

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

Tracy Chambless,)	
Individually, Scott City, Kansas,)	
)	
Plaintiff,)	
)	
vs.)	Case No. _____
)	
Everett Green, in his individual capacity and)	
in his official capacity as Mayor of Scott City,)	
Kansas, and)	
)	
City of Scott City, Kansas)	
)	
Defendants.)	
)	

VERIFIED COMPLAINT

COMES NOW the Plaintiff, Tracy Chambless, individually, by and through her attorney, and respectfully requests the Court grant her declaratory relief, injunctive relief, and damages, and for her cause of action alleges and states as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action seeking declaratory relief and damages against an official of, and the municipality of, Scott City, Kansas, for the violation of clearly established First Amendment constitutional rights. Plaintiff filed this action to vindicate her First Amendment rights and to prevent the continued implementation and enforcement of viewpoint discrimination by the Mayor and the City of Scott City, Kansas.

2. Plaintiff Tracy Chambless seeks full redress as provided by law against identified Defendants, being state actors, under 28 U.S.C. §§ 2201 and 2202 for declaratory and other relief; damages and proper relief under 42 U.S.C. §§1983 and 1985 for the civil rights violations

depriving Plaintiff of rights, privileges, and immunities secured to her by the First and Fourteenth Amendments to the United States Constitution and under the laws of the Constitution of the State of Kansas regarding her free speech, petition and associational rights.

3. This case arises out of an elected Mayor's use and administration of Facebook social media pages to engage in viewpoint discrimination by removing public comments critical of the City and its agencies, and to otherwise control the public discourse on topics of public concern, such as the COVID-19 pandemic and the government's response thereto. Mayor Green, after receiving a text message from the Chief of Police, engaged in "squashing 1st Amendment Rights" as urged by the Chief of Police of the City. Mayor Green and the City have systematically instituted a policy of limiting individuals' rights to engage in public discourse on public issues and the citizens' ability to reach those who govern the City. The issues raised fall within three categories: **1)** The Mayor and City utilizing social media to "delete" citizens' posts they felt were "wrong" regarding the COVID-19 pandemic and replacing these posts with self-serving public announcement videos regarding the City's pandemic response; **2)** The Mayor and City deleting social media posts critical of the City's handling of public matters, such as police response in the community; **3)** The Mayor and City barring citizens from participation in City council meetings and enacting a policy that effectively eliminates the right of a citizen to petition the government for a redress of grievances, by making a citizen of Scott City file "written complaints" and appear in person if they wish to be heard by the City. These acts of government censorship have consistently been held by courts to be a violation of constitutional rights.

4. As the United States Supreme Court has recognized, social media platforms, such as Facebook, provide, "perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard. See *Packingham v. North Carolina*, 137 S. Ct. 1730 (2017). They

allow a person with an internet connection to “become a town crier with a voice that resonates farther than it could from any soapbox.” *Id.* Social media platforms are the pinnacle of civic engagement forums as they allow elected officials to communicate instantaneously and directly with their constituents. “Governors in all 50 States and almost every Member of Congress have set up [social media] accounts for this purpose,” allowing citizens to “petition their elected representatives and otherwise engage with them in a direct manner.” *Id.*

5. Mayor Green and the City’s use of social media to interact with the public electronically may have been spurred by the pandemic, but Plaintiff’s constitutional rights were not suspended by the pandemic. As stated by Kansas Supreme Court Justice Stegall: “Without a doubt, everyone involved has been putting forth an extraordinary effort to keep Kansans safe in unprecedented times. And certainly, everyone involved is a dedicated public servant with the best intentions to perform his or her duties to the best of their abilities for the benefit of us all. Nonetheless, public officials have an ongoing duty to adhere to the law. This duty doesn’t evaporate in a crisis—in fact, a crisis may heighten the duty.”

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action by virtue of its authority to hear federal questions pursuant to 28 U.S.C. §§ 1331 and 1343 as to Plaintiff’s 42 U.S.C. § 1983 claim and the First and Fourteenth Amendments to the United States Constitution and other claims that are so related as to form part of the same case or controversy pursuant to 28 U.S.C. § 1367(a).

7. Venue lies in the District of Kansas pursuant to 28 U.S.C. § 1391(b) as Defendant City of Scott City, Kansas is a government agency and municipality located within the jurisdiction and each defendant is a resident of, or serves as an official within, this jurisdiction. All events or omissions giving rise to this claim occurred in the District of Kansas.

PARTIES

8. Plaintiff, Tracy Chambless, is an individual citizen of the United States of America and a resident of the City of Scott City, Scott County, Kansas. At all times relevant hereto, Plaintiff has been an active participant in community events and an outspoken advocate for citizen involvement in local governance.

9. Defendant, Everett Green, (“Defendant Green” or “Mayor Green”) is an individual citizen of the United States of America and a resident of the City of Scott City, Kansas and certain acts alleged herein occurred in his official capacity. At all times relevant hereto, Defendant Green was, and is, Mayor of Defendant City of Scott City, Kansas. (“Defendant Scott City” or “City”). The City is a municipality incorporated pursuant to the laws of Kansas.

GENERAL FACTS

10. Plaintiff is a long-time resident of the City of Scott City, Kansas.

11. Plaintiff is actively involved in her community and is often a voice of support for the City as well as a voice of criticism for actions taken by the City that she may disagree with from time to time.

12. Plaintiff’s participation in local government includes contacting city council members for the City directly, contacting Mayor Green directly, contacting directors of various City departments, as well as expressing her viewpoints online through social media platforms owned, operated, administered or controlled by Mayor Green and the City.

THE GOVERNMENT’S DESIRE TO USE SOCIAL MEDIA TO CONTROL PUBLIC OPINIONS REGARDING THE PANDEMIC AND OTHER TOPICS

13. On March 17, 2020, Mayor Green created a public Facebook page, entitled “Everett Green, Mayor of Scott City” utilizing HTML address <https://www.facebook.com/Everett-Green-Mayor-of-Scott-City-110422803709390>. (Hereinafter “Mayor Page”).

14. As one of the original posts to the Mayor Page, Mayor Green posted:



15. From March 17, 2020 to present, Mayor Green has used the Mayor Page to interact with the residents of Scott City regarding school closures, small business closures, “Holy Week Messages” from local churches, the COVID-19 pandemic, local governmental entities’ responses to COVID-19, the United States Census, and issues regarding the City’s police department.

16. Mayor Green, and certain council members of the City, have engaged in conversations through “posts,” “comments,” and reply “comments” on the Mayor Page with residents regarding issues facing the City and proposed ordinances.

17. During the April 6, 2020 City council meeting, Mayor Green announced that he activated the Mayor Page because the “public was very very hungry for information from community leaders” and that he has used social media “to get several messages out to the public.” Mayor Green went on to express the need to “put out the official word from the City of Scott City from social media.” Mayor Green informed the City council that “sometime soon we are going to want to adopt a social media policy.”

18. Upon information and belief, at the time of this filing, no social media policy has been adopted by the City.

19. The Mayor Page did not have the successful launch that Mayor Green had touted as it only had approximately 600 “followers” compared to Scott City’s population in excess of 3,800.

20. With the apparent disappointment of the Mayor Page, Mayor Green looked to other social media avenues to utilize as a public forum to interact with residents of the community and to publish information regarding the City’s response to COVID-19.

21. In March of 2020, Mayor Green contacted the administrator of a social media page known as “Scott City News.”¹ Mayor Green informed the administrator that he created the Mayor Page and that it was not receiving a lot of traffic or “followers.”

22. Mayor Green informed the administrator that he wanted to put out and control the information regarding the City’s response to the COVID-19 pandemic and needed a larger public platform.²

23. Mayor Green wanted to be an administrator so he would have the ability to post his public service videos and to be able to delete posts or comments that were “wrong” regarding the City or the City’s response to the pandemic, according to the administrator.

