

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JENNIFER PETERSON and
MELISSA MARTEN,

Plaintiffs,

v.

COBB COUNTY SCHOOL DISTRICT;
CHRIS RAGSDALE, in his individual and official
capacity as Superintendent of Cobb County
School District; JOHN FLORESTA,
individually and in his official capacity;
JULIAN COCA, individually and in his official
capacity; NAN KIEL, individually and in her
official capacity; DANIEL VEHAR,
individually and in his official capacity; ZACH
ALDERSON, individually and in his official
capacity; AMANDA CHAMBERS,
individually and in her official capacity,

Defendants.

CIVIL ACTION No.:

**COMPLAINT FOR
DECLARATORY RELIEF,
INJUNCTIVE RELIEF,
AND DAMAGES**

JURY TRIAL DEMANDED

**VERIFIED COMPLAINT
FOR INJUNCTIVE RELIEF AND DAMAGES**

COMES NOW Plaintiffs JENNIFER PETERSON and MELISSA MARTEN
and bring this lawsuit under 42 U.S.C. § 1983 and the First and Fourteenth
Amendment of the United States Constitution for declaratory relief, injunctive
relief and small damages when Defendants intentionally manipulated sign-in
procedures for public comment to limit viewpoints critical of Cobb County

School District officials and contentious policies. These actions included secretly switching the location of the required public speaking sign up portal upon learning of the presence of protesters who openly objected to decisions made by the Cobb County Board of Education (CCBOE).

Plaintiffs are both mothers to students attending school in the Cobb County School District. They are also engaged and veteran speakers at CCBOE's public comment sessions who are well versed in the signup procedures. They were excluded from the public comment portion of a highly visible, contentious Board meeting following the termination of Katherine Rinderle, the teacher fired for reading a book that included a gender nonconforming character. Defendants planned and executed actions to alter the signup location, excluded Plaintiffs from public comment, and silenced their First Amendment right to speak about matters of public concern in a limited public forum.

PARTIES

1. **Jennifer "Jenny" Peterson** ("Ms. Peterson") moved to Cobb County in 2010. She raised two children that have attended school in the Cobb County School District since kindergarten. Ms. Peterson, who formerly worked in development for non-profit organizations, now stays home and works in her family business. Ms. Peterson believes that no government agency impacts her life more directly than the local school system, and while her children have had success in CCSD she has become politically active for the students and families

that have not had the same experience. Since March 2020, and up through the September 2023 Board meeting, Ms. Peterson has regularly attended and spoke at CCBOE meetings. Ms. Peterson wants to attend and speak at future CCBOE meetings without viewpoint-silencing actions of Defendants.

2. **Melissa Marten** (“Ms. Marten”) has lived in Cobb County for the past sixteen years. Ms. Marten’s family includes two children that attend school in CCSD. Ms. Marten serves on the Simpson Middle School Foundation and is active in the parent teacher association at her children’s schools. Ms. Marten has been politically active in Cobb County for almost ten years, and since 2020 has been regularly attending and eventually speaking publicly at CCBOE meetings. Ms. Marten advocates for positive change in the CCSD by staying engaged and motivating others to become involved in local politics. Ms. Marten wants to attend and speak at future CCBOE meetings without viewpoint-silencing actions of Defendants.

3. **Defendant Cobb County School District (“CCSD”)** is a governmental entity operating the public school system of Cobb County, Georgia, under the control and management of the Cobb County Board of Education (“the Board”), pursuant to Ga. Const. art. 8, § 5, ¶ I; O.C.G.A. § 20-2-50.

4. **Defendant Chris Ragsdale (“Ragsdale”)** is CCSD’s Superintendent and the Board’s executive officer. Ragsdale is a final policymaker and decisionmaker responsible for implementing the Board’s policies and state rules

and regulations under Ga. Const. art. 8, § 5, ¶ III; O.C.G.A. §§ 20-2-61(a); 20-2-109. Ragsdale, acting under color of law, is ultimately responsible for the intentional manipulation of the CCBOE public comment signup procedures. Ragsdale is responsible for excluding Defendants from the public comment portion of the September 2023 meeting and divesting them of their First Amendment right to speak about matters of public concern in that public forum. Ragsdale is sued in his official and individual capacities.

5. **Defendant John Floresta** is sued in his individual and official capacities. Defendant Floresta is the Chief Strategy & Accountability Officer for CCSD. In his role, Defendant Floresta collaborated with other members of the communications and CCSD leadership teams to manipulate the signup procedures that resulted in Plaintiffs exclusion from the public comment session on September 14, 2023.

6. **Defendant Julian Coca** is sued in his individual and official capacities. Defendant Coca is the Director of Content and Marketing for CCSD. Defendant Coca's duties include development and distribution of social media content, news releases and materials about CCSD. In his role, Defendant Coca collaborated with other members of the communications and CCSD leadership teams to manipulate the signup procedures that resulted in Plaintiffs exclusion from the public comment session on September 14, 2023.

7. **Defendant Nan Kiel** is sued individually and in her official capacities. Defendant Kiel is the Press Relations Coordinator for CCSD. Defendant Kiel is responsible for developing and executing marketing and public communications. Defendant Kiel duties include supporting public meetings, such as Board of Education meetings, public forums and other District events. She is responsible for *preparing sign-in sheets* for the public comment portions of CCBOE meetings. In her role, Defendant Kiel collaborated with other members of the communications and CCSD leadership teams to manipulate the signup procedures that resulted in Plaintiffs exclusion from the public comment session on September 14, 2023.

8. **Defendant Daniel Vehar** is sued in his individual and official capacities. Defendant Vehar is the Assistant Director of Marketing. Defendant Vehar's duties include monitoring media coverage, including social media, so that Defendant Ragsdale and other senior administrators are aware of "issues and trends." Defendant Vehar also provides support during public meetings including the CCBOE monthly meetings. In his role, Defendant Vehar collaborated with other members of the communications and CCSD leadership teams to manipulate the signup procedures that resulted in Plaintiffs exclusion from the public comment session on September 14, 2023.

9. **Defendant Zach Alderson** is sued in his individual and official capacities. Defendant Alderson is a CCSD Communications Specialist. In his role,

Defendant Alderson collaborated with other members of the communications and CCSD leadership teams to manipulate the signup procedures that resulted in Plaintiffs exclusion from the public comment session on September 14, 2023.

10. **Defendant Amanda Chambers** is sued in her individual and official capacities. Defendant Chambers is a Secretary for the Office of Communications. In this role, Defendant Chambers collaborated with other members of the communications and CCSD leadership teams to manipulate the signup procedures that resulted in Plaintiffs exclusion from the public comment session on September 14, 2023.

JURISDICTION AND VENUE

11. This civil and constitutional action arises under 42 U.S.C. § 1983, and the First and Fourteenth Amendments of the United States Constitution.

12. This Court has subject matter jurisdiction over this action pursuant to Article III of the United States Constitution, 28 U.S.C. §§ 1331, 1343, and 1367, and 20 U.S.C. § 1681(a).

13. This Court has the authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202, Rules 57 and 65 of the Federal Rules of Civil Procedure, and this Court's general legal and equitable powers.

14. This Court has personal jurisdiction over Defendants because Defendants are public officials domiciled in the State of Georgia and who perform their official duties in the State of Georgia.

15. Venue in this District is proper under 28 U.S.C. § 1391(b)(1),(2) because one or more Defendants reside in this District, all Defendants are residents of the State in which this District is located, and a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred and are occurring in this District.

FACTUAL ALLEGATIONS

CCBOE Public Participation Policy BCBI

16. CCBOE holds monthly meetings. CCBOE meets for both work sessions and a full Board Meeting. At each meeting, CCBOE allows public participation pursuant to their own policies.

17. According to CCBOE Policy BCBI, Public Participation in Board Meetings, the Board reserves thirty (30) minutes for public comments from non-City of Marietta residents of Cobb County, CCSD students or family, and non-residents owning property in CCSD. Exhibit 1, Policy BCBI.

18. At each meeting, fifteen speakers are granted two minutes of speaking time. Each speaker must adhere to certain content restrictions related to profanity, student privacy, state sunshine laws, and untrue and defamatory comments. *Id.* at D(1); F(4). The policy directs speakers to be "courteous and professional," and warns that, "[d]isruptive persons will be asked to leave the meeting room. The presiding Board officer may terminate public comments that are obscene, threatening, slanderous, profane, vulgar, or defamatory." *Id.*

19. Permitted speakers are selected on a first come, first served basis, “however the Chair may give priority to those discussing Board agenda items being considered during the Board meeting.” *Id.* at E(1).

20. Speakers must disclose their personal information, discussion topic, and geographic eligibility to speak through the sign-up sheet. *Id.* at D(4).
Speakers may discuss official matters to be taken up by the Board at that meeting or, other “concerns pertinent to the operation of a school or the District.” *Id.* at F(4).

21. The policy states that, “Individuals desiring to appear before the Board must first complete a sign-in sheet which should be available 30 minutes prior to the convening of the Board meeting.” *Id.* at D(2).

Normal CCBOE Sign Up Procedures

22. Since 2020, the “sign-in sheet” referenced in Policy BCBI has been electronic and made available by CCBOE with a computer tablet (iPad).

23. Excluding meetings held during COVID, CCBOE always puts out a sign-in tablet at the lobby reception desk thirty minutes before each CCBOE meeting. Usually, CCBOE provides two tablets and speakers line up to complete the form.

24. Sometimes hours before a CCBOE meeting, putative speakers form a line to complete the sign-in sheet.

Altered CCBOE Board Meeting on September 14, 2023

25. One month before the September 2023 Board meeting, CCBOE rejected recommendations from their own designated tribunal, and following public comment, voted 4-3 to terminate Katherine Rinderle, a Cobb County teacher that had read *My Shadow is Purple* to her fifth-grade gifted class.

26. In the month that followed, CCSD and Defendant Ragsdale made several public statements about the enforcement of policies to eliminate educational materials that reference or contain LGBTQ-themes or characters.

27. Defendant Ragsdale, in support of the removal of these books from the CCSD schools and libraries, and publicly explained his view that those opposed to the book removals were “evil.”

28. In response to CCSD’s actions and Defendant Ragsdale’s public comments, Plaintiffs joined the Cobb Community Care Coalition (the “Coalition”)¹, a group of Cobb County citizens that had planned a public demonstration against CCSD’s anti-LGBTQ actions on September 14, 2023, the date of the next CCBOE public meeting. The Coalition along with other

¹ The Coalition is “a group of parents, students, & community members in Cobb County who believe the acceleration of racism, bigotry, and censorship in Cobb County School District (CCSD) as well as the District’s negligence around gun violence require a strong, coordinated resistance to demonstrate the power of the people to effect positive change.” See <https://www.cobbcareco.com/> (Last visited October 31, 2024).

community members rallied and held a community circle in the parking lot of the CCBOE building starting at 3:30 p.m.

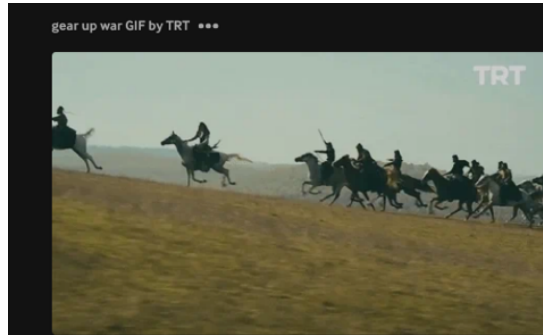
29. The Coalition wore red shirts with an anti-Ragsdale message on them. Following a press conference held by a student group, the Coalition migrated inside the CCBOE building intending to sign up for the public comment portion of the CCBOE monthly meeting at the normal location and using the normal process as set out in Paragraphs 21-23 herein.

30. CCSD was aware of the Coalition's activities and their open opposition to the CCBOE actions with respect to Ms. Rinderle and the decision to remove certain books from the school libraries. Earlier in the day, during the CCBOE work session, CCSD administrators John Floresta, Julian Coca, Eric Rauch, and Nan Kiel engaged in a Teams Messages session commenting on the turnout of the anti-Ragsdale group²:

Nan Kiel:	The left side of the room looks a little thin today
Eric Rauch:	They're still making their signs for their little rally.
John Floresta:	We have them outmanned this afternoon [redacted]
Julian Coca:	What about tonight? [image]

² CCSD Team Messages are public records obtained through a public record request to the CCBOE. The Team Messages received in response to that request depict an instant messaging conversation between CCSD Office of Communications Julian Coca (Director of Content and Marketing), Nan Kiel (Press Relations Coordinator), Amanda Chambers (Secretary), Daniel Vehar (Assistant Director of Marketing), Eric Rauch (Digital Content Specialist) and Zachary Alderson (Communications Specialist). Mr. John Floresta, the Chief of Staff for Defendant Ragsdale, is also included and actively participates in this Teams Messages Group. For an audio and visual depiction of the Messaging Activity, see [Cobb Community Care Coalition Video](#).

John Floresta: Will (sic) see about tonight
Julian Coca: I hope that the threat of a an (sic) anti-rally would bring some folks out
Nan Kiel: Uh oh! There are some signs ready to support Ragsdale



Ex. 2, *CCSD Team Messages* dated September 14, 2024, time stamped 2:16 p.m. to 2:25 p.m; see also, [Cobb Community Care Coalition Video](#).

31. Planning for the normal location and using the normal process as set out in Paragraphs 21-23 herein, and in anticipation of the full board meeting scheduled for 7:00 p.m., Plaintiffs, along with several other members of the Coalition, formed a line about two hours before the meeting and in the CCBOE lobby to speak during the thirty-minute public comment portion of the meeting. The Coalition held more than fifteen positions in the line that formed in the lobby.

32. CCSD administrators knew the Coalition had occupied the first fifteen positions in the public speaker signup line and from 5:01 p.m. to 5:54 p.m. initiated a plan to prevent the Coalition from speaking:

Amanda Chambers: There is over 15 in line already
Julian Coca: Are they all bad guys?

Julian Coca: Maybe we say the line can't form until 6:30?
(Only half kidding)
Julian Coca: Daniel Vehar and Zachary Alderson when you
get back see Amanda...there's gonna be
fireworks.

Ex. 3, *CCSD Team Messages* dated September 14, 2024, time stamped 5:01 p.m. to 5:54 p.m.; see also, [Cobb Community Care Coalition Video](#).

33. From 5:26 p.m. to 6:32 p.m., CCSD administration, including John Floresta, Amanda Chambers and Julian Coca, and at the direction of Defendant Ragsdale, ordered Daniel Vehar and Zachary Alderson to deliver the public comment signup iPads to a **new and different location outside the CCBOE building and away from the area where the Coalition stood in line for hours** (altering the normal location and deviating from the normal process set out in Paragraphs 21-23 herein). The Teams Messages show that John Floresta, senior administration and part of Defendant Ragsdale's leadership team, coordinated the delivery of the iPads:

Zachary Alderson: Dan 6:28 we go out
Julian Coca: or 6:27
Zachary Alderson: John [Floresta] said 28
Julian Coca: whelp. listen to him. [image]
Amanda Chambers: You on the way
Amanda Chambers: Here we go!
Amanda Chambers: They are yelling
Julian Coca: Of course
Amanda Chambers: It's very elevated

Ex. 4, *CCSD Team Messages* dated September 14, 2024, time stamped 6:24 p.m. to 6:32 p.m.; see also, [Cobb Community Care Coalition Video](#). Upon delivery of the iPads to the new and different location outside the CCBOE building, a physical altercation ensued because the Coalition members who had been waiting in the normal location were left to scramble outside to the new location. A video of the altercation Plaintiffs shows Daniel Vehar and Zachary Alderson behind the signup iPads while citizens with red anti-Ragsdale shirts are trying to restore their original place in the public comment signup line.

34. As a result of the change in placement of the public comment signup iPads, members of the Coalition were pushed out of line and replaced by speakers with viewpoints supportive of Defendant Ragsdale and the CCBOE. Citizens that had been participating in the anti-Ragsdale protest in front of the CCBOE building were physically moved away from the signup iPad. A video of the altercation shows a transgender student crying as the student was violently pushed to the ground and suffered injuries.

35. Despite Defendants' efforts to silence or limit their critics comments by moving the location and changing the process for sign-up, some Coalition members were nevertheless able to sign up for public comment. Plaintiffs, however, were unable to restore their place in the newly formed line outside the building and were not among the first fifteen citizens to sign up for public

comments. As a result, Plaintiffs were completely excluded from the public comment agenda.

