

**THE STATE OF NEW HAMPSHIRE**

**ROCKINGHAM, SS**

**SUPERIOR COURT**

JOHN M. FORMELLA, ATTORNEY GENERAL

v.

LOREN FAULKNER

**MOTION FOR PRELIMINARY INJUNCTION**

NOW COMES John M. Formella, Attorney General (“State”), to move for preliminary injunctive relief against the defendant, Loren Faulkner, stating as follows:

1. On April 20, 2022, the defendant violated the New Hampshire Civil Rights Act, RSA 354-B:1, three times: first, when he entered onto the property of another at 353 Miller Avenue, Portsmouth, NH, without permission and attempted to cut down the resident’s rainbow LGBTQ+ Pride flag, causing damage to the flag; second, when he entered onto the property of the North Church, 2 Congress Street, Portsmouth, NH, and removed the church’s rainbow LGBTQ+ Pride flag, causing damage to the flagpole in the process; and third, when he entered onto the property of Saint Nicholas’s Greek Orthodox Church, 40 Andrew Jarvis Drive, Portsmouth, NH, removed the church’s Ukrainian flag and burned that flag while recording a video denouncing Ukraine, the Ukrainian people, and LGBTQ+ people, which he then sent to the entire sophomore class at Portsmouth High School. The defendant targeted these residences and churches because of their support for the LGBTQ+ people and was motivated by sexual orientation and gender identity in perpetuating these acts.

2. Less than one year later, on February 21, 2023, the defendant violated the New Hampshire Civil Rights Act, RSA 354-B:1, eighteen times when he:

- a. Spray-painted swastikas and crosses onto the walls and in the parking lot of Temple Israel, 200 State Street, Portsmouth, NH, a Jewish house of worship;
- b. Spray-painted a Star of David on the door of St. John’s Episcopalian Church, 101 Chapel Street, Portsmouth, NH, a house of worship; defaced a Black Heritage Trail sign on the St. John’s Church property; and removed an LGBTQ+ Pride flag from St. John’s Church property;
- c. Spray-painted a Star of David and red “X” on the walls of St. John’s Masonic Lodge, 351 Middle Street, Portsmouth, NH;
- d. Spray-painted over a rainbow-colored park bench located on the property of Portsmouth Place Apartments, 263 Rockland Street, Portsmouth, NH;
- e. Spray-painted swastikas and a red “X” on the window of Grim North Tattoo and Piercing, 167 High Street, Portsmouth, NH—notably the red “X” was painted to cover a sign in the window that read: “All are loved”;
- f. Spray-painted a red triangle shape onto the window of the Cotilion Bureau 65 Bow Street, Portsmouth, NH;
- g. Spray-painted a Star of David, a cross, and a swastika on the window of Macro Polo, 89 Market Street, Portsmouth, NH;
- h. Spray-painted a cross and a swastika on Cup of Joe Café, 31 Market Street, Portsmouth, NH;
- i. Spray-painted a swastika on the wall outside of Mojo’s West End Tavern, 95 Brewery Lane, Portsmouth, NH;
- j. Spray-painted a swastika on the window of Stroll Café, 15 Portwalk Place, Portsmouth, NH;
- k. Spray-painted a swastika and a cross on the window of Portsmouth Smoke and Vape, 93 High Street, Portsmouth, NH;
- l. Spray-painted over a sticker in the window of 3 Bridges Yoga, 185 High Street, Portsmouth, NH, that read “Hate is Unwelcome Here”;
- m. Spray-painted three red crosses on the window of Deadwick’s Ethereal Emporium, 19 Sheafe Street, Portsmouth, NH;
- n. Spray-painted a red “X” to deface a sign that read “In Our America All People Are Equal, Love Wins, Black Lives Matter, Immigrants & Refugees Are Welcome, Disabilities Are Respected, Women Are In Charge Of Their Bodies, People & Planet Are Valued Over Profit, Diversity Is Celebrated” on

the property of 226 Marcy Street, a private residence;

- o. Spray-painted over a mural that read “Black Lives Matter” located on the retaining wall at 244 Marcy Street, a private residence;
- p. Spray-painted a Star of David, a red “X,” the word “Juden,” and the phrase “White Lives Matter” on the Market Street Pedestrian Bridge;
- q. Spray-painted a swastika, a cross, and the word “Victory” on a wall in the Hanover Street Parking Garage, 2 Hanover Street, Portsmouth, NH; and
- r. Spray-painted a swastika on a wall under the Bartlett Street Railroad Bridge’s trestle.

The defendant targeted these businesses, houses of worship, and residences because of their actual or perceived religion, support for the LGBTQ+ community, support for people of different races, religions, and other protected characteristics. The defendant also targeted these businesses, houses of worship, residences, and public places because of his own animus toward people of different religions, sexual orientations, gender identities, races, and other protected characteristics.

3. In both sets of incidents, on April 20, 2022, and February 21, 2023, the defendant targeted businesses, residences, houses of worship, and other locations based upon his actual or perceived belief that those locations and/or the owners or staff of those locations supported the LGBTQ+ community, had religious practices different from or inconsistent with his own religious beliefs, or expressed support for people of different races, religions, or other protected characteristics. Many of the locations targeted either actively or regularly displayed rainbow LGBTQ+ Pride flags in solidarity with the LGBTQ+ community, displayed signs or slogans denouncing hate and welcoming all regardless of their protected characteristics, or were houses of worship practicing faiths that differed from or were inconsistent with the defendant’s faith. His efforts attempted to interfere with the lawful and/or constitutionally protected activities of

those businesses, residences, houses of worship, and members of the public who were victimized by or witnessed his vandalism by discouraging them from engaging in those lawful activities.

4. In light of these violations, RSA 354-B:3 authorizes this Court to impose penalties and remedies, including “such appropriate injunctive relief as the court may deem necessary to prevent continued violation of this chapter or to protect lawful exercise of the rights secured by this chapter.”

5. Where a statute provides for injunctive relief, a court’s decision to issue injunctive relief is no longer rooted in traditional principles of equity; rather, it is based upon the statutory guidelines. *See N.H. Dept. of Env. Servs. v. Mottolo*, 155 N.H. 57, 64 (2007) (recognizing that “[c]ourts have found that when Congress decides to make available the remedy of injunction for violations of a statute’s substantive provisions, irreparable injury is presumed to flow from such violations and [i]t is settled that where a statute designed to protect the public authorizes an injunction, considerations applicable to private actions such as irreparable injury and a balancing of the equities are not relevant.”). Thus, this Court need not consider the traditional equitable considerations of irreparable harm or inadequacy of other remedies when considering the requested injunction. *See id.* Ultimately, for a preliminary injunction to issue, the State needs to demonstrate only a likelihood of success on the merits of its underlying claims.

6. As more fully stated in the State’s accompanying memorandum, which is incorporated herein by reference, this Court should:

- a. Preliminarily enjoin the defendant from engaging in or threatening physical force or violence, damage to property, trespass on property, or any other unlawful<sup>1</sup> activity against any person, including the owners, staff, congregants, and/or

---

<sup>1</sup> Unlawful in this context means: any act that could subject a person or legal entity to civil or criminal liability.

residents of the locations he has previously targeted, motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;

b. Preliminarily enjoin the defendant from coming within 300 feet of the locations he has previously targeted as well as the owners, staff, congregants, and/or residents of the locations he has previously targeted;

c. Preliminarily enjoin the defendant from contacting, directly or indirectly, the locations he has previously targeted as well as the owners, staff, congregants, and/or residents of the locations he has previously targeted; and

d. Advise the defendant that a knowing violation of the Court's preliminary injunction, as detailed in paragraphs 3.a.-3.c. above could expose him to additional criminal and/or civil liability consistent with RSA 354-B:4.

7. This preliminary injunction should remain in effect until either: (1) this Court holds a final hearing on the merits and issues an order granting a permanent injunction, consistent with RSA chapter 354-B or (2) the State's complaint is dismissed or otherwise withdrawn.

WHEREFORE, the State respectfully requests that this Honorable Court:

A. Grant the requested injunctive relief as provided for in the accompanying proposed order, *see* Attachment A;

B. Grant all other relief requested in complaint as provided for in the accompanying proposed order; and

C. Grant such other and further relief as it deems just and equitable.

Respectfully submitted,

JOHN M. FORMELLA  
ATTORNEY GENERAL

April 27, 2023

/s/ Sean R. Locke

---

Sean R. Locke, NH Bar No. 265290  
Assistant Attorney General  
Director, Civil Rights Unit  
33 Capitol Street  
Concord, New Hampshire 03301-6397  
(603) 271-3650  
[sean.r.locke@doj.nh.gov](mailto:sean.r.locke@doj.nh.gov)

# **Attachment A**

**THE STATE OF NEW HAMPSHIRE**

**ROCKINGHAM, SS**

**SUPERIOR COURT**

**JOHN M. FORMELLA, ATTORNEY GENERAL**

v.

**LOREN FAULKNER**

**ORDER ON THE STATE'S MOTION FOR PRELIMINARY INJUNCTION**

This matter was heard after notice to the defendant, Loren Faulkner, who was given an opportunity to be heard upon the Attorney General's complaint and motion for preliminary injunction under RSA chapter 354-B, the New Hampshire Civil Rights Act.

Upon consideration thereof, the Court finds that:

1. The State has alleged that on April 20, 2022, the defendant violated RSA 354-B:1 three times when he interfered with the rights of: (1) the residents of 353 Miller Avenue; (2) the congregants of the North Church; (3) the congregants of St. Nicholas's Greek Orthodox Church; and (4) the students of Portsmouth High School when he stole, attempted to steal, damaged their property, and/or exposed them to national origin and anti-LGBTQ+ rhetoric. The defendant's conduct in damaging this property was motivated by animus based on sexual orientation, gender identity, and national origin.

2. The State has alleged that on February 21, 2023, the defendant violated RSA 354-B:1 eighteen times when he interfered with the rights of: (1) Mojo's West End Tavern; (2) the members of St. John's Masonic Lodge; (3) the residents and management of Portsmouth Place Apartments; (4) the residents of 244 Marcy Street; (5) the residents of 226 Marcy Street; (6) the congregants of Temple Israel; (7) Deadwick's Ethereal Emporium; (8) the congregants of St. John's Episcopal Church; (9) Cotillion Bureau; (10) Macro Polo; (11) Cup of Joe Café; (12)



Portsmouth Smoke and Vape; (13) Grim North Tattoo and Piercing; (14) 3 Bridges Yoga; (15) Stroll Café; and (16) the residents and taxpayers of the City of Portsmouth when he damaged the property of those locations with racist, antisemitic, anti-LGBTQ+, and religiously-motivated graffiti and symbols. The defendant's conduct in damaging this property was motivated by animus based on race, religion, sexual orientation, and gender identity.

3. This Court concludes that the State had demonstrated a likelihood of success on the merits of its claims. *See N.H. Dept. of Env. Servs. v. Mottolo*, 155 N.H. 57, 64 (2007) (detailing the standard for injunctive relief alleging violations of state statute).

4. This Court orders that the defendant is prohibited from:

A. engaging in or threatening physical force or violence, damage to property, or trespass on property against any person motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;

B. engaging in or threatening any unlawful<sup>1</sup> activity against any person motivated by race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability;

C. directly or indirectly communicating with the owners, staff, congregants, or residents of: (1) Mojo's West End Tavern; (2) St. John's Masonic Lodge; (3) Portsmouth Place Apartments; (4) 244 Marcy Street; (5) 226 Marcy Street; (6) Temple Israel; (7) Deadwick's Ethereal Emporium; (8) St. John's Episcopal Church; (9) Cotillion Bureau; (10) Macro Polo; (11) Cup of Joe Café; (12) the Hanover Street Garage; (13) Portsmouth Smoke and Vape; (14) Grim North Tattoo and Piercing; (15) 3 Bridges Yoga; (16) Stroll Café; (17) 353 Miller Ave; (18) the North Church; and (19) St. Nicholas's Greek Orthodox Church, except through attorneys in order to prepare for the defendant's defense in any criminal or civil prosecution;

D. knowingly approaching within 300 feet of: 1) Mojo's West End Tavern; (2) St. John's Masonic Lodge; (3) Portsmouth Place Apartments; (4) 244 Marcy Street; (5) 226 Marcy Street; (6) Temple Israel; (7) Deadwick's Ethereal Emporium; (8) St. John's

---

<sup>1</sup> Unlawful in this context means: any act that could subject a person or legal entity to civil or criminal liability.

Episcopal Church; (9) Cotillion Bureau; (10) Macro Polo; (11) Cup of Joe Café; (12) the Hanover Street Garage; (13) Portsmouth Smoke and Vape; (14) Grim North Tattoo and Piercing; (15) 3 Bridges Yoga; (16) Stroll Café; (17) 353 Miller Ave; (18) the North Church; and (19) St. Nicholas's Greek Orthodox Church; and

E. encouraging or causing any other persons to engage in conduct prohibited in paragraphs 3.A.-3.D., above, or conspiring with or assisting any person to engage in such conduct.

5. Pursuant to RSA 354-B:4, I, any violations of this Court's order could result in criminal and/or civil sanctions and additional fines as provided for in RSA chapter 354-B.

6. This order shall remain in effect until either: (1) this Court issues a ruling on the State's request for a permanent injunction after a final hearing on the merits or (2) this matter is withdrawn or dismissed.

Date: \_\_\_\_\_

\_\_\_\_\_  
Justice, Superior Court