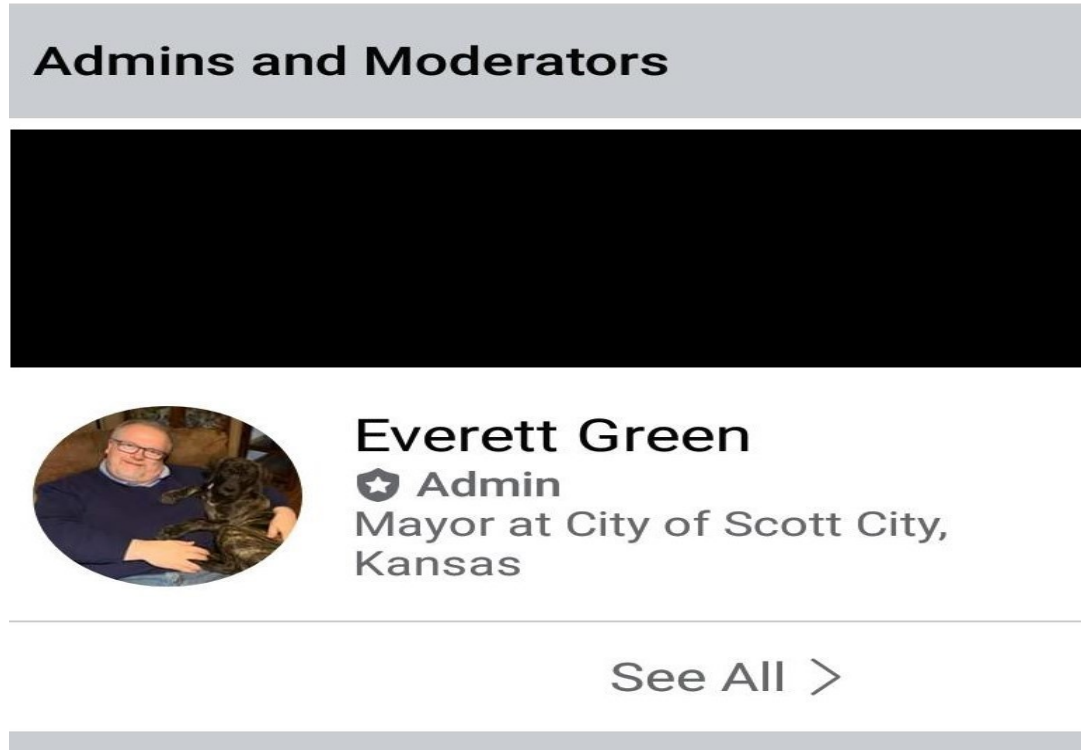
24. Mayor Green, without being administrator, had the ability to share videos, post, and comment on Scott City News page, but sought to be administrator so he could delete posts or block individuals that he and the City felt were “wrong.”

25. The administrator, feeling the pressure of Mayor Green and the City asking to utilize her Facebook page for the public good during a pandemic, acquiesced and added Mayor Green as administrator so he could use the page for City purposes and so he could convey the City’s official response information pertaining to the COVID-19 pandemic.

¹ HTML address: <https://www.facebook.com/groups/467780043411090/>

² As of March 2020, the Scott City News page had over 4,100 members consisting mainly of City residents.

26. Mayor Green is listed as an “Admin” on the Scott City News page and his title of Mayor at Scott City, Kansas is prominently displayed on the Scott City News page³:



27. As Admin, Mayor Green has the ability to create and delete page content, delete posts, and “block” other individuals from viewing or commenting on the discussion in the page.

28. Once Mayor Green became admin, he promptly began posting official government videos of himself, and other governmental officials with such titles as: “Scott City Travel Restriction Order,” “Economic & Business Impact of Covid-19,” and “Mayor Addresses Kansas Stay At Home Order.”

29. Mayor Green, as Admin, shared his posts from the Mayor Page to the Scott City News page, and engaged the citizens in public discourse as shown in the following example:⁴

³ Original “admin” redacted for privacy purposes.

⁴ Commenter’s name redacted for privacy purposes.



30. Mayor Green has commandeered the Scott City News page as a proxy and conduit for the Mayor Page and exercised dominion and control over the Scott City News page so he could put out the official word from the City. All of the council members of the City, *sans* two, are members of the Scott City News page controlled and administered by Mayor Green.

31. Mayor Green, various council members, public officials and representatives of the City (such as various department directors), use the Scott City News page to publish information regarding the government's activities, expenditures, and projects, along with proposed ordinance and policy changes. Many of these governmental officials routinely interact with the page's members by posting or commenting with responses to inquiries or to express viewpoints.

32. Mayor Green has utilized interactive polls to gauge the public's opinion on issues before the City and he has responded to citizens on the page that have commented on the polls, addressing their concerns. Elected members of the City council have commented on the polls hosted on the page in response to comments by constituents, thereby informing the public how the City views the issues being discussed. The comment threads associated with the posts are important public forums for discussion and debate about the Mayor, the City, and government policy. These threads have become a virtual town hall involving real-time public correspondence with public officials.

33. The Mayor Page and the Scott City News page platform is a public forum. The posts and comments on the platform is speech by, to, from, and/or about the government, including the City and its department heads.

34. In addition to using his admin power on Scott City News to speak on behalf of the City and the Mayor Page, Mayor Green utilized this admin power to delete posts in which Mayor Green, the City, or the City's representatives, disagreed with the viewpoints being expressed.

35. In one example, Mayor Green, as admin, placed an official video "Corona Virus Update" on the page and proceeded to systematically delete comments in which he, as an official representative of the City, disagreed with or felt were unfavorable.

36. On March 20, 2020, after being questioned on the page about his actions and the video, Mayor Green commented to one concerned citizen on the video post that reads in pertinent part:

"The video is still posted on the page and I did not block you. I did, however, remove some of the more negative commentary (not just yours). I am open to constructive discussion of positive and negative aspects of any issue that directly involves the safety and well-being of the people of this community. That's my job. Beyond that, right now, I just don't have the time."

37. Mayor Green engaged in silencing the opposition, including Plaintiff's public expressions, by deleting comments or posts that he felt were "negative."

38. Although Mayor Green states he did not "block" the individual, he *de facto* blocked these individuals as they pertain to views being expressed when he deleted their comments in the public forum.

39. As pointed out by others (including a public emergency management agency) utilizing the Scott City News, the admin, Mayor Green, has been deleting COVID-19 related posts and comments.

40. For months, on local and national levels, citizens across the country have expressed concerns regarding the constitutionality of the government's response to the COVID-19 pandemic; the lack of transparency on behalf of the government; and concerns that false and inaccurate information relating to COVID-19 is being perpetuated by certain governmental officials for political gain.

41. Plaintiff and other citizens were silenced by Mayor Green when they posted or commented opposition that Mayor Green perceived as "negative" to the message the City government was trying to establish.

42. Plaintiff's viewpoints were deleted if they did not comport to the City's message.

USING SOCIAL MEDIA TO SILENCE CRITICS OF THE CITY

43. Mayor Green went from selectively silencing opinions through the deleting of certain comments to wholesale suppression of expression by deleting entire posts critical of Mayor Green and the City.

44. On May 5, 2020, a family member of Plaintiff was involved in a non-physical domestic disturbance in his own home. The City's police department responded to the disturbance

and called for the assistance of the Kansas Highway Patrol Special Response Team. The City's police department treated the situation as a "barricaded subject."

45. On May 7, 2020, the Scott County Record published a front-page headline that stated, "Police standoff ends without incident." The story portrayed the individual poorly and included direct quotes from the City's Chief of Police about the City's response and the police department's viewpoint on what occurred. The story did not contain any quotes from private citizens.

46. On May 8, 2020, Plaintiff posted on Scott City News the following opinion:

"This is what we get from our new Chief of Police? This is in regards to my son Curtiss Chambless Jr & the supposed standoff with the police. My side of the story.....This situation involving my son was blown WAY WAY WAY OUT OF PROPORTION! My son had a spat with his wife & the cops were called. My son had his daughter with him & his wife left with the other 2 kids. My son was upset because the cops were called & he felt he did nothing wrong and so he did not want to open the door. There is no law that says he has to either. (Unless you are under arrest) I spoke with him during this time and he was completely calm. Meanwhile the Chief of police ordered every officer & emergency management to surround the house with M16's & AR 15's pointing at the house ordering him to come out as if it was some sort of hostage situation. My son's rights were violated & they threatened his life and his child's life (my granddaughter) by the police handling the situation the way they did. I see it as just an opportunity to make a big deal out of nothing so they can be the big hero's. I know every situation is not the same but this is completely ridiculous & it should have never been accelerated to this level. This is how people get hurt by overly aggressive law enforcement.

And to make matters worse the Fake news decided it needed to be on the front page of the Newspaper!!! The newspaper only reflects what the Chief told them."

47. Plaintiff's post, critical of the City's police department actions, garnered immediate and robust attention from community members, community leaders and/or their spouses, including receiving hundreds of comments on the thread.

48. Some of the comments on the post were supportive of the City and its police department, but a vast majority of the comments were critical of the tactics and approach of the City and its officials.

49. The post, and the subsequent comments, were a matter of public interest and matter of public concern, especially since the City's new Chief of Police had recently been selected and appointed to his position by Mayor Green. Mayor Green's political appointment of the Chief of Police had been shrouded in controversy in the community. Furthermore, police practices instituted by the new Chief of Police have been under scrutiny by the community and are a frequent topic in conversations.

50. Numerous comments on Plaintiff's post decried the perceived militarization of the City's police department, the inappropriate use of public funds in this situation, alleged constitutional violations others had experienced by the City's police department, and citizens sharing their individual stories and experiences with the City and its police force.⁵ These topics are fertile grounds for robust constitutionally-protected civic debate.

51. Not only had Plaintiff created the original post, she had commented on the post and responded to others in the comments thread with thanking them for their support and/or comparing viewpoints.

52. Public officials, or their spouses, engaged in discussion in the comments thread section of the post regarding the appropriateness of the police departments actions, alongside and in response to citizen comments. As with any conversation regarding politics, side conversations on the thread were started regarding the City, City finances, political appointees (such as the Chief of Police), etc.

⁵ A 2016 CATO Institute Criminal Justice Survey found that 54% oppose police using military weapons.

53. Upon information and belief, the City’s Chief of Police, David Post, a member of the Scott City News page, saw Plaintiff’s post on the page administered by the Mayor.

54. On May 8, 2020, the City’s Chief of Police, Chief Post, after reading Plaintiff’s post, sent a text message to Mayor Green that provided:

“I really am not one to squash 1st amendment rights, but that post is getting out of hand. People are making false assumptions and flat out spreading lies. I can’t comment nor protect the department. There are so many lies in there and it’s pinning people against each other. I’d respectfully ask the post be taken down.”

55. Following receipt of the text message from Chief Post, Mayor Green set out to delete what he, and his political appointee, viewed as being wrong or false criticisms against the City and its police department.

56. On May 8, 2020, after receiving the text from Chief Post, Mayor Green promptly deleted Plaintiff’s post, along with all of the associated comments in the thread.

57. Astoundingly, Mayor Green, at the request of Chief Post, squashed the First Amendment rights of the very individuals that were asserting that the City’s Chief of Police had been abusing his power and squashing the constitutional rights of individuals in the community. Mayor Green unlawfully disposed of the critical viewpoints of the citizens while providing the City, and its supporters, with a monopoly in expressing their views.⁶

58. Following the deletion, Mayor Green messaged Plaintiff from a messaging platform that clearly evidenced that the communication was being sent from Everett Green, “Mayor at City of Scott City, Kansas.”

⁶ “To permit one side of a debatable public question to have a monopoly in expressing its views to the government is the antithesis of constitutional guarantees.” City of Madison, et al. v. Wisconsin Employment Relations Comm’n, 429 U.S. 167 (1976).

59. In this official communication, which identified him as Mayor at City of Scott City, Kansas, Mayor Green stated:

“Good Evening Tracy. I hope it’s ok for me to reach out to you. I read your post today on Scott City News. Unfortunately, the post was taken down- NOT because of what you said, but because some of the comments were just destructive and dangerously inaccurate.”

60. As in the above instances, Mayor Green, chose to suppress the viewpoints of those he felt were “wrong” or “dangerously inaccurate” by deleting posts and comments critical of the City and its officials.

61. Mayor Green’s deletion was tantamount to “blocking” Plaintiff in the forum from expressing her views and blocking Plaintiff from hearing others engaging in protected speech.

62. Following the deletion of Plaintiff’s post regarding the police response to the incident, Mayor Green created and posted another self-serving propaganda video regarding the Police Department and the City’s response to the above events, entitled “Mayor Gives Full Support to the Scott City Police Department.”

63. In this video, Mayor Green stated many citizens “...expressed criticisms and second guessed the actions of the Scott City Police Department. Not surprisingly this occurred in social media where most of the criticism came from people that were uninformed and knew little about the facts.” Due to the size of the community, it is well known that Mayor Green was labeling Plaintiff as one of these “uninformed” people.

64. The above video went on to state that the City’s various agencies responding to the incident that was the subject of Plaintiff’s post, reviewed the actions that occurred and deemed their own actions as appropriate.

65. The video ended with Mayor Green stating many “new and different changes” have occurred under the command of his new political appointee, the City’s Chief of Police, and that he

fully supports the City's police department. These new changes were the very subject of the critical comments contained on Plaintiff's post that were deleted by Mayor Green.

66. The video was salt in the wounds to all of the citizens that had their voices suppressed by Mayor Green and the City. Not only were their criticisms deleted, the authors of the comments were branded as "uninformed individuals."

67. Mayor Green and the City have enacted a *de facto* policy that provides for the deletion of any comments that are critical of the City, of Mayor Green, or of his political appointees, and provides for a replacement of those comments with a video posted to the forum spinning issues in the light most favorable to the government.

68. Plaintiff's post and the associated comments were neither vulgar nor hostile. The comments on the post did not involve "fighting words," threats, or incitement to imminent lawless action. The post and comments merely expressed concerns for how the police, and the City, were engaging in activities offensive to the United States Constitution.

69. Mayor Green's actions were directly in conflict with the Scott City News group's "Description" which states that it is a "great un-moderated group" to let people in the community know about upcoming events and viable local news.

70. Not only is Scott City News not "un-moderated," it is moderated by Mayor Green in his official capacity as elected Mayor for the City and it is moderated to remove any viewpoints critical of the City.

71. Upon information and belief, Mayor Green operates and controls the Mayor Page and the Scott City News page from a Facebook page that he maintains in his individual capacity.

THE WRITTEN COMPLAINT AND MUST APPEAR POLICY

72. Mayor Green and the City's suppression of First Amendment speech is carried over into its matters outside of social media as well.

73. In 2019, Plaintiff became critical of City expenditures and the City's failure to adequately provide infrastructure to local businesses.

74. Plaintiff often expressed that she felt her complaints were "falling on deaf ears" or otherwise were not being addressed by the City, Mayor Green, or the various City agencies charged with operating and maintaining public services.

75. Plaintiff felt that attending the public City council meetings did not always offer her an adequate opportunity to have her grievances addressed or her viewpoints heard. Therefore, Plaintiff would contact council members or representatives for the City directly to express her concerns and to request action by the City.

76. Plaintiff, like many other citizens in the close-knit community of Scott City, was accustomed to contacting the representatives of the City directly to express her viewpoints on local issues of governance or matters of public concern. These encounters with City representatives were many times informal, such as engaging them in conversation while at lunch, at the grocery store, or in other areas around town wherein citizens congregated or met in passing.

77. In an apparent response to Plaintiff's lawful exercise of her freedoms to contact government officials of the City, Mayor Green proposed to institute a policy that would force Plaintiff to come before him, and the council, rather than allowing her to interact with her elected officials outside of a public meeting.

78. In May of 2019, Mayor Green proposed to the city council to adopt a policy providing that if a member of the public had an issue that they wished for the City to address, that the individual must appear before the City council or the issue would not be addressed by the City.

79. Mayor Green in the City council meeting stated, “There have been times in the past when someone has made the comment that they’ve told a council member or department head about an issue and nothing was done.”⁷ Mayor Green went on to state: “If we encourage people to come to our council meetings there’s less chance of miscommunication.”⁸

80. The policy did not “encourage people to come,” rather it mandated people come and stand before Mayor Green and the City council if they wished to have their concerns addressed.

81. Additionally, the policy instituted by the City requires a citizen to submit the issues, in writing, to the City before the City will consider addressing the issue.

82. During the City council meeting a council member expressed concern that some residents may be reluctant to appear before the City council.

83. Plaintiff was one of these resident’s that was reluctant to appear before Mayor Green and the entire City council every time she had an issue regarding the governance of the City.

84. After this policy was implemented, Plaintiff contacted the City to express a concern she had regarding utilization, maintenance, and safety of a public roadway serving numerous business in town. The City informed Plaintiff she would have to submit a complaint in writing and schedule a time to be heard by the City and was informed that the City would not entertain the issue without a written complaint being first submitted.

85. Although the issue was a matter of public concern and safety, Plaintiff’s viewpoints went unheard as complying with the City’s newly erected barriers restricting her ability to contact the City or its council members would require her to sacrifice time from her family and friends to meet the City’s strictures.

⁷ Scott County Record, Volume 26, Number 40, Thursday, May 9, 2019, Page 1.

⁸ *Id.*

86. Additionally, Plaintiff did not submit a written complaint as she felt she could not adequately articulate her concerns in writing and did not want them to be taken out of context.

87. Due to the policy proposed by Mayor Green and implemented in practice by Mayor Green and the City, Plaintiff turned to other avenues of public discourse, such as posting matters on social media platforms operated or controlled by the Mayor or representatives of the City, as discussed in detail above.

88. On April 6, 2020, the City changed its council meetings to be a recorded online video format with no accommodation for public comment or input.

89. Due to the City's policy of requiring citizens to appear before the City council in order to be heard on issues, the City created a right for individuals such as Plaintiff to be present and heard.

90. The changes in the City's meetings renders Plaintiff, and other residents, of being precluded from coming in front of the City council (after written complaint), and removes all avenues for residents to voice their concerns on public issues as the City had previously enacted a policy preventing them from contacting City representatives directly regarding matters of public concern.

91. Plaintiff is unable to bring issues of public concern, such as the matters regarding public roadways, to the City's attention through the written complaint and appearance policy. The City has required her to "appear" but has now instituted a policy that prevents the public from appearing and participating.

92. Furthermore, Plaintiff is reluctant to, and has refrained, from posting on the City controlled social media pages as Mayor Green has openly discriminated against viewpoints that

he believes are “wrong,” based on “false assumptions,” or contain “more negative commentary.” These actions have chilled the speech of Plaintiff.

DECLARATORY AND INJUNCTIVE RELIEF

93. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

94. An actual controversy has arisen and now exists between Plaintiff and Defendants concerning Plaintiff’s rights under the Constitution of the United States of America. A judicial declaration is necessary and appropriate at this time.

95. Plaintiff desires a judicial determination as to her rights against Defendants as they pertain to Plaintiff’s right to freedom of speech, freedom of expressions, and freedom to petition her government to redress grievances.

96. It is appropriate and proper that a declaratory judgment be issued, pursuant to 28 U.S.C. §§ 2201 and Fed. R. Civ. P. 57, declaring unconstitutional all actions of Defendants that “delete,” “remove,” or “block,” Plaintiff’s efforts to communicate with her elected officials and City governance, including the City’s “written complaint and must appear” policy.

CAUSES OF ACTION

Violation of the First Amendment of the U.S. Constitution

97. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

98. At all material times hereto, Defendants were acting under color of law.

99. The social media pages controlled and administered by Mayor Green and the City are forums in which viewpoint discrimination is prohibited.

100. While Mayor Green is not required to listen, he is not entitled to censor selected citizens just because they express views with which he disagrees and doing so constituted “viewpoint discrimination.”

101. Mayor Green knew he was violating the constitutional rights of Plaintiff (as pointed out by the City’s Chief of Police) or he should have known he was transgressing a clearly established constitutional rule when he discriminated against Plaintiff’s viewpoints by engaging in the behavior alleged herein.

102. Defendants’ viewpoint-based blocking of individual comments and posts is an unconstitutional restriction on Plaintiff’s participation in a public forum.

103. Defendants’ deleting of posts, comments or otherwise “blocking” individuals from the Mayor Page and Scott City News social media platforms violates the First Amendment because it imposes a viewpoint-based restriction on the Plaintiff’s participation in a public forum.

104. Defendants’ deleting of posts, comments or otherwise “blocking” individuals from the Mayor Page and Scott City News social media platforms violates the First Amendment because it imposes a viewpoint-based restriction on the Plaintiff’s ability to petition the government for redress of grievances.

105. Defendants’ deleting of posts, comments or otherwise “blocking” individuals from the Mayor Page and Scott City News social media platforms violates the First Amendment because it imposes a viewpoint-based restriction on the Plaintiff’s right to hear.

106. As punishment for her past criticisms of the City, Mayor Green retaliated against Plaintiff for exercising her constitutional rights by deleting her posts and her comments or otherwise “blocking” her from expressing her viewpoints in public forums.

107. As punishment for her past criticism of the City, Mayor Green retaliated against Plaintiff for exercising her constitutional rights by created an implementing a “written complaint and must appear” policy.

108. Defendants have created a custom or policy resulting in deliberate indifference to the constitutional rights of Plaintiffs and others, and the Defendants had actual or constructive notice that “quashing” First Amendment rights by engaging in viewpoint discrimination was unlawful.

109. Burdens to speech as well as outright bans run afoul of the First Amendment constitutional guarantees.

110. As enacted and currently in effect, Defendants’ requirement that Plaintiff reduce her public concerns to writing and then schedule a time to appear in person to be heard violates the First Amendment as it erects unlawful burdens on the Plaintiff’s participation in a public forum as the City is no longer accommodating public input at council meetings.

111. As enacted and currently in effect, Defendants’ requirement that Plaintiff reduce her public concerns to writing and then schedule a time to appear in person to be heard violates the First Amendment as it erects unlawful burdens on the Plaintiff’s ability to petition the government for redress of grievances as the City is no longer accommodating public input at council meetings.

112. On their face, and as applied to Plaintiff, the policies of Mayor Green and the City violate the First and Fourteenth Amendments to the United States Constitution.

113. Defendants implemented, ratified, approved, administered, and/or adopted these speech suppressing policies.

114. As a consequence of the Defendants’ averred violations of Plaintiff’s rights, Plaintiff has and continues to be injured, and is therefore entitled to, among other things, entry of a temporary restraining order and prospective injunctive relief.

115. Plaintiff has no other remedy by which to prevent or minimize the continuing irreparable harm to her constitutional rights.

116. Unless Defendants' are enjoined from "deleting" and/or "blocking" individuals and their posts or comments, Plaintiff will continue to suffer great and irreparable harm.

117. The actions of Defendants' alleged herein occurred with malice, are systematic, and are in violation of clearly established principles of law and, therefore, Plaintiff is entitled to compensation for the damages she has incurred.

118. The actions alleged herein were reckless, in callous disregard of, or indifferent to the rights of Plaintiff.

119. The actions herein constitute unconstitutional infringement of speech, retaliation for Plaintiff's lawful exercising of her constitutional rights, and also unlawful restraint chilling Plaintiff's right to free speech, association and expression.

120. As a direct and proximate result of the foregoing, Plaintiff has suffered and will in the future continue to suffer injuries of a personal and pecuniary nature, including loss of reputation, loss of opportunity, mental anguish, emotional distress and legal expenses, as alleged herein.

REQUEST FOR RELIEF

Plaintiff respectfully requests the Court grant the following relief:

1. Declare Defendants' viewpoint-based "deleting" and/or "blocking" of the Plaintiff's posts and comments on the social media pages to be unconstitutional;
2. Enter an injunction prohibiting Defendants from "deleting" and/or "blocking" the Plaintiff's posts and comments on the social media pages on the basis of viewpoint discrimination;

3. Declare Defendants' written complaint and must appear policy to be unconstitutional;
4. Enter an injunction enjoining the Defendants from enforcing the written complaint and must appear policy;
5. Award Plaintiff a judgment in excess of \$75,000.00 for compensatory damages against each Defendant;
6. Award Plaintiff's costs and attorneys' fees, pursuant to 42 U.S.C. §§1988; and
7. Order any other and further relief the Court deems just and right.

JURY DEMAND AND DESIGNATION OF PLACE OF TRIAL

Plaintiff requests a jury trial on all issues so triable pursuant to the Federal Rules of Civil Procedure. Plaintiff requests the trial be held in Wichita, Kansas, as it is the closest Federal courtroom in proximity to the parties.

DATED THIS 18th DAY OF MAY, 2020.

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read 'Benjamin Jackson', is written over a horizontal line.

Benjamin Jackson #26922
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Attorney for Plaintiff


**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

Tracy Chambless,)	
Individually, Scott City, Kansas,)	
)	
Plaintiff,)	
)	
vs.)	Verification of Tracy Chambless
)	
Everett Green, in his individual capacity and)	
in his official capacity as Mayor of Scott City,)	
Kansas, and)	
)	
City of Scott City, Kansas)	
)	
Defendants.)	
_____)	

VERIFICATION OF TRACY CHAMBLESS

I, Tracy Chambless, the Plaintiff, verify under penalty of perjury that I have read the foregoing Verified complaint and its contents. I verify that the information contained therein is true and accurate to the best of my knowledge and belief.

Dated this 18th day of May, 2020.



Tracy Chambless, Plaintiff