

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

METROPOLITAN AFRICAN METHODIST
EPISCOPAL CHURCH,

Plaintiff,

v.

PROUD BOYS INTERNATIONAL, L.L.C., JLVD
HOLDINGS L.L.C.; THE VAN DYKE
ORGANIZATION; and MAD ASTER LTD CO.

Defendants.

No. 2024-CAB-004147

Judge Yvonne M. Williams

Next Court Date: Jan. 17, 2025

**PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT AND INJUNCTIVE RELIEF
AGAINST DEFENDANT PROUD BOYS INTERNATIONAL, L.L.C.**

Pursuant to the Court’s November 25, 2024, Order of Default Against Defendant Proud Boys International, L.L.C. (“PBI”), and D.C. Superior Court Rule of Civil Procedure 55(b)(2), Plaintiff Metropolitan African Methodist Episcopal Church (“Metropolitan AME” or the “Church”) hereby moves this Court for a default judgment and injunctive relief against Defendant PBI. The grounds for this Motion for Default Judgment are set forth herein and in the accompanying Memorandum of Points and Authorities, the Declaration of Jonathan H. Hurwitz, and the Exhibits thereto. A Proposed Order of Default Judgment is being submitted to the Court with this Motion.

As set forth in the Motion, Metropolitan AME respectfully requests that the Court enter a default judgment against PBI (i) transferring all of PBI’s interests in the trademark “Proud Boys,” formerly registered with the U.S. Patent and Trademark Office at Serial No. 87561573 (the “Proud Boys Trademark” or the “Trademark”), to Metropolitan AME, (ii) imposing a lien

on the Proud Boys Trademark in favor of Metropolitan AME, and (iii) permanently enjoining PBI and its successors, assignees, representatives, and any other persons acting in concert or coordination with them from selling, transferring, disposing of, or licensing the Proud Boys Trademark without the consent of Plaintiff Metropolitan AME or the approval of the Court.

In further support of its Motion, the Church states as follows:

1. The Church brought this action to enforce a default judgment of approximately \$2.8 million against PBI entered by the court in *Metropolitan African Methodist Episcopal Church v. Proud Boys International, LLC, et al.*, No. 2021-CA-000004-B (the “Prior Action”) on June 30, 2023. Compl. ¶ 1. The Church brought the Prior Action against PBI and other defendants to recover damages caused by an attack on the Church by a mob of Proud Boys on December 12, 2020. *Id.* ¶ 4.

2. PBI has neither appeared in this matter nor filed a response to the Complaint (or any other responsive pleadings). Hurwitz Decl. ISO Mot. for Default Judgment (Dec. 10, 2024) (Hurwitz Declaration”), ¶ 4. Nor has the Church’s counsel received any communications from anyone purporting to act on PBI’s behalf. *Id.*

3. The other defendants in this action, in settlement agreements with the Church, have admitted significant facts alleged in the Complaint and have consented to entry of judgment granting the Church a lien on the Proud Boys Trademark and enjoining any disposition or license of the Trademark. *Id.* ¶¶ 2–3.

4. On November 7, 2024, the Church moved for an entry of default against PBI under D.C. Super. Ct. R. Civ. P. 55(a), citing PBI’s failure to respond to the Complaint within 21 days pursuant to D.C. Super. Ct. R. Civ. P. 12(a)(1)(A). On November 25, 2024, the Court entered default against PBI.

5. An entry of default “precludes the defaulting party from offering any further defense on the issue of liability.” *Zanders v. Baker*, 207 A.3d 1129, 1135 (D.C. 2019). Under D.C. law, “the entry of default operates as an admission by the defaulting party that there are no issues of liability.” *Lockhart v. Cade*, 728 A.2d 65, 68 (D.C. 1999). Thus, on issues relating to liability, a defaulting party “admits the plaintiff’s well-pleaded allegations of fact[]and is barred from contesting on appeal the facts thus established.” *Oliver v. Mustafa*, 929 A.2d 873, 878 (D.C. 2007) (citation omitted). “[T]he only issue remaining before the trial court ... [is] the extent of damages.” *Lockhart*, 728 A.2d at 68; *accord Dumpson v. Ade*, 2019 WL 3767171, at *3 (D.D.C. Aug. 9, 2019).

6. As set forth above, the Church has a judgment in the amount of \$2.8 million against PBI that it may enforce against PBI’s assets.

7. The Complaint pleads, and the evidence shows, that PBI (through its alter ego JLVD Holdings) was the original owner of the Proud Boys Trademark, and that it has not sold, transferred, or disposed of the Trademark.

8. The Trademark is PBI’s only material asset.

9. The Church is accordingly entitled to all of PBI’s interests in the Proud Boys Trademark and a lien on the Trademark.

10. The Church is also entitled to a judgment permanently enjoining any sale, transfer, disposition, or license of the Proud Boys Trademark without its consent or the Court’s approval.