36. During this time, CCSD administrators continued their Teams conversation recognizing their viewpoint-silencing actions had caused chaos and violence, and celebrated achieving their intended goal of excluding anti-Ragsdale constituents, such as Plaintiffs, from participating in the public comment portion of the evening board meeting:

Amanda Chambers:	I can hear them inside
Amanda Chambers:	They are screaming at Zack and Dan
Amanda Chambers:	Officers just went out
Julian Coca:	Of course
Amanda Chambers:	Media is filling (sic) all of it
Julian Coca:	Great
John Floresta:	Absolutely perfect

Ex. 5, *CCSD Team Messages* dated September 14, 2024, time stamped 6:32 p.m. to 6:52 p.m.; see also, [Cobb Community Care Coalition Video](#).

37. Beyond silencing persons through the altered placement designed to limit public commenters who spoke against the CCBOE and Defendant Superintendent's policies and actions, the sequence of speakers also changed so that persons who spoke in favor of the Board were permitted to speak even though they were not among the first 15 persons at the normal location.

38. The first public commenter was now Ariel Kurtz who spoke in support of the CCBOE and the Defendant Superintendent, elevating to the first position the message in favor of Defendants. Ms. Kurtz would not have been

eligible to speak, as she had not even been waiting in the line inside the CCBOE lobby but was nevertheless able to speak because of Defendants' altering the signup process and moving the signup iPads.

39. Similarly, Leslie Litt, one of the last public commenters, did not join the signup line until after the signup iPads had been moved outside and would not have been eligible to speak. Mr. Lit spoke in support of the CCBOE and Defendant Ragsdale.

40. At no time during the meeting were Plaintiffs permitted to share their specific viewpoints.

41. Public commenters, Gabriele Sanchez and Shannon Deisen, upset by the Defendants' gamesmanship, felt compelled to use a portion of their two-minute public comment to object to the chaos created by the Defendants manipulation of the signup procedures rather than direct their full time to the topic at hand.

42. Plaintiffs were blocked from speaking publicly in opposition to Defendants actions and policies. Plaintiffs continue to regularly participate in public comment portions of CCBOE's meetings and fear being excluded from future meetings by viewpoint-silencing manipulation of the sign-in process.

CLAIMS FOR RELIEF

COUNT ONE: VIOLATION OF FREE SPEECH
U.S. CONST. AMEND. I AND U.S. CONST. AMEND. XIV
(INJUNCTIVE RELIEF, DECLARATORY RELIEF AND DAMAGES)

43. Plaintiffs hereby realleges and incorporates all allegations contained in paragraphs 16 through 41 as if fully set forth herein.

44. The First Amendment, applicable to the State of Georgia by the Fourteenth Amendment enforceable under 42 U.S.C. § 1983, provides in part that the government “shall make no law . . . abridging the freedom of speech.”

45. Recently, the Eleventh Circuit in *Moms for Liberty - Brevard Cnty., FL v. Brevard Pub. Sch.* explained the importance of school board meetings public comment time:

For many parents, school board meetings are the front lines of the most meaningful part of local government—the education of their children. And sometimes speaking at these meetings is the primary way parents interact with their local leaders or communicate with other community members. No one could reasonably argue that this right is unlimited, but neither is the government’s authority to restrict it.

Moms for Liberty - Brevard Cnty., FL v. Brevard Pub. Sch., 23-10656, 2024 WL 4441302, at *1 (11th Cir. Oct. 8, 2024)

46. In that context, the Eleventh Circuit provided guidance on viewpoint neutrality analysis, noting that viewpoint-based limits are nearly categorically prohibited. *Moms for Liberty*, at *4. The Court stated:

The First Amendment generally “forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.” Indeed, though the Supreme Court has never categorically prohibited restrictions based on viewpoint, it has come close: “Discrimination against speech because of its message is presumed to be unconstitutional.” Viewpoint discrimination is thus “the greatest First Amendment sin.” That constitutional constraint holds in limited public forums, meaning that the “government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.”

Moms for Liberty, at *4 (internal citations omitted).

47. With respect to public comment at school board meetings, this Circuit explained that the reasonableness analysis is contextual and searching:

The reasonableness inquiry, on the other hand, is more flexible and context specific, and will depend on the nature and purpose of the forum. To pass muster, such purpose-based restrictions must be “wholly consistent with the government’s legitimate interest in ‘preserving the property for the use to which it is lawfully dedicated,’” and prohibited speech must be “‘naturally incompatible’ with the purposes of the forum.” (internal citations omitted).

So what is reasonable in one forum may not be reasonable in another. “[T]he purpose of a university,” for example, “is strikingly different from that of a public park.” And a speech restriction in a limited public forum “need not be the most reasonable” or even “the only reasonable limitation.” But flexible is not the same thing

as nonexistent—though reasonableness is a “forgiving” test, it is not a blank check.

Moms for Liberty, at *4 (internal citations omitted).

48. Limitations on public comment that lack objective and workable standards are unreasonable as explained in *Moms for Liberty*:

In fact, even restrictions that pursue legitimate objectives can be unlawful if their enforcement cannot be ‘guided by objective, workable standards.’ ... A ‘grant of unrestrained discretion to an official responsible for monitoring and regulating First Amendment activities is facially unconstitutional.’ The government, in short, must avoid enforcement that is ‘haphazard and arbitrary.’ In the context of the “reasonableness” analysis specifically, our Court has explained that a law or policy found to be constitutionally unreasonable ‘due to lack of standards and guidance is by definition facially invalid.’ That is because whether a policy is ‘incapable of reasoned application’ does not depend on the speaker’s identity or the message they wish to convey, but on ‘the vagueness and imprecision’ of the policy ‘in a vacuum.’ Thus, a policy that is invalid for those reasons is necessarily invalid in all of its applications.

Moms for Liberty, at *4-5 (internal citations omitted).

49. Plaintiffs sought to express their viewpoints on matters of public concern by lining up two hours before the CCBOE public meeting at the established location where the signup iPad had been placed in the months and years preceding the meeting.

50. Without any guidepost/standards, Defendants intentionally manipulated and changed the signup procedures by moving the signup iPad from the established location inside the CCBOE building to outside the building for the purpose of limiting critical viewpoints and elevating and empowering supportive viewpoints.

51. Defendants' internal communications reflect their hostility to the viewpoints in opposition of the CCBOE's Superintendent and their perception that those constituents holding those viewpoints were "bad guys."

52. Defendant John Floresta directed CCSD employees to place the signup iPad in a location where the "bad guys" would not be standing. As a result, Plaintiffs, and other constituents that had lined up early to sign up for public comments, were not among the first fifteen citizens to complete the signup form and prevented from speaking at the public meeting.

53. Plaintiffs have "an enormous first amendment interest" in speaking directly about public issues to their elected representatives.

54. Defendants have no reasonable or legitimate interest in the intentional and viewpoint-silencing manipulation of the public comment sign up procedures to limit access to the signup form to those speakers that do not agree with the Defendants actions or policies.

55. Defendants' actions violate the First and Fourteenth Amendments as (1) viewpoint discrimination (2) unreasonable and (3) completely lacking

standards and exhibiting unbridled discretion. As a result, a declaratory judgment and preliminary and permanent injunctive relief should issue as well as small damages for the unconstitutional actions causing Plaintiffs, as citizens and parents, harm in not being allowed to express their viewpoints on matters of public concern during a public meeting.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff requests this Court:

- a) Hold a trial by jury on all damages issues so triable;
- b) Declare that the Defendants' actions of moving the signup Ipads and eliminating Plaintiffs opportunity to provide their viewpoint during the public comment portion of the CCBOE public meeting was unconstitutional as a violation of free speech;
- c) Declare unconstitutional and enjoin Defendants from manipulation of the signup procedures limiting the opportunity of disfavored viewpoints from speaking during the during the public comment portion of the CCBOE public meeting;
- d) Enter a preliminary injunction and permanent injunction preventing Defendants from (1) engaging in conduct to prevent Plaintiffs and other critics from signing up for public comment and (2) specifically preventing the of moving the location of sign-up to silence critics.

- e) Award nominal, presumed and actual damages against the CCSD and nominal, presumed, actual and punitive damages against the individual defendants;
- f) Award reasonable attorneys' fees and expenses under 42 U.S.C. § 1988 and as otherwise permitted by law;
- g) Grant further relief as this Court deems just and proper.

