

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STUDENTS FOR LIFE USA, an expressive student organization at the University of South Alabama,

Plaintiff,

v.

TONY G. WALDROP, individually and in his official capacity as President of the University of South Alabama; **JOHN W. SMITH**, individually and in his official capacity as Vice President for Student Affairs; **MICHAEL A. MITCHELL**, individually and in his official capacity as Assistant Vice President for Student Affairs and Dean of Students; **JOHN W. STEADMAN**, individually and in his official capacity as Dean of the College of Engineering,

Defendants.

Case No. 1:14-cv-00157-B

**FIRST AMENDED
VERIFIED COMPLAINT**

Plaintiff Students for Life USA, by and through counsel, and for its First Amended Verified Complaint against the Defendants, hereby states as follows:

INTRODUCTION

1. The cornerstone of higher education is the ability of students to participate in the “marketplace of ideas” on campus. That marketplace depends on free debate between students—debate that is spontaneous, ubiquitous, and often anonymous—and is carried out through spoken word, flyers, signs, and displays.

2. This case arises from policies and practices of the University of South Alabama (the “University”) and public officials employed by the University that restrict the expressive rights of students. Prior to August 8, 2014 when the University allegedly adopted a new speech policy, it regulated student speech through a Solicitation Policy (hereinafter, the “First Policy”). Under that policy, the University restricted student speech to one small speech zone that occupied less than 0.01% of the University’s main campus, unless Defendant John Smith, the Vice President of Student Affairs, in his discretion, allowed the students to use another area of campus. Individual campus departments also retained unfettered discretion to regulate the use of the sidewalks, lawns, quadrangles, and open space outside their respective buildings.

3. The First Policy also prohibited students from speaking spontaneously and anonymously on campus. The policy required students and student organizations to obtain a permit three days in advance of when they wanted to speak—whether through oral or written communication. The permitting process gave the University unfettered discretion to determine whether students may speak at all. The First Policy chilled protected student speech and disabled the ability of students to speak on campus about recent and unfolding events.

4. When Plaintiff Students for Life USA sought to discuss its pro-life viewpoints on campus and host an expressive display called a cemetery of innocents, Defendants John Smith, Michael Mitchell, and John Steadman applied the First Policy to Plaintiff’s speech, required it to get advanced permission to speak, and then assigned the group to the one speech zone, even though other student organizations regularly displayed unattended signs elsewhere on campus.

5. On August 8, 2014, the University allegedly adopted a new speech policy entitled, “Use of University Space, Facilities, and Grounds” (hereinafter, the “Second Policy”). The Second Policy cures some of the constitutional defects of

the First Policy, but continues to close a large portion of campus to all speech, including a portion that Students for Life USA desires to access. It prohibits students and employees from speaking anywhere between the street side of University buildings along the periphery of campus on Old Shell Road and University Boulevard and the public sidewalks. But these grassy, park-like areas are designed for and were used previously by students for free speech activities.

6. This action is premised on the United States Constitution concerning the denial of Plaintiff's fundamental rights to freedom of speech, due process, and equal protection of law.

7. Plaintiff challenges the First Policy and its associated practices as applied.

8. Plaintiff challenges the Second Policy on its face and as applied.

9. Defendants' policies and practices have deprived and will continue to deprive Plaintiff of its paramount rights and guarantees under the United States Constitution.

10. Each and every act of Defendants alleged herein was committed by Defendants, each and every one of them, under the color of state law and authority.

JURISDICTION AND VENUE

11. This civil rights action raises federal questions under the United States Constitution, particularly the First and Fourteenth Amendments, and the Civil Rights Act of 1871, 42 U.S.C. § 1983.

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

13. This Court has authority to award the requested damages pursuant to 28 U.S.C. § 1343; the requested declaratory relief pursuant to 28 U.S.C. §§ 2201-02; the requested injunctive relief pursuant to 28 U.S.C. § 1343 and Fed. R. Civ. P. 65; and costs and attorneys fees under 42 U.S.C. § 1988.

14. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the Defendants reside in this district and/or all of the acts described in this Complaint occurred in this district.

PLAINTIFF

15. Plaintiff Students for Life USA is an unincorporated expressive student organization made up of University students.

16. Students for Life USA applied to be a recognized student organization in October 2013 and the University granted it official recognition in November 2013.

17. Students for Life USA is registered currently as a recognized student organization at the University.

18. Students for Life USA brings this suit on behalf of itself as a recognized student organization at the University and on behalf of its individual student members.

DEFENDANTS

19. Defendant Tony G. Waldrop is, and was at all times relevant to this Complaint, the President of the University of South Alabama, a public university organized and existing under the laws of the State of Alabama.

20. The University is governed by a Board of Trustees.

21. The Board of Trustees designates the University President as the chief educational and administrative officer of the University.

22. The President is responsible for the execution of the policies of the Board of Trustees and has the authority necessary to conduct the programs of the University, including the authority to award degrees, add officers to the University which he or she deems necessary, delegate authority among subordinates and all other authority which shall, from time to time, be delegated by the Board of Trustees to the President.

23. The University's Board of Trustees delegates to Defendant Waldrop the responsibility for final policymaking authority concerning student free speech activities at the University.

24. Defendant Waldrop is responsible for enactment and enforcement of University policies, including the First Policy and Second Policy challenged herein, and their application to speech activities of Students for Life USA.

25. Defendant Waldrop possesses the authority and responsibility for coordination and approval of campus solicitation and speech by students, employees, and third parties.

26. All changes in campus policy concerning solicitation and student speech are made only with the prior approval of Defendant Waldrop.

27. Defendant Waldrop or his predecessor participated in the process to create the First Policy and gave final approval to adopt the First Policy.

28. Defendant Waldrop participated in the process to create the Second Policy and gave final approval to adopt the Second Policy.

29. Defendant Waldrop instructed the Defendants to change and alter the First Policy to comply with constitutional mandates after Students for Life USA brought this lawsuit.

30. Defendant Waldrop has not instructed the Defendants to change or alter the Second Policy to comply with constitutional mandates.

31. As president, Defendant Waldrop has the final authority to review, approve, or reject requests to use campus facilities and grounds by students.

32. Defendant Waldrop is sued in his official capacity for injunctive and declaratory relief against the First Policy and Second Policy, and his individual capacity for damages resulting from the First Policy and Second Policy.