WHEREFORE, for the foregoing reasons and those set forth in the Motion, Metropolitan AME respectfully requests that the Court grant the Motion and enter the attached Proposed Order and Default Judgment pursuant to D.C. Superior Court Rule 55(b)(2) against PBI (i) transferring

all of PBI's interests in the trademark "Proud Boys," formerly registered with the U.S. Patent and Trademark Office at Serial No. 87561573, to Metropolitan AME, (ii) imposing a lien on the trademark "Proud Boys" in favor of Metropolitan AME, and (iii) permanently enjoining PBI and its successors, assignees, representatives, and any other persons acting in concert or coordination with them from selling, transferring, disposing of, or licensing the trademark "Proud Boys" without the consent of Metropolitan AME or the approval of the Court.

Dated: December 10, 2024

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RULE 12-I(a) CERTIFICATION

Defendant Proud Boys International, L.L.C. is not before the Court, and Plaintiff Metropolitan African Methodist Episcopal Church is therefore not required to seek that party's consent pursuant to D.C. Super. Ct. R. Civ. P. 12-I(a).

/s/ Jeannie S. Rhee
Jeannie S. Rhee
D.C. Bar No. 464127

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2024, a true and correct copy of the foregoing was electronically served on all counsel of record in this case via the Court's electronic filing system, and on Defendant Proud Boys International, L.L.C. by U.S. mail addressed to Enrique Tarrio, Chairman of PBI, pursuant to Texas Rule of Civil Procedure 29, via the Secretary of State of Texas pursuant to Tex. Bus. Org. Code Ann. § 5.251.

/s/ Jeannie S. Rhee
Jeannie S. Rhee
D.C. Bar No. 464127

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No. 2024-CAB-004147

**Judge Yvonne M. Williams
Next Court Date: Jan. 17, 2025**

[PROPOSED] ORDER AND DEFAULT JUDGMENT

Upon consideration of Metropolitan African Methodist Episcopal Church's ("Metropolitan AME") Motion for Default Judgment and Injunctive Relief Against Defendant Proud Boys International, L.L.C. ("PBI"), filed December 10, 2024, and after considering the arguments, authorities, [testimony,] and supporting documents, the Court finds as follows:

1. PBI was served with the Complaint on July 19, 2024, (i) at the place of employment of PBI's last registered agent, Jason Van Dyke, on July 19, 2024; (ii) at the residential address of PBI's last known chairman, Enrique Tarrío, on July 29, 2024; (iii) through the Texas Secretary of State on July 26, 2024; and (iv) by personal service on Tarrío at Manchester Federal Correctional Institution, where he was then incarcerated, by the Kentucky sheriff's office, on July 31, 2024, and the Court finds that such service was sufficient pursuant to D.C. Superior Court Rule 4(c).
2. PBI has not answered or responded to the Complaint within the 21-day period prescribed by the D.C. Superior Court Rule of Civil Procedure 12(a)(1)(A), sought an extension of that period, or otherwise appeared in this action.
3. On November 25, 2024, the Court entered default as to PBI pursuant to D.C. Superior Court Rule of Civil Procedure 55.
4. Metropolitan AME has adequately pleaded its claims against PBI for declaratory and injunctive relief and imposition of a lien (Count I); actual fraudulent transfer in violation

of D.C. Code § 21-3104 (Count II); constructive fraudulent transfer in violation of D.C. Code § 28-3105(a); and conspiracy to commit civil fraud (Count IV).

5. Metropolitan AME has established by competent evidence that it is entitled to all of PBI's interests in the Proud Boys Trademark, a lien on the Proud Boys Trademark, and injunctive relief enjoining PBI from any sale, transfer, disposition, or license of the Proud Boys Trademark without the consent of the Church or the approval of the Court.

THEREFORE, IT IS ORDERED AND ADJUDGED that:

A. Plaintiff's Motion for Default Judgment and Injunctive Relief as to PBI is **GRANTED**, and a **judgment** is hereby entered in favor of Plaintiff Metropolitan African Methodist Episcopal Church and against Defendant Proud Boys International, L.L.C.;

B. All of PBI's interests in the trademark "Proud Boys," formerly registered with the U.S. Patent and Trademark Office at Serial No. 87561573, shall be, and the same hereby are, transferred to Plaintiff Metropolitan African Methodist Episcopal Church, in accordance with D.C. Code §§ 15-311, 16-542, and 16-544, and D.C. Super. Ct. Civ. R. 69 and 69-I;

C. A lien is hereby imposed on the trademark "Proud Boys," formerly registered with the U.S. Patent and Trademark Office at Serial No. 87561573, in favor of Plaintiff Metropolitan African Methodist Episcopal Church pursuant to D.C. Code §§ 15-311, 16-542, and 16-544, D.C. Super. Ct. Civ. R. 69 and 69-I, and the common law; and

D. Defendant Proud Boys International, L.L.C. and its successors, assignees, representatives, and any other persons acting in concert or coordination with them, are permanently enjoined from selling, transferring, disposing of, or licensing the trademark "Proud Boys" without the consent of Plaintiff Metropolitan African Methodist Episcopal Church or the approval of the Court, pursuant to D.C. Code §§ 16-550 and 28-3107.

Date

JUDGE YVONNE M. WILLIAMS
SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA