

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

HEARTBEAT OF MIAMI, INC.,

*Plaintiff,*

v.

**JANE'S REVENGE; CALEB  
HUNTER FREESTONE, in his  
personal capacity and as a  
representative of Jane's Revenge;  
AMBER MARIE SMITH-STEWART,  
in her personal capacity and as a  
representative of Jane's Revenge;  
ANNARELLA RIVERA, in her  
personal capacity and as a  
representative of Jane's Revenge; and  
JANE DOES 5-20.**

*Defendants.*

Case No. \_\_\_\_\_

**JURY DEMANDED**

**COMPLAINT REQUESTING PERMANENT INJUNCTIVE RELIEF**

Plaintiff Heartbeat of Miami, Inc. ("Heartbeat"), by and through counsel, and for its Complaint against Defendants, hereby states as follows:

**INTRODUCTION**

1. "If abortions aren't safe, then neither are you." This is the mantra that Jane's Revenge repeated over and over since that extremist and criminal enterprise began attacking life-affirming reproductive healthcare facilities across the country in May 2022. Jane's Revenge and its cells in different states targeted these facilities

because they provide reproductive healthcare services to women and couples facing an unplanned pregnancy. Their goal is simple: to injure, intimidate, and interfere with the operations of life-affirming reproductive healthcare facilities using extreme and unlawful means until these facilities cease to exist. Jane's Revenge's campaign of violence, executed by its associated cells across the country against life-affirming reproductive healthcare facilities, has resulted in attacks on over 80 facilities across the country, including three facilities in Florida.

2. Heartbeat of Miami is one such victim of the attacks orchestrated by Jane's Revenge and its members. Heartbeat is a non-profit, faith-based organization located in South Florida that strives every day to create a community where every woman feels loved and supported in her pregnancy, especially those facing an unplanned pregnancy. Heartbeat believes that all women deserve compassionate, competent, and life-affirming medical care and support through their pregnancies. To this end, Heartbeat provides resources, support, counseling, and medical care to its clients. Since opening its doors in 2007, Heartbeat has assisted thousands of women in navigating both their pregnancies and the early stages of motherhood. It does all of this based on its religious calling to serve its community and love "the least" of its community, including underserved and low-income individuals.

3. Despite the important and meaningful work Heartbeat performs in its community, it found itself caught up in the wave of violence sweeping the nation on July 3, 2022, when Defendants attacked one of Heartbeat's reproductive healthcare facilities in Hialeah, Florida. This attack was planned and carried out by Defendant Caleb Hunter Freestone, Defendant Amber Marie Smith-Stewart, Defendant Annarella Rivera, and other members of Defendant Jane's Revenge. At approximately 1:00am on July 3rd, Defendant unlawfully entered Heartbeat's property, damaged its security camera, and threatened the lives and safety of Heartbeat and its staff and volunteers by spray-painting that "If abortions aren't safe the [sic] neither are you"; and that Defendants' "rage will not Stop." Defendants' hostility towards Heartbeat did not stop there either, as Defendant Freestone and Defendant Rivera also infiltrated and attempted to interfere with Heartbeat's annual fundraising Gala in September 2022.

4. Defendants' conduct damaged Heartbeat's facility and was intended to intimidate Heartbeat and interfere with its important work as a means of furthering the objective of the Jane's Revenge enterprise. The threats had their intended effect, causing Heartbeat's personnel to fear for their personal safety and the safety of their families.

5. Rather than respect the rule of law, voice disagreement peacefully in protest, or seek political redress of their grievances, Defendants chose to resort to

injury and intimidation, the likes of which is both shocking and foreign to the American concept of ordered liberty.

6. Defendants' threatening conduct violated Heartbeat's civil rights under the federal Freedom of Access to Clinic Entrances Act ("FACE Act"), 18 U.S.C. § 248, and its rights under Florida law.

7. Heartbeat now files suit to protect its rights and prevent Defendants from engaging in any further unlawful acts against its facilities and life-affirming reproductive health facilities like it across the nation.

### **JURISDICTION AND VENUE**

8. The Court has subject matter jurisdiction over this case under 28 U.S.C. § 1331, as this civil action arises under the laws of the United States. The Court also has subject matter jurisdiction under 28 U.S.C. § 1343(a)(4), as this civil action seeks to recover damages and equitable relief under an Act of Congress providing for the protection of civil rights.

9. This Court has supplemental jurisdiction over the state claims pursuant to 28 U.S.C. § 1367.

10. Venue is proper in the United States District Court for the Middle District of Florida under 28 U.S.C. § 1391(b)(1),(2) because Defendant Smith-Stewart resides in this district and all Defendants reside in Florida and because a substantial part of the events giving rise to this action occurred in Polk County.

11. Polk County is in the Tampa Division of this district. L.R. 1.04(a).

**PARTIES**

12. Plaintiff Heartbeat of Miami, Inc. is a non-profit religious organization. Its principal location is 390 W. 49th Street Hialeah, Florida 33012, where it provides reproductive health services to women and couples in its community facing unplanned or unwanted pregnancies.

13. Defendant Jane's Revenge is an unincorporated criminal association. It is organized into local cells across the country to accomplish the association's illicit goals. Three members of Jane's Revenge are Defendant Caleb Hunter Freestone, Defendant Amber Marie Smith-Stewart, and Defendant Annarella Rivera. Pursuant to Rule 23.2 of the Federal Rules of Civil Procedure, Defendants Freestone, Smith-Stewart, and Rivera are being sued in their capacities as representatives of Jane's Revenge.

14. Defendant Caleb Hunter Freestone is a resident of Miami-Dade County, Florida, and participated with other Defendants in the illegal conduct involving Heartbeat's Clinic.

15. Defendant Amber Marie Smith-Stewart is a resident of Orange County, Florida, and participated with other Defendants in the illegal conduct involving Heartbeat's Clinic.

16. Defendant Annarella Rivera is a resident of Miami-Dade County, Florida, and participated with other Defendants in the illegal conduct involving Heartbeat's Clinic.

17. Defendants Jane Does 5–20 are alleged to have been involved in the advertising, planning, support, coordination, and execution of the events at Heartbeat's reproductive healthcare facility and Gala and will be specifically named as Defendants when their true identities are ascertained.

### **FACTUAL BACKGROUND**

#### **Heartbeat provides life-affirming reproductive healthcare to its community.**

18. Heartbeat is a non-profit faith-based organization located in South Florida that has been providing competent and caring reproductive services to the women in its community since 2007.

19. Heartbeat is an affiliate of Heartbeat International, one of the oldest and most expansive network of life-affirming reproductive healthcare facilities in the country.

20. Heartbeat's mission is "[t]o join with [its] community in establishing life-saving, life-changing pregnancy help medical clinics in the neediest neighborhoods of South Florida."<sup>1</sup>

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<sup>1</sup> HEARTBEAT OF MIAMI, <https://heartbeatofmiami.org/about/> (last visited Mar. 28, 2023).

21. To this end, it provides a variety of medical and counseling services to its patients, including pregnancy tests, sonograms, pregnancy consultation and education, ongoing support for women during and after their pregnancies, prenatal referrals, adoption referrals, post-abortion counseling, parenting classes, material goods from its baby boutique, women's wellness examinations, consultations with its abortion pill reversal contact center, and opportunities to learn about healthy sexual values and personal growth.

22. Heartbeat currently operates four facilities in and around Miami, Florida, including two facilities in Miami, one facility in North Miami, and one facility in Hialeah.

23. Heartbeat's Hialeah facility (the "Hialeah Facility") first opened its doors in 2007 next to an abortion facility. Since opening its doors, the Hialeah Facility has provided compassionate and competent reproductive healthcare to women and couples facing an unplanned pregnancy.

24. In response to the high demand in its community, Heartbeat expanded its operations and began renting the facility that previously housed the nearby abortion facility in 2012 after that facility closed down.

25. Since switching locations, the Hialeah Facility has thrived. It currently provides reproductive health services to approximately 1,400 women

annually, including providing over 1,000 pregnancy tests and ultrasounds every year.

**Jane's Revenge begins attacking life-affirming reproductive healthcare facilities around the country.**

26. Jane's Revenge is a militant pro-abortion criminal enterprise that emerged after the leak of a Supreme Court of the United States draft opinion of *Dobbs v. Jackson Women's Health Organization* in May 2022.

27. The leaked *Dobbs* opinion suggested the U.S. Supreme Court was poised to overturn the constitutional right to abortion declared by the Court's decision in *Roe v. Wade*.

28. Two days after the leak, activists targeted, vandalized, and set on fire the offices of Wisconsin Family Action. Police determined that the damage would have been far greater but for a Molotov cocktail thrown through a window that failed to ignite. Police also found graffiti that read, "If abortions aren't safe then you aren't either" along with other indicia of the office having been targeted for their pro-life views, support of a decision in *Dobbs* overturning *Roe*, and encouragement of local pregnancy resource centers.<sup>2</sup>

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<sup>2</sup> Kyle Jones and Tamia Fowlkes, *Madison Police, Fire Department Say Fire at Wisconsin Family Action Office Was Arson*, CHANNEL 3000 (May 8, 2022),

29. On May 10, 2022, a reporter named Robert Evans received a statement from Jane's Revenge claiming responsibility for the firebombing of the Madison facility.<sup>3</sup>

30. The statement revealed the motives for the attack along with the purpose of Jane's Revenge. It demanded the "disbanding of all anti-choice establishments, fake clinics, and violent anti-choice groups within the next thirty days" and threatened to "adopt increasingly extreme tactics" to achieve its desired goals. It declared that the group's membership consisted of "many" groups "all over the US."

31. Three weeks later, Jane's Revenge issued another statement calling for a "night of rage" when the Supreme Court issued its *Dobbs* opinion. It called for the creation of "autonomously organized self-defense networks" to carry out the group's extremist and criminal agenda.<sup>4</sup> The group made its intent to intimidate anyone it perceived to be opposed to its agenda clear by stating "[w]e need them to be afraid of us."

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[https://www.channel3000.com/news/crime/madison-police-fire-department-say-fire-at-wisconsin-family-action-office-was-arson/article\\_71017bf3-e105-5094-8a9c-e3ffa94ec211.html](https://www.channel3000.com/news/crime/madison-police-fire-department-say-fire-at-wisconsin-family-action-office-was-arson/article_71017bf3-e105-5094-8a9c-e3ffa94ec211.html).