33. Defendant John W. Smith is, and was at all times relevant to this Complaint, the Vice President of Student Affairs at the University of South

Alabama, a public university organized and existing under the laws of the State of Alabama.

34. For a period of time during the events described in this Complaint, Defendant Smith was Acting President of the University and executed the official authority and responsibility for the Office of the President of the University.

35. Defendant Smith, in consultation with Defendant Waldrop, is responsible for enactment and enforcement of University policies, including the First Policy and Second Policy challenged herein, and their application to speech activities of Students for Life USA.

36. Defendant Smith possesses the authority and responsibility for coordination and approval of campus solicitation and speech by students, employees, and third parties.

37. All changes in campus policy concerning solicitation and student speech are made only with the prior approval of Defendant Smith and the Defendant Waldrop.

38. Defendant Smith participated in the process to create the First Policy and gave approval to adopt the First Policy.

39. Defendant Smith participated in the process to create the Second Policy and gave approval to adopt the Second Policy.

40. Defendant Smith instructed the Defendants to change and alter the First Policy to comply with constitutional mandates after Students for Life USA brought this lawsuit.

41. Defendant Smith has not instructed the Defendants to change or alter the Second Policy to comply with constitutional mandates.

42. Defendant Smith has authority to review, approve, or reject requests to use campus facilities and grounds by students.

43. The Second Policy designates Defendant Smith as the final decision-maker for all requests to use University grounds and facilities by students and non-students.

44. Defendant Smith is sued in his official capacity for injunctive and declaratory relief against the First Policy and Second Policy, and his individual capacity for damages resulting from the First Policy and Second Policy.

45. Defendant Michael A. Mitchell is, and was at all times relevant to this Complaint, Vice President for Student Affairs and Dean of Students at the University of South Alabama, a public university organized and existing under the laws of the State of Alabama.

46. Defendant Mitchell is responsible for administration and policymaking for the university, as delegated to him by Defendant Smith, including the First Policy and Second Policy challenged herein.

47. Defendant Mitchell, in consultation with and the approval of Defendant Smith, is responsible for enactment and enforcement of University policies, including the First Policy and the Second Policy challenged herein, and their application to speech activities of Students for Life USA.

48. Defendant Mitchell, pursuant to the powers delegated to him by Defendant Smith, is responsible for overseeing the University's Division of Student Affairs, including the Office of Student Activities, and he creates, reviews, authorizes, and enforces the policies of those departments.

49. One of Defendant Mitchell's responsibilities is to review and give final approval or disapproval to requests by students to engage in expressive activities on campus.

50. Defendant Mitchell was responsible for regulation of the University's designated speech zone under the First Policy.

51. Defendant Mitchell is responsible for enforcement of the Second Policy and regulation of the University's new no-speech zone under the Second Policy.

52. In executing his duty to review student speech requests, Defendant Mitchell implements University policy regarding solicitation and speech by students.

53. Defendant Mitchell enforced the First Policy against Students for Life USA when it desired to distribute pro-life information and host a cemetery of innocents on campus.

54. Defendant Mitchell possessed the authority to change and enforce the First Policy challenged herein.

55. Defendant Mitchell participated in the process to create the First Policy and gave approval to adopt the First Policy.

56. Defendant Mitchell participated in the process to create the Second Policy and gave approval to adopt the Second Policy.

57. Defendant Mitchell has not instructed the Defendants to change or alter the Second Policy to comply with constitutional mandates.

58. Defendant Mitchell is sued in his official capacity for injunctive and declaratory relief against the First Policy and Second Policy, and his individual capacity for damages resulting from the First Policy and Second Policy.

59. Defendant John W. Steadman is, and was at all times relevant to this Complaint, Dean of the College of Engineering at the University of South Alabama, a public university organized and existing under the laws of the State of Alabama.

60. As dean of the College of Engineering, Defendant Steadman was charged with the responsibility to enforce the University's First Policy on the University grounds surrounding Shelby Hall, the engineering building on campus,

including deciding whether to approve or disapprove of student speech requests on those grounds.

61. Defendant Steadman decided that Students for Life USA's pro-life expression was "controversial" and for that reason refused to allow the group to engage in speech on the lawns outside Shelby Hall.

62. Defendant Steadman is sued in his official capacity for injunctive and declaratory relief against the First Policy, and his individual capacity for damages resulting from the First Policy.

FACTUAL BACKGROUND

63. The University of South Alabama is a public university organized and existing under the laws of the State of Alabama, and receives funding from the State of Alabama to operate.

64. The University's main campus is composed of various publicly-accessible buildings and outdoor areas, including public streets, sidewalks, open-air quadrangles, and parks. A copy of the University's main campus map is attached as Exhibit 1 to this Complaint.

65. The University's main campus is approximately 1,224 acres, which is approximately 53,317,440 square feet of land. A copy of the relevant pages of the University's 2013-2014 Fact Book containing the acreage are attached as Exhibit 2 to this Complaint.

66. The University's main campus has many suitable streets, sidewalks, open-air quadrangles, parks, and open space where expressive activity will not interfere with or disturb the University's educational environment or access to buildings and sidewalks.

67. The main perimeter of the University's campus is bordered by Old Shell Road and University Boulevard. Both of these streets have public sidewalks alongside the University perimeter.

68. The perimeter of the University's main campus, which starts at the edge of the sidewalks along Old Shell Road and University Boulevard and continues to the front of the nearest University buildings, resembles a park, with extensive lawns, trees, and open space where expressive activity will not interfere with or disturb the University's educational environment or access to buildings and sidewalks.

69. In fact, the University designed the perimeter area to facilitate speech because scattered throughout the perimeter area are picnic benches for use by the University community and the public.

70. Students regularly use these areas to eat, study, play games, meet as groups, discuss issues, or just relax. For example, the engineering club used the lawn in front of Shelby Hall, an area that is within the perimeter, for a jousting event.

71. The University recognizes that organized student groups are a valuable part of the student educational environment, because they further the University's educational mission.

72. University policy provides for the official recognition of student groups. A copy of the University's Student Organization Handbook is attached as Exhibit 3 to this Complaint.

73. Among other things, the benefits of official recognition include access to mandatory student fee funding, reservation of campus facilities, soliciting students, and posting flyers. Ex. 3 at 015.

