communicate with any Person Concerning NSC Activity.

OBJECTION:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

2) The disclosure of the Methods of Communication that Liam uses to Communicate with any Person Concerning NSC Activity infringes on his protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

INTERROGATORY NO. 5

Identify each Device You have used to Communicate with any Person Concerning NSC Activity.

1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

2) The disclosure of the Devices that Liam uses to Communicate with any Person Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

INTERROGATORY NO. 6

Identify each Platform You have used to Post information Concerning NSC Activity.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications

within the scope of the interrogatory.

INTERROGATORY NO. 7

Identify each Device You have used to Post information Concerning NSC Activity to any Platform.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

INTERROGATORY NO. 8

Identify each Device you have used to Record NSC Activity.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

INTERROGATORY NO. 9

Identify any System You have used to store, edit, transmit, or receive any Recording of any NSC Activity.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

INTERROGATORY NO. 10

Identify any Location Tracking Device or System that you have used or possessed.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

INTERROGATORY NO. 11

Describe any incident in which an NSC Member was stopped, questioned, detained, or arrested by any law enforcement agency while Participating in NSC Activity.

OBJECTION: The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications

within the scope of the interrogatory.

ANSWER: On July 23, 2022 there was an incident in Jamaica Plain where Christopher Hood was arrested for Affray after he was attacked by a counter-protester. I found out he was later deemed not guilty after a trial on that matter.

INTERROGATORY NO. 12

Describe any incident in which an NSC Member engaged in Trespass and Vandalism while Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto defendant.
- 2) Liam Mcneil asserts his Fifth Amendment right in refusing to answer this interrogatory as the disclosure of this information, if it exists, could likely result in criminal liability.

INTERROGATORY NO. 13

Describe any incident in which an NSC Member engaged in a Physical Altercation while Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto defendant.
- 2) Liam Mcneil asserts his Fifth Amendment right in refusing to answer this interrogatory as the disclosure of this information, if it exists, could likely result in criminal liability.

INTERROGATORY NO. 14

Describe any incident in which an NSC Member possessed a Dangerous Weapon while Participating in NSC Activity.

OBJECTION:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto defendant.

2) Liam Mcneil asserts his Fifth Amendment right in refusing to answer this interrogatory as the disclosure of this information, if it exists, could likely result in criminal liability.

INTERROGATORY NO. 16

Identify any Person not already Identified who may have knowledge, possession, custody, or control of Discoverable Material.

OBJECTION:

1) The interrogatory is overly broad and unduly burdensome as it seeks communications unlimited by any timeframe and also includes privileged communications within the scope of the interrogatory.

2) The disclosure of the identification of any Person who may have knowledge, possession, custody, or control of Discoverable Materials infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

INTERROGATORY NO. 17

Identify any Device or System not already identified that may contain, or facilitate access to, Discoverable Material.

ANSWER: At the present time I am not aware of any such device.

INTERROGATORY NO. 18

Identify each Person You expect to depose or call as a witness during any trial in this Action.

ANSWER: I have not yet determined any persons to depose or call as a witness during a trial in this matter. I will supplement this response if and as discovery progresses.

INTERROGATORY NO. 19

Identify each Document that you expect to use for any purpose in connection with any

deposition or trial in this Action.

ANSWER: I have not yet determined which documents to use during a deposition or trial in this matter. I will supplement this response if and as discovery progresses.

INTERROGATORY NO. 20

Describe the steps You have taken to collect and preserve Documents discoverable in this action.

ANSWER: I have not destroyed or deleted any material upon learning of this lawsuit.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 21st DAY OF AUGUST,
2024



Liam McNeil.

As to Objections,

By his Attorney,

/s/ Patrick K. Daubert

Patrick K. Daubert, Esq.

BBO#: 694802

DAUBERT LAW, PLLC

100 Independence Dr., Ste. 7-591

Hyannis, MA 02601

Tel: (508) 205-4350

Fax: (508) 437-0365

DaubertLaw@iCloud.com

DATED: AUG 26, 2024

CERTIFICATE OF SERVICE

I, Patrick K. Daubert, hereby certify that on this 26th day of August, 2024, a true copy of the foregoing document was served via e-mail upon counsel of record for all other parties to this action, as enumerated below.

Jon Burke
Helle Sachse
David Rangaviz
Assistant Attorneys General
Commonwealth of Massachusetts
1 Ashburton Pl.
Boston, MA 02108

david.rangaviz@mass.gov

/s/ Patrick K. Daubert
Patrick K. Daubert, Esq.

Exhibit I

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 2384cv02779

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al,

Defendants.

**CHRISTOPHER HOOD'S ANSWER TO THE COMMONWEALTH'S
FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1

Identify each Person who Participated in the NSC Activity described in the Complaint. Your answer must specify the NSC Activity in which each Identified Person Participated.

OBJECTION:

- 1) The disclosure of each Person who Participated in the NSC Activity described in the Complaint infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 2

Identify each Person who appears in each image in the Complaint. Your answer must specify the image in which each Identified Person appears.

OBJECTION:

- 1) The disclosure of the identification of each Person who appears in each image of the Complaint infringes on the Defendants' protected associational right and would cause

harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 3

Identify each Person with whom You have Communicated Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of Persons whom Christopher has Communicated with Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 4

Identify each Method of Communication You have used to Communicate with any Person Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the Methods of Communication that Christopher uses to Communicate with any Person Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the

United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 5

Identify each Device You have used to Communicate with any Person Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the Devices that Christopher uses to Communicate with any Person Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 6

Identify each Platform You have used to Post information Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 7

Identify each Device You have used to Post information Concerning NSC Activity to any Platform.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 8

Identify each Device you have used to Record NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 9

Identify any System You have used to store, edit, transmit, or receive any Recording of any NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 10

Identify any Location Tracking Device or System that you have used or possessed.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 11

Describe any incident in which an NSC Member was stopped, questioned, detained, or arrested by any law enforcement agency while Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Without waiving the above objections, Christopher Hood answers:

On July 23, 2022 there was an incident in Jamaica Plain in which Christopher Hood was arrested for Affray after being attacked by a counter-protester. It is my understanding that he was found not guilty at trial.

INTERROGATORY NO. 12

Describe any incident in which an NSC Member engaged in Trespass and Vandalism while

Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 13

Describe any incident in which an NSC Member engaged in a Physical Altercation while Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

Notwithstanding the above objections, Christopher Hood answers:

ANSWER: See answer to Interrogatory #11.

