

It has been settled law for over 35 years that Section 1985(3) has not enacted a general federal conspiracy law but rather requires "some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action" (Griffin v. Breckenridge, 403 U.S. 88, 102 (1971)). That reading carries out the original purposes of that post-Civil War legislation, and the caselaw since then has continued to impose that limitation (see, e.g., Bray v. Alexandria Women's Health Clinic, 506 U.S. 263, 267-74 (1993)). That language quoted from Griffin does not embrace the "class of one" allegations of the Complaint through which plaintiffs seek to invoke the Equal Protection Clause.

Accordingly Complaint Count V is stricken. No view is expressed or implied here as to the other aspects of the Complaint.



Milton I. Shadur
Senior United States District Judge

Date: January 28, 2008