

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

	)	
ROY COCKRUM, SCOTT COMER, and	)	
ERIC SCHOENBERG,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:17-cv-1370-ESH
	)	
DONALD J. TRUMP FOR PRESIDENT,	)	
INC., and ROGER STONE,	)	
	)	
Defendants.	)	
	)	

**NOTICE OF FILING**

Pursuant to the Court’s direction, Plaintiffs submit three unpublished twenty-first century district court opinions corroborating the view that the support-and-advocacy clauses of 42 U.S.C. 1985(3)<sup>1</sup> create causes of action against private parties, as established in *Ex Parte Yarbrough*, 110 U.S. 651 (1884), and *Paynes v. Lee*, 377 F.2d 61 (5th Cir. 1967). The three cases are:

- *Arizona Democratic Party v. Arizona Republican Party et al*, 2016 WL 8669978, at \*5 n.4 (“ARP and the Trump Campaign argue that an action under 42 U.S.C. § 1985(3) requires a showing of racial animus and that the specific provision invoked by Plaintiff—the “support and advocacy clause”—cannot be applied against a non-state actor. (GOP Resp. at 17-19.) Plaintiff disagrees on both counts. (Reply to GOP at 4-8.) Again, the plain language of the statute does not require either of the elements proposed by ARP and the Trump Campaign.”)

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<sup>1</sup> The relevant clauses of 42 U.S.C. 1985(3) were originally found in Section 2 of the Civil Rights Act of 1871 and then codified at Section 5520 of the Revised Statutes (1877).

- *North Carolina Democratic Party v. North Carolina Republican Party et al.*, 1:16-CV-1288 (D.N.C. 2016) at 4 (“[V]oters are entitled to cast their ballots without fear of reprisal or threat of physical harm. *See* 52 U.S.C. § 10307(b) (making it illegal for any person, “whether acting under color of law or otherwise,” to “intimidate, threaten, or coerce . . . any person for voting”); 42 U.S.C. § 1985(3). On Election Day, if it becomes apparent that agents of any defendant or supporters encouraged by any defendant are making an effort to intimidate minority voters or to further incite intimidation of voters, the plaintiff may renew the motion.”)
- *Daschle v. Thune*, CIV 04-4177 (D.S.D. November 2, 2004) (granting temporary relief after finding that plaintiffs were likely to succeed on the merits of claims including a voter-intimidation claim against a private party under 42 U.S.C. § 1985(3)).

The two cases in which political parties are named defendants are also brought against other private-party defendants.

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