INTERROGATORY NO. 14

Describe any incident in which an NSC Member possessed a Dangerous Weapon while Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 16

Identify any Person not already Identified who may have knowledge, possession, custody, or control of Discoverable Material.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 25 months from the first incident alleged against the Defendants, and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the identification of any Person who may have knowledge, possession, custody, or control of Discoverable Materials infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and used to attempt to establish criminal liability.

INTERROGATORY NO. 17

Identify any Device or System not already identified that may contain, or facilitate access to, Discoverable Material.

ANSWER: I am not aware of any such device.

INTERROGATORY NO. 18

Identify each Person You expect to depose or call as a witness during any trial in this Action.

ANSWER: I have not yet determined any persons to depose or call as a witness during a trial in this matter. I will supplement this response as discovery progresses.

INTERROGATORY NO. 19

Identify each Document that you expect to use for any purpose in connection with any deposition or trial in this Action.

ANSWER: I have not yet determined which documents to use during a deposition or trial in this matter. I will supplement this response as discovery progresses.

INTERROGATORY NO. 20

Describe the steps You have taken to collect and preserve Documents discoverable in this action.

ANSWER: I have not destroyed or deleted any material upon learning of this lawsuit.

**SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 30TH DAY OF
SEPTEMBER, 2024**

Christopher Hood.

DATED: September 30, 2024

Respectfully submitted,

Christopher Hood.
By his Attorney,

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document on the Office of the Attorney General by EMAIL and Counsel for Liam Mcneil on:

DATE: 10/01/2024

SPR

/s/ William E. Gens

William E. Gens, BBO #556595
Gens & Stanton, P.C.
12 Ericsson Street, 2nd Floor
Boston, MA 02122
(617) 936-4591

Exhibit J

Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT DEPARTMENT
SUPERIOR COURT
DOCKET NO. 2384 CV 0 2779

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff,

v.

NATIONALIST SOCIAL CLUB et al.,
Defendants.

**LIAM MCNEIL'S ANSWERS AND
OBJECTIONS TO THE
COMMONWEALTH'S FIRST SET OF
INTERROGATORIES DIRECTED TO
LIAM MCNEIL**

INTERROGATORY NO. 1

Identify each Person who Participated in the NSC Activity described in the Complaint. Your answer must specify the NSC Activity in which each Identified Person Participated.

OBJECTION:

- 1) The disclosure of each Person who Participated in the NSC Activity described in the Complaint infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 2

Identify each Person who appears in each image in the Complaint. Your answer must specify the image in which each Identified Person appears.

OBJECTION:

- 1) The disclosure of the identification of each Person who appears in each image of the Complaint infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.

- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 3

Identify each Person with whom You have Communicated Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of Persons whom Liam has Communicated with Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 4

Identify each Method of Communication You have used to Communicate with any Person Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the Methods of Communication that Liam uses to Communicate with any Person Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed

by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 5

Identify each Device You have used to Communicate with any Person Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory.
- 2) The disclosure of the Devices that Liam uses to Communicate with any Person Concerning NSC Activity infringes on the Defendants' protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 6

Identify each Platform You have used to Post information Concerning NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 7

Identify each Device You have used to Post information Concerning NSC Activity to any Platform.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 8

Identify each Device you have used to Record NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 9

Identify any System You have used to store, edit, transmit, or receive any Recording of any NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as

guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 10

Identify any Location Tracking Device or System that you have used or possessed.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory.
- 2) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 11

Describe any incident in which an NSC Member was stopped, questioned, detained, or arrested by any law enforcement agency while Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to

incriminate him and be used to attempt to establish criminal liability.

Without waiving the above objections, Liam Mcneil answers:

On July 23, 2022 there was an incident in Jamaica Plain in which Christopher Hood was arrested for Affray after being attacked by a counter-protester. It is my understanding that he was found not guilty at trial.

INTERROGATORY NO. 12

Describe any incident in which an NSC Member engaged in Trespass and Vandalism while Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 13

Describe any incident in which an NSC Member engaged in a Physical Altercation while Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.

- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

Notwithstanding the above objections, Liam Mcneil answers:

ANSWER: See answer to Interrogatory #11.

INTERROGATORY NO. 14

Describe any incident in which an NSC Member possessed a Dangerous Weapon while Participating in NSC Activity.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory. Further, this interrogatory improperly seeks to shift the burden of proof from the plaintiff onto the defendant.
- 2) The disclosure of this information infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 16

Identify any Person not already Identified who may have knowledge, possession, custody, or control of Discoverable Material.

OBJECTION:

- 1) The interrogatory is overly broad and unduly burdensome as it seeks communications

dating back over 37 months from the first incident alleged against the Defendant and also includes privileged communications within the scope of the interrogatory.

- 2) The disclosure of the identification of any Person who may have knowledge, possession, custody, or control of Discoverable Materials infringes on NSC's protected associational right and would cause harassment, membership withdrawal, discouragement of new members, and otherwise chill the Defendants' speech.
- 3) The Defendant objects and asserts his privilege against self-incrimination as guaranteed by Article XII of the Massachusetts Declaration of Rights and the 5th Amendment of the United States Constitution as the discovery request seeks information that may tend to incriminate him and be used to attempt to establish criminal liability.

INTERROGATORY NO. 17

Identify any Device or System not already identified that may contain, or facilitate access to, Discoverable Material.

ANSWER: I am not aware of any such device.

INTERROGATORY NO. 18

Identify each Person You expect to depose or call as a witness during any trial in this Action.

ANSWER: I have not yet determined any persons to depose or call as a witness during a trial in this matter. I will supplement this response as discovery progresses.

INTERROGATORY NO. 19

Identify each Document that you expect to use for any purpose in connection with any deposition or trial in this Action.

ANSWER: I have not yet determined which documents to use during a deposition or trial in this matter. I will supplement this response as discovery progresses.

INTERROGATORY NO. 20

Describe the steps You have taken to collect and preserve Documents discoverable in this action.

ANSWER: I have not destroyed or deleted any material upon learning of this lawsuit.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 3rd DAY OF OCTOBER,
2024

Liam McNeil

As to Objections,

Liam McNeil,
By his Attorney,

/s/ Patrick K. Daubert
Patrick K. Daubert, Esq.
BBO#: 694802
DAUBERT LAW, PLLC
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Hyannis, MA 02601
Tel: (508) 205-4350
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DaubertLaw@iCloud.com

DATED: OCT. 3, 2024

CERTIFICATE OF SERVICE

I, Patrick K. Daubert, hereby certify that on this 3rd day of October, 2024, a true copy of the foregoing document was served via e-mail upon counsel of record for all other parties to this action, as enumerated below.