<sup>3</sup> Robert Evans (@IwriteOK), TWITTER (May 10, 2022, 2:24 AM), <https://twitter.com/IwriteOK/status/1523926913806336000>.

<sup>4</sup> NIGHT OF RAGE, JANE'S REVENGE (May 30, 2022), <https://janesrevenge.noblogs.org/2022/05/30/night-of-rage/>.

32. Upon information and belief, Jane's Revenge is a criminal enterprise that is organized into local cells across the country to accomplish the enterprise's illicit goals, including to intimidate, attack, and interfere with access to life-affirming reproductive healthcare facilities.

33. On June 15, 2022, shortly after the expiration of its 30-day deadline, Jane's Revenge issued another threatening statement calling for increased violence against life-affirming reproductive healthcare facilities. Jane's Revenge took credit for the work of "cells" around the country, including attacks on life-affirming reproductive healthcare facilities in Wisconsin, Colorado, Massachusetts, Washington, Oregon, Iowa, North Carolina, New York, Texas, and Florida. It stated that carrying out such attacks was "easy and fun" and declared "open season" on any life-affirming reproductive healthcare facility that did not immediately cease operations.<sup>5</sup>

34. In the months since Jane's Revenge came into existence and the release of the Supreme Court's decision in the *Dobbs* case, Jane's Revenge and its members attacked dozens of life-affirming reproductive healthcare facilities across the country.<sup>6</sup> The attacks bore a similar *modus operandi*, consisting of vandalizing

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<sup>5</sup> *Jane's Revenge: Another Communiqué*, JANE'S REVENGE (June 15, 2022), <https://janesrevenge.noblogs.org/2022/06/15/janes-revenge-another-communicue/>.

<sup>6</sup> *Tracking Attacks on Pregnancy Centers & Pro-Life Groups*, CATHOLICVOTE (JUNE 9, 2022), <https://catholicvote.org/pregnancy-center-attack-tracker/>.

and damaging the life-affirming reproductive healthcare facilities' property. The cells around the country, following the direction of Jane's Revenge leadership to intimidate, attack, and interfere with access to life-affirming reproductive



healthcare facilities, also spray-painted similar threats around the country, attempting to intimidate these facilities by stating that "if abortions aren't safe, neither are you" and signing off as "Jane" or "Jane's Revenge."

**A. Defendants attack the Hialeah Facility.**

35. On July 3, 2022, Heartbeat became one of the many victims of Jane's Revenge when Defendants attacked the Hialeah Facility. Surveillance footage from the Hialeah Facility shows that two Defendants unlawfully entered Heartbeat's property in Hialeah at approximately 1:00 a.m. with the intent to carry

out Jane's Revenge's goal of intimidating and attacking life-affirming reproductive healthcare facilities.<sup>7</sup>

36. To this end, Defendants damaged the building housing the Hialeah Facility and spray-painted threatening messages to intimidate Heartbeat to acquiesce to Jane's Revenge's demand for Heartbeat to close its doors. These threats included stating that "If abortions aren't safe the [sic] neither are you"; "Prolife? What about death penalty for those accused?"; and, seemingly to ensure their intimidation would continue, "our rage will not Stop."

37. Defendants also attributed these messages to "Jane" or "Jane's Revenge" and spray-painted the anarchy symbol in multiple locations on Heartbeat's facility.





38. In addition to the vandalism, Defendants attempted to avoid accountability for their actions by damaging and rendering inoperable the security cameras located at the Hialeah Facility by shining a laser into the camera. By rendering the security cameras inoperable, the Defendants managed to avoid at least some detection of their illicit activity, and their actions left Heartbeat's Hialeah Facility without the benefit of security surveillance and vulnerable to the caprice of other would-be criminals.

39. But more harmful than the material damage Defendants' actions caused was the mental anguish inflicted on Heartbeat's employees and volunteers.



Defendants' threats of force were intended to interfere with Heartbeat's provision

of life-affirming reproductive health services by intimidating its personnel and making them “afraid of” Jane’s Revenge. The threats had their intended effect.

40. While Defendants failed in their goal of coercing Heartbeat to cease its operation, their threats of force succeeded in making its personnel fear for their personal safety and the safety of their families.

41. Defendants’ actions of intimidation and violence forced Heartbeat to provide physical 24-hour security to protect the ability of their employees and patients to access its life-affirming reproductive healthcare facility.

**B. Defendants infiltrate and disrupt Heartbeat’s annual fundraising Gala.**

42. Defendants’ efforts to intimidate Heartbeat did not end with the July 3rd attack.

43. On September 17, 2022, Heartbeat held its annual Gala at the Trump National Doral Miami Resort & Hotel in Miami, Florida. Like many other non-profit organizations, Heartbeat relies upon the donations of its supporters to fund its operations. The Gala was Heartbeat’s largest fundraising event of the year and was attended by over 300 people.

44. In the weeks leading up to the event, Defendant Freestone and other Defendants began conspiring to disrupt Heartbeat’s Gala.

45. One method Defendant Freestone used to further his efforts against Heartbeat was the use of various social media pages entitled “Whatever it takes,”

including pages on Facebook and Twitter bearing the handle “WIT4Change.”<sup>8</sup> Upon information and belief, Defendant Freestone and other Defendants are moderators for these social media pages.

