

ROBERT CORN-REVERE, bobcornrevere@dwt.com (*pro hac vice pending*)
RONALD G. LONDON, ronnielondon@dwt.com (*pro hac vice pending*)
LISA B. ZYCHERMAN, lisazycherman@dwt.com (*pro hac vice pending*)
Attorneys for Plaintiffs
DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Avenue, NW, Suite 800
Washington, D.C. 20006-3401
(202) 973-4200

JEROME H. MOONEY, jerrym@mooneylaw.com, Utah State Bar# 2303
Attorneys for Plaintiffs
WESTON, GARROU & MOONEY
12121 Wilshire Blvd., Suite 525
Los Angeles, CA 90025
(310) 442-0072

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

**WILLIAM JERGINs, JOEY
GILLESPIE, and FORREST GEE,**

Plaintiffs,

v.

**RICHARD B. WILLIAMS,
DEL W. BEATTY, DEBBIE MILLET,
SETH GUBLER, JORDAN SHARP,
SHARON LEE, DON REID, and
DOE DEFENDANT 1,**

Defendants.

)
)
)
) No.
)
) **COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF
AND DAMAGES**
) **JURY TRIAL DEMANDED**
)
)
)
)

Plaintiffs William Jergins, Joey Gillespie, and Forrest Gee complain of Defendants and
allege:

I. INTRODUCTION

1. This is a civil rights action to protect and vindicate the First and Fourteenth Amendment rights of William Jergins, Joey Gillespie, Forrest Gee and their fellow students at Dixie State University (“Dixie State”), including other members of Young Americans for Liberty (“YAL”). By policy and practice, Dixie State unlawfully restricts its students’ constitutional rights to free expression and has acted in the past to restrict the Plaintiffs’ constitutional rights. Accordingly, Dixie State’s policies and enforcement practices are challenged on their face and as applied to the Plaintiffs.

2. Dixie State, a public institution, has adopted and enforced excessive restrictions on the rights of student organizations, and limited student speech in open areas of the campus.

University officials refused to allow Plaintiff765 -2.3 TDq54TDqz5.8(.3 TD.0003)4.8othefly2 Tcwi anunfn

479, 487 (1960). In the misguided belief that students and faculty members must be cushioned from ideas they may find disagreeable, many schools have adopted policies under various titles that amount to “speech codes,” premised on the erroneous notion that there is a right not to be offended. Likewise, many universities impose unwarranted restrictions on student organizations out of an undifferentiated concern that such associations might in some way be disruptive. And many schools employ a morass of regulations to regulate and restrict speech in open areas of their campuses despite the fact that such space has long been recognized as a type of public forum. *See, e.g., Widmar v. Vincent*, 454 U.S. 263, 267 n.5 (1981). The truncated spaces where students may be allowed to exercise their constitutional rights are ironically named “free speech zones.” Such restrictions ignore the well-settled principles that “state-operated schools may not be enclaves of totalitarianism” and that neither “students [nor] teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Indep. Comm. Sch. Dist.*, 393 U.S. 503, 506, 511 (1969).

II. JURISDICTION AND VENUE

4. This action arises under the United States Constitution, particularly the First and Fourteenth Amendments, and the Civil Rights Act, 42 U.S.C. §§ 1983 and 1988.

5. This Court has original jurisdiction over these federal claims pursuant to 28 U.S.C. §§ 1331 and 1343.

6. This Court has authority to grant the requested declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57.

7. This Court has authority to issue the requested injunctive relief pursuant to 42 U.S.C. § 1983 and Federal Rule of Civil Procedure 65.

8. This Court has authority to award attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

9. Venue is proper in the United States Dist

15. Defendant Debbie Millet is the Administrative Assistant to the Dean of Students at Dixie State. Defendant Millet acted under color of state law and is sued in both her personal and official capacities.

16. Defendant Seth Gubler is the Director of Housing and Resident Life at Dixie State. Defendant Gubler acted under color of state law and is sued for injunctive relief in his official capacity.

17. Defendant Jordon Sharp is Director of Student Involvement and Leadership at Dixie State. Defendant Sharp acted under color of state law and is sued in both his personal and official capacities.

18. Defendant Sharon Lee is Coordinator of Academic Scheduling at Dixie State. Defendant Lee acted under color of state law and is sued in both her personal and official capacities.

19. Defendant Don Reid is Director of Public Safety at Dixie State. Defendant Reid acted under color of state law and is sued in both his personal and official capacities.

20. Doe Defendant 1 is a member of the Dixie State campus police force. Doe Defendant 1 acted under color of state law and is sued in both his personal and official capacities.

V. STATEMENT OF FACTS

A. Unconstitutional Flyer Approval Process

1. Defendants' Application of the General Posting Policy to Censor Plaintiffs' Speech

21. The Dixie State YAL chapter is an approved student club and is thus subject to various policies and procedures.

see him as he really is with Young Americans for Liberty.” A copy of the third flyer is attached as Exhibit C.

29. The three flyers were reviewed by Defendants Beatty and Millet but denied approval because they “mocked individuals” in violation of Dixie State policies.

30. On October 30, 2014, Defendant Millet stated that the flyers would be approved if Plaintiff Jergins removed the images of Presidents Bush and Obama and Che Guevara.

31. In response to Defendant Millet’s instruction, Plaintiff Jergins removed the images from the three flyers in order to obtain approval to distribute them.

32. As a direct result of Defendants Beatty and Millet’s actions, Plaintiffs were unable to freely express their beliefs and their outreach efforts were curtailed for fear of being punished under Dixie State policies.

2. Dixie State’s Unconstitutional Posting Policies

33. Dixie State enforces at least two posting policies that limit student expression on campus. First, Dixie State has promulgated General Posting and Advertising Guidelines (“General Posting Policy”) for all postings in general campus areas. Second, Dixie State has promulgated a posting policy set forth in the university’s Resident Life Handbook Rules and Regulations (“Resident Life Posting Policy”). In this Complaint, these policies are collectively referred to as the “Posting Policies.”

a. General Posting Policy

34. Dixie State’s General Posting Policy provides that the Dean of Students office must approve “All posters, large banners or any other medium used to advertise,” student club events including “banners, lawn signs, handbill distribution” and tables. *See* Exhibit D. All

advertising “must contain the sponsor’s name, contact name and phone number” and “should be computer generated or professionally produced.”

35. Approved postings may only be placed on bulletin boards marked for “General Posting” provided by the University. *See*

39. The General Posting Policy lacks criteria to guide administrators' decisions whether to approve posters or any other advertising materials and gives them the authority to deny approval where postings do not comport with undefined and vague speech prohibitions.

40. Dixie State does not "approve the advertising of events or services that are in direct competition with events or services provided by Dixie State University." If a student activity is scheduled for the same time as an event that a university administrator considers to be more important, the student event cannot be advertised if Defendants deem it to be "in competition with" a Dixie State event.

41. The General Posting Policy provides no guidance on the time needed to obtain approval of postings. However, any student club at Dixie State wishing to post flyers or posters must first obtain approval of their event via an "Activity Approval Guide," which must be completed weeks prior to the date of the event.

42. Once a student club obtains approval for their event, they may seek approval of advertising materials from the Dean of Students pursuant to the General Posting Policy. Accordingly, under Dixie State policies, flyers, posters, or other materials for impromptu expression or impromptu expressive activities may not be posted because there is no mechanism for immediate approval.

43. Dixie State reserves the right to remove any posted materials that do not meet the guidelines set forth in its General Posting Policy.

44.

b. Resident Life Posting Policy

45.

51. The policy does not define or otherwise explain how the content of postings might be deemed to “cause damage, an uncomfortable, or threatening environment....” Nor does the policy provide any type of threshold that speech must reach to meet these standards, allowing the policy to be enforced on the basis of hurt feelings, subjective beliefs, and alleged mental or emotional harm.

52. The Resident Life Posting Policy lacks criteria to guide administrators’ decisions whether to approve posters and gives them the authority to deny approval where postings do not comport with undefined and vague speech prohibitions.

53. The Resident Life Posting Policy provides no guidance on the time needed to obtain approval of postings.

54. The Office of Resident Life reserves the “right to deny approval of, or remove any posters or notices that” fail to meet the guidelines set forth in the Resident Life Posting Policy. The Resident Life Posting Policy thus allows Dixie State administrators to censor flyers and posters with messages of which they do not approve.

B. Unconstitutional Free Speech Zone and Club Event Restrictions

1. Defendants’ Application of Ad Hoc Free Speech Zone Policy and Club Event Restrictions to Censor Plaintiffs’ Free Speech Wall Event

55. Plaintiffs organize several events each year to draw attention to issues of concern to their members. In fall 2014, Plaintiffs planned an event at which they would erect a “Free Speech Wall,” consisting of over-sized blank sheets of paper on which students could write any message they desired to affirm constitutional free speech protections.

56. Pursuant to the Dixie State Club Council Policies and Procedures (“Club Council Policies”) (attached as Exhibit G), Plaintiffs were required to obtain permission to hold the event from various Dixie State administrators via an “Activity Approval Guide” form. *See* Exhibit H.

57. Plaintiffs complied with the various approval steps required by the Activity Approval Guide. To process their Activity Approval Guide, Plaintiff Jergins obtained approvals from (a) Defendant Jordan Sharp, Dixie State’s Director of Student Involvement and Leadership; (b) Defendant Sharon Lee, Dixie State’s Coordinator of Academic Scheduling; (c) Corey Reeves, Dixie State’s Director of Guest Services and the Kenneth N. Gardner Student Center (“Gardner Center”); and (d) Defendant Don Reid, Dixie State’s Director of Public Safety. Plaintiffs obtained all necessary approvals at least three weeks prior to their scheduled event, as required by Dixie State policies.

58. When reviewing Plaintiffs’ Activity Approval Guide for the Free Speech Wall event, Defendant Sharp questioned Plaintiff Jergins regarding the nature of the event and marked “Free Speech Zone” on top of the Activity Approval Guide form.

59. Although Plaintiff Jergins requested that the YAL event be held in a central area of the Dixie State campus known as the “Diagonal” (*see* Ex. I, campus map area outlined in yellow), Defendant Lee scheduled the Free Speech Wall event to occur in the Dixie State campus “Free Speech Zone” based on Defendant Sharp’s designation on the Activity Approval Guide form.

60. Defendant Lee initially asked Plaintiff Jergins what the Free Speech Zone was after reading Defendant Sharp’s notation on the Activity Approval Guide form. When Plaintiff

Jergins replied that he did not know, Defendant Lee called another administrator to ask where the area was located.

61. As President of the Dixie State YAL chapter, Plaintiff Jergins attended a mandatory training for Dixie State student organization leaders. The training did not discuss or in any way identify the Dixie State “Free Speech Zone.” Nor do any Dixie State policies or procedures for student club organizations.

62. Plaintiffs came to learn that the Dixie State Free Speech Zone is a concrete patio adjacent to the Gardner Center, which houses various administrative offices and the student cafeteria.

63. Because there are no classes in the Gardner Center, and no classroom buildings in the immediate area, Dixie State students have little reason to pass near the “Free Speech Zone.”

64. The Free Speech Zone is located on a side of the Gardner Center that only has doors to access an auditorium – the doors for the student cafeteria are on the other side of the building.

65. The Dixie State Free Speech Zone is illustrated on the attached Dixie State Main Campus Map, outlined in red. *See* Exhibit I. Plaintiffs were not given clear guidelines on the perimeter of the Free Speech Zone, but they estimate that it is less than one-tenth of one percent of Dixie State’s 100-acre campus.

66. Although Dixie State does not appear to have a written policy, Plaintiffs were forced to hold their Free Speech Wall event in the Dixie State Free Speech Zone.

67. Plaintiffs and other members of YAL held their Free Speech Wall event on October 27, 2014, from 9:00 a.m. to 2:00 p.m. Plaintiffs observed minimal student foot traffic around and through the Free Speech Zone during their event.

68. When Plaintiff Jergins sought approval for the Free Speech Wall event, Defendant Reid offered to provide a police presence to provide security during the event.

69. Jergins declined the offer out of concern that having police observers would discourage student participation.

70. Despite Plaintiff Jergins's request to not have police present, Doe Defendant 1, a member of campus security, attended the Free Speech Wall event for approximately 30 minutes.

71. Doe Defendant 1 told a member of YAL that he was reading Plaintiffs' Free Speech Wall to look for "hate speech."

72. During the 30 minutes that campus security monitored the event, student participation decreased even further. Doe Defendant 1 remarked to Plaintiff Jergins and another YAL member that he "was probably scaring everyone away."

73. The campus police presence was unnecessary and had a chilling effect on Plaintiffs' expressive rights as well as the rights of the other students involved in the event.

74. Plaintiffs wish to engage in expressive activities on the Dixie State campus without being forced to conduct their activities in a Free Speech Zone.

2. Club Event Policies

75. The Dixie State club event policies function as a licensing scheme with which students must comply before engaging in the exercise of their free speech rights.

76. Pursuant to the Club Council Policies, “[a]ny on campus club activity must be approved through the Club Council,” which is comprised of Dixie State students, and supervised by Defendant Sharp.

77.

81. On their face, the Activity Approval Guide, Off-Campus Activity Approval Guide, and Club Council Policies (collectively, “Club Event Policies”) do not limit the discretion of any administrator whose approval is required to deny approval to any proposed activity.

82. Plaintiffs are aware of instances when approval for campus events was denied arbitrarily. For example, in spring 2014 the Dixie State student club Students for Liberty sought permission to hold a water gun fight event to raise awareness of the Second Amendment. Dixie State officials rejected the request. In contrast, during fall 2014, a water gun fight event was approved for a student government event.

83. Based on past arbitrary denials of club events at Dixie State, Plaintiffs’ expression has been chilled. For example, Plaintiffs planned an event to distribute literature critical of the United States’ “War on Drugs.” To attract students to their table, Plaintiffs planned to offer “pot brownies” by offering regular brownies not containing any illegal substance to passersby from a cooking pot. Plaintiffs were deterred from seeking approval of the event, however, because of past denials of club events at Dixie State based on Defendants’ arbitrary review of the content of the event.

84. The approval process for club activities imposes a prior restraint on Plaintiffs’ expressive activities, as well as those of all other student club members not before this Court. Plaintiffs’ ability to engage in expressive activities has been hampered because the approval process is too bureaucratic and difficult to navigate.

85. For example, in fall 2014 Plaintiffs sought permission from Defendant Sharp to hold a charity fundraising event approximately ten days before the event was to take place. The event would have only required setting up one table on the Dixie State campus to engage with

students about Plaintiffs' charity fundraising efforts. Plaintiffs cancelled their charity event because they found it impossible to obtain all of the required approvals from Dixie State administrators within ten days.

86. Plaintiffs planned to hold events every month in fall 2014, but found that they could not do so because of the significant time and effort required to obtain approvals for each event.

87. The Club Council Policies require all clubs and their members to comply with the University's event approval policies and states that club members "participating in violation of" such regulations "will be subject to individual disciplinary action."

88. Plaintiffs wish to engage in expressive activities on and off the Dixie State campus without obtaining advance approval from University officials, but they have continued to submit to Dixie State's licensing scheme for fear of disciplinary action.

VI. CAUSES OF ACTION

COUNT I

As-Applied Violation of Plaintiffs' Rights to Free Speech Under the First and Fourteenth Amendments (42 U.S.C. § 1983) – General Posting Policy (Defendants Beatty and Millet)

89. Plaintiffs repeat and reallege each of the foregoing allegations in this Complaint.

90. The First and Fourteenth Amendments extend to campuses of state colleges and universities. *Healy v. James*, 408 U.S. at 180.

91. Defendants Beatty and Millet implemented the decision on whether to permit Plaintiffs to post Plaintiffs' three flyers, described, *supra*, at paragraphs 23-25 and attached hereto as Exs. A-C.

92. Defendants denied approval of Plaintiffs' flyers because they "mocked individuals" in violation of Dixie State policies.

93. As a direct result of Defendants' actions, Plaintiffs were unable to freely express their beliefs and their outreach efforts were curtailed for fear of being disciplined.

94. Defendants' initial decision to deny Plaintiffs' request for approval of Plaintiffs' three flyers rested entirely on the content of the flyers, the images used, and the messages contained therein. In this manner the decision was impermissibly content-based.

95. Defendants Beatty and Millet violated a clearly established constitutional right of which all reasonable college administrators and staff should have known, rendering them liable to Plaintiffs under 42 U.S.C. § 1983.

96. The denial of constitutional rights is irreparable injury *per se*, and Plaintiffs are entitled to declaratory and injunctive relief. Additionally, Plaintiffs Jergins, Gillespie, and Gee experienced emotional injury as a consequence of being denied their First Amendment rights.

97. Plaintiffs are entitled to a declaration that Defendants violated their First Amendment rights. Additionally, they are entitled to damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including reasonable attorneys' fees.

COUNT II

As-Applied Violation of Plaintiffs' Rights to Free Speech Under the First and Fourteenth Amendments (42 U.S.C. § 1983) – Free Speech Zone Policy (Defendants Sharp, Lee, Reid and Doe Defendant 1)

98. Plaintiffs repeat and reallege each of the foregoing allegations in this Complaint.

99. The First and Fourteenth Amendments extend to campuses of state colleges and universities. *Healy v. James*, 408 U.S. at 180.

100. Defendant Sharp reviewed Plaintiffs' Activity Approval Guide form for the YAL

107. The denial of constitutional rights is irreparable injury *per se*, and Plaintiffs are entitled to declaratory and injunctive relief. Additionally, Plaintiffs Jergins, Gillespie, and Gee experienced emotional injury as a consequence of being denied their First Amendment rights.

108. Plaintiffs are entitled to a declaration that Defendants violated their First Amendment rights. Additionally, they are entitled to damages in an amount to be determined by the evidence and this Court, and the reasonable costs of this lawsuit, including reasonable attorneys' fees.

COUNT III
As-Applied Violation of Plaintiffs' Rights to Free Speech Under
the First and Fourteenth Amendments (42 U.S.C. § 1983) – Club Event Policies
(Defendant Sharp)

109. Plaintiffs repeat and reallege each of the foregoing alleg9.5(e7(c7,3).92ud11(t Pe opegoilly,)5.w[.

114. Defendant Sharp violated a clearly established constitutional right of which all reasonable college administrators and staff should have known, rendering him liable to Plaintiffs under 42 U.S.C. § 1983.

115. The denial of constitutional rights is irreparable injury *per se*, and Plaintiffs are entitled to declaratory and injunctive relief. Additionally, Plaintiffs Jergins, Gillespie, and Gee experienced emotional injury as a consequence of being denied their First Amendment rights.

116. Plaintiffs are entitled to a declaration that Defendants violated their First Amendment rights. Additionally, they are entitled to damages in an amount to be determined by the evidence and this Court and the reasonable costs of this lawsuit, including reasonable attorneys' fees.

COUNT IV
Facial Challenge to Violation of Right to Free Speech Under the Plaintiffs'
First and Fourteenth Amendment Rights (42 U.S.C. § 1983) – Free Speech Zone Policy
(Defendants Williams and Sharp)

117. Plaintiffs repeat and reallege each of the foregoing allegations in this Complaint.

118. Through policy and practice Defendants have promulgated and enforced an *ad hoc* Free Speech Zone Policy that prohibits free expression on all but a tiny fraction of the Dixie College campus, despite the fact that the University has many open areas and sidewalks that are suitable for expressive activities.

119. Restricting all First Amendment activity to a designated “Free Speech Zone” impermissibly restricts student expression, does not serve a significant government interest, and is unconstitutionally overbroad.

120. Defendant Williams is responsible for Dixie State’s administration and policy-making and has ultimate authority to approve the Free Speech Zone Policy challenged herein.

121. Defendant Sharp oversees implementation and enforcement of the Free Speech Zone Policy challenged herein.

122. As a legal consequence of the Defendants' violation of Plaintiffs' and other similarly situated students' First and Fourteenth Amendment rights, as alleged above, all of which is irreparable injury *per se*, Plaintiffs are entitled to declaratory and injunctive relief, damages, and the reasonable costs of this lawsuit, including reasonable attorneys' fees.

COUNT V
Facial Challenge to Posting Policies
Violation of Right to Free Speech Under
the First and Fourteenth Amendments (42 U.S.C. § 1983) – Prior Restraint
(Defendants Williams, Beatty, Millet, and Gubler)

123. Plaintiffs repeat and reallege each of the foregoing allegations in this Complaint.

124. Students have a First Amendment right to engage in expressive activities and to distribute written materials in the public areas of a state college without obtaining advance permission from government officials. *Widmar v. Vincent*, 454 U.S. 263, 267 n.5 (1981); *Papish v. Board of Curators of Univ. of Mo.*, 410 U.S. 667 (1973).

125. Dixie State policies that require all students to obtain permission before posting or distributing flyers or other advertising materials on campus are an unconstitutional prior restraint. Defendants' Posting Policies unconstitutionally subject the exercise of First Amendment freedoms to the prior restraint of a license, without narrow, objective, and definite standards to guide the licensing authority. *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 150–51 (1969).

126. Dixie State's Posting Policies unconstitutionally prohibit student organizations and students from engaging in spontaneous postings and/or promoting impromptu expressive

events due to the requirement to seek permission for posting two to three weeks before the event from the Dean of Students and an undefined period from the Office of Housing and Resident Life.

127. A permitting requirement is a prior restraint on speech and therefore bears a heavy presumption against its constitutionality. *Berger v. City of Seattle*, 458 U.S. 132, 140 (1982).

133. **.15TD1401.15 Defendants Williams and Sharp)**
COUNT VI
Facial Challenge to Club Events Policies
.15TD001.15 Violation of Right to Free Speech Under
the First and Fourteenth Amendments (42 U.S.C. § 1983) – Prior Restraint

144. Dixie State's Resident Life Posting Policy lacks criteria to guide Defendant Gubler's decisions whether to approve posters and gives him the authority to deny approval for failure of posters to comport with undefined requirements.

145. Defendant Williams is responsible for Dixie State's administration and policy-making and has ultimate authority to approve the Posting Policies challenged herein.

146. Defendants Beatty and Millet oversee implementation and enforcement of the General Posting Policy challenged herein.

147. Defendant Gubler oversees implementation and enforcement of the Resident Life Posting Policy challenged herein.

148. As a direct result of the Defendants' Posting Policies, student groups and students at Dixie State are deprived of their right to free speech under the First and Fourteenth Amendments to the Constitution.

149. Violation of Plaintiffs' First and Fourteenth Amendment rights is irreparable injury *per se*. Consequently, Plaintiffs are entitled to declaratory and injunctive relief, damages, and the reasonable costs of this lawsuit, including reasonable attorneys' fees.

COUNT VIII

Declaratory Judgment and Injunction (28 U.S.C. § 2201, et seq.)

150. Plaintiffs repeat and reallege each of the foregoing allegations in this Complaint.

151. An actual controversy has arisen and now exists between Plaintiffs and

Posting Policies, a Free Speech Zone Policy, and/or Club Event Policies that impose prior restraints on speech, give school officials unlimited discretion whether to allow expression and under what conditions, and that are vague, overbroad, and that are not narrowly tailored to serve a substantial governmental interest.

153. To prevent further violation of Plaintiffs' constitutional rights by Defendants, it is appropriate and proper that a declaratory judgment issue, pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57, declaring Dixie State University's Posting Policies, Free Speech Zone Policy, and Club Event Policies unconstitutional.

154. Pursuant to 28 U.S.C. § 2202 and Fed. R. Civ. P. 65, this Court should issue a permanent injunction prohibiting the Defendants from enforcing their restrictions on Plaintiffs' expressive activities to the extent they are unconstitutional, to prevent the ongoing violation of Plaintiffs' constitutional rights. Plaintiffs and their fellow student clubs and students are suffering irreparable harm from continued enforcement of Dixie State's unconstitutional policies, monetary damages are inadequate to remedy their harm, and the balance of equities and public interest both favor a grant of injunctive relief.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs William Jergins, Joey Gillespie, and Forrest Gee respectfully request that the Court enter judgment against Defendants and provide Plaintiffs the following relief:

A.

and that they violate the Plaintiffs' rights as guaranteed under the First and Fourteenth Amendments to the United States Constitution;

B. A permanent injunction restraining enforcement of Defendants' unconstitutional Posting Policies, Free Speech Zone Policy, and Club Events Policy and their underlying enforcement practices;

C. A declaratory judgment that Defendants' censorship of Plaintiffs' expressive activities violated their First and Fourteenth Amendment rights;

D. Monetary damages in an amount to be determined by the Court to compensate Plaintiffs for the impact of a deprivation of fundamental rights;

E. Plaintiffs' reasonable costs and expenses of this action, including attorneys' fees, in accordance with 42 U.S.C. § 1988, and other applicable law; and

F. All other further relief to which Plaintiffs may be entitled.

VIII. DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury of all issues properly triable by jury in this action.

DATED: March 4, 2015

Respectfully submitted,

/s/ Robert Corn-Revere

Robert Corn-Revere (*pro hac vice pending*)

bobcornrevere@dwt.com

Ronald G. London (*pro hac vice pending*)

ronnielondon@dwt.com

Lisa B. Zycherman (*pro hac vice pending*)

lisazycherman@dwt.com

DAVIS WRIGHT TREMAINE LLP

1919 Pennsylvania Avenue, NW, Suite 800

Washington, D.C. 20006-3401

(202) 973-4200

JEROME H. MOONEY, jerrym@mooneylaw.com,
Utah State Bar# 2303
Attorneys for Plaintiffs
WESTON, GARROU & MOONEY
12121 Wilshire Blvd., Suite 525
Los Angeles, CA 90025
(310) 442-0072

Attorneys for Plaintiffs Williams Jergins,
Joey Gillespie, and Forrest Gee