Jon Burke
Helle Sachse
David Rangaviz
Assistant Attorneys General
Commonwealth of Massachusetts
1 Ashburton Pl.
Boston, MA 02108

david.rangaviz@mass.gov

/s/ Patrick K. Daubert
Patrick K. Daubert, Esq.

Exhibit K

ER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO.

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

NATIONALIST SOCIAL CLUB (a/k/a NSC-131),
CHRISTOPHER HOOD, and LIAM MCNEIL,

Defendants.

COMPLAINT

Introduction

1. The Commonwealth brings this action against the defendants, the Nationalist Social Club, Christopher Hood and Liam McNeil (hereafter collectively “Defendants”), to address their escalating violations of the state’s civil rights laws, and the disruptions to public peace and safety caused by their unlawful conduct.

2. The Nationalist Social Club is a private association that is active in New England. Defendants Hood and McNeil direct and control the Club’s activities in Massachusetts.

3. Defendants have recently and repeatedly engaged in violent, threatening, intimidating, and coercive conduct that has interfered with the exercise of rights secured by state and federal law; unlawfully obstructed access to public accommodations, including libraries and hotels; and damaged, defaced, and unlawfully intruded upon property throughout Massachusetts.

4. The Commonwealth brings claims for public nuisance, trespass, civil conspiracy, and violations of the Civil Rights Act (G.L. c. 12, § 11H) and Public Accommodations Law (G.L. c. 272, § 98); and seeks injunctive relief, damages, civil penalties, costs and fees.

Parties

5. The Commonwealth of Massachusetts is represented by and through its Attorney General.

6. The Attorney General's principal office is located at One Ashburton Place, Boston, Massachusetts 02108.

7. The Attorney General has the authority to bring this action in the public interest in her capacity as chief law enforcement officer for the Commonwealth and under G.L. c. 12, § 10; G.L. c. 12, § 11H; and G.L. c. 151B, § 9.

8. Defendant Nationalist Social Club, also known as NSC-131¹ (hereafter "NSC" or the "Club"), is an unincorporated association with approximately 30 active members in Massachusetts. NSC operates from the addresses of its leading members, Defendants Hood and McNeil, as set forth below.

9. NSC describes itself as a "Nazi" organization engaged in the "existential struggle" of "European peoples across the world fighting for their lives and honor." The Club engages in a range of activities that it claims are intended to identify and combat the "enemies" of "true white New Englanders." NSC's principal long-term objective is to establish a "homeland" in New England for white residents of European ancestry. Club members frequently reference this common objective using the slogan "New England is ours, the rest must go."

10. NSC exercises control over its membership. The Club's leadership, including Defendants Hood and McNeil, interview and vet potential members before admitting them into the association and authorizing them to participate in NSC's activities.

¹ The numbers "1-3-1" in the acronym "NSC-131" stand for the letters "A-C-A" which, in turn, stand for "Anti-Communist Action."

11. Under the direction and control of the Club's leadership, NSC members carried out the unlawful activities described in this complaint to advance the association's common objectives. Club members attributed these unlawful activities to NSC.

12. Defendant Hood resides at 19 Christie Drive, Unit 2, Newburyport, Massachusetts 01950. He is a founding member of NSC and continues to hold a principal leadership position in the Club.

13. Defendant McNeil resides at 55 Montclair Avenue, Waltham, Massachusetts 02451. He joined NSC in or about 2020 and currently holds a leadership position in the Club.

14. Defendants Hood and McNeil are named as defendants in their individual capacity and as representative members of NSC pursuant to Rule 23.2 of the Massachusetts Rules of Civil Procedure.

15. Because NSC members take steps to conceal their identities during their activities in Massachusetts, including by wearing ski masks and other face coverings, the Commonwealth cannot currently identify each of the individual NSC members who participated in the unlawful activities described in this complaint.

16. Defendants Hood and McNeil will fairly and adequately represent the interests of the Club and its members in this action.

17. Defendants Hood and McNeil have publicly identified themselves as members of NSC and have promoted the activities and objectives of the Club.

18. Further, in their capacity as leaders of the Club, Defendants Hood and McNeil plan, direct and/or exercise control over NSC's activities in Massachusetts. Upon information and belief, Defendants Hood and McNeil also personally participated in the unlawful conduct described in this complaint.

Jurisdiction & Venue

19. The court has jurisdiction over this case, and the authority to grant the relief requested, including under G.L. c. 12, § 11H; G.L. c. 151B, § 9; G.L. c. 212, § 4; and G.L. c. 214, § 1.

20. Venue is proper in Suffolk County under G.L. c. 223, § 5.

Facts

21. NSC was founded by Defendant Hood and a small group of other Massachusetts residents in late 2019.

22. The Club began to engage in significant public activities in Massachusetts during the summer of 2020.

23. Since 2020, Defendants have engaged in an escalating campaign of unlawful conduct as they have attempted to “shut down” groups and activities that they deem harmful to the interests of white New Englanders.

24. As detailed below, Defendants have recently carried out a series of violent and otherwise unlawful Club actions targeting those they have designated “enemies of our people.”

25. Among these Club actions, Defendants have repeatedly attempted to disrupt public events organized by LGBTQ+ groups, and interfere with the provision of emergency shelter to recent immigrants at local hotels through the Commonwealth’s Emergency Housing Assistance program, as authorized by G.L. c. 23B, § 30 (hereafter “emergency shelter”).

26. Defendants have also periodically carried out vigilante “patrols” in cities and towns across the Commonwealth.

27. During these patrols, NSC members – some carrying dangerous weapons – have hunted for “anti-White” activity in residential neighborhoods, and trespassed upon and “tagged”² public and private property to claim territory for the Club.

28. Defendants’ conduct during these targeted actions, patrols, and other Club activities has repeatedly and substantially interfered with the public peace, safety, comfort, and convenience.

Defendants Plan and Carry out Violent and Unlawful Conduct in Massachusetts:

29. Defendants’ unlawful conduct in Massachusetts has involved a significant degree of planning and coordination among Club members.

30. As further described below, under the direction and control of the Club’s leadership, including Defendants Hood and McNeil, NSC members have selected targets; developed and planned tactics; acquired and distributed materials; organized travel; and carried out coordinated conduct during Club activities. For example:

31. In advance of Club activities, NSC members regularly scout targeted locations in order to familiarize themselves with the area. Defendants use the information gathered to develop operational tactics and create detailed “planning graphics” that identify parking and gathering points, primary and contingency access and exit routes, and potential chokepoints or danger areas near targeted locations.