Dated this 31st day of October, 2024.

/s/ Craig Goodmark

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JENNY PETERSON and
MELISSA MARTEN,

Plaintiffs,

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COBB COUNTY SCHOOL DISTRICT;
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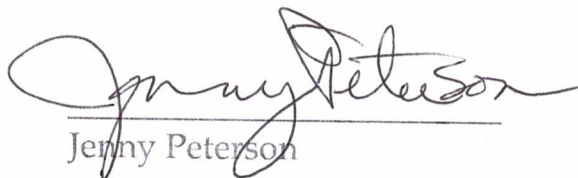
VERIFICATION OF PLAINTIFF MELISSA MARTEN

I, MELISSA MARTEN, appearing before the undersigned officer and after being first duly sworn, depose and state on oath and under penalty of perjury that the facts set forth in the foregoing Complaint are true and correct.

I declare (or certify) under penalty of perjury that the foregoing is true and correct.

Executed on this the 31st day of October, 2024.

See 28 U.S.C. Sec. 1746.


Jenny Peterson

UNITED STATES DISTRICT COURT
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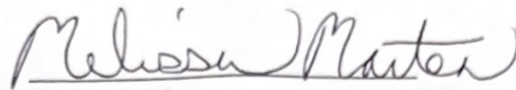
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I declare (or certify) under penalty of perjury that the foregoing is true and correct.

Executed on this the 31st day of October, 2024.

See 28 U.S.C. Sec. 1746.


Melissa Marten



BOARD OF EDUCATION POLICY

BCBI Public Participation in Board Meetings

1/20/22

A. GENERAL PROVISION:

1. Meetings of the Cobb County Board of Education (Board) are held to conduct the affairs and business of the school system. The public is invited to attend all meetings, with the exception of executive sessions, and citizens are invited to address the Board at appropriate times and in accordance with this policy.
2. Public comment opportunities are available for the Board to hear from interested members of the community. Board members do not provide responses or engage in direct conversation during public comment. If speakers wish to receive an answer to a specific question, inquiries should be directed to the appropriate district office.
3. Before addressing the Board, individuals are urged to seek a solution to their concerns through the proper staff and administrative channels.

B. SPEAKER ELIGIBILITY:

The Board will hear public commentary from any interested resident of Cobb County outside the City of Marietta; Cobb County School District (District) student or parent/guardian of a District student; non-resident owner of property within the geographic boundaries of the District; and/or employee of the District pursuant to the guidelines outlined in this Policy. Students under the age of 18 must be accompanied by the student's parent/guardian.

C. PUBLIC COMMENT:

The Board provides a 30-minute public comment session at each work session and voting session of monthly Board meetings to allow individuals, as identified in Section B of this Policy, an opportunity to address the Board.

D. SCHEDULING:

1. Speakers will have an allotted time of two minutes with the Chair having the discretion to limit the number of speakers speaking for or against an individual matter, with a maximum of 15 speakers.
2. Individuals desiring to appear before the Board must first complete a sign-in sheet which should be available 30 minutes prior to the convening of the Board meeting.
3. To allow the Board to receive input from as many stakeholders as possible, individuals may only address the board at either the work session or voting session of the monthly Board meeting.
4. Speaker information must contain:
 - a. Name;
 - b. Full physical address and no Post Office boxes. Cobb County property owners not residing in Cobb County must provide both their Cobb County property address as well as their mailing address;
 - c. Telephone number;
 - d. E-Mail address;
 - e. Discussion topic and which, if any, Board agenda item is related to their topic;
 - f. Whether they are a resident of Cobb County outside the City of Marietta; a District student or parent/guardian of a District student; a non-resident owner of property within the geographic boundaries of the District; and/or an employee of the District; and
 - g. Whether or not they have materials to submit to the Board.
5. Speakers must present any materials brought for the Board, i.e., letters, photos, petitions, written comments, or other documentation, etc., to the designated District representative. Speakers are asked to provide ten (10) copies of these materials. The District representative shall provide a copy of these materials to each of the following:

- a. Each Board Member;
- b. Superintendent;
- c. Board attorney; and
- d. The District's records representative.

E. SPEAKING:

1. Speakers will be scheduled on a first come, first served basis. However, the Chair may give priority to those discussing Board agenda items being considered during the Board meeting.
2. Speakers may not gain an additional opportunity to speak by reserving or dividing their allotted time for another speaking occasion and may not pass their allotted time to other speakers.
3. An organization may sign up to speak by designating a duly authorized spokesperson and one alternate, who may speak only if the primary spokesperson is unable to attend. By signing up and by addressing the Board on behalf of an organization, a speaker is representing that he or she has been duly authorized by that organization to make the comments presented.

F. CONTENT:

1. Speakers must:
 - a. State their name to the Board prior to beginning public commentary;
 - b. End their remarks when their allotted time expires; and
 - c. Direct public commentary to the Board as a body and not to an individual Board Member.
2. Individuals will not be denied the opportunity to address the Board on the basis of their viewpoint.
3. Speakers should be courteous and professional. The Board will not allow abusive language, threats, comments, jeers, applause, or shouts from the floor. Disruptive persons will be asked to leave the meeting room. The presiding Board officer may terminate public comments that are obscene, threatening, slanderous, profane, vulgar, or defamatory.
4. Speakers may comment on issues scheduled for consideration at the Board meeting or other concerns pertinent to the operation of a school or the District. In addition to the guidelines in this Policy, public commentary will not be permitted if:
 - a. The topic is excluded by the Open Meetings Act (O.C.G.A. §§ 50-14-1 et seq.). (This includes, but may not be limited to, certain land, legal or personnel items);
 - b. The speaker makes obscene, profane, vulgar, defamatory, slanderous, or threatening gestures/remarks during his/her public commentary;
 - c. The speaker discusses a student by name, or shares other information that could lead to the personal identification of a student (See, for example, Family and Educational Rights Privacy Act, 20 U.S.C. § 1232g);
 - d. The speaker makes untrue, slanderous, or defamatory comments or other unsubstantiated claims about an identified or identifiable employee (While general comments are appropriate for the public comment session, concerns about specific individuals should be addressed privately with the appropriate District administrator.);
 - or
 - e. The speaker disrupts or attempts to disrupt the Board meeting (see, for example, O.C.G.A. § 16-11-34).

G. BROADCAST:

Speakers should be aware that their public commentary may be broadcast live, filmed, photographed, or recorded by the District or other non-District media sources. The District may rebroadcast public commentary on COBB edTV or on the District or school websites. Any portion of the public commentary that is not in compliance with this Policy (such as prohibited in Section F. above) and/or applicable broadcast authority may be edited prior to broadcast.

H. LIMITATIONS:

Any person who willfully violates these guidelines may forfeit the remainder of their speaking time and the Board may, in consultation with the Board Attorney, issue a written notice prohibiting the speaker from appearing before the Board for up to sixty (60) days.

Approved: 10/11/78

Revised: 1/26/84; 8/8/84; 1/24/85; 4/28/88; 7/12/89; 7/8/92; 2/25/93; 9/13/95; 05/23/96; 8/22/96; 11/12/03

Re-Adopted: 4/11/07

Confirmed: 5/9/07

Revised: 7/23/09

Revised and Re-coded: 5/17/12 (previously coded as Board Policy BEDH)

Revised: 2/15/18; 6/10/21; 1/20/22

Legal Reference

O.C.G.A. 16-11-34

Preventing or disrupting a meeting of General Assembly or other meetings of members

O.C.G.A. 16-11-35

Removal from campus or facility of unit of university system or school; failure to leave

O.C.G.A. 20-2-58

Public Comment Period

O.C.G.A. 50-14-1

Open Meetings Law

Exhibit 2

From: [Nan Kiel](#)
To: [Julian Coca](#); [Eric Rauch](#)
Date: Thursday, September 14, 2023 2:12:24 PM

The left side of the room looks a little thin today

From: [Eric Rauch](#)
To: [Nan Kiel](#); [Julian Coca](#)
Date: Thursday, September 14, 2023 2:13:29 PM

They're still making their signs for their little rally.

From: [John Floresta](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 2:15:33 PM

We have them outmanned this afternoon 

From: [Julian Coca](#)
To: [John Floresta](#)
Date: Thursday, September 14, 2023 2:15:47 PM

What about tonight? 

From: [John Floresta](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 2:15:50 PM

Will see about tonight

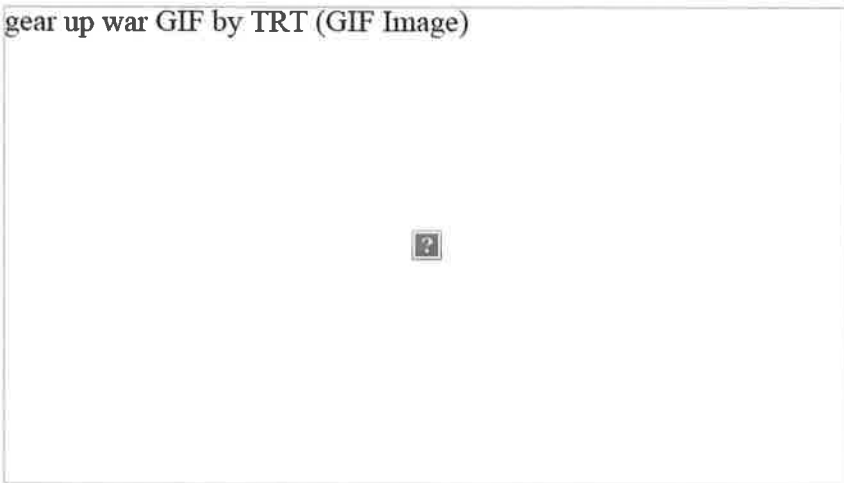
From: [Julian Coca](#)
To: [John Floresta](#)
Date: Thursday, September 14, 2023 2:16:16 PM

I hope that the threat of a an anti-rally would bring some folks out.

From: [Nan Kiel](#)
To: [Julian Coca](#); [Eric Rauch](#)
Date: Thursday, September 14, 2023 2:25:21 PM

Uh Oh! There are some signs ready to support Ragsdale.

gear up war GIF by TRT (GIF Image)



From: [Amanda Chambers](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 5:01:45 PM

There is over 15 in line already.

From: [Julian Coca](#)
To: [Amanda Chambers](#)
Date: Thursday, September 14, 2023 5:09:20 PM

Are they all bad guys?

From: [Julian Coca](#)
To: [Amanda Chambers](#)
Date: Thursday, September 14, 2023 5:09:41 PM

Maybe we say the line can't form until 6:30? (Only half kidding.)

From: [Julian Coca](#)
To: [Eric Rauch](#); [Zachary Alderson](#); [Daniel Vehar](#)
Date: Thursday, September 14, 2023 5:54:30 PM

Daniel Vehar and Zachary Alderson when you get back see Amanda... there's gonna be fireworks.

From: [Zachary Alderson](#)
To: [Julian Coca](#); [Eric Rauch](#); [Daniel Vehar](#)
Date: Thursday, September 14, 2023 6:24:45 PM

Dan 6:28 we go out

From: [Julian Coca](#)
To: [Eric Rauch](#); [Zachary Alderson](#); [Daniel Vehar](#)
Date: Thursday, September 14, 2023 6:24:59 PM

or 6:27

From: [Zachary Alderson](#)
To: [Julian Coca](#); [Eric Rauch](#); [Daniel Vehar](#)
Date: Thursday, September 14, 2023 6:26:00 PM

John said 28

From: [Julian Coca](#)
To: [Eric Rauch](#); [Zachary Alderson](#); [Daniel Vehar](#)
Date: Thursday, September 14, 2023 6:26:49 PM

whelp. listen to him. 

From: [Amanda Chambers](#)
To: [Daniel Vehar](#)
Date: Thursday, September 14, 2023 6:26:38 PM

You on the way

From: [Amanda Chambers](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 6:29:02 PM

Here we go!

From: [Amanda Chambers](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 6:29:40 PM

They are yelling

From: [Julian Coca](#)
To: [Amanda Chambers](#)
Date: Thursday, September 14, 2023 6:30:02 PM

Of course

From: [Amanda Chambers](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 6:32:08 PM

It's very elevated

Exhibit 5

From: [Amanda Chambers](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 6:32:14 PM

I can hear them inside

From: [Amanda Chambers](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 6:30:23 PM

They are screaming at Zack and Dan

From: [Amanda Chambers](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 6:31:04 PM

Officers just went out

From: [Julian Coca](#)
To: [Amanda Chambers](#)
Date: Thursday, September 14, 2023 6:32:39 PM

Of course

From: [Amanda Chambers](#)
To: [Julian Coca](#)
Date: Thursday, September 14, 2023 6:32:52 PM

Media is filling all of it

From: [Julian Coca](#)
To: [Amanda Chambers](#)
Date: Thursday, September 14, 2023 6:33:35 PM

Great

From: [John Floresta](#)
To: [Julian Coca](#); [Daniel Vehar](#)
Date: Thursday, September 14, 2023 6:52:01 PM

Absolutely perfect

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JENNIFER PETERSON and
MELISSA MARTEN,

Plaintiffs,

v.

COBB COUNTY SCHOOL DISTRICT;
CHRIS RAGSDALE, in his individual and official
capacity as Superintendent of Cobb County
School District; JOHN FLORESTA,
individually and in his official capacity;
JULIAN COCA, individually and in his official
capacity; NAN KIEL, individually and in her
official capacity; DANIEL VEHAR,
individually and in his official capacity; ZACH
ALDERSON, individually and in his official
capacity; AMANDA CHAMBERS,
individually and in her official capacity,

Defendants.

CIVIL ACTION No.:

**COMPLAINT FOR
DECLARATORY RELIEF,
INJUNCTIVE RELIEF,
AND DAMAGES**

JURY TRIAL DEMANDED

MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs JENNIFER PETERSON AND MELISSA MARTEN seek a preliminary injunction for violation of their rights to free speech. Specifically, Defendants have prevented them from exercising their First Amendment rights at the public comment portion of the monthly public meetings of the Cobb County Board of Education by manipulating the sign-up process to limit critical viewpoints.

Relying on the Verified Complaint, attachments thereto, and the brief in support; Plaintiffs seek a preliminary injunction to prevent Defendants from again intentionally manipulating sign-in procedures for public comment in order to limit viewpoints critical of Cobb County Board of Education and its policies.

A preliminary injunction is appropriate when the movant establishes: "(1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury if the injunction [is] not granted; (3) that the threatened injury to the plaintiff outweighs the harm an injunction may cause the defendant; and (4) that granting the injunction would not disserve the public interest." *K.H. Outdoors LLC v. City of Trussville*, 458 F.3d 1261, 1268 (11th Cir. 2006); *Teper v. Miller*, 82 F.3d 989, 992 n.3 (11th Cir. 1996). Plaintiff satisfies each of these requirements.

Therefore, Plaintiffs seek a preliminary injunction preventing Defendants from (1) engaging in conduct that prevents Plaintiffs and other critics from signing up for public comment and (2) specifically Defendants moving the location of sign-up Ipads to silence critics.

DATED: This the 31st day of October, 2024,

/s/ Gerald Weber

Gerald Weber

Georgia Bar No. 744878

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JENNIFER PETERSON and
MELISSA MARTEN,

Plaintiffs,

v.

COBB COUNTY SCHOOL DISTRICT;
CHRIS RAGSDALE, in his individual and official
capacity as Superintendent of Cobb County
School District; JOHN FLORESTA,
individually and in his official capacity;
JULIAN COCA, individually and in his official
capacity; NAN KIEL, individually and in her
official capacity; DANIEL VEHAR,
individually and in his official capacity; ZACH
ALDERSON, individually and in his official
capacity; AMANDA CHAMBERS,
individually and in her official capacity,

Defendants.

CIVIL ACTION No.:

**PLAINTIFF'S BRIEF IN SUPPORT OF MOTION
FOR A PRELIMINARY INJUNCTION**

Plaintiffs JENNIFER PETERSON and MELISSA MARTEN seek a preliminary injunction to prevent Defendants from again intentionally manipulating sign-in procedures for public comment in order to limit viewpoints critical of Cobb County School District officials and its policies. Defendants conspired to alter their process for public comment sign-in by changing the location of the signup portal upon learning of the presence of protesters who

openly objected to decisions made by the Cobb County Board of Education (CCBOE).

As revealed by Defendants' own conversations obtained through public records requests, Defendants planned and executed actions to alter the sign-up location silencing Plaintiffs, barring them from public comment, and violating their First Amendment right to speak about matters of public concern in a limited public forum. At the same time, Defendants actions allowed their supporters to essentially "cut in line" and participate in public comment though they would not have been among the first 15 citizens at the normal sign-up location.

FACTUAL BACKGROUND

CCBOE Public Participation Policy BCBI

CCBOE holds monthly meetings. *Complaint*, ¶ 16. CCBOE meets for both work sessions and a full Board Meeting. *Id.* At each meeting, CCBOE allows public participation pursuant to their own policies. *Id.* CCBOE Policy BCBI, Public Participation in Board Meetings, provides that the Board reserves thirty (30) minutes for public comments from non-City of Marietta residents of Cobb County, CCSD students or family, and non-residents owning property in CCSD. *Id.* at ¶17; Ex. 1, CCBOE Policy BCBI. At each meeting, fifteen speakers are granted two minutes of speaking time. Each speaker must adhere to certain

content restrictions related to profanity, student privacy, state sunshine laws, and untrue and defamatory comments. *Id.* at ¶ 18 (Policy BCBI at D(1); F(4)). The policy directs speakers to be “courteous and professional,” and warns that “[d]isruptive persons will be asked to leave the meeting room. The presiding Board officer may terminate public comments that are obscene, threatening, slanderous, profane, vulgar, or defamatory.” *Id.*

Permitted speakers are selected on a first come, first served basis, “however the Chair may give priority to those discussing Board agenda items being considered during the Board meeting.” *Id.* at ¶ 19 (Policy BCBI at E(1)). Speakers must disclose their personal information, discussion topic, and geographic eligibility to speak through the signup sheet. *Id.* at ¶ 20; (Policy BCBI at D(4)). Speakers may discuss official matters to be taken up by the Board at that meeting or, other “concerns pertinent to the operation of a school or the District.” *Id.* (Policy BCBI at F (4)). The policy states that, “Individuals desiring to appear before the Board must first complete a sign-in sheet which should be available 30 minutes prior to the convening of the Board meeting.” *Id.* at ¶ 21; (Policy BCBI at D(2)).

Normal CCBOE Sign Up Procedures

Since 2020, the “sign-in sheet” referenced in Policy BCBI has been electronic and made available by CCBOE with a computer tablet (iPad).

Complaint, ¶ 22. Excluding meetings held during COVID, CCBOE always puts out a sign-in tablet at the lobby reception desk thirty minutes before each CCBOE meeting. Usually, CCBOE provides two tablets and speakers line up to complete the form. Sometimes hours before a CCBOE meeting, putative speakers form a line to complete the sign-in sheet. *Id.* at ¶¶ 23-24.

Altered CCBOE Board Meeting on September 14, 2023

1. One month before the September 2023 Board meeting, CCBOE rejected recommendations from their own designated tribunal, and following public comment, voted 4-3 to terminate Katherine Rinderle, a Cobb County teacher that had read *My Shadow is Purple* to her fifth-grade gifted class. *Id.* at ¶ 25. In the month that followed, CCSD and Defendant Ragsdale made several public statements about the enforcement of policies to eliminate educational materials that reference or contain LGBTQ-themes or characters. *Id.* at ¶ 26. Defendant Ragsdale, in support of the removal of these books from the CCSD schools and libraries, and publicly explained his view that those opposed to the book removals were “evil.” *Id.* at ¶ 27.

In response to CCSD’s actions and Defendant Ragsdale’s public comments, Plaintiffs joined the Cobb Community Care Coalition (the “Coalition”)¹, a group

¹ The Coalition is “a group of parents, students, & community members in Cobb County who believe the acceleration of racism, bigotry, and censorship in Cobb County School District (CCSD) as well as the District’s negligence around gun

of Cobb County citizens that had planned a public demonstration against CCSD's anti-LGBTQ actions on September 14, 2023, the date of the next CCBOE public meeting. *Id.* at ¶ 28. The Coalition held a scheduled press conference in the parking lot of the CCBOE building speaking in open opposition to Defendants. *Id.* at ¶ 29. The Coalition wore red shirts with an anti-Ragsdale message on them. *Id.* Following the press conference, the Coalition migrated to the CCBOE building intending to sign up for the public comment portion of the CCBOE monthly meeting at the normal location and using the normal process. *Id.*

CCSD was aware of the Coalition's activities and their open opposition to the CCBOE actions with respect to Ms. Rinderle and the decision to remove certain books from the school libraries. Earlier in the day, during the CCBOE work session, CCSD administrators John Floresta, Julian Coco, Eric Rauch, and Nan Kiel engaged in a Teams Messages session commenting on the turnout of the anti-Ragsdale group²:

violence require a strong, coordinated resistance to demonstrate the power of the people to effect positive change." See <https://www.cobbcareco.com/> (Last visited October 31, 2024).

² CCSD Team Messages are public records obtained through a public record request to the CCBOE. The Team Messages received in response to that request depict an instant messaging conversation between CCSD Office of Communications Julian Coca (Director of Content and Marketing), Nan Kiel (Press Relations Coordinator), Amanda Chambers (Secretary), Daniel Vehar

Nan Kiel: The left side of the room looks a little thin today
Eric Rauch: They're still making their signs for their little rally.
John Florestra: We have them outmanned this afternoon [redacted]
Julian Coca: What about tonight? [image]
John Florestra: Will (sic) see about tonight
Julian Coca: I hope that the threat of a an (sic) anti-rally would bring some folks out
Nan Kiel: Uh oh! There are some signs ready to support Ragsdale



Id. at ¶ 30; Ex. 2, *CCSD Team Messages* dated September 14, 2024, time stamped 2:16 p.m. to 2:25 p.m; see also, [Cobb Community Care Coalition Video](#).

Planning for the normal location and using the normal process as set out in the policy, and in anticipation of the full board meeting scheduled for 7:00 p.m., Plaintiffs', along with several other members of the Coalition, formed a line about two hours before the meeting in the CCBOE lobby to speak during the thirty-minute public comment portion of the meeting. *Id.* at ¶ 31. The Coalition

(Assistant Director of Marketing), Eric Rauch (Digital Content Specialist) and Zachary Alderson (Communications Specialist). Mr. John Floresta, the Chief of Staff for Defendant Ragsdale, is also included and actively participates in this Teams Messages Group. For an audio and visual depiction of the Messaging Activity, see [Cobb Community Care Coalition Video](#).

held more than fifteen positions in the line that formed in the lobby. *Id.* CCSD administrators knew the Coalition had occupied the first fifteen positions in the public speaker signup line and from 5:01 p.m. to 5:54 p.m. initiated a plan to prevent the Coalition from speaking:

Amanda Chambers: There is over 15 in line already
Julian Coca: Are they all bad guys?
Julian Coca: Maybe we say the line can't form until 6:30?
(Only half kidding)
Julian Coca: Daniel Vehar and Zachary Alderson when you
get back see Amanda...there's gonna be
fireworks.

Id. at ¶ 32; Ex. 3, *CCSD Team Messages* dated September 14, 2024, time stamped 5:01 p.m. to 5:54 p.m.; see also, Cobb Community Care Coalition Video.

From 5:26 p.m. to 6:32 p.m., CCSD administration, including John Floresta, Amanda Chambers and Julian Coca, and at the direction of Defendant Ragsdale, ordered Daniel Vehar and Zachary Alderson to deliver the public comment signup iPads to a **new and different location outside the CCBOE building and away from the area where the Coalition stood in line for hours** (altering the normal location and deviating from the normal process set out in Paragraphs 21-23 herein). *Id.* at ¶ 33. The Teams Messages show that John Floresta, Chief of Staff for Defendant Ragsdale coordinated the delivery of the iPads:

Zachary Alderson: Dan 6:28 we go out
Julian Coca: or 6:27
Zachary Alderson: John [Floresta] said 28

Julian Coca: whelp. listen to him. [image]
Amanda Chambers: You on the way
Amanda Chambers: Here we go!
Amanda Chambers: They are yelling
Julian Coca: Of course
Amanda Chambers: It's very elevated

Id. ¶ 33; Ex. 4, *CCSD Team Messages* dated September 14, 2024, time stamped 6:24 p.m. to 6:32 p.m.; see also, [Cobb Community Care Coalition Video](#).

Upon delivery of the iPads to the new and different location outside the CCBOE building, a physical altercation ensued because the Coalition members who had been waiting in the normal location were left to scramble outside to the new location. *Id.* A video of the altercation Plaintiffs shows Daniel Vehar and Zachary Alderson behind the signup iPads while citizens with red anti-Ragsdale shirts are trying to restore their original place in the public comment signup line. *Id.*

The change in the public comment signup iPads' placement resulted in members of the Coalition being pushed out of line and replaced by speakers with viewpoints supportive of Defendant Ragsdale and the CCBOE. *Id.* at ¶ 34. Citizens that had been participating in the anti-Ragsdale protest in front of the CCBOE building were physically moved away from the signup iPad. *Id.* A video of the altercation shows, a transgender student, crying as the student was violently pushed to the ground and suffered injuries. *Id.*

Despite the efforts of Defendant to silence or limit their critics public comments by moving the location and changing the process for sign-up, some Coalition members were nevertheless able to sign up for public comment. *Id.* at ¶ 35. Plaintiffs, however, were unable to restore their place in the newly formed line outside the building and were not among the first fifteen citizens to sign up for public comments. *Id.* As a result, Plaintiffs were completely excluded from the public comment agenda. *Id.*

During this time, CCSD administrators continued their Teams conversation recognizing their viewpoint-silencing actions had caused chaos and violence, and celebrated achieving their intended goal of excluding anti-Ragsdale constituents, such as Plaintiffs, from participating in the public comment portion of the evening board meeting:

Amanda Chambers:	I can hear them inside
Amanda Chambers:	They are screaming at Zack and Dan
Amanda Chambers:	Officers just went out
Julian Coca:	Of course
Amanda Chambers:	Media is filling (sic) all of it
Julian Coca:	Great
John Floresta:	Absolutely perfect

Id. at ¶ 36; Ex. 5, *CCSD Team Messages* dated September 14, 2024, time stamped 6:32 p.m. to 6:52 p.m.; see also, [Cobb Community Care Coalition Video](#).

Beyond silencing persons through the altered placement designed to limit public commenters who spoke against the CCBOE and Defendant

Superintendent's policies and actions, Defendants' actions altered the sequence of speakers so that persons who spoke in favor of the Board were permitted to speak even though they were not among the first 15 persons at the normal location. *Id.* at ¶ 37.

The first public commenter was now Ariel Kurtz who spoke in support of the CCBOE and the Defendant Superintendent, elevating the message in favor of Defendants. *Id.* at 38. Ms. Kurtz would not have been eligible to speak, as she had not even been waiting in the line inside the CCBOE lobby but was nevertheless able to speak because of Defendants' altering the signup process and moving the signup iPads. *Id.*

Similarly, Leslie Litt, one of the last public commenters, did not join the signup line until after the signup iPads had been moved outside and would not have been eligible to speak. *Id.* at ¶ 39. Mr. Lit spoke in support of the CCBOE and Defendant Ragsdale. *Id.* Public commenters, Gabriele Sanchez and Shannon Deisen, upset by the Defendants' gamesmanship, felt compelled to use a portion of their two-minute public comment to object to the chaos created by the Defendants manipulation of the signup procedures rather than direct their full time to the topic at hand. *Id.* at ¶ 41.

At no time during the meeting were Plaintiffs permitted to share their specific viewpoints. *Id.* at ¶ 40. Plaintiffs were blocked from speaking publicly in

opposition to Defendants actions and policies. *Id.* at ¶ 42. Plaintiffs continue to regularly participate in public comment portions of CCBOE's meetings and fear being excluded from future meetings by viewpoint-silencing manipulation of the sign-in process. *Id.*

ARGUMENT

A preliminary injunction is appropriate when the movant establishes: (1) a substantial likelihood of success on the merits; (2) a threat of irreparable injury; (3) that Plaintiff's injury outweighs any harm an injunction may cause Defendants; and (4) that granting the injunction would not disserve the public interest. *See Teper v. Miller*, 82 F.3d 989, 992-93 n.3 (11th Cir. 1996); *K.H. Outdoors LLC v. City of Trussville*, 458 F.3d 1261, 1268 (11th Cir. 2006); *See Keeton v. Anderson-Wiley*, 664 F.3d 865, 868 (11th Cir. 2011); Fed. R. Civ. P. 65(b). A plaintiff need only show a substantial likelihood of success on at least one count of the complaint, not all counts. *Butler v. Ala. Judicial Inquiry Comm'n*, 111 F. Supp. 2d 1224, 1230 (M.D. Ala. 2000). Plaintiffs satisfy each of these requirements.

I. **PLAINTIFFS ARE SUBSTANTIALLY LIKELY TO PREVAIL BECAUSE THEY WERE BARRED FROM PUBLIC COMMENT BECAUSE SIGN-IN PROCEDURES WERE ALTERED TO SILENCE THEIR VIEWPOINT AND WERE UNREASONABLE/ARBITRARY**

Plaintiffs assert that the alteration of sign-in procedures was (1) viewpoint-based; (2) unreasonable and (3) executed without sufficient guidelines in

Defendants' unbridled discretion. This Circuit's most recent decision on the issue of free speech restrictions on public comment is very helpful in the analysis here. *Moms for Liberty–Brevard County, Florida v. Brevard Public Schools*, No. 23-10656 (11th Cir. Oct. 8, 2024) (attached).

In *Moms*, a group of concerned parents challenged a school board's uneven enforcement of meeting rules during the public comment portion of the monthly board meetings. *Id.* Mom's First Amendment challenge involved rules addressing a prohibition on personally directed comments, abusive speech and obscene speech. They alleged the rules were being deployed to censor and chill parent input at Board meetings. *Id.* at *1-2. On appeal to the Eleventh Circuit, the court reversed viewpoint and reasonableness findings in the school district's favor as to the public comment sessions and concluded that the policies and application of the school board's rules for public comment were unconstitutional. *Id.* at *7-8.

First, this Circuit found that the public comments sessions were a limited public forum. *Id.* at *4 ("The Brevard County School Board meetings are for parents and community members to 'express themselves on school matters of community interest.' In a limited public forum, the government's restrictions on speech 'must not discriminate against speech on the basis of viewpoint,' and 'must be reasonable in light of the purpose served by the forum.'") (citations

omitted). That same result governs here.

This Circuit next provided guidance on viewpoint neutrality analysis, noting that viewpoint-based limits are nearly categorically prohibited:

The First Amendment generally “forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.” Indeed, though the Supreme Court has never categorically prohibited restrictions based on viewpoint, it has come close: “Discrimination against speech because of its message is presumed to be unconstitutional.” Viewpoint discrimination is thus “the greatest First Amendment sin.” That constitutional constraint holds in limited public forums, meaning that the “government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Id.* at *4 (citations omitted).

Next, this Circuit explained that the reasonableness analysis is contextual and provided insight on the application of the test specifically as to public comment at school board meetings:

The reasonableness inquiry, on the other hand, is more flexible and context specific, and will depend on the nature and purpose of the forum. To pass muster, such purpose-based restrictions must be “wholly consistent with the government’s legitimate interest in ‘preserving the property for the use to which it is lawfully dedicated,’ ” and prohibited speech must be “ ‘naturally incompatible’ with the purposes of the forum.” *Id.* at *4-5 (citations omitted).

So what is reasonable in one forum may not be reasonable in another. “[T]he purpose of a university,” for example, “is strikingly different from that of a public park.” And a speech restriction in a limited public forum “need not be the most reasonable” or even “the only reasonable limitation.” But

flexible is not the same thing as nonexistent—though reasonableness is a “forgiving” test, it is not a blank check. *Id.* at *4-5 (citations omitted).

Finally, this Circuit addressed the unreasonableness of limitations on public comment that lack objective and workable standards:

In fact, even restrictions that pursue legitimate objectives can be unlawful if their enforcement cannot be “guided by objective, workable standards.” After all, an “indeterminate prohibition carries with it the opportunity for abuse,” particularly when that prohibition “has received a virtually open-ended interpretation.” So a policy is unreasonable if it “fails to define key terms, lacks any official guidance, and vests too much discretion in those charged with its application.” At the very least, the government “must be able to articulate some sensible basis for distinguishing what may come in from what must stay out.” But a “grant of unrestrained discretion to an official responsible for monitoring and regulating First Amendment activities is facially unconstitutional.” The government, in short, must avoid enforcement that is “haphazard and arbitrary.” In the context of the “reasonableness” analysis specifically, our Court has explained that a law or policy found to be constitutionally unreasonable “due to lack of standards and guidance is by definition facially invalid.” That is because whether a policy is “incapable of reasoned application” does not depend on the speaker’s identity or the message they wish to convey, but on “the vagueness and imprecision” of the policy “in a vacuum.” Thus, a policy that is invalid for those reasons is necessarily invalid in all of its applications. *Id.* at *5 (citations omitted).

Here, Defendants’ actions plainly violated each of these principles. First, the Defendants did not act in a viewpoint neutral way because they (1) realized that critics were large in number and at the normal location for sign-up; (2) then, in order to add more of their supporters to the sign-up list and exclude their critics,

Defendants conspired to move the sign-up location; and, (3) as a result, the move allowed more of their supporters and limited their critics numbers (and excluded the Plaintiffs who were within the first 15 persons in line to sign up at the correct location). Their viewpoint motivation is patent in their own discussion. Second, excluding the Plaintiffs to silence them is obviously unreasonable. *Crowder v. Housing Auth. City of Atlanta*, 990 F.2d 591, 593 (11th Cir. 1993) (barring speaker is not narrow tailoring). Finally, the abrupt switch in locations to silence Plaintiffs and others was done in the unbridled and viewpoint infused discretion of the Defendants. *Moms*, at *7-8 (“Permitting certain speech on some days and not others without ‘any credible explanation of what may have changed is the essence of arbitrary, capricious, and haphazard – and therefore unreasonable – decisionmaking.’”).

While the plaintiffs in *Moms* had a different viewpoint than the Plaintiffs here, they share a common thread of being targeted by school district employees who were being criticized. *Moms* provides numerous examples of “haphazard” and viewpoint-motivated application of public comments rules to silence critics that echo what happened here. *Id.* at *7-8. Indeed, in rejecting the policy against “personally directed speech,” the *Moms* Court both identified divergent applications tied to the view of the speaker and the import of public officials hearing critical speech:

Not only does this policy against personally directed speech not advance the goals that the Board claims it serves, it actively obstructs a core purpose of the Board's meetings – educating the Board and the community about community members' concerns. If a parent has a grievance about, say, a math teacher's teaching style, it would be challenging to adequately explain the problem without referring to that math teacher. Or principal. Or coach. And so on. Likewise when a parent wishes to praise a teacher or administrator. Such communications are the heart of a school board's business, and the ill-defined and inconsistently enforced policy barring personally directed speech fundamentally impedes it without any coherent justification.

To be sure, sometimes meetings can get tense – no one enjoys being called out negatively, and some may even dislike public praise. But that is the price of admission under the First Amendment. Rather than curtail speech, as “a Nation we have chosen a different course – to protect even hurtful speech on public issues to ensure that we do not stifle public debate.” Because the policy's contours are undefined and the record of enforcement only casts a shadow over the school board meetings' purposes, the Board's prohibition on personally directed speech is unreasonable and thus facially unconstitutional. *Id.* at *9 (citations omitted).

Like the school board officials in *Moms*, the Defendants here have failed to “live up to” the requirements of “reasonable, viewpoint neutral and [standards] clear enough to give speakers notice.” *10. Plaintiffs have a substantial likelihood of success.

II. PLAINTIFF HAS DEMONSTRATED IRREPARABLE HARM

An injunction is further warranted because Plaintiffs demonstrated irreparable harm flowing from the violation of their First Amendment rights to

engage in public comment free of viewpoint discrimination and changing rules. “The loss of First Amendment freedoms, even for minimal periods of time, unquestionably constitutes irreparable harm.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Bennett v. Hendrix*, 423 F.3d 1247, 1254 (11th Cir. 2005); *Northeastern Fla. Chapter of Ass’n of Gen. Contractors of America v. City of Jacksonville*, 896 F.2d 1283, 1285 (11th Cir. 1990)). Plaintiffs, frequent public comment speakers, have and will suffer irreparable harm in the absence of an injunction that shields them from viewpoint discrimination in public comment and created rules changing sign-up locations designed to silence critics. *K.H. Outdoors LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006) (citations and quotations omitted).

IV. THE BALANCE OF HARDSHIPS WEIGHS IN PLAINTIFFS’ FAVOR

The equities tip decisively in Plaintiffs’ favor. Preliminary relief is essential to safeguard this constitutional rights during the pendency of these proceedings. See *McCormack v. Township of Clinton*, 872 F. Supp. 1320, 1327 (D.N.J. 1994) (“equities weigh exclusively in plaintiff’s favor” in speech case). At the same time, an injunction will not be overly burdensome -- it would only require the Board to be even-handed in its sign up procedures and have the sign-up location fixed where it has always been located and where citizens who want to speak go early so that they can be in line to sign up and speak.

V. GRANTING PRELIMINARY RELIEF SERVES THE PUBLIC INTEREST

Finally, a preliminary injunction serves the public interest by delineating and enforcing free speech rights for all persons seeking to engage in public comment at meetings regardless of their particular viewpoint.

CONCLUSION

For the foregoing reasons, a preliminary injunction should be entered preventing Defendants from (1) engaging in conduct to prevent Plaintiffs and other critics from signing up for public comment and (2) specifically preventing Defendants from moving the location of sign-up Ipads to silence critics.

Respectfully submitted this 31st day of October, 2024.

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Attorneys for Plaintiff

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

JENNY PETERSON

MELISSA MARTEN

DEFENDANT(S)

COBB COUNTY SCHOOL DISTRICT
CHRISTOPHER RAGSDALE; JOHN FLORESTA;
JULIAN COCA; NAN KIEL; DANIEL VEHAR
ZACH ALDERSON; AMANDA CHAMBERS

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

COBB
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

COBB
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

CRAIG GOODMARK; 1425A DUTCH VALLEY PL.,
ATLANTA, GA 30324; 404-719-4848;
CGOODMARK@GMAIL.COM

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. GOVERNMENT PLAINTIFF
- 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
- 2 U.S. GOVERNMENT DEFENDANT
- 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) (FOR DIVERSITY CASES ONLY)

- | | | | | | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|---|
| PLF | DEF | | PLF | DEF | |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | CITIZEN OF THIS STATE | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | CITIZEN OF ANOTHER STATE | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION |

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 ORIGINAL PROCEEDING
- 2 REMOVED FROM STATE COURT
- 3 REMANDED FROM APPELLATE COURT
- 4 REINSTATED OR REOPENED
- 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)
- 6 MULTIDISTRICT LITIGATION - TRANSFER
- 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
- 8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This case is brought under 42 U.S.C. § 1983 and the First and Fourteenth Amendment of the U.S. Constitution for declaratory relief, injunctive relief and small damages

- YES
 - NO
- Does the relief requested in the complaint or petition seek to bar or mandate statewide and/or nationwide enforcement of a state and/or federal law, including a rule, regulation, policy, or order of the executive branch or a state and/or federal agency, whether by declaratory judgment and/or any form of injunctive relief?

(IF COMPLEX, CHECK REASON BELOW)

- 1. Unusually large number of parties.
- 2. Unusually large number of claims or defenses.
- 3. Factual issues are exceptionally complex
- 4. Greater than normal volume of evidence.
- 5. Extended discovery period is needed.
- 6. Problems locating or preserving evidence
- 7. Pending parallel investigations or actions by government.
- 8. Multiple use of experts.
- 9. Need for discovery outside United States boundaries.
- 10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT \$ _____ APPLYING IFP _____ MAG. JUDGE (IFP) _____
JUDGE _____ MAG. JUDGE _____ (Referral) NATURE OF SUIT _____ CAUSE OF ACTION _____

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 440 OTHER CIVIL RIGHTS
- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK
- 880 DEFEND TRADE SECRETS ACT OF 2016 (DTSA)

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT
- 835 PATENT-ABBREVIATED NEW DRUG APPLICATIONS (ANDA) - a/k/a Hatch-Waxman cases

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395ff)
- 862 BLACK LUNG (923)
- 863 DIWW (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 376 Qui Tam 31 USC 3729(a)
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 485 TELEPHONE CONSUMER PROTECTION ACT
- 490 CABLE/SATELLITE TV
- 890 OTHER STATUTORY ACTIONS
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT 899
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION
- 950 CONSTITUTIONALITY OF STATE STATUTES

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

- CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____
- JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

DATE