74. All recognized student organizations must adhere to the University's policies and procedures.

Defendants' First Policy

75. During the 2013-14 academic year, the University regulated student oral, written, and symbolic speech through its First Policy.

76. The University's First Policy permitted student organizations to engage in solicitation activities such as fundraisers, information distribution, and organizational promotion on campus. A copy of the First Policy, as published in the Student Handbook the *Lowdown*, is attached as Exhibit 4 to this Complaint.

77. The University and Defendants Waldrop, Smith, Mitchell, and Steadman defined solicitation to include all speech.

78. The First Policy required student organizations to get a permit for expressive activities from the "designated facility representative." Ex. 4 at 113.

79. The First Policy stated "[n]on-University groups, individuals or businesses are not permitted to solicit or distribute information in University buildings or on the grounds except at designated places during designated times such as Jag Blast and Jag Fest." *Id.*

80. The First Policy only mentioned student organization speech, not individual student speech.

81. But it was the Defendants' policy and practice to apply the First Policy to individual students and student organizations who wanted to speak to their peers about issues, hold events, and display signs on campus.

82. Under the First Policy, the University prohibited student organizations from engaging in speech if they violated University policies, rules, and regulations.

83. Under the First Policy, the University permitted student speech only in the speech zone near the Student Center, whether the speech was planned or unplanned.

84. Defendants Waldrop, Smith, and Mitchell, in their discretion, had the authority to allow students and student organizations to speak outside the Student Center speech zone.

85. The First Policy required students and student organizations to request permission to use the Student Center speech zone at least three days prior to their intended activity.

86. The First Policy stated that “[d]emonstrations, speeches, and debates will be held around the Student Center unless the Vice President for Academic Affairs is able to coordinate another appropriate campus location no less than three working days prior to the event.” *Id.*

87. Under the First Policy, the University prohibited students and student organizations from distributing flyers outside the speech zone, unless granted an exception by Defendants Waldrop, Smith, or Mitchell.

88. Under the First Policy, the University prohibited students and student organizations from distributing flyers unless they obtained a permit three days prior to their intended activity.

89. The First Policy required students and student organizations to identify “the individual or organization involved.” *Id.*

90. The First Policy was issued by Defendant Waldrop or his predecessor, and he had the authority to modify or rescind the policy.

91. Defendant Waldrop delegated authority to enforce the First Policy to Defendants Smith and Mitchell.

92. The First Policy contained no guidelines or standards to limit the discretion of Defendants Smith or Mitchell or other University officials in granting, denying, relocating, or restricting requests by student organizations to engage in expressive activity within or outside the Student Center speech zone.

93. The First Policy contained no deadlines or timetables in which Defendants Smith or Mitchell or other University officials must respond to a permit request.

94. The First Policy contained no options for Defendants Smith or Mitchell or other University officials to waive the three day notice requirement when student organizations wanted to speak spontaneously in response to recent or unfolding events.

95. One exception to the First Policy was that it allowed student organizations to hang “sheet signs” on campus to advertise upcoming events.

96. Defendants Waldrop, Smith, and Mitchell, in coordination with the Student Government Association, permitted student organizations to hang sheet signs on campus to advertise weekly meetings, events, activities, homecoming events, and Student Government Association election materials.

97. Student organizations regularly hang sheet signs in the middle of a traffic circle on campus.

98. Student organizations regularly hang sheet signs in the perimeter area of Old Shell Road near Stadium Boulevard.

99. The sheet signs are hung by rope attached to trees in the middle of the traffic circle.

100. The sheet signs are unattended displays.

101. The University required students and student organizations to request permission to hang a sheet sign.

102. Defendants Waldrop, Smith, and Mitchell have the final authority to approve or disapprove of sheet signs on campus.

Background on Students for Life USA

103. Students for Life USA is founded upon the undeniable truth that all human life from the point of conception until natural death is sacred and has inherent dignity.

104. The purpose of Students for Life USA is to peacefully sustain this dignity through the promotion and defense of the culture of life.

105. Students for Life USA expresses its pro-life message on the University's campus through a variety of means including flyers, signs, peaceful demonstrations, hosting tables with information, inviting speakers to campus, and talking with fellow students about pro-life ideas, just to name a few.

106. When engaged in these expressive activities, Students for Life USA discusses political, religious, social, cultural, and moral issues, events, and ideas.

107. In the past, Students for Life USA has conducted expressive events near the Student Center and Humanities Building.

108. Students for Life USA has used sidewalk chalk to express its pro-life message to the student body, held meetings to organize members on pro-life causes, given away cupcakes to students coming and going from class, and held an event to explain how Planned Parenthood and the abortion industry operates.

Defendants' Restriction of Students for Life USA's Speech

109. During the week of October 1, 2013, Students for Life USA requested permission from Sergio Washington and Rachel Bolden, both employees of the University's Student Center, to hold a cemetery of innocents on October 15, 2013, on the empty plot of land where a former Regions Bank was located at corner of University Boulevard and Old Shell Road.

110. A cemetery of innocents consists of small crosses placed in the ground in a confined area to represent the innocent lives lost due to abortion.

111. October 15, 2013 was the Pro-Life Day of Silent Solidarity, a national event where students refrain from speaking orally to remember children lost due to abortion.

112. Students for Life USA chose the area at the corner of University Boulevard and Old Shell Road because it would allow the group to express its pro-life message to not only students on campus, but also the wider Mobile community.

113. On information and belief, however, Rachel Bolden, Assistant Director of the Student Center, informed Students for Life USA that the empty lot was “non-reservable space” and told the group to use the speech zone located next to the Student Center instead.

114. On information and belief, Defendant Mitchell instructed Ms. Bolden to tell Students for Life USA that it may only use the speech zone next to the Student Center.

115. After the University told Students for Life USA to use the speech zones, the group filed an application on or about October 8, 2013 to use the green space in front of Shelby Hall along the University’s perimeter with Old Shell Road and University Boulevard on October 15, 2013 for its cemetery of innocents.

116. Shelby Hall is located at the corner of University Boulevard and Old Shell Road.

117. The University’s College of Engineering is located in Shelby Hall.

118. Because the University’s First Policy delegated to the “designated facility representative” the responsibility for approving or disapproving of events, Defendant Steadman was responsible for reviewing Students for Life USA’s application to use the area of land in front of Shelby Hall.