² As used in this complaint, the terms “tag,” “tagging,” and “tagged” refer to acts of vandalism in which Defendants painted graffiti, or placed stickers, containing “Nationalist Social Club,” “NSC,” “NSC-131,” or other identifying words, phrases or logos associated with the Club, onto public and private property without permission or right.

32. At the direction of the Club's leadership, NSC members generally wear a standard "uniform" during sanctioned public activities. This uniform consists of khaki pants; black shirts or jackets; black ski masks, balaclavas or neck gaiters; and black or khaki hats.

33. During Club activities, NSC members regularly seek out and attempt to instigate fights and other physical confrontations.

34. To prepare Club members to engage in physical violence, Defendants periodically organize and provide combat and weapons trainings during which members practice fighting and engaging in coordinated maneuvers.

35. NSC members engage in aggressive and violent conduct during Club activities in an attempt to intimidate their "enemies" and to generate material for propaganda and recruiting videos.

36. NSC maintains active accounts in its own name on the social media platforms of Telegram, Gab, Odysee, and other sites.

37. The Club's leadership, including Defendants Hood and McNeil, coordinate, contribute to, and exercise control over what is posted to these social media accounts.

38. Since 2020, Defendants have repeatedly posted videos and images to NSC's social media accounts that have featured Club members carrying out assaults, fighting, and engaging in other physical confrontations.³

39. Defendants have given these videos and images titles such as "Join the Club" and "The Life," and labeled Club members who engage in physical violence as the "Bully Squad."

³ Defendants frequently cross-post material to several social media platforms. For ease of reference, the Commonwealth will generally refer to Defendants' "social media accounts" unless the particular platform used is relevant.

40. NSC members wearing patches and other clothing bearing the insignia “Bully Squad” participated in the unlawful activities described in this complaint.

Defendants Unlawfully Target and Disrupt LGBTQ+ Events:

41. Between July 2022 and January 2023, Defendants carried out a campaign of Club actions intended to “disrupt and shut down” Drag Queen Story Hour events organized by LGBTQ+ community groups and allied organizations in Massachusetts.

42. During this campaign, uniformed NSC members engaged in street fighting, assaulted members of the public, and interfered with access to event spaces in public libraries.

43. A Drag Queen Story Hour is a family-oriented event during which a performer in drag reads picture books to parents and young children.

44. The events are organized for the intended purpose of promoting LGBTQ+ inclusivity and equality by bringing parents and children together with openly queer and gender-fluid community members in a family-friendly setting.

45. Over the last decade, hundreds of Story Hour events have been lawfully and peacefully held in public libraries, schools, and other event spaces in Massachusetts and across the country.

46. NSC has repeatedly indicated that it targeted the Drag Queen Story Hour events because of the sexual orientation and/or gender identity of the people involved in organizing the events, the performers at the events, and/or the people attending the events. For example:

47. During 2022 and 2023, NSC published and distributed a flyer titled “Defend the Family,” in which it indicated that the Club was targeting Story Hours because the events were used to promote “harmful and degenerate lifestyles such as homosexuality, transsexuality, and ‘drag culture.’”

48. In addition, during Club actions targeting Story Hour events, NSC members repeatedly displayed homophobic banners and shouted anti-LGBTQ+ slogans and slurs, including “faggot.”

49. NSC first announced that its members were going to carry out coordinated actions intended to force the cancellation of Story Hour events in late 2021.

50. On December 21, 2021, NSC posted a video to its social media accounts in which it stated that Club members would “SHUT DOWN DRAG QUEEN STORY HOURS IN THE NEW ENGLAND AREA UNTIL ALL RELATED EVENTS CEASE.”

51. Defendants first targeted a Story Hour event in Massachusetts on July 23, 2022.

52. On July 23, approximately twenty NSC members traveled to Jamaica Plain to attempt to “shut down” a Story Hour being held at the Loring Greenough House, a historical landmark building presently used as a nonprofit community center for social, cultural, historical, and educational activities.

53. When the NSC members arrived at the Loring Greenough House, officers from the Boston Police Department were patrolling the area outside the public entrance to the building.

54. As a result, the NSC members congregated on the sidewalk outside the public entrance.

55. After a short time, a group of people gathered across the street to protest NSC’s presence and activities outside the Loring Greenough House.

56. In response, the NSC members began yelling insults and performing Nazi salutes at the protesters.

57. After approximately an hour and a half, the NSC members left the sidewalk outside the Loring Greenough House and began walking toward the parking lot where they had left their cars.

58. After traveling about half a block, several Club members broke away from the main group and crossed the street – moving away from the parking lot – to confront the protesters at close range.

59. This conduct provoked an escalating conflict that continued back across the street and culminated in a street fight involving Defendant Hood in Greenough Avenue. Multiple police officers were forced to intervene to break up the fight.

60. After the event, NSC posted a video to its social media accounts in which it threatened that those organizing and supporting future Story Hour events would “BE ALLOWED NO PEACE, NO REST, AND NO FUTURE IN NEW ENGLAND”; stated that, as a result of Club members’ activities at the Loring Greenough House, “POLICE ESCORTED THE DRAG QUEEN OUT THE BACK DOOR”; and reaffirmed that members would continue to attempt to “DISRUPT AND SHUT DOWN” Story Hour events in Massachusetts.

61. On August 8, 2022, NSC targeted a second Story Hour being held in the Boston Seaport at an event space on Harbor Way.

62. The Story Hour was canceled by organizers due to safety concerns after approximately twenty NSC members arrived in a group and lined up in formation immediately in front of the public entrance to the building.

63. On December 10, 2022, NSC targeted a third Story Hour being held at the Public Library on North Main Street in Fall River.

64. Approximately twenty NSC members traveled to Fall River to “disrupt and shut down” the event.

65. During the Story Hour, several NSC members assaulted two people associated with the LGBTQ+ community group that had organized the event (hereafter “Victim 1” and “Victim 2”).

66. When the NSC members arrived at the Library there was no observable police presence in the area.

67. Uniformed Club members quickly set up two lines obstructing access to the main entrance to the Library from North Main Street.

68. NSC also deployed members dressed in “civilian” clothing to act as spotters, observing the area and looking out for law enforcement.

69. The uniformed NSC members in front of the library displayed a banner that read “DRAG QUEENS ARE PEDOPHILES,” and began loudly chanting “Faggots” and other anti-LGBTQ+ slogans at a group of people who had gathered in the Library entranceway.

70. After several minutes, two masked NSC members attempted to enter the Library in order to “disrupt and shut down” the Story Hour.

71. When the first Club member attempted to open the Library door, he pulled it into Victim 1 who was standing directly in the entranceway.

72. The NSC member then shoved Victim 1 in the face and neck, pushing him against the wall next to the entrance.

73. Approximately eight additional NSC members then charged toward the Library entrance, surrounding Victim 1 and Victim 2, who was also standing in the doorway.

74. Several of the NSC members began shoving Victim 2; they then grabbed him, threw him to the ground, and began kicking and/or stomping on him.



75. After approximately 10 seconds, the NSC members began retreating down the stairs and rejoined the main group.

76. After the assault, a number of officers from the Fall River Police Department arrived at the Library.

77. The NSC members remained in front of the Library for some time and then left in an organized group.

78. NSC's conduct in Fall River reasonably caused people to become frightened and apprehensive, to fear for their physical safety, and to feel constrained in their ability to peacefully access the Public Library and attend Story Hour events.

79. On January 14, 2023, NSC targeted a fourth Story Hour being held at the Public Library on Pleasant Street in Taunton.

80. During this event, NSC members entered the Library and disrupted the Story Hour, scaring families and small children and causing officers from the Taunton Police Department to evacuate the performer through a side entrance.

81. On January 14, approximately thirty NSC members traveled to Taunton to “disrupt and shut down” the Story Hour.

82. As in Fall River, after arriving, uniformed NSC members lined up in formation obstructing access to the main entrance to the Library from Pleasant Street. The members held up the “DRAG QUEENS ARE PEDOPHILES” banner and began shouting anti-LGBTQ+ slogans.

83. After approximately thirty minutes, a group of five uniformed NSC members entered the Library in order to “disrupt and shut down” the Story Hour.

84. After walking through the Library halls, the NSC members burst into a room full of families with small children without warning, wearing ski masks, sunglasses, and black jackets, and carrying backpacks and/or other bags.

85. Because of the NSC members’ appearance and the manner in which they entered the room, the Story Hour performer and others reasonably feared that the NSC members were going to carry out a violent attack.

86. Approximately half of the parents at the event immediately grabbed their children and left the Library.

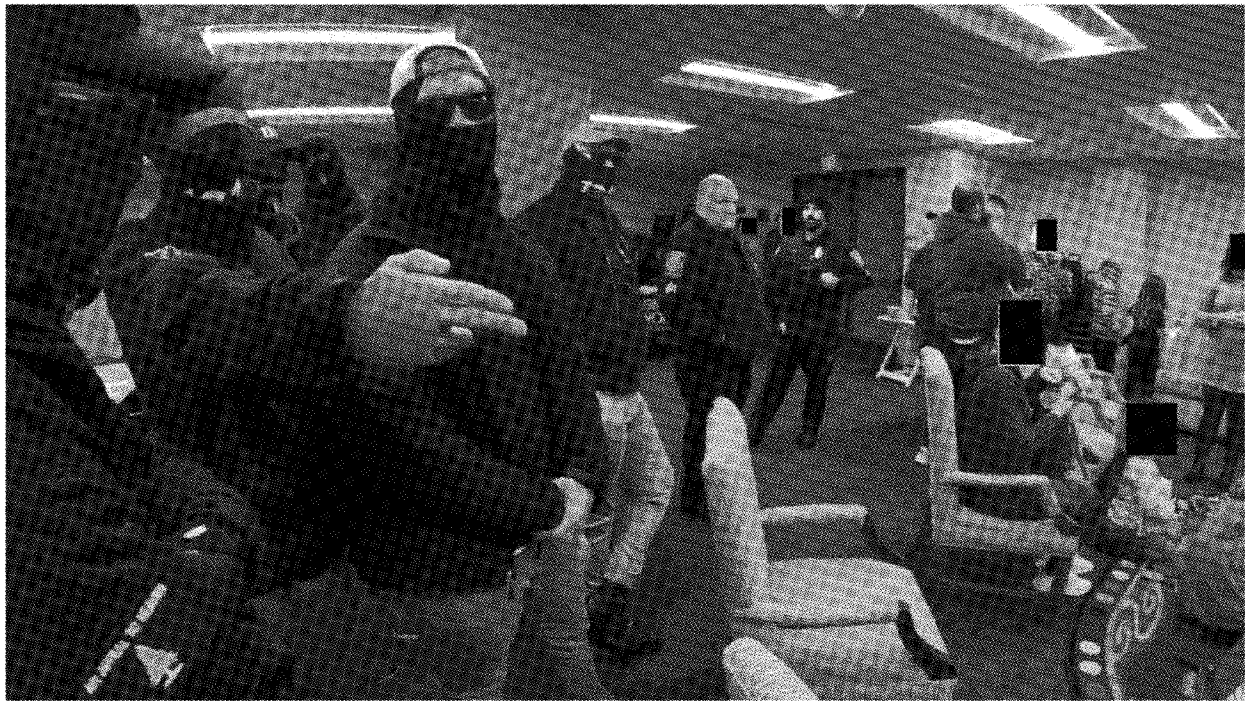
87. Volunteers from the group that had organized the event quickly attempted to separate the remaining families from the NSC members.

88. Officers from the Taunton Police Department, who were at the Library because of the NSC activity, also remained in the room to monitor the situation.

89. The NSC members then began to loudly harass, and attempt to intimidate, the remaining families and the performer, further disrupting the event. For example, NSC members called out to parents that they were helping to “groom” their children for sexual abuse; they also called the performer a “pedophile,” a “street whore,” and other insults.

90. One NSC member aggressively approached a parent and attempted to instigate a fight. The Club member was removed from the room by police officers.

91. Another NSC member raised his hand in the shape of a gun and made a shooting gesture in the direction of parents and the performer.



92. As a result of this conduct, a few minutes after the NSC members entered the room, the performer indicated that she felt unsafe and could not continue to read to the remaining families.

93. The Story Hour was then canceled.

94. As the performer was being escorted from the room toward the exit, several of the NSC members rushed toward her but were blocked by police officers.

95. After the event, NSC posted a video to its social media accounts in which it claimed credit for “SHUT[TING] DOWN A DRAG QUEEN STORY HOUR IN TAUNTON.”

96. After January 14, the LGBTQ+ community group that had organized the Taunton Story Hour stopped publicly disclosing the location of its events because of safety concerns caused by the NSC members' conduct.

Defendants Unlawfully Target Immigrants Based on Race and National Origin and Interfere with the Provision of Emergency Shelter:

97. Between October 2022 and October 2023, NSC carried out a series of Club actions intended to interfere with the provision of emergency shelter to recent immigrants at local hotels.

98. NSC has repeatedly stated that it carried out these actions because of the perceived race (non-white) and national origin (non-European) of the immigrants staying at the hotels. For example:

99. NSC has posted videos and statements to its social media accounts indicating that the immigrants receiving shelter at the hotels were "INVADERS" from "HAITI," "CENTRAL AMERICA," or "AFRICA" who – according to NSC – had come to the United States as part of a conspiracy to replace white Americans of European ancestry. NSC has referred to this conspiracy as "RACIAL REPLACEMENT" or "WHITE REPLACEMENT."

100. NSC has further indicated that it carried out the Club actions in an attempt to coerce the hotels to deny emergency shelter to non-white, non-European immigrants; and to coerce non-white, non-European immigrants to leave the hotels and the Commonwealth.

101. NSC has used similar tactics to target multiple hotels. For example:

102. On October 30, 2022, approximately twenty-five NSC members traveled to Kingston and targeted the Baymont Inn and Suites hotel.

103. Uniformed NSC members marched onto hotel property and lined up in the private driveway opposite the main entrance, obstructing access to the hotel.

104. The NSC members held up a banner that read “REFUGEES NOT WELCOME” and loudly chanted slogans, including “Go Home” and “New England is ours, the rest must go.”

105. At least one NSC member used a bullhorn or other noise amplification device.

106. NSC’s conduct disturbed guests and employees inside the hotel.

107. After a short time, an employee came out of the hotel and directed the NSC members to get out of the driveway and leave the hotel’s property. The Club members did not do so.

108. The NSC members left the hotel property only after officers from the Kingston Police Department arrived and warned them that they were trespassing.

109. In a similar incident, on August 27, 2023, approximately twenty NSC members traveled to Woburn and targeted the Red Roof Inn, Crowne Plaza, and Sonesta Select hotels.

110. Uniformed NSC members repeatedly entered onto the hotel properties, lined up in the private driveways or parking lots opposite the hotel entrances, and burned flares and chanted anti-immigrant slogans loudly enough to disturb guests and employees at the hotels.

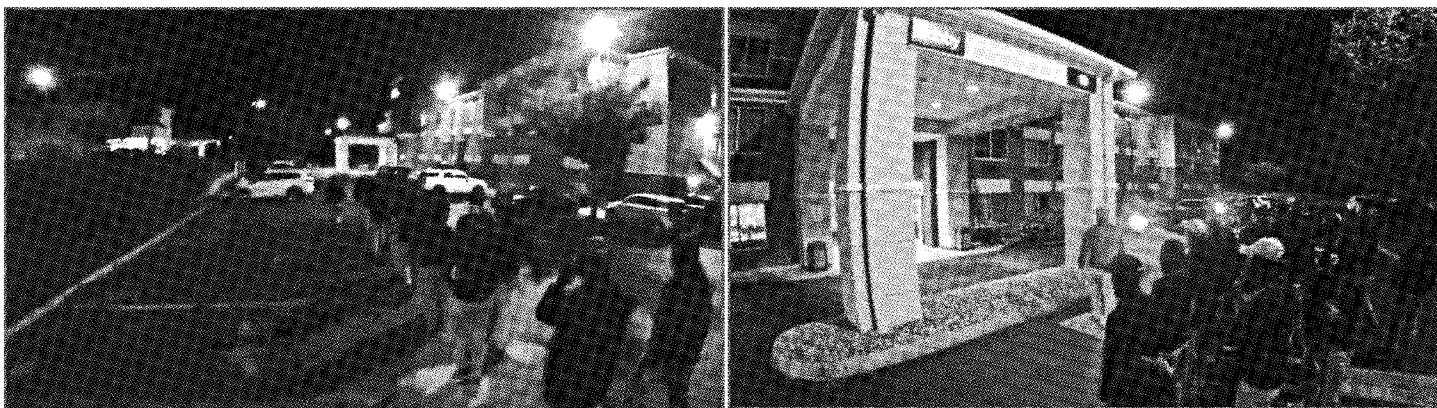
111. At the Red Roof Inn, at least one NSC member recorded video of guests and/or employees inside the hotel without their consent.

112. NSC subsequently posted an image of a guest on its social media accounts, identifying him as a “Haitian invader.”

113. In another incident, on September 1, 2023, approximately twenty NSC members traveled to Marlborough and targeted the Extended Stay America hotel.

114. As in Kingston and Woburn, uniformed NSC members marched onto hotel property and lined up in the driveway opposite the main entrance, blocking a lane of traffic and obstructing access to the hotel. The Club members burned flares, displayed a banner that read

“Invaders Go Home,” and shouted slogans such as “Refugees Go Home” loudly enough to disturb guests and employees inside the hotel.



115. Shortly after the NSC members entered onto the hotel’s property, guests began calling the police, calling the front desk, and/or coming down to the lobby to report to the on-duty hotel staff member that they were frightened and intimidated by the Club members’ conduct.

116. The hotel employee – who was a pregnant woman of color working alone – also called the police because she was concerned for her safety and that of the hotel’s guests.

117. In addition, at the employee’s request, several guests went to the entrance and directed the NSC members to leave the hotel property. The Club members did not do so.

118. Instead, a uniformed NSC member broke away from the main group, entered the hotel holding a black metallic object in front of him, and advanced on the hotel employee who was standing near the entrance.

119. The hotel employee – who initially thought the Club member was holding a handgun or other weapon – retreated in fear away from the entrance.

120. The NSC member was actually holding a GoPro style camera with a small handle. He recorded video of the employee and guests without their consent and then exited the hotel.

121. Shortly thereafter, the NSC members left the hotel's property before police arrived.

122. NSC subsequently posted a video to its social media accounts that included footage of the employee, together with statements indicating that the Club had targeted the hotel because it was "GUILTY OF COOPERATING" with the Commonwealth's emergency shelter program and was "HOUSING OVER A HUNDRED HAITIAN INVADERS AND THEIR FAMILIES."

123. As a result of NSC's activities, Extended Stay America began securing the internal doors by the main entrance to the hotel and hired additional security personnel.

