

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

AMALGAMATED TRANSIT UNION, and )  
AMALGAMATED TRANSIT UNION )  
LOCAL 1212, )  
*plaintiffs,* )

Case No.

v. )  
)  
CHATTANOOGA AREA REGIONAL )  
TRANSPORTATION AUTHORITY, and )  
STEPHEN JETT, CARTA Chairman, in his )  
individual and official capacities, )  
*defendants.* )

**COMPLAINT**

1. The plaintiffs Amalgamated Transit Union (ATU), and ATU Local 1212 represent the non-supervisory employees of Defendant Chattanooga Area Regional Transportation Authority (CARTA). The plaintiff labor organizations bring this suit pursuant to 42 U.S.C. § 1983 to enforce their rights and the rights of their members to freedom of speech, freedom of association, and the right to petition under the First and Fourteenth Amendments of the United States Constitution. Plaintiffs allege that in violation of the First and Fourteenth Amendments, the defendants CARTA and Stephen Jett have refused to permit ATU members from speaking at public CARTA Board meetings because of who they are, whom they associate with, and what they intend to say. Plaintiffs also allege that CARTA's Resolution 566 is facially unconstitutional under the First Amendment. Plaintiffs seek preliminary and permanent injunctive relief as well as fees and costs.

**Parties**

2. Plaintiff ATU is an international labor organization that represents transit workers throughout the United States and Canada.

3. Plaintiff ATU's local affiliate, ATU Local 1212, represents bus drivers, maintenance workers, and other employees of CARTA. Many employees of CARTA are members of ATU Local 1212, and all members of ATU Local 1212 are also members of Plaintiff ATU.

4. Defendant CARTA is a public transit authority established by the Chattanooga Municipal Government under *Tenn. Code Ann.* §7-56-101, et. seq. CARTA owns and operates the public transit system in and around Chattanooga, Tennessee. CARTA is a political subdivision and instrumentality of the State of Tennessee.

5. Defendant Stephen Jett is the Chairman of CARTA. He has final policymaking authority over CARTA, including the content and conduct of CARTA Board meetings.

6. At all times relevant to this matter, ATU Local 1212 was, and is, a party to a collective bargaining agreement with CARTA.

#### **Jurisdiction and Venue**

7. The Court has jurisdiction over the federal law claims in this case pursuant to 28 U.S.C. §§ 1331 and 1343 because they arise under the Constitution and laws of the United States, namely the First Amendment, Fourteenth Amendment, and 42 U.S.C. § 1983.

8. Venue is proper in the Eastern District of Tennessee under 28 U.S.C. § 1391 because the defendants are located in this district and all the events and omissions giving rise to the claims occurred in this district.

#### **Facts**

9. Defendant CARTA is directed and controlled by an eleven-member Board of Directors.

10. Defendant Jett is the Chairman of that Board.

11. Pursuant to *Chattanooga City Code* § 23-3(b), the CARTA Board holds once-monthly meetings that are open to the public.

12. Typically CARTA Board meetings are held on the third Thursday of each month.

13. At those once-monthly public meetings, members of the public are permitted to address the CARTA Board on topics related to the business, operations, and policies of CARTA.

14. By opening CARTA Board meetings to speech by members of the public, CARTA made its public Board meetings a forum for public speech.

15. In the past, members and officers of ATU Local 1212 spoke out at CARTA Board Meetings on topics related to working conditions, discrimination on the job, and the operations of the CARTA bus system.

16. In response to those speeches by ATU Local 1212 members and officers, on about August 20, 2015, the CARTA Board passed Resolution 566 (copy attached as Exhibit A).

17. Resolution 566 imposed new procedural hurdles on those wishing to speak at CARTA Board Meetings. For example, Resolution 566 requires that people wishing to address the CARTA Board give three days' advanced written notice of the topic on which they wish to speak, that they speak on no other topic aside from the one they have noticed to the Board, and that they speak for no more than three minutes. *See* Exhibit A ¶¶ 1, 3, 4.

18. However, Resolution 566 also grants the Chairman unbridled discretion to waive those strict requirements for speakers and speech that CARTA prefers. *See* Exhibit A ¶¶ 1, 4.

19. Resolution 566 also forbids speakers from “denigrat[ing] any other entity or individual.” Exhibit A ¶ 6.

20. Since passage of Resolution 566, Defendants CARTA and Jett have enforced it strictly against members of Plaintiff ATU, but have waived its requirements in favor of their preferred speakers. For example, Defendants permitted representatives from Shift Transit, a bike-sharing company, to speak well beyond the three-minute limit.

21. Since about November 2017, Defendants CARTA and Jett have repeatedly refused requests from ATU members to speak because of the ATU members' union status, their association with other union members, and the actual or expected content of their proposed speech.

22. For example, on about February 8, 2018, ATU Local 1212 President Kathryn Smith made a written request to Defendant Jett that ATU members and officers be permitted address the February 15, 2018 CARTA Board about "workplace business etc."

23. Local President Smith's request complied with all relevant provisions of Resolution 566.

24. Defendants CARTA and Jett knew or should have known from other communications that Local President Smith's reference to "workplace business" encompassed public safety concerns related to mandatory driver overtime, a lack of adequate bathroom breaks for drivers, and workplace discrimination.

25. But Defendant Jett refused Local President Smith's request.

26. While Defendant Jett specifically acknowledged that Local President Smith was requesting to address mandatory overtime and the lack of bathroom breaks, Jett argued that union members are not "members of the general public" and that therefore they have no right to speak at CARTA Board meetings.

27. Instead of affording ATU members and officials the right to address the CARTA Board at a public meeting—a right that Defendants CARTA and Jett afford to all other persons—Defendant Jett offered to bargain with the ATU outside the presence of the CARTA Board.

28. On about March 9, 2018, Local President Smith again requested in writing to address the CARTA Board.

29. On about March 13, 2018, instead of permitting ATU members and officials to address the CARTA Board at a public meeting, Defendant Jett again refused the request and again offered bargaining outside the presence of the Board.

30. On about March 13, 2018, Local President Smith clarified in writing that ATU members and officials wished to address the CARTA Board on the topic of “public safety.” But Chairman Jett again refused the request to speak and again proposed bargaining—even though “public safety” is not traditionally considered a term or condition of employment that is amenable to bargaining.

31. Defendants CARTA and Jett intend to continue refusing ATU members a right they grant to all other persons—the right to address the CARTA Board at a public meetings—because of who the ATU members are, whom they associate with, and because of the proposed or expected content of their speech.

**Count I**  
**Deprivation of Rights under the First Amendment**

32. By the acts set forth above, Defendants CARTA and Jett have opened the regular meetings of the CARTA Board to public speech, thus making those meetings a public forum where members of the public may speak on topics related to the business, operations, and policies of CARTA.

33. By the acts set forth above, and by prohibiting members of Plaintiffs ATU and ATU Local 1212 from speaking in an open public forum on topics related to business, operations and policies of CARTA, including unsafe practices of CARTA and related subjects, defendants CARTA and Chairman Jett have deprived the plaintiff unions and their members of rights of speech, association, and to petition their government as protected by the First Amendment, and unreasonably restricted speech in a public forum because of the content of the speech and the identity of the speaker and the membership of the speaker in a labor union.

34. By the acts set forth above, and by prohibiting members of the plaintiff unions from speaking in a public forum on topics that are related to CARTA's business, operations, and policies, and that are of legitimate public concern, defendants, CARTA and Chairman Jett have unlawfully sought to censor and restrict plaintiffs from criticizing defendants and thereby imposed a content based restriction on speech in violation of the First Amendment.

35. By the acts set forth above, and in violation of 42 U.S.C. 1983, defendants CARTA and Chairman Jett have acted under color of state law to adopt and enforce a policy or practice that has deprived plaintiffs of their rights under the First Amendment.

36. Unless restrained by this Court, the defendants will refuse to permit ATU members to speak at public CARTA Board meetings because of who they are, whom they associate with, and the content of their speech.

WHEREFORE Plaintiffs request this Court to:

- A. Enter judgment in favor of plaintiffs and against defendants;
- B. Declare that by the acts set forth in this complaint, and in violation of 42 U.S.C. § 1983, defendants have acted under color of law to deprive ATU members of their First Amendment rights;
- C. Preliminarily and permanently enjoin defendants from continuing their ban on speech by ATU members and officers at CARTA Board meetings;
- D. Grant plaintiffs their legal fees and costs and such other relief as may be appropriate.

**Count II**  
**Facial Challenge to Resolution 566**

37. CARTA Resolution 566, attached as Exhibit A, reserves to a single official unbridled discretion to waive its procedural requirements in favor of preferred speakers and speech; and it is overbroad in that it forbids all speech that “denigrate[s] any other entity or individual.”

38. Therefore, and by virtue of the facts set out in this complaint, Resolution 566 is facially unconstitutional under the First Amendment as it is incorporated by the Fourteenth Amendment to apply to the State of Tennessee and its instrumentalities.

39. Unless restrained by this Court, defendants will continue to follow and enforce Resolution 566, which is repugnant to the United States Constitution.

WHEREFORE Plaintiffs request this Court to:

- A. Enter judgment in favor of plaintiffs and against defendants;
- B. Declare that Resolution 566 is facially unconstitutional under the First and Fourteenth Amendments;
- C. Preliminarily and permanently enjoin defendants from following or enforcing Resolution 566 in whole or in part;
- D. Grant plaintiffs their legal fees and costs and such other relief as may be appropriate under 42 U.S.C. § 1983.

Respectfully submitted,

SUMMERS, RUFOLLO & RODGERS, P.C.

By: s/Jimmy F. Rodgers, Jr.

TN BPR # 16876

735 Broad Street, Suite 800

Chattanooga, TN 37402-2913

phone: (423) 265-2385

fax: (423) 266-5211

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*Co-Counsel for the plaintiffs*



RESOLUTION NO. 566

A RESOLUTION TO ESTABLISH A POLICY AND PROCEDURE  
FOR ORAL PRESENTATION OF PUBLIC COMMENTS AT  
BOARD MEETINGS OF THE CHATTANOOGA AREA  
REGIONAL TRANSPORTATION AUTHORITY.

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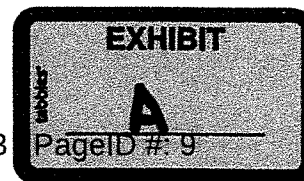
WHEREAS, the Chattanooga Area Regional Transportation Authority, which also serves as the Chattanooga Parking Authority ("CARTA"), holds regular Board meetings on the third Thursday of each month, which meetings are open to attendance by members of the general public; and

WHEREAS, members of the general public from time to time request the opportunity to address the CARTA Board pertaining to items which may or may not be part of the scheduled business agenda for the Board meeting; and

WHEREAS, in order to provide an appropriate structure for submission of oral public comments at CARTA Board meetings while also promoting the efficient management of the business to be addressed by the Board at such meetings, the Board of Directors of CARTA deems it advisable to establish a policy and procedure to govern oral presentations at Board meetings when requested by members of the general public; and

WHEREAS, the Board also deems it advisable that such policies and procedures promote the conveyance of information to CARTA's Board but do not become disruptive of CARTA's ability to carry out the business of the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of CARTA hereby adopts and implements the following policy and procedure with respect to oral public presentations at CARTA's Board meetings:



1. Each speaker wishing to address CARTA's Board shall identify the subject matter and topic of the requested presentation and shall communicate such in writing (by regular or electronic mail) to CARTA's Board Chairman no later than the third day prior to a regularly-scheduled CARTA Board meeting (which typically would require delivery before the end of business on Monday prior to CARTA's regularly-scheduled Board meetings on Thursday). If circumstances render it difficult or impractical for any member of the general public to provide such advance notice to the Board Chairman, then the Board Chairman may at his or her discretion decide to waive the notice requirement and allow presentation at the current Board meeting, or to postpone the presentation until the next subsequent Board meeting, provided that in no circumstances shall a waiver be granted until the subject matter of the requested presentation is communicated in writing to the Board Chairman prior to the commencement of the Board meeting.

2. Subject matters which may be addressed in oral presentation to CARTA's Board shall include any matter reasonably connected to the business, operations, and policies of CARTA; the Board Chairman shall have discretion to determine whether the requested topic is of sufficient relevance to CARTA's business and operations as to be brought before the Board.

3. If a public presentation is permitted, the speaker may only address those topics included in the notification to the Board Chairman.

4. Each speaker shall limit his or her remarks to no more than three minutes, unless permission for additional time is granted by CARTA's Board Chairman.

5. No speaker shall use vulgar or obscene language.

6. No speaker shall personally attack or denigrate any other entity or individual.

7. No speaker shall be allowed to appear before CARTA's Board more than two times during any consecutive four-week period.

8. No speaker shall be allowed to address the Board more than once at a Board meeting.

9. A speaker may only address the Board from a location within the Board meeting room as indicated by the Board Chairman.

10. No sound amplification system or illumination system may be used by any speaker without prior approval by CARTA.

11. No more than three persons shall be allowed to address the same topic at any one Board meeting, unless additional approval is given by the Board Chairman.

12. Any presentation made to the Board may be terminated if the speaker violates or fails to comply with the foregoing procedures.

BE IT FURTHER RESOLVED that the foregoing policies and procedures are adopted to be implemented immediately upon approval.

ADOPTED:

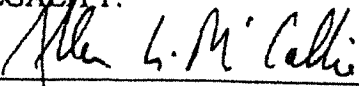
August 20, 2015  
Date

  
E. Stephen Jett, Chairman

ATTEST:

  
Secretary - CARTA Board of Directors

APPROVED AS TO FORM AND LEGALITY:

  
Miller & Martin PLLC  
CARTA Legal Counsel



UNITED STATES DISTRICT COURT
for the
Eastern District of Tennessee

AMALGAMATED TRANSIT UNION, and
AMALGAMATED TRANSIT UNION LOCAL 1212

Plaintiff(s)

v.

CHATTANOOGA AREA REGIONAL
TRANSPORTATION AUTHORITY, and STEPHEN
JETT, CARTA Chairman, in his individual and official
capacities

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY
c/o Lisa Maragnano, Executive Director
1617 Wilcox Boulevard
Chattanooga, TN 37406

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are: Jimmy F. Rodgers, Jr., Atty.
Summers, Rufolo & Rodgers, P.C.
735 Broad Street, Suite 800
Chattanooga, TN 37402-2913

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Chattanooga Area Regional Transportation Authority  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

AMALGAMATED TRANSIT UNION, and
AMALGAMATED TRANSIT UNION LOCAL 1212

Plaintiff(s)

v.

CHATTANOOGA AREA REGIONAL
TRANSPORTATION AUTHORITY, and STEPHEN
JETT, CARTA Chairman, in his individual and official
capacities

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) E. STEPHEN JETT
46 Middle Creek Rd
Signal Mountain, TN 37377-2014

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are: Jimmy F. Rodgers, Jr., Atty.
Summers, Rufolo & Rodgers, P.C.
735 Broad Street, Suite 800
Chattanooga, TN 37402-2913

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Stephen Jett, Carta Chairman  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> AMALGAMATED TRANSIT UNION, and AMALGAMATED TRANSIT UNION LOCAL 1212  <b>(b)</b> County of Residence of First Listed Plaintiff <u>Hamilton</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>  <b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number) Jimmy F. Rodgers, Jr. - Summers, Rufolo & Rodgers: 735 Broad Street, Suite 800, Chattanooga, TN 37402-2913, 423-265-2385	<b>DEFENDANTS</b> CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY, and STEPHEN JETT, CARTA Chairman, in his individual and official capacities County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  Attorneys (If Known) _____
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<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)				
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from Another District (specify) \_\_\_\_\_  
  6 Multidistrict Litigation - Transfer  
  8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. section 1983, 28 U.S.C. sections 1331 and 1343

Brief description of cause:  
Violation of first and fourteenth amendment rights

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.  
 DEMAND \$ \_\_\_\_\_  
 CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 04/17/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Jimmy F. Rodgers, Jr.

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

