

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH
DAKOTA, EASTERN DIVISION

North Dakota Human Rights Coalition, et al. v. Patriot Front, et al.

North Dakota Human Rights Coalition · No. 3:23-cv-160 · Decided June 15, 2026

SUMMARY

The United States District Court for the District of North Dakota partially grants plaintiffs’ motion for default judgment against Patriot Front and John Does 1–10. The court awards default judgment on specified claims, finds \$24,664.37 in compensatory damages supported by the record, and permits plaintiffs to supplement evidence concerning property damages and attorneys’ fees before entering a separate final judgment.

CASE DETAILS

COURT	United States District Court for the District of North Dakota, Eastern Division
WRITING FOR THE COURT	Peter D. Welte
JURISDICTION	United States District Court for the District of North Dakota, Eastern Division
DECIDED	June 15, 2026
DOCKET	3:23-cv-160
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for default judgment against Defendants Patriot Front and John Does 1-10 after Defendants failed to respond to the complaint or otherwise appear and the Clerk entered default.
STANDARD OF REVIEW	On a motion for default judgment, well-pleaded allegations are taken as true except allegations concerning the amount of damages; uncertain or indefinite damages must be established to a reasonable degree of certainty.
PRECEDENTIAL VALUE	Unknown

TOPICS

- default judgment
- damages
- attorney fees
- civil procedure
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiffs were entitled to default judgment after the Clerk entered default and Defendants failed to respond or appear.
2. Whether the existing affidavits and exhibits established Plaintiffs' requested damages to a reasonable degree of certainty.
3. Whether determination of additional damages and attorneys' fees should be deferred to allow Plaintiffs to supplement the record.

HOLDINGS

1. After entry of default, the court treated the well-pleaded allegations in the complaint as admitted and granted default judgment on counts one, two, three, five, and seven.
2. The affidavits and exhibits established \$24,664.37 in compensatory damages for the past and future cost of security cameras and services.
3. The existing affidavits and exhibits did not establish the requested \$45,000 in property damages to a reasonable degree of certainty.
4. The court deferred final determination of damages and attorneys' fees, allowed Plaintiffs 30 days to submit supplemental evidence, and directed that a separate final judgment be entered after damages were determined.

KEY QUOTATIONS

“A default judgment by the court binds the party facing the default as having admitted all of the well pleaded allegations in the plaintiff’s complaint.”

“Where default has been entered, the “allegations in the complaint, except as to the amount of damages are taken as true.””

“If the damages claim is indefinite or uncertain, the amount of damages must be proved in a supplemental hearing or proceeding to a reasonable degree of certainty.”

FACTUAL BACKGROUND

Plaintiffs alleged claims arising from Defendants' conduct, including property damage to murals and costs associated with security cameras and services. Defendants failed to respond to the complaint or appear. Plaintiffs sought \$45,000 in property-damage compensation, \$24,664.37 for past and future security-camera and service costs, \$2,000,000 in punitive damages, post-judgment interest, and attorneys' fees and costs. The court found the record sufficient to establish the security-related compensatory damages but insufficient to establish the property-damage amount.

PROCEDURAL HISTORY

Plaintiffs filed the complaint on September 1, 2023, and summonses were issued the same day. Defendants did not answer or file a responsive motion within the time allowed by Federal Rule of Civil Procedure 12(a), and the Clerk entered default on April 11, 2025. Plaintiffs moved for default judgment on February 13, 2026. The court granted the motion in part as to counts one, two, three, five, and seven, deferred determination of damages and attorneys' fees, and allowed Plaintiffs 30 days to supplement the record before entry of a separate final judgment.

DISPOSITION

other

CASES CITED

- Johnson v. Dayton Elec. Mfg. Co., 140 F.3d 781, 783 (8th Cir. 1998)
- Angelo Iafrate Constr., LLC v. Potashnick Constr., Inc., 370 F.3d 715, 722 (8th Cir. 2004)
- Brown v. Kenron Aluminum & Glass Corp., 477 F.2d 526, 531 (8th Cir. 1973)
- Everyday Learning Corp. v. Larson, 242 F.3d 815, 818-19 (8th Cir. 2001)
- Cutcliff v. Reuter, 791 F.3d 875, 883 (8th Cir. 2015)

OPINION

North Dakota Human Rights Coalition, et al. v. Patriot Front, et al.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NORTH DAKOTA

EASTERN DIVISION

North Dakota Human Rights Coalition, et al.,)) Plaintiffs,) ORDER FOR DEFAULT
) JUDGMENT

vs.)) Case No. 3:23-cv-160 Patriot Front, et al.,)) Defendants.)) Plaintiffs North Dakota Human Rights Coalition, Immigrant Development Center, and Plaintiff Doe moved for default judgment against Defendants Patriot Front and John Does 1-10 on February 13, 2026. See Doc. 74. Plaintiffs’ complaint was filed on September 1, 2023, and summons were issued that same day. See Docs. 1; 2-5. Defendants had twenty-one days from the date of service to file an answer or otherwise file a responsive motion. See Fed. R. Civ. 12(a). To date, Defendants have not responded to the complaint or otherwise appeared. The Clerk entered an entry of default on April 11, 2025. See Doc. 68. An entry of default from the Clerk of Court pursuant to Federal Rule of Civil Procedure 55(a) is a prerequisite to the grant of a default judgment under Rule 55(b). Johnson v. Dayton Elec. Mfg. Co., 140 F.3d 781, 783 (8th Cir. 1998). “A default judgment by the court binds the party facing the default as having admitted all of the well pleaded allegations in the plaintiff’s complaint.” Angelo Iafrate Constr., LLC v. Potashnick Constr., Inc., 370 F.3d 715, 722 (8th Cir. 2004). Where default has been entered, the “allegations in the complaint, except as to the amount of damages are taken as true.” Brown v. Kenron Aluminum & Glass Corp., 477 F.2d 526,

531 (8th Cir. 1973). If the damages claim is indefinite or uncertain, the amount of damages must be proved in a supplemental hearing or proceeding to a reasonable degree of certainty. *Everyday Learning Corp. v. Larson*, 242 F.3d 815, 818-19 (8th Cir. 2001). Documentary evidence in the form of affidavits and exhibits can suffice without a hearing when the damages are readily discernable on the basis of the undisputed evidence in the record. *Cutcliff v. Reuter*, 791 F.3d 875, 883 (8th Cir. 2015). Here, the Court takes the allegations Plaintiffs made in their complaint as true, except for those allegations as to damages, and finds Plaintiffs are entitled to default judgment. As for damages, Plaintiffs seek \$45,000 in compensatory damages for property damage, \$24,664.37 in compensatory damages for the past and future cost of security cameras and services, and \$2,000,000 in punitive damages. Doc. 74-1 at 11-13. Plaintiffs also seek post-judgment interest and attorneys' fees and costs. *Id.* at 15. The Court finds that the affidavits and exhibits support that Defendants owe \$24,664.37 in compensatory damages for the past and future cost of security cameras and services. As for the requested \$45,000 for property damage, the Court finds that the affidavits and exhibits do not establish this amount "to a reasonable degree of certainty." *Everyday Learning Corp.*, 242 F.3d at 818-19. To start, Plaintiffs support their request with a singular news article that states the murals were created "as part of a \$45,000 grantmaking project from ArtPlaceAmerica." Doc. 74-10, p. 2. The Court sees several issues here. First, Plaintiffs do not offer documentation to establish that the murals cost \$45,000 to complete. Second, Plaintiffs seek compensatory damages—the purpose of which is to make Plaintiffs whole. To this extent, Plaintiffs offer no documentation to establish that they require \$45,000 to return them to the position they held before the vandalism. It is unclear whether Plaintiffs allege a total loss of the murals or whether they are capable of restoration. If Plaintiffs wish to supplement the record, the Court will consider any further documentation in establishing the damages amount. Additionally, Plaintiffs should submit further documentation if they wish to pursue attorneys' fees. In sum, Plaintiffs' motion for default judgment (Doc. 74) is GRANTED IN PART. The Court grants default judgment on counts one, two, three, five, and seven asserted in the complaint. The Court will enter a separate order on damages and attorneys' fees after giving Plaintiffs an opportunity to supplement the record. Plaintiffs shall have 30 days from the date of this order to file any supplemental evidence in support of its damages. After determining damages, a separate final judgment shall be entered. IT IS SO ORDERED. Dated this 15th day of June, 2026. /s/ Peter D. Welte Peter D. Welte, Chief Judge United States District Court