46. In the days leading up to the Gala, Whatever It Takes created multiple posts calling for activists in the Miami area to protest the Gala, including promising bail and jail support for anyone arrested during the Gala.

47. Whatever It Takes also created posts doxing both the director and a board member of Heartbeat to intimidate these individuals from continuing their work providing reproductive healthcare services.

48. In light of the public threats and ongoing efforts to intimidate this life-affirming reproductive healthcare facility, Heartbeat expended significant resources to provide security for its staff, volunteers, clients, and other guests attending its Gala.

49. Additionally, Defendant Freestone and other conspirators hacked into Heartbeat’s registration for its Gala and added themselves to the guest list without paying the required fee for making such a reservation. The actions were taken in furtherance of an effort to disrupt Heartbeat’s provision of reproductive health services by intimidating those who would financially support this life-

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<sup>8</sup> Whatever It Takes (@wit4change), FACEBOOK, <https://www.facebook.com/wit4change>; Whatever It Takes (@WIT4Change), TWITTER, <https://twitter.com/WIT4Change>.

affirming reproductive healthcare facility and preventing Heartbeat from obtaining the donations it relies upon for its operations.

50. On the night of September 17, 2022, Defendants executed their plan to disrupt Heartbeat's Gala and intimidate its attendees, including its staff, volunteers, directors, supporters, and clients. During the Gala's dinner, Defendant Freestone and Defendant Rivera forced their way into the venue hosting the event. Once inside the Gala, they began shouting obscenities and disparaging language regarding Heartbeat and its work in the community. They also scattered business cards around the venue containing false information about the work performed by Heartbeat, including accusing Heartbeat of operating "FAKE CLINICS" and stating Heartbeat's reproductive healthcare facilities were "Designed to Lie to You." While scattering this propaganda, Defendants Freestone and Rivera began aggressively made their way towards the President for Heartbeat, Ms. Martha Avila. Because of the threats made against the Hialeah Facility, Ms. Avila feared physical harm.

51. Fortunately, before Defendants were able to inflict any additional harm on Heartbeat, they were escorted out of the Gala and arrested on criminal trespassing charges.<sup>9</sup>

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<sup>9</sup> MUGSHOTS ZONE, <https://miamidadefl.mugshots.zone/freestone-caleb-mugshot-09-18-2022/> (last visited Mar. 28, 2023); MUGSHOTS ZONE,



52. Defendants' disruption of Heartbeat's Gala was intentionally done to interfere with Heartbeat's provision of reproductive health services by disrupting fundraising efforts and intimidating Heartbeat's staff, volunteers, clients, and supporters. Further, Defendants did not have permission to enter the Gala.

53. On September 20, 2022, Defendant Freestone posted on the "Whatever It Takes" Twitter page that activists had "successfully disrupted" Heartbeat's Gala.<sup>10</sup>

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<https://miamidadefl.mugshots.zone/rivera-annarella-mugshot-09-17-2022/> (last visited Mar. 28, 2023).

<sup>10</sup> Whatever It Takes (@WIT4Change), TWITTER (Sept. 20, 2022), <https://twitter.com/WIT4Change/status/1572307765246455809>.

54. Upon their arrest, other unknown conspirators organized to bail Defendants Freestone and Rivera out of jail, as reflected in a September 17, 2022, Facebook post on the Whatever It Takes page.<sup>11</sup>

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<sup>11</sup> Whatever It Takes (@wit4change), FACEBOOK (Sept. 17, 2022), [https://www.facebook.com/wit4change/posts/pfbid0kfvdjzBrS2RKjaK6Vk1gF7WnZ9F2ej5jUjyJeGzFYWmLVHvbwDLXgt2bLxFHSmsTI?\\_cft\\_\\_\[0\]=AZWSZVP0tqowHmSW9\\_pxlE2Zk-afLqLrqT9xhwjD11avi4YxLTqLakB9gQINJsowRwT6-cyOtcI-BPdo6d-Nvt0LFCfBN6nhQ\\_HOT\\_x6VogzjOYuDHm3C9x\\_fIQ67fjeY5y-86X2tYWXNeTUd6qS5yfkCzOnFZTQr-oABS2HCjfrUstgQrFdivWxUKpHintGrpO0ag8KO8cwGCcthuEZ4dRpxX\\_ptNb3\\_fPahB3r\\_tEyw&\\_tn\\_=%2CO%2CP-R](https://www.facebook.com/wit4change/posts/pfbid0kfvdjzBrS2RKjaK6Vk1gF7WnZ9F2ej5jUjyJeGzFYWmLVHvbwDLXgt2bLxFHSmsTI?_cft__[0]=AZWSZVP0tqowHmSW9_pxlE2Zk-afLqLrqT9xhwjD11avi4YxLTqLakB9gQINJsowRwT6-cyOtcI-BPdo6d-Nvt0LFCfBN6nhQ_HOT_x6VogzjOYuDHm3C9x_fIQ67fjeY5y-86X2tYWXNeTUd6qS5yfkCzOnFZTQr-oABS2HCjfrUstgQrFdivWxUKpHintGrpO0ag8KO8cwGCcthuEZ4dRpxX_ptNb3_fPahB3r_tEyw&_tn_=%2CO%2CP-R).

**C. Defendants Freestone and Smith-Stewart are indicted for violating the FACE Act.**

55. On January 18, 2023, Defendants Freestone and Smith-Stewart were indicted by a federal grand jury for violating the FACE Act and conspiracy to violate the FACE Act.<sup>12</sup> A copy of the Indictment is attached hereto as Exhibit “A.”

56. The Indictment alleges that Defendants Freestone and Smith-Stewart conspired to and were responsible for attacking three life-affirming reproductive healthcare facilities in Florida between May 2022 and July 2022, including Heartbeat’s facility.

57. The Indictment refers to the three facilities as Facilities A, B, and C. The indictment recounts Defendants’ attack on Heartbeat and refers to it as Facility C.

58. The Indictment highlights the similarities between the multiple attacks Defendants have made upon life-affirming reproductive healthcare facilities. It states Facility A, which is located in Hollywood, Florida, and associated with the Archdiocese of Miami Ministry, was attacked on May 26, 2022. Similar to the attack on Heartbeat, it states Defendants spray-painted “If abortions aren’t SAFE then niether [sic] are you” on Facility A’s property. Likewise, the

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<sup>12</sup> Office of Public Affairs, *Two Defendants Indicted for Civil Rights Conspiracy and FACE Act Offenses Targeting Pregnancy Resource Centers*, United States Department of Justice (Jan. 24, 2023), <https://www.justice.gov/opa/pr/two-defendants-indicted-civil-rights-conspiracy-and-face-act-offenses-targeting-pregnancy-0>.

Indictment states that Defendants attacked Facility B, located in Winter Haven, Florida, on June 26, 2022, and spray-painted threatening messages on Facility B's property, including "YOUR TIME IS UP!!"; "WE'RE COMING for U"; and "We are everywhere."

59. Upon information and belief, the attacks upon Heartbeat and Facilities A and B by Defendants Freestone, Smith-Stewart, and other unknown Defendants were performed in furtherance of the criminal enterprise known as Jane's Revenge.

60. In January 2023, federal law enforcement officers arrested Defendants Freestone and Smith-Stewart pursuant to the Indictment.

### **FIRST CAUSE OF ACTION**

#### **Violation of the Freedom of Access to Clinic Entrances Act (18 U.S.C. § 248(a)(1)) (Defendants Jane's Revenge, Freestone, and Jane Doe 5)**

61. Heartbeat incorporates and adopts by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

62. The FACE Act prohibits the use of or attempted use of threats of force to intentionally injure, intimidate, or interfere with any person or facility that provides reproductive healthcare services because that person or facility provides or will provide reproductive health services.

63. The FACE Act defines reproductive health services to mean “reproductive health services provided in a hospital, clinic, physician’s office, or other facility” and to include “medical, surgical, counselling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.” 18 U.S.C. § 248(e)(5).

64. The FACE Act defines facility to mean a “hospital, clinic, physician’s office, or other facility that provides reproductive health services.” *Id.* § 248(e)(1).

65. The FACE Act defines intimidate to mean “plac[ing] a person in reasonable apprehension of bodily harm to him- or herself or to another.” *Id.* § 248(e)(3).

66. Heartbeat is a facility that provides reproductive health services as defined by the FACE Act. Specifically, Heartbeat provides a variety of medical and counseling services to its patients, including pregnancy tests, sonograms, pregnancy consultation and education, prenatal referrals, adoption referrals, post-abortion counseling, parenting classes, women’s wellness appointments, and abortion pill reversal services.

67. On or about July 3, 2022, Defendants travelled to Hialeah, Florida, unlawfully entered the property housing the Hialeah Facility, and spray-painted threats of force on the Hialeah Facility, including, “If abortions aren't safe the[n] neither are you.”

68. These threats of force were intended to place Heartbeat and its staff and volunteers in reasonable fear of harm to themselves if they provided reproductive health services and had its intended effect.

69. Defendants engaged in this intentionally threatening conduct because Heartbeat provides reproductive health services to its community.

70. As a direct, legal, and proximate result of Defendants' conduct, Heartbeat sustained damages in an amount to be proven at trial. At a minimum, Heartbeat is entitled to recover \$5,000 in damages for each violation the FACE Act committed by Defendants.

71. Defendants are jointly and severally liable for these actions.

72. Heartbeat is entitled to compensatory and punitive damages as well as injunctive relief to prevent future violations of the FACE Act against its facilities. Additionally, Heartbeat is entitled to the reasonable costs of this lawsuit and its reasonable attorneys' fees.

### **SECOND CAUSE OF ACTION**

#### **Violation of the Freedom of Access to Clinic Entrances Act (18 U.S.C. § 248(a)(1)) (Defendants Jane's Revenge, Freestone, and Rivera)**

73. Heartbeat incorporates and adopts by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

74. The FACE Act prohibits any attempt intentionally injure, intimidate, or interfere with any person or facility who provides reproductive healthcare services because that person or facility provides or will provide reproductive health services.

75. Heartbeat is a facility that provides reproductive health services as defined by the FACE Act. Specifically, Heartbeat provides a variety of medical and counseling services to its patients, including pregnancy tests, sonograms, pregnancy consultation and education, prenatal referrals, adoption referrals, post-abortion counseling, parenting classes, women's wellness appointments, and abortion pill reversal services.

76. On or about September 17, 2022, Defendants travelled to Miami, Florida, unlawfully entered the property where Heartbeat was hosting its annual fundraising Gala and attempted to interfere with Heartbeat's fundraising efforts and intimidate Heartbeat's employees from continuing to provide reproductive healthcare services.

77. Specifically, Defendant Freestone and Defendant Rivera forced their way into the venue hosting the event. Once inside the Gala, they began shouting obscenities and disparaging language regarding Heartbeat and its work in the community. They also scattered propaganda around the venue containing false information about the work performed by Heartbeat and began aggressively

making their way towards Ms. Martha Avila, Heartbeat's President, causing her to fear physical harm.

78. Defendants' unlawful interference with Heartbeat's Gala was intended to place Heartbeat and its staff and volunteers in reasonable fear of harm to themselves because they provide reproductive health services and had its intended effect.

79. Defendants engaged in this threatening conduct because Heartbeat provides reproductive health services to its community.

80. As a direct, legal, and proximate result of Defendants' conduct, Heartbeat sustained damages in an amount to be proven at trial. At a minimum, Heartbeat is entitled to recover \$5,000 in damages for each violation the FACE Act committed by Defendants.

81. Defendants are jointly and severally liable for these actions.

82. Heartbeat is entitled to compensatory and punitive damages as well as injunctive relief to prevent future violations of the FACE Act against its facilities. Additionally, Heartbeat is entitled to the reasonable costs of this lawsuit and its reasonable attorneys' fees.

**THIRD CAUSE OF ACTION**

**Violation of the Freedom of Access to Clinic Entrances Act  
(18 U.S.C. § 248(a)(3))  
(Defendants Jane's Revenge, Freestone, and Jane Doe 5)**

83. Heartbeat incorporates and adopts by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

84. The FACE Act prohibits intentionally damaging or destroying or attempting to damage or destroy a facility's property because the facility provides reproductive health services.

85. Heartbeat is a facility that provides reproductive health services as defined by the FACE Act. Specifically, Heartbeat provides a variety of medical and counseling services to its patients, including pregnancy tests, sonograms, pregnancy consultation and education, prenatal referrals, adoption referrals, post-abortion counseling, parenting classes, women's wellness appointments, and abortion pill reversal services.

86. On or about July 3, 2022, Defendants travelled to Hialeah, Florida, and spray-painted threats on Heartbeat's clinic including "If abortions aren't safe the[n] neither are you." Additionally, Defendants damaged Heartbeat's security camera by shining a laser at its lens.

87. Defendants' unlawful actions damaged Heartbeat's property, namely its clinic's facility and its security camera.

88. Defendants engaged in this destructive conduct because Heartbeat provides reproductive health services to its community.

89. As a direct, legal, and proximate result of Defendants' conduct, Heartbeat sustained damages in an amount to be proven at trial. At a minimum, Heartbeat is entitled to recover \$5,000 in damages for each violation the FACE Act committed by Defendants.

90. Defendants are jointly and severally liable for these actions.

91. Heartbeat is entitled to compensatory and punitive damages as well as injunctive relief to prevent future violations of the FACE Act against its facilities. Additionally, Heartbeat is entitled to the reasonable costs of this lawsuit and its reasonable attorneys' fees.

#### **FOURTH CAUSE OF ACTION**

##### **Trespass to Property (Defendants Jane's Revenge, Freestone, and Jane Doe 5)**

92. Plaintiff incorporates and adopts by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

93. Heartbeat has a possessory interest in the property housing its Hialeah Facility.

94. Defendants committed an unauthorized intrusion upon Heartbeat's private property by spray-painting threats on Heartbeat's Hialeah Facility including "If abortions aren't safe the[n] neither are you."

95. As a direct, legal, and proximate result of Defendants' conduct, Heartbeat sustained damages in an amount to be proven at trial.

96. Defendants are jointly and severally liable for these actions.

#### **FIFTH CAUSE OF ACTION**

##### **Trespass to Property (Defendants Jane's Revenge, Freestone, and Rivera)**

97. Plaintiff incorporates and adopts by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

98. Heartbeat had a possessory interest in the property it rented from the Trump National Doral Miami Resort & Hotel for its annual Gala on September 17, 2022.

99. Defendants committed an unauthorized intrusion upon Heartbeat's private property by forcing their way into the Gala, shouting obscenities and disparaging language regarding Heartbeat and its work in the community, scattering propaganda around the venue containing false information about the work performed by Heartbeat, and acting aggressively towards attendees of the Gala.

100. As a direct, legal, and proximate result of Defendants' conduct, Heartbeat sustained damages in an amount to be proven at trial.

101. Defendants are jointly and severally liable for these actions.

#### **SIXTH CAUSE OF ACTION**

**Civil Conspiracy  
(All Defendants)**

102. Plaintiff incorporates and adopts by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

103. Defendants are two or more persons who entered into an agreement to engage in unlawful conduct pursuant to their membership in the criminal enterprise known as Jane's Revenge.

104. Specifically, Defendants agreed to plan, support, coordinate, execute, or otherwise assist in the commission of unlawful acts, including violations of the FACE Act, the Florida Racketeer Influenced and Corrupt Organization Act, and trespass to Heartbeat's property.

105. Defendants engaged in one or more overt acts in pursuance of their unlawful conspiracy, including but not limited to planning, supporting, coordinating, executing, or otherwise assisting in the commission of the following unlawful acts:

- a. Entering the property housing the Hialeah Facility without authorization, damaging Heartbeat's property at the Hialeah Facility, and spray-painting threats of force on the Hialeah Facility, including "If abortions aren't safe the[n] neither are you," on July 3, 2022.

- b. Forcing their way into Heartbeat's annual Gala at the Trump National Doral Miami Resort & Hotel on September 17, 2022, shouting obscenities and disparaging language regarding Heartbeat and its work in the community, scattering propaganda around the venue containing false information about the work performed by Heartbeat, and acting aggressively towards attendees of the Gala.

106. Upon information and belief, all of Defendants' actions against Heartbeat were in pursuance of a nationwide conspiracy with the extremist group known as Jane's Revenge.

107. Upon information and belief, Jane's Revenge and other members of Jane's Revenge who are unknown at this time assisted in planning, supporting, coordinating, and executing the unlawful conduct discussed above.

108. As a direct, legal, and proximate result of Defendants' conduct, Heartbeat sustained damages in an amount to be proven at trial.

109. Defendants are jointly and severally liable for these actions.

### **SEVENTH CAUSE OF ACTION**

**Florida Racketeer Influenced and Corrupt Organization ("RICO") Act  
(Fla. Stat. § 895.03(3))  
(All Defendants)**

110. Plaintiff incorporates and adopts by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

111. Under the Florida RICO Act, it is unlawful for any person associated with any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity.

112. The Florida RICO Act defines an enterprise to include any “group of individuals associated in fact although not a legal entity.” Fla. Stat. § 895.02(5).

113. The Florida RICO Act defines racketeering activity to mean “to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit” various criminal acts, including a violation of Chapter 806 of the Florida Statutes relating to arson and criminal mischief. *Id.* § 895.02(8)(a)(31.).

114. Under Section 806.13 of the Florida Statute, it is unlawful for a person to “willfully and maliciously injure[] or damage[] by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto. *Id.* § 806.13(1)(a).

115. The Florida RICO Act defines a pattern of racketeering activity to mean “engaging in at least two incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission

or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents.” *Id.* § 895.02(7).

116. Jane’s Revenge is an enterprise as defined by the Florida RICO Act. Specifically, Jane’s Revenge is a nationwide criminal enterprise consisting of cells in communities across the country with a common goal of using extreme and criminal tactics to injure, intimidate, or interfere with the operations of life-affirming reproductive healthcare facilities.

117. Defendants are persons associated with Jane’s Revenge.

118. Upon information and belief, Defendants coordinated with other members of Jane’s Revenge to create one or more cells of Jane’s Revenge in Florida.

119. Defendants conducted or participated in the Jane’s Revenge criminal enterprise by planning, supporting, coordinating, executing, or otherwise assisting in the commission of the following unlawful acts:

- a. Entering the property housing Facility A, as listed in the Indictment against Defendants Freestone and Smith-Steward, and spray-painting threatening messages on Facility A, including “If abortions aren’t SAFE then niether [sic] are you,” on May 26, 2022.
- b. Entering the property housing Facility B, as listed in the Indictment against Defendants Freestone and Smith-Steward,

and spray-painting threatening messages on Facility B, including “YOUR TIME IS UP!!”; “WE’RE COMING for U”; and “We are everywhere,” on June 26, 2022.

- c. Entering the property housing the Hialeah Facility without authorization, damaging Heartbeat’s property at the Hialeah Facility, and spray-painting threatening messages on the Hialeah Facility, including “If abortions aren’t safe the[n] neither are you,” on July 3, 2022.

120. Defendants’ attacks against the Hialeah Facility, Facility A, and Facility B constitute racketeering activity under the Florida RICO Act because they are a violation of Chapter 806 of the Florida Statutes. Specifically, Defendants willfully and maliciously damaged real and personal property belonging to Heartbeat and others through the placement of graffiti thereon or other acts of vandalism.

121. The attacks upon the Hialeah Facility, Facility A, and Facility B between May 26, 2022, and July 3, 2022, constitute a pattern of racketeering as defined by the Florida RICO Act.

122. By attacking these life-affirming reproductive healthcare facilities, Defendants engaged in at least two incidents of racketeering conduct.

123. Further, the attacks on the facilities shared the same or similar intents, results, accomplices, victims, or methods of commission or are otherwise interrelated by distinguishing characteristics. Defendants engaged in this pattern of racketeering activity with the same intent: to injure, intimidate, or interfere with the operations of life-affirming reproductive healthcare facilities. Upon information and belief, the attacks also involved the same accomplices. Additionally, the methods of commission, results, and distinguishing characteristics of the attacks are the same or similar. At each facility, Defendants unlawfully entered each facility's property at night and spray-painted similar threatening messages on the facility's property, including threats that the facilities were not safe or that Defendants were "coming for" the facilities. Moreover, Defendants spray-painted either "Jane" or "Jane's Revenge" at each of the facilities.

124. Upon information and belief, Defendants have conspired and continue to conspire to commit additional attacks on life-affirming reproductive healthcare facilities in Florida. Further, there is a significant risk of ongoing attacks on Heartbeat and other life-affirming reproductive healthcare facilities by members of the Jane's Revenge enterprise. To date, at least three life-affirming reproductive healthcare facilities have been attacked by Jane's Revenge in 2023.