Defendants Unlawfully Attack Members of the Public Exercising Protected Rights:

124. In addition to the discriminatory actions above, Defendants have also engaged in threatening, intimidating, and coercive conduct targeting members of the public who were simply unlucky enough to be present while NSC members were carrying out Club activities. For example:

125. On November 13, 2022, uniformed NSC members threatened and intimidated pedestrians outside the "Boston Anarchist Bookfair," which was being held at an event space called the Democracy Center in Cambridge.

126. The Bookfair is an annual event that is open to the public and features book sales, seminars, and workshops.

127. On November 13, approximately ten NSC members traveled to Cambridge in two large cargo vans to attempt to shut down the Bookfair.

128. After arriving at the Democracy Center, the NSC members began shouting slogans, performing Nazi salutes, and banging on windows, causing volunteers to temporarily

secure the doors in order to protect people inside. The NSC members then attempted to kick down doors and pull open windows.

129. After determining that they would be unable to enter the Democracy Center, the NSC members turned on pedestrians who were standing across the street observing their activities.

130. Several uniformed Club members walked into the street, screaming insults and obscenities and challenging people to fight.

131. One Club member approached a man who was pushing his small children in a stroller and began shouting and aggressively gesturing in the man's face.

132. Another Club member charged across the street, gesturing at another pedestrian and screaming, "You want to punch a fucking Nazi? Come on motherfucker! What? Yeah, back up bitch! Get the fuck out of here you bitch!"

133. After the pedestrians began to retreat and disperse, the NSC members left the area in an organized group.

Defendants' Patrol Activity Disrupts Public Peace and Safety:

134. Since late 2020, NSC has carried out dozens of "patrols" during which members have damaged public and private property and engaged in other dangerous and unlawful conduct.

135. NSC has stated that it carries out patrols in order to "take back security in our homelands" and demonstrate to the Club's enemies that they have "nowhere to hide."

136. In practice, this means that uniformed Club members roam public streets and neighborhoods – generally at night – defacing property, seeking out physical confrontations with their "enemies," and otherwise causing a disruption and threat to public peace and safety.

137. NSC has posted photographs and videos to its social media accounts indicating that its members carry dangerous weapons during patrols, including knives and telescoping riot batons.

138. During patrols, NSC members routinely engage in “tagging” by affixing stickers to, or spray-painting slogans on, utility poles, road signs, construction equipment, bridges, overpasses, and other public and private property in, along, and immediately adjacent to public roads.

139. The stickers NSC uses to tag property commonly include the phrase “NSC – 131 Zone” and/or direct members of the public to report “anti-White” activity to the Club.

140. Since late 2020, NSC has carried out patrols during which members tagged property in, along, and immediately adjacent to public roads in Boston, Lowell, Worcester, Fitchburg, Tyngsborough, Waltham, Salem, Pepperell, Holden, Ayer, and other communities in eastern and central Massachusetts.

141. The Club has also carried out similar patrols of the MBTA system in and around Boston.

142. Beginning in early 2022, in addition to tagging property with spray-paint and stickers during patrols, NSC began to regularly carry out “banner drops” from bridges and overpasses along the Interstate and primary highway systems in Massachusetts in a manner that created a further risk to public safety. For example:

143. On February 12, 2022, in connection with a patrol of the MBTA system, approximately fifteen NSC members walked to the Fairfield Street bridge in Boston and conducted a banner drop over multiple lanes of traffic on Storrow Drive.

144. The uniformed Club members stood in groups on each side of the bridge and haphazardly and insecurely affixed large white sheets with painted slogans to the railings, obscuring at least one official road sign and creating a traffic hazard.

145. The Club members also obstructed pedestrian access to the bridge. Pedestrians heading in both directions were forced to walk a single file gauntlet through the groups of NSC members congregating on each side the bridge, while at least one member recorded them as they passed.

146. At one point, a pedestrian crossing the bridge objected to the NSC members' conduct and began recording their activities using a cell phone.

147. In response, at least one NSC member began to follow the pedestrian across the bridge.

148. When the pedestrian reached approximately the halfway point over the bridge, another Club member let go of the section of banner he was holding and performed a Nazi salute at the pedestrian as she was approaching. The pedestrian briefly stopped and grabbed the section of banner next to the member, attempting to pull it loose from the railing.

149. Three more NSC members then charged at the pedestrian and began shouting in her face, surrounding her and forcing her up against the railing of the bridge.



150. One of the NSC members then swung at the pedestrian, striking her in the arm and knocking the phone out of her hand onto the bridge.

151. In mid-2022, NSC further expanded its patrol activities to include throwing bags filled with leaflets and rocks, wood pellets, rock salt and/or other ballast material (hereafter “bags filled with leaflets and rocks”) from moving cars onto public and private property.

152. Between July 2022 and October 2023, NSC members drove through residential neighborhoods and threw bags filled with leaflets and rocks onto public and private property in Ipswich, Hamilton, New Bedford, Plymouth, Westfield, and other cities and towns. For example:

153. On the nights of September 28 and 29, 2023, NSC members drove through residential neighborhoods near Morton Park in Plymouth and threw large numbers of bags filled with leaflets and rocks onto properties located on Stillwater Drive, Stone Gate Drive, Charlotte Drive, Cracstone Road, Priest Road, Carver Road, and Gristmill Road.

154. NSC did not have permission or consent from the impacted property owners to engage in this activity; many residents called the police to complain about the activity.

Claims

Count I: Violations of Civil Rights Act (G.L. c. 12, § 11H) Asserted Against All Defendants

155. The Commonwealth realleges and incorporates the preceding paragraphs.

156. Defendants have unlawfully interfered, or attempted to interfere, by threats, intimidation or coercion, with the exercise and enjoyment of rights secured by the laws and constitutions of the Commonwealth and the United States. Without limiting the foregoing:

157. On February 12, 2022 at the Fairfield Street bridge, and again on November 13, 2022 in Cambridge, Defendants interfered, or attempted to interfere, by threats, intimidation or coercion, with the right to access, use, and enjoy places of public accommodation, including

public roads and sidewalks, as secured by G.L. c. 272, § 98; and the right to personal safety and security, as secured by Article 1 of the Declaration of Rights and G.L. c. 265, § 13A.

158. On December 10, 2022 in Fall River, Defendants interfered, or attempted to interfere, by threats, intimidation or coercion, with the right to access, use, and enjoy places of public accommodation, as secured by G.L. c. 272, § 98; the right to personal safety and security, as secured by Article 1 of the Declaration of Rights and G.L. c. 265, § 13A; and the rights to freedom of speech, association, and/or assembly, as secured by Articles 16 and 19 of the Declaration of Rights.

159. On January 14, 2023 in Taunton, Defendants interfered, or attempted to interfere, by threats, intimidation, or coercion, with the right to access, use, and enjoy places of public accommodation, as secured by G.L. c. 272, § 98; the right to personal safety and security, as secured by Article 1 of the Declaration of Rights and G.L. c. 265, § 13A; and the rights to freedom of speech, association, and/or assembly, as secured by Articles 16 and 19 of the Declaration of Rights.

160. On September 1, 2023 in Marlborough, Defendants interfered, or attempted to interfere, by threats, intimidation, and coercion, with the right to access, use, and enjoy places of public accommodation, as secured by G.L. c. 272, § 98; the right to seek and receive emergency shelter, as secured by G.L. c. 23B, § 30; the right to personal security and safety, as secured by Article 1 of the Declaration of Rights and G.L. c. 265, § 13A; and the right to pursue lawful business activities and occupations, as secured by Articles 1 and 10 of the Declaration of Rights.

161. Defendants' conduct, if repeated, would cause a reasonable person under the circumstances to feel threatened, intimidated, or coerced in the exercise and enjoyment of these secured rights.

**Count II: Violations of Public Accommodations Law (G.L. c. 272, § 98 and c. 151B, § 9)
Asserted Against All Defendants**

162. The Commonwealth realleges and incorporates the preceding paragraphs.

163. Defendants have engaged in conduct that constitutes a distinction, discrimination, or restriction relative to the admission of one or more people to, or their treatment in, places of public accommodation on account of sexual orientation, gender identity, race, and national origin, and/or aided or incited such distinction, discrimination or restriction. Without limiting the foregoing:

164. On December 10, 2022 in Fall River, and again on January 14, 2023 in Taunton, Defendants obstructed and interfered with access to, and the use and enjoyment of, a public library, and engaged in physically violent, threatening, intimidating and coercive misconduct, in order to “disrupt and shut down” Story Hour events because of the actual or perceived sexual orientation and/or gender identity of the people involved in organizing the events, the performers at the events, and/or the people attending the events.

165. On October 30, 2022 in Kingston, August 27, 2023 in Woburn, and again on September 1, 2023 in Marlborough, Defendants trespassed onto private property and obstructed access to, and/or interfered with the operation of, a hotel because of the actual or perceived race and national origin of guests receiving emergency shelter and services at the hotel.

166. Prior to filing this action, the Commonwealth filed an administrative complaint with the Massachusetts Commission Against Discrimination alleging that Defendants’ conduct violated G.L. c. 272, § 98.

167. On or about December 6, 2023, the Commission authorized the Commonwealth to withdraw the administrative complaint and file this action under G.L. c. 151B, § 9.

**Count III: Public Nuisance
Asserted Against Defendants Hood and McNeil**

168. The Commonwealth realleges and incorporates the preceding paragraphs.

169. NSC's members, including Defendants Hood and McNeil, have engaged in conduct that has unreasonably interfered with the exercise and enjoyment of public rights.

Without limiting the foregoing:

170. NSC members have engaged in public fighting, and other violent, threatening, tumultuous and unlawful conduct, that unreasonably disrupted the public peace, safety, comfort and convenience, and/or otherwise interfered with public rights, in connection with the incident at the Fairfield Street bridge on February 12, 2022; the incident in Cambridge, on November 13, 2022; the incidents targeting Drag Queen Story Hours in Jamaica Plain on July 23, 2022, Fall River on December 10, 2022, and Taunton on January 13, 2023; and the incidents targeting hotels providing emergency shelter to immigrants in Kingston on October 30, 2022, Woburn on August 27, 2023, and Marlborough on September 1, 2023.

171. Further, in connection with their patrol activities of "tagging" and throwing bags filled with leaflets and rocks from cars, NSC members have repeatedly and unlawfully damaged, defaced, encroached and intruded upon public and private property in such a manner as to cause a common public injury and/or otherwise interfere with public rights.

**Count IV: Trespass
Asserted Against Defendants Hood and McNeil**

172. The Commonwealth realleges and incorporates the preceding paragraphs.

173. During the course of, and in connection with, engaging in activity that violated the Massachusetts Civil Rights Act (G.L. c. 12, § 11H) and/or the Public Accommodations Law (G.L. c 272, § 98), and/or constituted or contributed to the creation of a nuisance, NSC's

members, including Defendants Hood and McNeil, have repeatedly, intentionally and without permission or right entered, invaded, or otherwise trespassed upon public and private property throughout the Commonwealth. Without limiting the foregoing:

174. On October 30, 2022 in Kingston, August 27, 2023 in Woburn, September 1, 2023 in Marlborough, and in connection with their patrol activities of “tagging” and throwing bags filled with leaflets and rocks from cars in various towns and cities between 2020 and 2023, NSC members have committed trespasses.

**Count V: Conspiracy
Asserted Against Defendants Hood and McNeil**

175. The Commonwealth realleges and incorporates the preceding paragraphs.

176. NSC’s members, including Defendants Hood and McNeil, have acted in concert, and pursuant to a common design, to commit the unlawful and tortious acts described in this complaint.

177. Further, NSC’s members, including Defendants Hood and McNeil, have knowingly encouraged, and provided substantial assistance to each other, in committing the unlawful and tortious acts described in this complaint.

WHEREFORE, the Commonwealth respectfully requests that the Court enter an order:

(A) Enjoining Defendants from engaging in conduct that violates G.L. c. 12, § 11H;

(B) Enjoining Defendants from engaging in conduct that violates G.L. c. 272, § 98;

(C) Enjoining Defendant Hood, Defendant McNeil, and all other members of the Nationalist Social Club from engaging in conduct that constitutes, creates, or contributes to the creation of a public nuisance;

(D) Enjoining Defendant Hood, Defendant McNeil, and all other members of the Nationalist Social Club, from unlawfully trespassing on public and private property;

- (E) Enjoining Defendant Hood, Defendant McNeil, and all other members of the Nationalist Social Club from conspiring to engage in conduct that violates G.L. c. 12, § 11H; conduct that violates G.L. c. 272, § 98; conduct that constitutes, creates, or contributes to the creation of a public nuisance; and/or conduct that constitutes unlawful trespass;
- (F) Awarding civil penalties, damages, costs and reasonable attorney's fees; and
- (G) Granting such additional relief as may be necessary or appropriate.

Jury Demand

The Commonwealth demands a trial by jury on all issues that are properly triable by a jury.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS
ANDREA JOY CAMPBELL
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