

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ALYSON RUBIN and  
JENNIFER HICKEY,

Plaintiffs,

vs.

CAPTAIN LEWIS YOUNG,  
individually and in his official capacity  
as Chief of the Capitol Police Division  
of the Georgia Department of Public  
Safety; OFFICER WICKER and JOHN  
DOE, individually and in their official  
capacity as Capitol Police Officers,

Defendant.

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

**JURY TRIAL DEMANDED**

**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER /  
PRELIMINARY INJUNCTION**

Plaintiffs urgently seek emergency relief, before 3:00pm on March 14, that would allow them to exercise their First Amendment rights in the public areas of Capitol Square property, which includes the State Capitol Building. Specifically, Plaintiffs wish to wear a pink button that expresses their opposition to HB 481, and contains the language, "Don't Fuck With Us[,] Don't Fuck Without Us," followed

by a logo of a prominent reproductive healthcare provider which, among other things, provides birth control and condoms. They were prevented from doing so.

Nearly 50 years ago, the Supreme Court held in *Cohen v. California* that Jack Cohen had the First Amendment right to wear a jacket bearing the words, “Fuck the Draft,” in a public courthouse, no matter how offensive the language was to bystanders, including children. 403 U.S. 15 (1971).

In light of *Cohen*, and for other reasons discussed in the accompanying memorandum, this Court should grant Plaintiffs’ motion for a temporary restraining order and/or preliminary injunction enjoining Defendants from banning the wearing of these buttons on Capitol Square property, which includes the State Capitol Building.

Respectfully submitted,  
this 12th of March, 2019

/s/ Sean J. Young\_\_\_\_\_

Sean J. Young (Ga. Bar No. 790399)  
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FOUNDATION OF GEORGIA, INC.  
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**CERTIFICATION OF COMPLIANCE**

The undersigned, in accordance with L.R. 7.1 and 5.1 hereby certifies that the typefont used herein is 14-Point Times New Roman.

This 12th day of March, 2019

s/ Sean J. Young \_\_\_\_\_

Sean J. Young  
Ga. Bar No. 790399

## **CERTIFICATE OF SERVICE**

I hereby certify that on the night of March 12, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. When the incident transpired on March 7, 2019, I immediately telephoned Tina Piper from the Attorney General's Office, who represents the Capitol Police, and informed her about the situation and that it might be a First Amendment violation. Ms. Piper confirmed that she would discuss the matter with her client. During the day on March 12, I informed Ms. Piper that a lawsuit would be filed unless the Capitol Police immediately and publicly explains, in writing, what exactly the policy on wearing messages in the State Capitol Building is. I also explained that the matter was urgent because Plaintiff Hickey wanted to wear the button at issue during the next scheduled committee hearing on March 14, so that a court order would be needed in advance of that date. Ms. Piper stated that she understood my position and asked me to immediately send her a courtesy copy of any lawsuit papers as soon as it was filed. The night these papers were filed, I immediately emailed them to Ms. Piper asking her whether she would accept service on behalf of Defendants. I also emailed them to Shana Brown at shanabrown@gsp.net, who I know from past experience promptly relays e-mailed documents to Captain Lewis Young. I

also transmitted these documents to a professional document server and asked that he serve Defendants right away, without waiting for a response from Ms. Piper, and without waiting for the electronic filing system to assign the case.

This 12th day of March, 2019

s/ Sean J. Young \_\_\_\_\_

Sean J. Young  
Ga. Bar No. 790399