125. As a direct, legal, and proximate result of Defendants' conduct, Heartbeat sustained damages in an amount to be proven at trial.

126. Defendants are jointly and severally liable for these actions.

### **EIGHTH CAUSE OF ACTION**

#### **Florida Racketeer Influenced and Corrupt Organization ("RICO") Act (Fla. Stat. § 895.03(4)) (All Defendants)**

127. Plaintiff incorporates and adopts by reference the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

128. Under the Florida RICO Act, it is unlawful for any person associated with any enterprise to conspire or endeavor to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity.

129. Jane's Revenge is an enterprise as defined by the Florida RICO Act. Specifically, Jane's Revenge is a nationwide criminal enterprise consisting of cells in communities across the country with a common goal of using extreme and criminal tactics to injure, intimidate, or interfere with the operations of life-affirming reproductive healthcare facilities across the country.

130. Defendants are persons associated with Jane's Revenge.

131. Specifically, Defendants agreed to the overall objective of Jane's Revenge of using extreme and criminal tactics to injure, intimidate, or interfere with the operations of life-affirming reproductive healthcare facilities. This

agreement is demonstrated by the overt and intentional actions taken by Defendants to accomplish this objective.

132. Upon information and belief, Defendants conspired with other members of Jane's Revenge to create one or more cells of Jane's Revenge in Florida.

133. Defendants conspired to conduct or participate in the Jane's Revenge criminal enterprise by planning, supporting, coordinating, executing, or otherwise assisting in the commission of the following unlawful acts:

- a. Entering the property housing Facility A, as listed in the Indictment against Defendants Freestone and Smith-Steward, and spray-painting threatening messages on Facility A, including "If abortions aren't SAFE then niether [sic] are you," on May 26, 2022.
- b. Entering the property housing Facility B, as listed in the Indictment against Defendants Freestone and Smith-Steward, and spray-painting threatening messages on Facility B, including "YOUR TIME IS UP!!"; "WE'RE COMING for U"; and "We are everywhere," on June 26, 2022.
- c. Entering the property housing the Hialeah Facility without authorization, damaging Heartbeat's property at the Hialeah Facility, and spray-painting threatening messages on the

Hialeah Facility, including “If abortions aren’t safe the[n] neither are you,” on July 3, 2022.

134. The attacks against the Hialeah Facility, Facility A, and Facility B constitute racketeering activity under the Florida RICO Act because they are a violation of Chapter 806 of the Florida Statutes. Specifically, Defendants willfully and maliciously damaged real and personal property belonging to Heartbeat and others through the placement of graffiti thereon or other acts of vandalism.

135. The attacks upon the Hialeah Facility, Facility A, and Facility B between May 26, 2022, and July 3, 2022, constitute a pattern of racketeering as defined by the Florida RICO Act.

136. By attacking these life-affirming reproductive healthcare facilities, Defendants engaged in at least two predicate acts of racketeering conduct in furtherance of the objectives of Jane’s Revenge.

137. Further, the attacks on the facilities shared the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics. Defendants engaged in this pattern of racketeering activity with the same intent: to injure, intimidate, or interfere with the operations of life-affirming reproductive healthcare facilities. Upon information and belief, the attacks also involved the same accomplices. Additionally, the methods of commission, results, and distinguishing

characteristics of the attacks are the same or similar. At each facility, Defendants unlawfully entered each facility's property at night and spray-painted similar threatening messages on the facility's property, including threats that the facilities were not safe or that Defendants were "coming for" the facilities. Moreover, Defendants spray-painted either "Jane" or "Jane's Revenge" at each of the facilities.

138. Upon information and belief, Defendants have conspired and continue to conspire to commit additional attacks on life-affirming reproductive healthcare facilities in Florida. Further, there is a significant risk of ongoing attacks on Heartbeat and other life-affirming reproductive healthcare facilities by members of the Jane's Revenge enterprise. To date, at least three life-affirming reproductive healthcare facilities have been attacked by Jane's Revenge in 2023.

139. Upon information and belief, Defendants have also conspired with other members of Jane's Revenge across the country to plan, support, coordinate, or otherwise assist other members of Jane's Revenge in attacking one or more of the dozens of life-affirming reproductive healthcare facilities that have been victims of attacks across the country between May 2022 and the present.

140. As a direct, legal, and proximate result of Defendants' conduct, Heartbeat sustained damages in an amount to be proven at trial.

141. Defendants are jointly and severely liable for these actions.

**PRAYER FOR RELIEF**

WHEREFORE, Heartbeat prays for relief and judgment as follows:

- a. enjoin Defendants from (1) using force or threats of force to injure, intimidate, or interfere with Heartbeat's efforts to provide reproductive health services to its community, (2) damaging or destroying Heartbeat's property, and (3) going within 100 feet of any reproductive healthcare facility operated by Heartbeat or any event hosted by Heartbeat;
- b. Order the dissolution of the Jane's Revenge criminal enterprise;
- c. Award compensatory, punitive, and nominal damages for the damages suffered in violation of federal and state law in amount to be determined by the trier of fact;
- d. Award costs and expenses Heartbeat incurred in bringing this action, including reasonable attorneys' fees; and
- e. All other further relief that the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury.

Dated: March 29, 2023

Respectfully submitted,

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\*Applications for admission *pro hac vice*  
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