119. Defendant Steadman, the Dean of the College of Engineering, denied Students for Life USA’s application on October 11, 2013.

120. Students for Life USA then requested permission to use the Student Center speech zone and was granted permission to use that location for October 15, 2013.

121. On February 3, 2014, Students for Life USA applied again to use the lawn area in front of Shelby Hall along the University’s perimeter for a cemetery of innocents.

122. Students for Life USA chose the area at the corner of University Boulevard and Old Shell Road because it would allow the group to express its pro-life message to not only students on campus, but also the wider Mobile community.

123. Defendant Steadman denied Students for Life USA's application.

124. Defendant Steadman denied the application because Students for Life USA "advocates for a position that involves political and social controversy." A copy of Defendant Steadman's February 6, 2014 email to Students for Life USA is attached as Exhibit 5 to this Complaint.

125. Defendant Steadman also stated that placing the crosses in the lawn next to Shelby Hall would create the impression that the University endorsed the speech. Ex. 5.

126. Defendant Steadman told Students for Life USA that it should hold its event in the speech zone next to the Student Center. Ex. 5.

127. An engineering club held an event on the perimeter lawn next to Shelby Hall, which included a large, inflatable jousting platform, among other things.

128. University students also use the perimeter lawn in front of Shelby Hall to play sports, like Frisbee.

129. In his email, Defendant Steadman told Students for Life USA to contact Defendant Mitchell to reserve the speech zone next to the Student Center.

130. Defendant Mitchell responded by email to Defendant Steadman and Students for Life USA and said that the University has "identified the free speech area of the student center as the appropriate location for any events or displays similar the [sic] the one mentioned here." Ex. 5.

131. On information and belief, Defendant Mitchell directed Students for Life USA to use the speech zone because he agreed with Defendant Steadman's assessment that Students for Life USA's intended speech was controversial.

132. On information and belief, Defendants Mitchell and Steadman considered the reaction of listeners to Students for Life USA's cemetery of innocents and decided that it could not occur anywhere on campus except the speech zone.

133. On February 14, 2014, Students for Life USA went to the Student Activities office in the Student Center and asked Rachael Bolden, the Assistant Director of the Student Center, if it could reserve space in the middle of a large traffic circle in the middle of campus.

134. This traffic circle connects several main roads on the University's main campus, including USA North Drive, USA South Drive, Stadium Boulevard, Jack Brunson Drive, and Aubrey Green Drive. A Google Maps view of this area is attached as Exhibit 6 to this Complaint.

135. The area of land inside the traffic circle contains trees and grass.

136. The area is ideally suited to allow Students for Life USA to reach a wider audience than just students at the Student Center because the traffic circle is a main connecting road on campus that many people from the University and Mobile communities use to travel through campus.

137. Student organizations regularly hung large banners and signs, which they call sheet signs, from trees in the circle. Several photographs showing examples of these sheet signs in the traffic circle are attached as Exhibit 7 to this Complaint.

138. Recent sheet signs included advertisements for fraternity and sorority events, a night of worship, stress reduction meetings, among other things.

139. When Students for Life USA began talking to Ms. Bolden on February 14, 2014, she replied immediately that “the only place your club can hold your events is at the Student Center free speech zone.”

140. This conversation occurred in the Student Center hallway in front of several other faculty and students, including Brigette Soderlind, who is Coordinator of Student Activities at the University.

141. Students for Life USA then asked about the University’s policy on student speech in the middle of the traffic circle. Specifically, Students for Life USA asked if the area was a free speech zone because of the many unattended student sheet signs in that area.

142. Ms. Bolden replied, “No, those signs are approved to be anywhere we approve them to be. Your event is different. I wouldn’t call it a performance but ... No, it is a performance. You put the crosses out and then you take them back. This type of event can’t be allowed at that traffic circle.”

143. Students for Life USA then asked which areas on campus are the free speech areas.

144. Ms. Bolden replied, “The only free speech area on campus is within the Student Center. In fact, the grassy area around the building is being given to you to hold your event even though it is not part of the free speech zone.”

145. On information and belief, Defendant Mitchell instructed Ms. Bolden to tell Students for Life USA that it may only engage in speech in the University’s designated speech zone.

146. Students for Life USA relented after Defendant Mitchell, Defendant Steadman, and Ms. Bolden refused to allow it to hold the event anywhere but the speech zone next to the Student Center and decided to hold the event at that location on February 20, 2014. A photograph of Plaintiff’s display at that location is attached as Exhibit 8 to this Complaint.

147. The Student Center speech zone is an area near the flag poles that is approximately 3,600 square feet, which is 0.006% of the University's main campus.

148. Students for Life USA wanted to display its cemetery of innocents on the perimeter lawn near Shelby Hall and on the lawn inside the traffic circle because it wanted to express its message to not only students, but also to the Mobile community and people visiting campus.

149. On information and belief, the University did not enforce the First Policy on student sheet signs in the traffic circle area.

150. Other student organizations like an engineering club and the Political Science Club have held events outside the speech zone, including along the perimeter of campus near Old Shell Road and University Boulevard.

151. Students for Life USA witnessed other student organizations like fraternities, sororities, and religious groups hang unattended sheet signs in the traffic circle and other areas of campus.

152. Students for Life USA desired to engage in peaceful expressive activities on campus—including oral communication, literature distribution, and symbolic speech like the cemetery of innocents—in areas outside the designated speech zone, but did not speak there under the First Policy for fear of punishment.

Defendants' Second Policy

153. On information and belief, on August 8, 2014, the University allegedly adopted a Second Policy entitled, "Use of University Space, Facilities, and Grounds" (the Second Policy), which governs student and non-student speech on campus. A copy of Defendants' alleged Second Policy is attached as Exhibit 9 to this Complaint.

154. The University attached the alleged Second Policy as an exhibit to its motion to dismiss, but did not introduce any facts about when the policy was adopted, how it was adopted, and what caused the policy change.

155. The Second Policy addresses some of the defects of the First Policy, but perpetuates a restriction on student and non-student speech in the outdoor areas of campus.

156. In particular, the Second Policy removes the University's former speech zone near the Student Center and allows students to speak in many areas of the campus without prior authorization from the University.

157. Section I(B)(1)(b) of the Second Policy, however, continues to close the park-like perimeter of campus to any speech activity.

158. Section I(B)(1)(b) of the Second Policy defines the perimeter of campus as “[a]reas between the street side of University buildings and facilities on the periphery of campus from the portal of North Drive to the corner of campus at Old Shell Road and University Boulevard and to the portal of Stadium Drive and the public sidewalks.” Ex. 9.

159. Under the Second Policy, students may speak on the sidewalks on Old Shell Road and University Boulevard.

160. Under the Second Policy, the University prohibits students from speaking from the edge of the sidewalk on Old Shell Road and University Boulevard to the street side of University buildings facing those roads.

161. Under the Second Policy it is unclear where exactly the perimeter ends on campus.

162. Attached as Exhibit 10 to the Complaint is a map of the University's campus with the approximate boundaries lines of the no-speech zone along the perimeter identified.

163. The perimeter no-speech zone is ideally suited for expressive activities and has been used for such activities by students and non-students.

164. The perimeter of campus resembles a public park with extensive lawns, trees, picnic benches, tables, and open areas.

165. Students and student organizations regularly play sports on the perimeter lawn in front of Shelby Hall.

166. Students regularly exercise, run, use the picnic benches, and engage in a variety of other activities along the perimeter of campus next to Old Shell Road and University Boulevard.

167. Students, employees, alumni, and visitors regularly tailgate and distribute commercial goods like hats in the parking lot next to Stanky Field (the baseball and softball stadium) which is in the perimeter no-speech zone.

168. The Second Policy gives Defendants Smith and Mitchell the discretion to declare the boundaries of the perimeter restriction, specifically where the perimeter begins and ends on campus.

169. Students or student organizations who violate the Second Policy will be subject to disciplinary action under the Student Code of Conduct.

The Effect of Defendants' First and Second Policies on Plaintiff's Speech

170. The University's enforcement of the First Policy against Students for Life USA burdened its speech for multiple reasons.

171. Prior to adoption of the Second Policy, Students for Life USA wanted to engage in speech containing religious, political, and prolife messages while its representatives stood on public ways and open areas on the University's main campus.

172. Specifically, Students for Life USA wanted to hold the cemetery of innocents and distribute prolife flyers informing fellow students and Mobile community members about its prolife message.

173. The University's former speech zone was inadequate for Students for Life USA's speech because the group wanted to reach a wider audience and there was greater foot and vehicular traffic in other areas of campus.

174. Specifically, Students for Life USA wanted to display the cemetery of innocents near a major campus road so that nonstudents can receive its prolife message.

175. Under the First Policy, Students for Life USA's speech was further frustrated because it could not engage in any oral, written, or symbolic expression at the University until it first obtained a permit from the University to access the speech zone, and only if that area was not already reserved by someone else.

176. The permit requirement, in and of itself, was unduly burdensome as it required three days advance notice to Defendant Mitchell.

177. The permit requirement prohibited Students for Life USA from engaging in spontaneous or anonymous speech on campus.

178. It was repugnant to Students for Life USA that it, as a group composed of University students, had to secure governmental permission to engage in oral, written, or symbolic expression, when it felt convicted by religious faith and political beliefs to speak on campus.

179. Students for Life USA also likes to spread its message in reaction to current events.

180. Students for Life USA and all University students required the ability to speak spontaneously in reaction to news. And yet, the University's First Policy prohibited such spontaneous speech because it forced Students for Life USA to obtain a permit prior to speaking.

181. Students for Life USA was bound to comply with the terms of the University's First Policy at all times on campus.

182. Students for Life USA did not engage in oral, written, and symbolic speech on prolife, political, and religious topics on campus due to the University's First Policy.

183. Students for Life USA was chilled in its ability to discuss prolife, political, and religious topics on campus due to the University's First Policy.

184. If not for the University's First Policy, and the actions of Defendants, Students for Life USA would have spoken numerous times in the open areas of the University campus and conveyed its messages about religion, morality, politics, and social issues, including its viewpoints on prolife issues.

185. Specifically, Students for Life USA would have distributed flyers about the affects of abortion on our society and displayed a cemetery of innocents. Students for Life USA refrained from doing so for fear of arrest or punishment under the University's First Policy.

186. The fear of arrest or punishment severely limited Students for Life USA's constitutionally-protected expression on campus.

187. The University's Second Policy burdens Students for Life USA's speech for multiple reasons as well.

188. Students for Life USA wants to engage in speech containing religious, political, and prolife messages while its representatives stand on public ways and open areas on the University's main campus.

189. Specifically, Students for Life USA wants to hold the cemetery of innocents and distribute prolife flyers in the perimeter no-speech zone informing fellow students and Mobile community members about its prolife message.

190. The University's Second Policy, which restricts student and non-student speech along the perimeter of campus, closes an entire forum for speech activity by Students for Life USA.

191. The restriction of all speech in the perimeter area prevents Students for Life USA from reaching the public along Old Shell Road and University Boulevard.

192. While the Second Policy permits Students for Life USA to speak on the public sidewalks along Old Shell Road and University Boulevard, the group cannot display its cemetery of innocents on the sidewalks, and the Second Policy prevents the group from speaking to the University community in the perimeter area.

193. The Second Policy burdens Students for Life USA's speech because the group may speak on the sidewalks, but if any of its members step off the sidewalk and onto the University lawns along the perimeter, they must stop speaking immediately under the Second Policy.

194. The Second Policy burdens Students for Life USA's speech because it prohibits the group from speaking, even through flyers, near picnic benches and tables located throughout the perimeter area. For example, the Second Policy prohibits all students from speaking at the picnic tables located in front of the Administration Building and Instructional Laboratory Building. *See* Ex. 1.

195. Students for Life USA is bound to comply with the terms of the University's Second Policy at all times on campus.

196. Students for Life USA has not engaged in oral, written, and symbolic speech on prolife, political, and religious topics in the perimeter no-speech zone due to the University's Second Policy.

197. Students for Life USA is chilled in its ability to discuss prolife, political, and religious topics in the perimeter no-speech zone due to the University's Second Policy.

198. If not for the University's Second Policy Students for Life USA would immediately go to the perimeter areas of the University campus and

conveyed its messages about religion, morality, politics, and social issues, including its viewpoints on prolife issues.

199. Specifically, Students for Life USA would distribute flyers about the affects of abortion on our society and display a cemetery of innocents. Students for Life USA refrains from doing so for fear of arrest or punishment under the University's Second Policy.

200. The fear of arrest or punishment severely limits Students for Life USA's constitutionally-protected expression on campus,

ALLEGATIONS OF LAW

201. At all times relevant to this Complaint, each and all of the acts alleged herein were attributed to the Defendants who acted under color of a statute, regulation, custom, or usage of the State of Alabama.

202. Defendants knew or should have known that by disallowing Students for Life USA's expressive activity on campus without it obtaining prior permission, and by restricting Students for Life USA's speech to a small speech zone and excluding all speech from the perimeter of campus, the University was and is violating Students for Life USA's constitutional rights.

203. Students for Life USA is suffering irreparable harm from the Defendants' First Policy and Second Policy § I(B)(1)(b).

204. Students for Life USA has no adequate or speedy remedy at law to correct or redress the deprivation of its rights by Defendants.

205. Unless the conduct of Defendants and the First Policy and Second Policy § I(B)(1)(b) are enjoined, Students for Life USA will continue to suffer irreparable injury.

FIRST CAUSE OF ACTION
Violation of Plaintiff's First Amendment Right
to Freedom of Speech

206. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1–205 of this Complaint.

207. Speech, including oral, written, and symbolic expression, is entitled to comprehensive protection under the First Amendment.

208. Religious and political speech is also fully protected by the First Amendment.

209. The First Amendment rights of free speech and press extend to campuses of state colleges.

210. The sidewalks and open spaces of the University campus are designated public fora—if not traditional public fora—for speech and expressive activities by students enrolled at the University.

211. The First Amendment's Free Speech Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, prohibits content and viewpoint discrimination in the public forums for student speech and expression on the campus of a public university.

212. A public university's ability to restrict speech—particularly student speech—in a public forum is limited.

213. The First Amendment's Free Speech Clause prohibits censorship of religious and political expression.

214. Under the First Amendment's Free Speech Clause, a prior restraint on citizens' expression is presumptively unconstitutional, unless it (1) does not delegate overly broad licensing discretion to a government official, (2) contains only content and viewpoint neutral reasonable time, place, and manner restrictions,

(3) is narrowly tailored to serve a significant governmental interest, and (4) leaves open ample alternative means for communication.

215. Unbridled discretion to discriminate against speech based on its content or viewpoint violates the First Amendment regardless of whether that discretion has ever been unconstitutionally applied in practice.

216. The First Amendment's Free Speech Clause guarantees a citizen the right to express his views anonymously and spontaneously.

217. Defendants' First Policy and their practice of restricting student speech to the speech zone violated the First Amendment because they were a prior restraint on speech in areas of campus that were traditional or designated public fora for University students.

218. Defendants' Second Policy § I(B)(1)(b) and their practice of restricting all speech along the perimeter of campus violates the First Amendment on its face because it is a prior restraint on speech in areas of campus that are traditional or designated public fora for University students.

219. Defendants' First Policy and their practice of restricting student speech to the speech zone violated the First Amendment because they granted University officials unbridled discretion to discriminate against speech based on its content or viewpoint.

220. Defendants' Second Policy § I(B)(1)(b) and their practice of restricting all speech along the perimeter of campus violates the First Amendment on its face because it grants Defendants Smith and Mitchell unbridled discretion to determine the boundaries of the perimeter restriction and discriminate against speech based on its content and viewpoint.

221. Defendants' First Policy and associated practices that required students to submit an application for approval at least three days in advance of a proposed expressive activity and the limitation on the location of that activity to

one small speech zone, were unconstitutional “time,” “place,” and “manner” restrictions that violated Plaintiff’s and other students’ right to freedom of speech and expression.

222. Defendants’ Second Policy § I(B)(1)(b) and associated practices that restrict all speech along the perimeter of campus are unconstitutional “time,” “place,” and “manner” restrictions that violate Plaintiff’s and other students’ right to freedom of speech and expression.

223. Defendants’ First Policy and associated practices provided no guidelines or standards to limit the discretion of University officials in granting, denying, relocating, or restricting requests by students to engage in expressive activity.

224. Defendants’ Second Policy § I(B)(1)(b) and associated practices provide no guidelines or standards to limit the discretion of University officials in determining the boundaries of the perimeter no-speech zone.

225. Defendants’ First Policy and associated practices gave Defendants unbridled discretionary power to limit student speech in advance of such expression on campus and to do so based on the content and viewpoint of the speech.

226. Defendants’ Second Policy § I(B)(1)(b) and associated practices give Defendants unbridled discretionary power to limit student speech in advance of such expression on campus and to do so based on the content and viewpoint of the speech.

227. These grants of unbridled discretion to University officials violated the First Amendment because they created a system in which speech was reviewed without any standards, thus giving students no way to prove that a denial, restriction, or relocation of their speech was based on unconstitutional considerations.

228. The First Amendment's prohibition against content and viewpoint discrimination requires Defendants to provide adequate safeguards to protect against the improper exclusion, restriction, or relocation of student speech based on its content or viewpoint.

229. Because Defendants failed to establish neutral criteria governing the granting, denial, or relocation of student speech applications (including requests to use campus facilities), there was a substantial risk that University officials engaged in content and viewpoint discrimination when addressing those applications.

230. Defendants exercised the unbridled discretion granted them under the First Policy when they required Plaintiff to use the speech zone for its prolife cemetery of innocents display and prohibited the group from holding that display anywhere outside the speech zone.

231. Defendants Mitchell and Steadman engaged in content and viewpoint discrimination when they labeled Plaintiff's speech "controversial" and for that reason refused to allow Plaintiff to speak anywhere but the designated speech zone.

232. Defendants' First Policy and associated practices did not contain any definite time period in which University officials must grant or deny students' requests to hold a free speech event.

233. The First Amendment protects the right to spontaneous and anonymous speech in public forums.

234. Defendants' First Policy and associated practices required prior approval to speak and prohibited students from anonymously communicating with passersby via oral, written, and symbolic expression.

235. Defendants' First Policy and associated practices required three days advance notice to speak and prohibited spontaneous expression.

236. Defendants' First Policy and associated practices were neither reasonable nor valid time, place, and manner restrictions on speech because they

were not content-neutral, they were not narrowly tailored to serve a significant government interest, and they did not leave open ample alternative channels of communication.

237. Defendants' Second Policy § I(B)(1)(b) and associated practices are neither reasonable nor valid time, place, and manner restrictions on speech because they are not narrowly tailored to serve a significant government interest and they do not leave open ample alternative channels of communication.

238. Defendants' First Policy and associated practices were also overbroad because they prohibited and restricted protected expression.

239. Defendants' Second Policy § I(B)(1)(b) and associated practices are also overbroad because they prohibit and restrict all protected expression.

240. Defendants' First Policy and associated practices unconstitutionally censored and restricted all private speech that occurred outside the speech zone that Defendants, in their unbridled discretion, designated, and they required students to register all expressive activities with Defendants in advance.

241. Defendants' Second Policy § I(B)(1)(b) and associated practices unconstitutionally censor and restrict all speech that occurs in the perimeter no-speech zone.

242. The overbreadth of Defendants' policies and related practices chills and chilled the speech of students not before the Court who seek and sought to engage in private expression in the open, outdoor areas of campus.

243. Defendants' First Policy and associated practices chilled, deterred, and restricted Plaintiff from freely expressing its religious and political beliefs.

244. Defendants' Second Policy § I(B)(1)(b) and associated practices chill, deter, and restrict Plaintiff from freely expressing its religious and political beliefs.

245. Defendants' First Policy and associated practices violated Plaintiff's right to free speech as guaranteed by the First Amendment to the United States Constitution.

246. Defendants' Second Policy § I(B)(1)(b) and associated practices violate Plaintiff's right to free speech as guaranteed by the First Amendment to the United States Constitution.

247. Because of Defendants' First Policy and Second Policy § I(B)(1)(b), Plaintiff has suffered, and continues to suffer irreparable harm due to the violation of its constitutional rights.

248. Plaintiff is entitled to an award of nominal monetary damages against Defendants Waldrop, Smith, and Mitchell in their individual capacities due to Plaintiff's injuries under the First Policy and Second Policy § I(B)(1)(b), and nominal monetary damages against Defendant Steadman in his individual capacity due to Plaintiff's injuries under the First Policy.

249. Plaintiff is entitled to equitable relief against Defendants Waldrop, Smith, Mitchell, and Steadman in their official capacities due to Plaintiff's injuries under the First Policy and Second Policy § I(B)(1)(b).

250. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to a declaration that Defendants are violating its First Amendment right to freedom of speech under the First Policy and Second Policy, an injunction against Defendants' First Policy and Second Policy, nominal damages in an amount to be determined by the evidence and this Court due to Plaintiff's injuries under the First Policy and Second Policy, and the reasonable costs of this lawsuit, including its reasonable attorneys' fees.

SECOND CAUSE OF ACTION
Violation of Plaintiff's Fourteenth Amendment Right
to Due Process of Law

251. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1–205 of this Complaint.

252. The Fourteenth Amendment to the United States Constitution guarantees Plaintiff the right to due process of law and prohibits Defendants from promulgating and employing vague standards that allow for viewpoint discrimination in Defendants' handling of Plaintiff's speech.

253. The government may not regulate speech based on policies that permit arbitrary, discriminatory, and overzealous enforcement.

254. The government may not regulate speech based on policies that cause persons of common intelligence to guess at their meaning and differ as to their application.

255. Defendants' First Policy and associated practices contained no criteria to guide administrators when deciding whether to grant, deny, relocate, or restrict student speech on campus.

256. Defendants Mitchell and Steadman and other University officials reviewed, without any guidelines or standards, Plaintiff's applications to use various open areas of campus.

257. Defendants' First Policy and associated practices were impermissibly vague and ambiguous and were thus incapable of providing meaningful guidance to Defendants.

258. The lack of criteria, factors, or standards in Defendants' First Policy and associated practices rendered these policies and practices unconstitutionally vague and in violation of Plaintiff's right to due process of law under the Fourteenth Amendment.

259. Defendants' Second Policy § I(B)(1)(b) and associated practices contain no definitions or details to guide administrators when deciding where the perimeter no-speech zone begins and ends on campus.

260. Defendants' Second Policy § I(B)(1)(b) and associated practices are impermissibly vague and ambiguous and are thus incapable of providing meaningful guidance to Defendants.

261. The lack of criteria, factors, standards, definitions, or details in Defendants' Second Policy § I(B)(1)(b) renders this policy and associated practices unconstitutionally vague and in violation of Plaintiff's right to due process of law under the Fourteenth Amendment.

262. Because of Defendants' First Policy and Second Policy § I(B)(1)(b), Plaintiff has suffered, and continues to suffer irreparable harm due to the violation of its constitutional rights.

263. Plaintiff is entitled to an award of nominal monetary damages against Defendants Waldrop, Smith, and Mitchell in their individual capacities due to Plaintiff's injuries under the First Policy and Second Policy § I(B)(1)(b), and nominal monetary damages against Defendant Steadman in his individual capacity due to Plaintiff's injuries under the First Policy.

264. Plaintiff is entitled to equitable relief against Defendants Waldrop, Smith, Mitchell, and Steadman in their official capacities due to Plaintiff's injuries under the First Policy and Second Policy § I(B)(1)(b).

265. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to a declaration that Defendants are violating its Fourteenth Amendment right to due process of law under the First Policy and Second Policy, an injunction against Defendants' First Policy and Second Policy, nominal damages in an amount to be determined by the evidence and this Court due to Plaintiff's injuries under the First

Policy and Second Policy, and the reasonable costs of this lawsuit, including its reasonable attorneys' fees.

THIRD CAUSE OF ACTION
Violation of Plaintiff's Fourteenth Amendment Right
to Equal Protection of the Law

266. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1–205 of this Complaint.

267. The Fourteenth Amendment to the United States Constitution guarantees Plaintiff the equal protection of the laws, which prohibits Defendants from treating Plaintiff differently than similarly situated students and student organizations.

268. The government may not treat someone disparately as compared to similarly situated persons when such disparate treatment burdens a fundamental right, targets a suspect class, or has no rational basis.

269. Plaintiff is similarly situated to other students and student organizations at the University.

270. Under the First Policy, Defendants allowed other student organizations to speak in areas of campus where they prohibited Plaintiff from speaking.

271. Under the Second Policy, Defendants allow other students and student organizations to speak in areas of campus where they prohibit Plaintiff from speaking.

272. Under the First Policy, Defendants treated Plaintiff disparately when compared to similarly situated student organizations by denying Plaintiff the ability to speak in areas where other student organizations speak.

273. Under the Second Policy, Defendants treat Plaintiff disparately when compared to similarly situated student organizations by denying Plaintiff the ability to speak in areas where other student organizations speak.

274. Defendants' First Policy, Second Policy, and associated practices violated various fundamental rights of Plaintiff, such as its freedom of speech and due process of law.

275. When government regulations, like Defendants' First Policy, Second Policy, and associated practices challenged herein, infringe on fundamental rights, discriminatory intent is presumed.

276. Defendants' First Policy and associated practices were applied to discriminate intentionally against Plaintiff's rights to freedom of speech and due process of law.

277. Defendants lacked a rational or compelling state interest for such disparate treatment of Plaintiff under the First Policy.

278. Defendants lack a rational or compelling state interest for such disparate treatment of Plaintiff under the Second Policy.

279. Defendants' First Policy and associated practices were not narrowly tailored as applied to Plaintiff because Plaintiff's speech did not implicate any of the interests Defendants' might have.

280. Defendants' Second Policy § I(B)(1)(b) and associated practices are not narrowly tailored as applied to Plaintiff because Plaintiff's speech does not implicate any of the interests Defendants' might have.

281. Defendants applied the First Policy and associated practices to Plaintiff in a discriminatory and unequal manner, allowing other student organizations to speak freely and display signs and banners when Defendants said Plaintiff could not do the same, in violation of Plaintiff's right to equal protection of the laws under the Fourteenth Amendment.

282. Defendants apply the Second Policy § I(B)(1)(b) and associated practices to Plaintiff in a discriminatory and unequal manner, allowing other students and student organizations to speak freely, recreate, socialize, and display signs and banners when Defendants' policy prevents Plaintiff from doing the same, in violation of Plaintiff's right to equal protection of the laws under the Fourteenth Amendment.

283. Under the First Policy, Defendants permitted an engineering club and the Political Science Club to hold expressive events outside the designated speech zone on the perimeter of campus.

284. Under the First Policy, Defendants knew about and allowed student organizations to regularly hang unattended sheet signs in the traffic circle on a variety of topics, including student elections, fraternity and sorority events, and parties, and allowed them to solicit students outside the designated speech zone.

285. Under the Second Policy § I(B)(1)(b), Defendants permit students to engage in a variety of activities in the perimeter areas, which include: the engineering club holding a jousting event and students playing sports on the lawn in front of Shelby Hall; exercising, running, and using the picnic benches near perimeter buildings; and tailgating and distributing commercial goods like hats in the parking lot next to Stanky Field, just to name a few.

286. Defendants' First Policy and associated practices violated Plaintiff's right to equal protection of law as guaranteed by the Fourteenth Amendment to the United States Constitution.

287. Defendants' Second Policy § I(B)(1)(b) and associated practices violate Plaintiff's right to equal protection of law as guaranteed by the Fourteenth Amendment to the United States Constitution.

288. Because of Defendants' First Policy and Second Policy § I(B)(1)(b), Plaintiff has suffered, and continues to suffer irreparable harm due to the violation of its constitutional rights.

289. Plaintiff is entitled to an award of nominal monetary damages against Defendants Waldrop, Smith, and Mitchell in their individual capacities due to Plaintiff's injuries under the First Policy and Second Policy § I(B)(1)(b), and nominal monetary damages against Defendant Steadman in his individual capacity due to Plaintiff's injuries under the First Policy.

290. Plaintiff is entitled to equitable relief against Defendants Waldrop, Smith, Mitchell, and Steadman in their official capacities due to Plaintiff's injuries under the First Policy and Second Policy § I(B)(1)(b).

291. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to a declaration that Defendants are violating its Fourteenth Amendment right to equal protection of law under the First Policy and Second Policy, an injunction against Defendants' First Policy and Second Policy, nominal damages in an amount to be determined by the evidence and this Court due to Plaintiff's injuries under the First Policy and Second Policy, and the reasonable costs of this lawsuit, including its reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants and provide Plaintiff with the following relief:

- (A) A declaratory judgment that Defendants' First Policy violates Plaintiff's rights under the First Amendment;
- (B) A declaratory judgment that Defendants' First Policy violates Plaintiff's rights under the Fourteenth Amendment;
- (C) A declaratory judgment that Defendants' Second Policy § I(B)(1)(b) violates Plaintiff's rights under the First Amendment;

- (D) A declaratory judgment that Defendants' Second Policy § I(B)(1)(b) violates Plaintiff's rights under the Fourteenth Amendment;
- (E) A preliminary and permanent injunction prohibiting Defendants, their agents, officials, servants, employees, and any other persons acting on their behalf from enforcing the First Policy and associated practices challenged in this Complaint;
- (F) A preliminary and permanent injunction prohibiting Defendants, their agents, officials, servants, employees, and any other persons acting on their behalf from enforcing the Second Policy § I(B)(1)(b) and associated practices challenged in this Complaint;
- (G) A order finding that Defendants' restriction of Plaintiff's cemetery of innocents event pursuant to the First Policy violated Plaintiff's rights under the First and Fourteenth Amendments and awarding nominal damages;
- (H) Nominal damages for the violation of Plaintiff's First and Fourteenth Amendment rights pursuant to the First Policy and Second Policy § I(B)(1)(b);
- (I) Plaintiff's reasonable attorneys' fees, costs, and other costs and disbursements in this action pursuant to 42 U.S.C. § 1988; and
- (J) All other further relief to which Plaintiff may be entitled.

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Respectfully submitted this 22nd day of August, 2014,

By: /s/David J. Hacker

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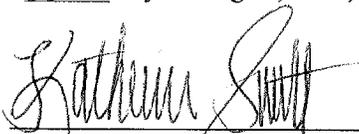
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ATTORNEYS FOR PLAINTIFF

DECLARATION UNDER PENALTY OF PERJURY

I, KATHERINE SWEET, a citizen of the United States and a resident of the State of Alabama, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 22nd day of August, 2014, at Mobile, Alabama.



KATHERINE SWEET
STUDENTS FOR LIFE USA

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of August, 2014, I electronically filed the foregoing paper with the Clerk of Court using the ECF system which will automatically send notification of such filing to the following attorneys of record:

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