

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

MIAMI FOURTH ESTATE, INC.,

Plaintiff,

v.

VILLAGE OF KEY BISCAYNE, and

STEVE WILLIAMSON, Village Manager,
in his official capacity,

Defendants.

CASE NO. _____

COMPLAINT

1. The First Amendment protects not just the right to speak but also the press and public’s “right to receive information,” *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 757 (1976) (citation and internal quotation marks omitted), without which there would be nothing to say and nothing for the press to report.

2. That constitutional protection includes the right to hear from willing public employees, who do not “relinquish[] ‘the First Amendment rights they would otherwise enjoy as citizens to comment on matters of public interest’” solely by virtue of their employment. *United States v. Nat’l Treasury Emps. Union*, 513 U.S. 454, 465 (1995) (quoting *Pickering v. Bd. of Educ. of Twp. High Sch. Dist. 205*, 391 U.S. 563, 568 (1968)).

3. But in Key Biscayne, Florida, local government employees are currently prohibited from “communicat[ing] in any manner with any media entity,” absent pre-approval from superiors. This wide-ranging limitation on speech—sweeping in not only statements made pursuant to official duties, but also casual conversation, personal opinions, and whistleblowing

on matters of clear public concern—is unconstitutional. *See Harman v. City of New York*, 140 F.3d 111, 124 (2d Cir. 1998) (policy requiring “blanket supervision of all [public] employee contacts with the media” violates the First Amendment); *see also, e.g., Moonin v. Tice*, 868 F.3d 853, 875 (9th Cir. 2017).

4. The Key Biscayne Independent (the “Independent”) is a news publication based in Key Biscayne, an island community of approximately 15,000 people outside of Miami. Owned by Plaintiff Miami Fourth Estate, Inc., the Independent reports on events in many of Miami’s neighborhoods and 34 municipalities, seeking to provide residents with timely and accurate information about their local governments, their environment, local businesses, education, and other pressing community issues.

5. The Independent is best known for its investigations and scoops about hyperlocal news in Key Biscayne, and it frequently relies on government sources for its coverage. These sources include staff of the Village of Key Biscayne (the “Village”).

6. On November 14, 2024, for instance, the Independent reported that the Village was investigating whether a congresswoman had violated local regulations by moving into a condominium prior to its certification of occupancy. John Pacenti, *Key Biscayne to investigate whether Congresswoman Salazar moved into renovated condo before building deemed safe*, Key Biscayne Indep. (Nov. 14, 2024), <https://perma.cc/7PQL-H9JY>.

7. The article relied in part on information provided by Jeremy Gauger, director of the Village’s building, planning and zoning department, as a firsthand source. Consistent with the Village’s longtime custom and policy, Gauger spoke to the Independent without needing to obtain pre-approval from any other officials.

8. The Independent seeks to continue to receive information from willing speakers within the Village about any number of local issues, such as politicians' activities, policing, and a multimillion-dollar infrastructure project. *See* John Pacenti & Tony Winton, *After residents demand pause to the Big Dig, Key Biscayne Council kicks it to a new committee*, Key Biscayne Indep. (Feb. 12, 2025), <https://perma.cc/PR5T-8KRX>.

9. But a new obstacle to the Independent's reporting went up on November 26, 2024, when Village Manager Steve Williamson enacted a policy ("the Gag Policy," attached hereto as **Exhibit A**) that prohibited all "Village of Key Biscayne staff" from "communicat[ing] in any manner with any media entity without the approval of the Village Manager and/or the Community Engagement and Communications Manager."

10. The Gag Policy further states that the "Village of Key Biscayne will enforce strict adherence to this policy," including through "disciplinary action."

11. The Gag Policy contains no exceptions other than speech on "current public safety or emergency incidents," thereby restricting all speech by Village staff about any topic under any circumstances if that speech was made to a "media entity"—a term the policy does not define. The Gag Policy also fails to set forth any standards to govern when Village employees will and will not be permitted to speak to the press and includes no time frame for approval.

12. As a result, Village employees' "freedom to offer their informed opinions" about matters of public concern "is a prerogative that the First Amendment protects but that [the Gag Policy] forbids." *Moonin*, 868 F.3d at 864.

13. The Village has offered no public justification for its dramatic shift in policy, but the Gag Policy was enacted after a year of especially critical news coverage of the Village of Key Biscayne. This included the November 14, 2024 article about the congresswoman's condo;

an October 2024 investigation into law enforcement handling of a traffic ticket following an expensive car crash, *see* John Pacenti & Tony Winton, *A teen crashed a car into a \$17 million home causing \$30,000 in damage. Then, the ticket disappeared.*, Key Biscayne Indep. (Oct. 30, 2024), <https://perma.cc/WKV5-9NXZ>; reporting on a police detective’s misconduct in a sensitive case, *see, e.g.*, Tony Winton, *Key Biscayne disciplines detective in Olea sex case*, Key Biscayne Indep. (May 30, 2024), <https://perma.cc/L9ZN-PPZ7>; and articles concerning the Village’s response to allegations of sexual abuse by a local gymnastics coach, *see* John Pacenti & Tony Winton, *How did Oscar Olea get a permit to teach on the Village Green? Simple. Few knew his past.*, Key Biscayne Indep. (Mar. 10, 2024), <https://perma.cc/E67L-JEFL>.

14. Seeking to cut off potential criticism of the Village is not a permissible basis for enacting the Gag Policy, *see City of Lakewood v. Plain Dealer Publ’g Co.*, 486 U.S. 750, 763 (1988) (“[A] law or policy permitting communication in a certain manner for some but not for others raises the specter of content and viewpoint censorship.”), and no other government interest could reasonably be “effectuated by this clumsy and overbroad restriction on all speech” by Village employees to any media entity about any topic under any circumstances, *Brady v. Tamburini*, 518 F. Supp. 3d 570, 583 (D.R.I. 2021) (citation and internal quotation marks omitted).

15. Following the enactment of the Gag Policy, the Independent has been repeatedly prevented from receiving information from otherwise-willing sources.

16. Former Fire Chief Eric Lang, for instance, routinely spoke to reporters for the Independent in the past. But when Editor-in-Chief Tony Winton contacted him on January 24, 2025, seeking his views for a story about a spate of recent suicides in the community, Lang

informed Winton that he would have liked to speak to the Independent but could not do so without prior approval under the Gag Policy.

17. Winton asked Lang to relay the request for an interview to the appropriate approvers, and to get back to the Independent once approval was received. But Winton never heard back; he was ultimately unable to get comment from Lang on the topic.

18. The Gag Policy also makes it practically impossible to obtain timely comment on newsworthy events as they unfold. Village employees cannot, for instance, speak with the Independent's reporters when they attend Village Council meetings, as they routinely did prior to the Gag Policy, because they must now refer the Independent's reporters first to the Village Manager or the Communications Manager.

19. On information and belief, other Village employees have likewise refrained from freely speaking to the Independent because of fear of disciplinary action under the Gag Policy.

20. In "limiting the stock of information from which members of the public may draw," *First Nat'l Bank of Bos. v. Bellotti*, 435 U.S. 765, 783 (1978), and in abridging the Independent's "right to receive speech from a willing speaker," *Pittman v. Cole*, 267 F.3d 1269, 1283 n.12 (11th Cir. 2001), the Gag Policy violates the First Amendment.

21. To protect the free flow of information to the public, Plaintiff Miami Fourth Estate, Inc. asks the Court to enjoin the Village from enforcing the Gag Policy.

JURISDICTION AND VENUE

22. This action is brought pursuant to 42 U.S.C. § 1983 to vindicate rights that arise under the Constitution of the United States. It presents a federal question within this Court's jurisdiction under Article III of the Constitution and 28 U.S.C. §§ 1331 and 1343(a)(3).

23. This Court has authority to grant declaratory relief pursuant to 28 U.S.C. §§ 2201(a) and 2202, and injunctive relief pursuant to Rule 65 of the Federal Rules of Civil Procedure.

24. Defendant Village of Key Biscayne exists within the Southern District of Florida, and, on information and belief, Defendant Steve Williamson resides in the Southern District of Florida. Venue is proper under 28 U.S.C. § 1391(b)(1) because the Defendants reside in this District and under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to this suit occurred in this District.

PARTIES

25. Plaintiff Miami Fourth Estate, Inc. is a 501(c)(3) nonprofit organization that owns and operates the Key Biscayne Independent, and another publication based in Liberty City, Florida. Miami Fourth Estate is overseen by an independent board of directors and is registered in the State of Florida. The Independent and its reporters have won multiple awards for their news coverage, including a 2023 first-place award for hyperlocal reporting in Florida from the Society of Professional Journalists.

26. Defendant Village of Key Biscayne is an incorporated community in Miami-Dade County, organized and existing under the laws of the State of Florida.

27. Defendant Steve Williamson is the Village Manager of Key Biscayne. He is the Village's "chief administrative officer" and is "responsible for the appointment, supervision and removal of all Village employees." *See* Key Biscayne, Fla., Ordinance Code §§ 3.01–03. He is sued here in his official capacity.

FACTS

Newsgathering in the Village Prior to the Gag Policy

28. The Independent has been reporting on local news in the Village since September 2020. Over the past four-and-a-half years, the Independent has published stories on a range of local matters of public concern, including coverage of a local gymnastics coach's criminal charges for sexual abuse, the budget issues related to a multimillion-dollar construction project, the regulation of e-bikes, and more.

29. Many of the Independent's stories prior to November 2024 included on-the-record quotes or background information from Village employees, including for instance Mr. Gauger, director of the building, planning and zoning department; Mr. Lang, the longtime fire chief; Colleen Durfee, grants manager for the Village; Benjamin Nussbaum, the Village's chief financial officer; Marcos Osorio, former deputy fire chief; and Roland Samimy, chief resilience and sustainability officer.

30. In order to get information from those sources, the Independent's reporters contacted Village employees directly. The sources would then respond directly to the Independent's reporters. At no point prior to the enactment of the Gag Policy were Village employees required to seek pre-approval to speak with the Independent's reporters.

31. By receiving information from Village employees directly and without preclearance from other Village officials, the Independent was able to obtain information from the source as quickly as possible, without an intermediary to slow down the process; get the source's honest and immediate thoughts on a particular subject, without censorship by a higher-up; and develop a personal relationship with the source that could facilitate future reporting on important matters within the Village.

The Gag Policy and Its Effect on the Independent's Newsgathering

32. On November 26, 2024, Defendant Williamson issued the Gag Policy as part of the Village's Employee Policies and Procedures Manual.

33. The Independent learned of the Gag Policy on December 10, 2024, when Independent Editor-in-Chief Tony Winton spoke with Defendant Williamson about another topic, at which time Williamson mentioned the Village's new media relations policy. Winton asked to see the policy, and Defendant Williamson sent him a draft via text. Winton then requested and received a copy of the final Gag Policy (Ex. A).

34. Following the enactment of the Gag Policy, the Independent has struggled to obtain information directly from Village employees who were previously willing to speak with the Independent's reporters, impeding coverage of local issues large and small.

35. For example, one of the most important stories in Key Biscayne this year that the Independent's reporters have been investigating involves potential changes to the Rickenbacker Causeway, the only bridge connecting the island of Key Biscayne to Miami and the mainland. The Independent has been covering the issue by attending public meetings on the subject, *see, e.g.,* Tony Winton, *Anger boils over with Rickenbacker traffic in Key Biscayne*, Key Biscayne Indep. (Mar. 19, 2025), <https://perma.cc/S2X8-W3UY>, but has been consistently unable to speak to employees of the Village who are directly involved in the project. Specifically, Jeremy Gauger, who spoke to the Independent without pre-approval as recently as the November 14 article, has repeatedly declined to directly speak with the Independent since November 26, 2024.

36. The Independent believes that as director of the Village's building, planning and zoning department, Gauger possesses relevant information about this matter of public concern,

and would be willing to provide such information directly to Independent reporters, if not for a fear that he will be disciplined for violating the Gag Policy.

37. Lang, the former fire chief, was another source whom the Independent would regularly contact without pre-approval from Village officials for comment on important matters of public concern, such as hurricane and disaster preparations. He declined to speak directly with the Independent on two occasions since November 26, 2024, but promptly joined a podcast discussion with the Independent after his retirement when he was no longer subject to the Gag Policy. *See PODCAST: Lang's Exit Interview. Key Biscayne Safety First*, Key Biscayne Indep. (May 12, 2015), <https://perma.cc/C85W-WQN2>.

38. The Independent will continue to gather and report the news in Key Biscayne and will continue to seek information from Village employees. The Gag Policy significantly impairs those efforts by restraining Village employees from speaking candidly with the Independent's reporters about matters of public concern.

39. The Gag Policy imposes those burdens even though—as public records obtained by the Independent show—Village employees have continued to respond directly to substantively identical inquiries from members of the public, underlining that the Gag Policy is far broader than necessary to advance any legitimate government interest.

40. On May 15, for instance, Gauger—the Village planner who has declined to speak to reporters for the Independent since November 2024—responded directly to an inquiry from resident George Nelson about state and local regulations governing the use of artificial turf.

41. If an otherwise-identical inquiry had come from a reporter for the Independent, the Gag Policy would have barred Gauger from speaking on the issue without pre-approval.

42. In many instances, having a named source who can corroborate information received from others is the only way for the Independent to verify information about the Village's operations, plans, and practices. The Gag Policy inhibits that free flow of essential information.

43. Further, preventing the Independent and its reporters from conducting even casual conversation with Village employees inhibits future newsgathering by chilling employees from interacting with reporters at all—including reporters like Tony Winton, who is a resident of the Key Biscayne community—and undermining the reporter-source relationships on which effective journalism relies.

44. If the Gag Policy were not in place, the Independent would again receive newsworthy information from willing speakers within the Village as it has in the past.

45. To redress those injuries to a free press in Key Biscayne, this suit follows.

COUNT ONE

42 U.S.C. § 1983 – Violation of the First Amendment

46. Plaintiff incorporates by reference the preceding paragraphs as if fully set forth herein.

47. The First Amendment protects the right to gather news, *see Branzburg v. Hayes*, 408 U.S. 665, 681 (1972), and the right to receive information from willing speakers, including public employees, *see Nat'l Treasury Emps. Union*, 513 U.S. at 470.

48. The Village's Gag Policy injures the Independent by barring otherwise willing speakers from communicating information to its reporters. *See Pittman*, 267 F.3d at 1283 n.12.

49. The Gag Policy restricts all speech by any Village employee to the Independent for any reason, even when speaking as citizens on “matters of public concern.” *Nat’l Treasury Emps. Union*, 513 U.S. at 466–67.

50. Because the Gag Policy “chills potential speech before it happens,” it can only be justified by a “show[ing] that the interests of both potential audiences and a vast group of present and future employees in a broad range of present and future expression are outweighed by that expression’s ‘necessary impact on the actual operation’” of the Village. *Id.* at 468 (quoting *Pickering*, 391 U.S. at 571).

51. Because no such showing is possible here, the Gag Policy imposes a prior restraint that violates the First Amendment.

52. The Gag Policy is also unconstitutionally overbroad, prohibiting all Village employees from speaking to any media entity for any reason without preclearance. *See O’Laughlin v. Palm Beach Cnty.*, 30 F.4th 1045, 1051 (11th Cir. 2022).

53. The Gag Policy further violates the First Amendment because it provides unbridled discretion to the Village Manager and the Village Communications Manager to restrict the speech of a Village employee to media entities in any particular case. *See Barrett v. Walker Cnty. Sch. Dist.*, 872 F.3d 1209, 1221 (11th Cir. 2017).

54. By preventing Village staff from directly disseminating any information to any media entity through the Gag Policy, the Village and Defendant Williamson have violated, and continue to violate, the First Amendment by depriving the Independent of the opportunity to receive information that Village employees are willing to share.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (a) Declare that the Village's Gag Policy violates the First Amendment;
- (b) Enter an order enjoining Defendant Williamson, the Defendant Village, and all of the Village's officers, agents, servants, employees, contractors, and attorneys, and those persons in active concert or participation with Defendants who receive actual notice of the injunction, from enforcing the Gag Policy;
- (c) Award Plaintiff costs and attorneys' fees pursuant to 42 U.S.C. § 1988;
- (d) Award Plaintiff at least nominal damages of \$1; and
- (e) Award such further relief as it deems just and proper.

Date: June 24, 2025

Respectfully submitted,


/s/ Rachel E. Fugate

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Counsel for Plaintiff Miami Fourth Estate, Inc.

EXHIBIT A

	<i>VILLAGE OF KEY BISCAIYNE</i>			
	<i>EMPLOYEE POLICIES AND PROCEDURES MANUAL</i>			
	CHAPTER	EFFECTIVE DATE	REVISED	PAGE NUMBER
	V	November 26, 2024		1 of 1
	TITLE: VILLAGE POLICIES			
	Section 20: Media Relations Policy			

Purpose

The Village of Key Biscayne is committed to informing residents, businesses, and visitors through proactive communication. Recognizing the importance of timely and accurate information, the Village values a strong relationship with the news media to ensure consistent and aligned messaging to the community.

Policy

Under the direction of the Village Manager, the Community Engagement and Communications Manager serves as the primary point of contact between the media seeking information and all Village staff.

All media inquiries are to be directed to the Community Engagement and Communications Manager and the respective Department Head without delay. Subject matter experts related to the inquiry should be prepared, with relevant, accurate, and timely information, to work with the Community Engagement and Communications Manager.

Village of Key Biscayne staff will not communicate in any manner with any media entity without the approval of the Village Manager and/or the Community Engagement and Communications Manager.

Media requests that are related to current public safety or emergency incidents may be fielded by either the Fire Rescue or Police Chief. The responses to the requests will be informational in nature and will follow the corresponding department's internal, accredited policy. The requests and responses will be shared with the Community Engagement and Communications Manager for additional follow-up.

Most media responses will be written to ensure clarity and accuracy. Depending on the situation, the response may be addressed verbally or in video form.

Violation of Media Relations Policy

The Village of Key Biscayne will enforce strict adherence to this policy. Non-adherence to this policy by staff may result in disciplinary action.

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.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

Miami Fourth Estate, Inc.

DEFENDANTS

Village of Key Biscayne and Steve Williamson

(b) County of Residence of First Listed Plaintiff **Miami-Dade**
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **Miami-Dade**
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Shullman Fugate PLLC, 100 S. Ashley Dr., Suite 600
Tampa, FL 33602 (813) 935-5098

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

Attorneys (If Known)

(d) Check County Where Action Arose: ☒ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

☐ Citizen of This State

☐ Citizen of Another State

Citizen or Subject of a Foreign Country

☐ 1 PTF

☐ 1 DEF

☐ 2 PTF

☐ 2 DEF

☐ 3 PTF

☐ 3 DEF

Incorporated or Principal Place of Business In This State

Incorporated and Principal Place of Business In Another State

Foreign Nation

☐ 4 PTF

☐ 4 DEF

☐ 5 PTF

☐ 5 DEF

☐ 6 PTF

☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions](#)

CONTRACT

PERSONAL INJURY

FORFEITURE/PENALTY

BANKRUPTCY

OTHER STATUTES

☐ 110 Insurance

☐ 120 Marine

☐ 130 Miller Act

☐ 140 Negotiable Instrument

☐ 150 Recovery of Overpayment & Enforcement of Judgment

☐ 151 Medicare Act

☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)

☐ 153 Recovery of Overpayment of Veteran's Benefits

☐ 160 Stockholders' Suits

☐ 190 Other Contract

☐ 195 Contract Product Liability

☐ 196 Franchise

☐ 310 Airplane

☐ 315 Airplane Product Liability

☐ 320 Assault, Libel & Slander

☐ 330 Federal Employers' Liability

☐ 340 Marine

☐ 345 Marine Product Liability

☐ 350 Motor Vehicle

☐ 355 Motor Vehicle Product Liability

☐ 360 Other Personal Injury

☐ 362 Personal Injury - Med. Malpractice

☐ 365 Personal Injury - Product Liability

☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability

☐ 368 Asbestos Personal Injury Product Liability

☐ 625 Drug Related Seizure of Property 21 USC 881

☐ 690 Other

☐ 422 Appeal 28 USC 158

☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS

☐ 820 Copyrights

☐ 830 Patent

☐ 835 Patent - Abbreviated New Drug Application

☐ 840 Trademark

☐ 880 Defend Trade Secrets Act of 2016

☐ 375 False Claims Act

☐ 376 Qui Tam (31 USC 3729(a))

☐ 400 State Reapportionment

☐ 410 Antitrust

☐ 430 Banks and Banking

☐ 450 Commerce

☐ 460 Deportation

☐ 470 Racketeer Influenced and Corrupt Organizations

☐ 480 Consumer Credit (15 USC 1681 or 1692)

☐ 485 Telephone Consumer Protection Act (TCPA)

☐ 490 Cable/Sat TV

☐ 850 Securities/Commodities/ Exchange

☐ 890 Other Statutory Actions

☐ 891 Agricultural Acts

☐ 893 Environmental Matters

☐ 895 Freedom of Information Act

☐ 896 Arbitration

☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision

☐ 950 Constitutionality of State Statutes

REAL PROPERTY

CIVIL RIGHTS

PRISONER PETITIONS

LABOR

SOCIAL SECURITY

FEDERAL TAX SUITS

☐ 210 Land Condemnation

☐ 220 Foreclosure

☐ 230 Rent Lease & Ejectment

☐ 240 Torts to Land

☐ 245 Tort Product Liability

☐ 290 All Other Real Property

☒ 440 Other Civil Rights

☐ 441 Voting

☐ 442 Employment

☐ 443 Housing/ Accommodations

☐ 445 Amer. w/Disabilities - Employment

☐ 446 Amer. w/Disabilities - Other

☐ 448 Education

☐ 463 Alien Detainee

☐ 510 Motions to Vacate Sentence

☐ 530 General

☐ 535 Death Penalty

Other:

☐ 540 Mandamus & Other

☐ 550 Civil Rights

☐ 555 Prison Condition

☐ 560 Civil Detainee - Conditions of Confinement

☐ 710 Fair Labor Standards Acts

☐ 720 Labor/Mgmt. Relations

☐ 740 Railway Labor Act

☐ 751 Family and Medical Leave Act

☐ 790 Other Labor Litigation

☐ 791 Employee Retirement Income Security Act

☐ 861 HIA (1395ff)

☐ 862 Black Lung (923)

☐ 863 DIWC/DIWW (405(g))

☐ 864 SSID Title XVI

☐ 865 RSI (405(g))

☐ 870 Taxes (U.S. Plaintiff or Defendant)

☐ 871 IRS—Third Party 26 USC 7609

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

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Re-filed (See VI below)

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district (specify)

☐ 6 Multidistrict Litigation Transfer

☐ 7 Appeal to District Judge from Magistrate Judgment

☐ 8 Multidistrict Litigation - Direct File

☐ 9 Remanded from Appellate Court

VI. RELATED/ RE-FILED CASE(S)

(See instructions): a) Re-filed Case ☐ YES ☒ NO

b) Related Cases ☐ YES ☒ NO

JUDGE:

DOCKET NUMBER:

VII. CAUSE OF ACTION 42 U.S.C. 1983 - Violation of First Amendment

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ Injunctive/Other

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

DATE 6/24/25

SIGNATURE OF ATTORNEY OF RECORD /s/ Rachel E. Fugate

FOR OFFICE USE ONLY : RECEIPT #

AMOUNT

IFP

JUDGE

MAG JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

Date and Attorney Signature. Date and sign the civil cover sheet.

Signature of Clerk or Deputy Clerk

Civil Action No. 1:25-cv-22838

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)* _____
 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:

Southern District of Florida

Civil Action No. 1:25-cv-22838

Signature of Clerk or Deputy Clerk

Civil Action No. 1:25-cv-22838

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)* _____
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: