IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

CHRISTOPHER REED, REGINALD HOLDEN and COREY MCCLENDON, on behalf of themselves and a class of similarly situated persons,	
Petitioners,	**CLASS ACTION**
v.	**CASE NO.: 5:19-CV-00385 -MTT**
GARY LONG, et al.,	
Respondents.	

EMERGENCY MOTION FOR PRELIMINARY INJUNCTION

I. MOTION

Pursuant to Fed. R. Civ. P. 65, Petitioners move the Court for a preliminary injunction against Respondents, their officers, agents, servants, employees, attorneys and any other persons who are in active concert or participation with any of the Respondents from entering Petitioners' property without permission for the purpose of placing or causing to be placed any signs or similar advertisements that an individual living on Petitioners' property is a registered sex offender.[1] The need for such an injunction will be demonstrated, *infra*.

Petitioners further request expedited consideration of their motion. Expedited consideration is necessary because,

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based on Respondents' actions in 2018, they will be taking the same offensive actions against Petitioners beginning on or about October 24, 2019, approximately a week before Halloween. As such, an expedited ruling is necessary in order to assure that Petitioners' rights are not violated this year as well.

At any hearing on Petitioners' motion, Respondents should bear the burden to show that their actions do not violate Respondents' rights under the First, Fifth or Fourteenth Amendments to the United States Constitution. See Gonzales v. O Centro Espirita Beneficente Uniao Do Vegetal, 546 U.S. 418, 429(II), 126 S.Ct. 1211, 163 L.Ed.2d 1017 (2006).

II. INTRODUCTION

O.C.G.A. §42-1-12 defines the obligations for registered sex offenders in the State of Georgia as well as the authority and obligations of state officials tasked with enforcing the statute. The Butts County Sheriff's Department ("BCSD") is granted certain authority within the statute to monitor sex offenders, track their registration information and to disseminate some of that information to the public. The statute specifically and with great detail defines that authority, but it does not authorize Respondents to impose additional burdens on registrants beyond what O.C.G.A. §42-1-12, et seq., already

[1] Petitioners' motion does not purport to enjoin Respondents from entering their property in the lawful discharge of their duties.

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places upon them. The statute does not oblige registrants to permit sheriffs to enter their property without permission and/or to force them to display a sign on that property announcing their status as a sex offender, let alone do so under pain of incarceration.

Nonetheless, in October, 2018, BCSD deputies entered upon Petitioners' properties for the express purpose of compelling them to display signs that stated that they were registered sex offenders. The deputies did so without any lawful authority and, when registrants objected to being compelled to do so, deputies made overt threats to arrest or punish the registrants if they did not comply. These actions violated multiple constitutional rights of Petitioners and evince that an injunction must issue in order to avoid the same sort of violations this year.

III. BACKGROUND

In October, 2018, Butts County Sheriff's deputies went to the home addresses of all registered sex offenders in the county and either falsely told them that they were required by law to display signs stating that a sex offender lived there or simply placed such a sign on their property without permission. *Per* the deputies, the signs would need to be displayed at least through October 31, 2018, Halloween. Some registrants were additionally told that, on the night of October 31, 2018, they

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were required to turn their lights out and not engage in the Halloween tradition of passing out candy to neighborhood children.

The deputies did not have permission to come onto the registrants' property, did not have permission to display any signage on the registrants' property or otherwise physically occupy any part of their property and only accomplished doing so by threatening registrants, for instance with arrest. It is Respondents' practice to force registrants to display signs in a similar manner every year and, on information and belief, Petitioners understand that they intend to do so for Halloween, 2019, as well.

IV. LEGAL STANDARD

To obtain a preliminary injunction, the moving party must establish four prerequisites: "(1) substantial likelihood of success, (2) irreparable harm, (3) that the balance of equities favors granting the injunction, and (4) that the public interest would not be harmed by the injunction." Mesa Air Grp., Inc. v. Delta Air Lines, Inc., 573 F.3d 1124, 1128(II)(11th Cir. 2009). A Court will grant a preliminary injunction "to prevent the plaintiff from being injured, and where there is no adequate remedy at law." Reynolds v. Roberts, 207 F.3d 1288, 1299(II)(A)(11th Cir. 2000)(citing Beacon Theatres, Inc. v.

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Westover, 359 U.S. 500, 506-07, 79 S.Ct. 948, 3 L.Ed.2d 988 (1959)).

A Court need not place equal emphasis on all four prerequisites. The Eleventh Circuit has held that a substantial likelihood of success on the merits is "generally the most important" prerequisite. Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1226; 1232 (11th Cir. 2005). The moving party satisfies this requirement by showing merely that success is "likely or probable, rather than certain." Sciavo ex rel. Schindler, 403 F.3d at 1232.

V. ARGUMENT & CITATION OF AUTHORITY

A. Georgia's Sex Offender Registry Scheme Does Not Authorize Respondents' Actions

O.C.G.A. §42-1-12, et seq., sets forth the authority and obligations for state officials pertinent to its Sex Offender Registry ("Registry"), as well as the allegedly non-punitive burdens of registrants. In addition to recordkeeping obligations, the duties of county sheriffs pertinent to the Registry are largely defined in O.C.G.A. §§42-1-12(i) & (j). The statute defines the obligations with great specificity and none of them authorize Sheriffs to place additional obligations on registrants beyond what is defined in the Code. While O.C.G.A. §42-1-12(i)(5) amorphously authorizes sheriffs to "[i]nform the public of the presence of sexual offenders in

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each community," it sets forth the methods for doing so in O.C.G.A. §§42-1-12(i)(3)(A)-(E), (4) & (13) and does not authorize sheriffs to co-opt registrants to do the informing themselves.

Nowhere in the Registry scheme are registrants required to display any kind of sign or display on their property which informs the public of their status. In fact, beyond providing required registration information and keeping that information current, registrants have *no obligation* to inform the public of their status. See O.C.G.A. §42-1-12(f).

B. Petitioners Are Likely To Succeed On The Merits Of Their Claims

1. Respondents violated Petitioners' right against compelled speech

"It is … a basic First Amendment principle that 'freedom of speech prohibits the government from telling people what they must say." (internal quotes omitted) Agency for Intern. Development v. Alliance for Open Society Intern., Inc., 570 U.S. 205, 213(III), 133 S.Ct. 2321, 186 L.Ed.2d 398 (2013)(quoting Rumsfeld v. Forum for Academic and Institutional Rights, Inc., 547 U.S. 47, 61(III)(A)(1), 126 S.Ct. 1297, 164 L.Ed.2d 156 (2006)). The First Amendment therefore forbids coerced speech. See e.g. Janus v. American Federation of State, County, and Mun. Employees, Council 31, ___ U.S. ___, 138 S.Ct.

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2448, 2463(III)(A), 201 L.Ed.2d 924 (2018). The Court has observed:

> '[t]he essential thrust of the First Amendment is to prohibit improper restraints on the *voluntary* public expression of ideas; it shields the man who wants to speak or publish when others wish him to be quiet. There is necessarily, and within suitably defined areas, a concomitant freedom *not* to speak publicly, one which serves the same ultimate end as freedom of speech in its affirmative aspect.' Harper & Row Publishers, Inc. v. Nation Enterprises, 471 U.S. 539, 559(III)(B), 105 S. Ct. 2218, 85 L. Ed. 2d 588 (1985)(quoting Estate of Hemingway v. Random House, Inc., 23 N.Y.2d 341, 348, 296 N.Y.S.2d 771, 776, 244 N.E.2d 250, 255 (1968)).

Janus similarly reaffirmed, "[t]he right to eschew association for expressive purposes is likewise protected." Janus, 138 S.Ct. at 2463(III)(A)(citing Roberts v. United States Jaycees, 468 U.S. 609, 623, 104 S.Ct. 3244, 82 L.Ed.2d 462 (1984)).

The Supreme Court had also previously held that, "*all* speech inherently involves choices of what to say and what to leave unsaid." Pacific Gas & Elect. Co. v. Pub. Utilities Comm'n of Ca., 475 U.S. 1, 11(III)(A), 106 S.Ct. 903, 89 L.Ed.2d 1 (1986). As far back as in West Virginia State Bd. of Ed. v. Barnette, 319 U.S. 624, 630, 63 S.Ct. 1178, 87 L.Ed. 1628 (1943), the Court condemned government action which punished those who wished not to comply with compelled speech, noting, "[t]he sole conflict is between authority and rights of the individual." In his concurrence in Barnette, Justice Murphy noted:

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> [t]he right of freedom of thought and of religion as guaranteed by the Constitution against State action includes both the right to speak freely and the right to refrain from speaking at all, except in so far as essential operations of government may require it for the preservation of an orderly society — as in the case of compulsion to give evidence in court. 319 U.S. at 645 (Murphy, J. concurring).

In Wooley v. Maynard, 430 U.S. 705, 714, 97 S.Ct. 1428, 51 L.Ed.2d 752 (1977), the Supreme Court established a four-element test to determine whether the state has compelled speech: "there must be (1) speech; (2) to which the plaintiff objects; (3) that is compelled; and (4) that is readily associated with the plaintiff." Doe 1 v. Marshall, 367 F.Supp.3d 1310, 1324(IV)(A)(1)(a)(M.D. Ala. Feb. 11, 2019)(quoting Cressman v. Thompson, 798 F.3d 938, 949-51 (10th Cir. 2015)). Taking these elements in turn requires little discussion to conclude that the signs in question were compelled speech. The signs, conveying a message to the public, constitute speech within the contemplation of the First Amendment. See generally Snyder v. Phillips, 562 U.S. 443, 454(II), 131 S.Ct. 1207, 179 L.Ed.2d 172 (2011). As noted in the Complaint, each Petitioner objected to being compelled to post a sign on their property. As also noted in the Complaint, Petitioners were threatened with consequences, such as arrest, if they did not display the signs, so the speech was compelled. See Doe 1 at 1324(IV)(A)(1)(a). It is self-evident that the

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signs identifying Petitioners as registered sex offenders are "readily associated" with them as well. Id..

Respondents' sign policy is compelled speech which, "is a content-based regulation of speech," because it, "alters the content of [Petitioners'] speech" and is thus subject to strict scrutiny. NIFLA v. Becerra, ___ U.S. ___, 135 S.Ct. 2361, 2371(II)(A)&(B), 201 L.Ed.2d 835 (2018). See also Turner Broadcasting System, Inc. v. FCC, 512 U.S. 622, 642(II)(B), 114 S.Ct. 2445, 129 L.Ed.2d 497 (1994). Strict scrutiny requires the state to demonstrate that it has "a compelling interest" in the regulation and, "must have adopted the least restrictive means of achieving that interest." Doe 1 at 1326(IV)(A)(1)(b).

It is not apparent what compelling interest Respondents have in forcing Petitioners to display the signs. Petitioners are all already identified by name, address and photograph on the Registry, which is accessible to the public in a variety of ways. See O.C.G.A. §§42-1-12(a)(16) & (i)(3). There is no evidence that registrants would have even invited minors onto their property on Halloween, e.g. by decorating their home, putting lights on or even by being home at all, were it not for the signs. Even if there were, nothing in the Registry scheme states or even implies that registrants are compelled not to answer when a minor approaches their property and knocks on their door.

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The Respondents' actions are also not nearly the "least restrictive means for achieving" any kind of broad interest they may have in alerting the public that a registrant lives at a particular house. Doe 1 at 1326(IV)(A)(1)(b). In Pacific Gas & Elect. Co., 475 U.S. at 9(II), the Supreme Court held, "[c]ompelled access like that ordered in this case both penalizes the expression of particular points of view and forces speakers to alter their speech to conform with an agenda they do not set." In this case, Petitioners have been commanded to use their homes as billboards for the state to advertise their status as sex offenders, clearly "an agenda they d[id] not set." Pacific Gas & Electric Co. at 9(II). See also Pacific Gas & Elect. Co. at 23 (Marshall, J. concurring). As noted in Doe 1, the label, "sex offender," "call[s] to mind philosophical and moral messages about crime, victims, retribution, deterrence and rehabilitation." 367 F.Supp.3d at 1324(IV)(A)(1)(a). As noted, *supra*, nothing in Georgia's Registry framework authorizes a state official to compel registrants to display signs anywhere, and certainly not on their private property. Instead, the Registry requires registrants to the public by name, address and photograph achieves that purpose already. See O.C.G.A. §42-1-12(i)(3). This, then, is by definition the "least restrictive means for achieving" the goal of alerting the public where registrants

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leave and concomitantly defines Respondents' actions as violating Petitioners' First Amendment rights. Doe 1 at 1326(IV)(A)(1)(b)

For First Amendment purposes, it is not irrelevant that Petitioners are, in fact, registered sex offenders compelled to disclose that *fact*, rather than an ideological *opinion*. See Doe 1 at 1324(IV)(A)(1)(a). In Riley v. Nat'l Federation of the Blind, 487 U.S. 781, 797-98, 108 S.Ct. 2667, 101 L.Ed.2d 669 (1988), the Supreme Court held, "cases cannot be distinguished because they involve compelled statements of opinion while here we deal with compelled statements of 'fact:' either form of compulsion burdens protected speech."

The Barnette Court suggested that compelled speech would be appropriate where failure to do so "creates a clear and present danger that would justify an effort even to muffle expression." 319 U.S. at 634. See also Brandenburg v. Ohio, 395 U.S. 444, 89 S.Ct. 1827, 23 L.Ed.2d 430 (1969). It subsequently elaborated that the "freedoms of speech and of press, of assembly, and of worship … are susceptible of restriction only to prevent grave and immediate danger to interests which the state may lawfully protect." Barnette at 639. The Brandenburg Court posited that that a state may not restrict First Amendment rights unless the speech in question "incite[s] … imminent lawless action."

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BCSD cannot credibly argue that the signs prevent a "clear and present danger" and/or obstruct "imminent lawless action," so as to justify abridgement of Petitioners' rights. Such a claim would be far too speculative to justify restriction of First Amendment rights. Nothing in O.C.G.A. §42-1-12, et seq., prevents Petitioners from living in a neighborhood where children live, nor from answering their door if a child were to knock on it. To conclude that the signs would prevent *imminent* lawless activity is to conclude that registrants will *automatically* commit some kind of crime in the presence of a child when that child appears in front of her. Even Georgia's stringent Registry scheme does not draw such a severe line, for if it did it would simply ban registrants from ever being in the presence of children. Consequently, Respondents may not justify their actions on any sort of exigency or claim that Petitioners pose a "clear and present danger" of lawless activity. Barnette, supra.

As such, Petitioners are likely to prevail in their claim that Respondents' action is too burdensome on their First Amendment rights to survive strict scrutiny. See Doe 1, supra.

2. Respondents Trespassed On Petitioners' Property

"A cause of action for the tort of trespass exists when a person *unlawfully* interferes with another person's right of enjoyment of private property. Under Georgia law, a state

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officer does not commit trespass when he acts within the scope of his official duties." Hill v. Macon Police Dept., ___ F.Supp.3d ___, 2013 WL 594200 at *13(II)(B)(2)(M.D. Ga. 2013). If officers enter property not "in the lawful discharge of their duties," they have trespassed. Poe v. State, 563 S.E.2d 904, 905(1), 254 Ga. App. 767 (Ga. App. 2002). See also Morton v. McCoy, 420 S.E.2d 40, 41-42(3), 204 Ga. App. 595 (Ga. App. 1992). The Supreme Court recently affirmed that an officer's mere act of walking onto a citizen's driveway without permission, a warrant or exigent circumstances constituted a trespass onto that property. Collins v. Virginia, ___ U.S. ___, 138 S.Ct. 1663, 1671(II)(B)(2), 201 L.Ed.2d 9 (2018). Accord Atkins v. State, 325 S.E.2d 388, 391(3), 173 Ga. App. 9 (Ga. App. 1984).

In Pacific Gas & Elec. Co., Justice Marshall observed that the state had, "taken from appellant the right to deny access to its property … to a group that wishes to use that [property] for expressive purposes." 475 U.S. at 22 (Marshall, J. concurring). Justice Marshall noted that the property in question, a billing envelope, had never been "opened up … to the use of the public." Id.. "Were appellant to use its billing envelope as a sort of community billboard, regularly carrying the messages of third parties, its desire to exclude a particular speaker would be deserving of less solicitude."

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Pacific Gas & Elect. Co. at 23 (Marshall, J. concurring). See also O'Rourke v. Hayes, 378 F.3d 1201, 1208(II)(11th Cir. 2004)(holding that officers trespassed at office which was closed to the public absent a warrant or exigency).

Respondents will concede that they came onto Petitioners' property without warrants and absent any exigent circumstances which would typically authorize trespass. Cf. Collins, 138 S.Ct. at 1671(II)(B)(2). Respondents will instead argue that they were acting "within the scope of [their] official duties" when they came onto Petitioners' property and, in certain instances, physically placed signs thereon without Respondents' permission. Hill, 2013 WL 594200 at *13(II)(B)(2). However, Petitioners' examination of the Registry scheme, *supra*, conclusively shows that the law does *not* authorize sheriffs in Georgia to compel registrants to display signs that state that the occupant of a given piece of property is a registered sex offender. The deputies therefore were not executing any lawful duty when they entered Petitioners' property and were, instead, trespassing. See Collins, 138 S.Ct. at 1671(II)(B)(2).

It is highly relevant that Petitioners had not in any fashion "opened up" their homes "to the use of the public" prior to the trespass. Pacific Gas & Elec. Co. at 22 (Marshall, J. concurring). In each instance, Respondents were entering private property which was closed to the public in order to

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display the signs, emphasizing that their actions constituted trespassing. See O'Rourke, 378 F.3d at 1208(II).

As such, Petitioners are likely to prevail in their trespassing claim. See O'Rourke at 1208(II).

3. Compelling Petitioners To Display The Signs On Their Property Constitutes A Taking

A permanent physical occupation of one's property authorized by the government, "constitutes a 'taking' of property for which just compensation is due under the Fifth and Fourteenth Amendments to the Constitution." Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 421, 102 S.Ct. 3164, 73 L.Ed.2d 868 (1982). This is so "without regard to the public interests that [the occupation] may serve." Loretto, 458 U.S. at 426(II).

"Ordinarily … if government action would qualify as a taking when permanently continued, temporary actions of the same character may also qualify as a taking." Arkansas Game & Fish Com'n v. United States, 568 U.S. 23, 26, 133 S.Ct. 511, 184 L.Ed.2d 417 (2012). See also First English Evangelical Lutheran Church of Glendale v. Los Angeles County, 482 U.S. 304, 317-19(II), 107 S.Ct. 2378, 96 L.Ed.2d 250 (1987). Accord Chmielewski v. City of St. Pete Beach, 890 F.3d 942, 950(I) (11th Cir. 2018). "[P]hysical takings are compensable, even when temporary. The duration of the taking goes to damages, not

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to whether a compensable taking has occurred." Ladd v. United States, 630 F.3d 1015, 1025(C) (Fed. Cir. 2010).

Justice Brandeis observed, "[a]n essential element of individual property is the legal right to exclude others from enjoying it. If the property is private, the right of exclusion may be absolute; if the property is affected with a public interest, the right of exclusion is qualified." International News Svc. v. Associated Press, 248 U.S. 215, 249, 39 S.Ct. 68, 63 L.Ed. 211 (1918)(Brandeis, J. dissenting). See also Loretto, 458 U.S. 419, 433(II)(A), 102 S.Ct. 3164, 73 L.Ed.2d 868 (1982)(quoting Kaiser Aetna v. United States, 444 U.S. 164, 176(II)(B), 100 S.Ct. 383, 62 L.Ed.2d 332 (1979)); Pacific Gas & Elec. Co. at 22-23 (Marshall, J. concurring).

The actions alleged in the Complaint all occurred at Petitioners' homes, where, "the right of exclusion may be absolute." International News Svc., 248 U.S. at 249 (Brandeis, J. dissenting). The occupation of Petitioners' property was indisputably not permanent; it lasted approximately a week straddling October 31, but the duration of the occupation, "goes to damages, not to whether a compensable taking has occurred." Ladd, 630 F.3d at 1025(C). It is undisputable that Petitioners were in no way compensated for this taking. Finally, it is equally undisputable that the placement of signs on Petitioners' property destroyed their right to exclude the

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public from the area in which they were placed for as long as they were there and, in fact, compelled the display of a message with which they disagreed, as discussed, *supra*. See Pacific Gas & Elec. Co. at 22-23 (Marshall, J. concurring).

Thus, without regard to the "public interests that [the occupation] may serve," Petitioners have demonstrated that their property was taken within the contemplation of the Fifth and Fourteenth Amendments and they are likely to prevail in that claim. Loretto at 426(II). See also Arkansas Game & Fish Com'n, 568 U.S. at 26.

C. Petitioners Suffer Irreparable Harms Because Of Respondents' Actions

"An injury is irreparable 'if it cannot be undone through monetary remedies.'" Scott v. Roberts, 612 F.3d 1279, 1295(III)(B)(11th Cir. 2010)(quoting Cunningham v. Adams, 808 F.2d 815, 821(II)(A)(2)(11th Cir. 1987)). In Elrod v. Burns, 427 U.S. 347, 373(VII), 96 S.Ct. 2673, 49 L.Ed.2d 547 (1976), the Supreme Court observed, "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." In a different context, the Eleventh Circuit explained:

> [t]he only area of constitutional jurisprudence where we have said that an on-going violation constitutes irreparable injury is the area of first amendment and right of privacy jurisprudence. The rationale behind these decisions was that chilled free speech and invasions of privacy, because of their intangible

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> nature, could not be compensated for by monetary damages; in other words, plaintiffs could not be made whole. Northeastern Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville, 896 F.2d 1283, 1285-86 (11th Cir. 1990).

This succinctly summarizes why an injunction must issue in order to assure that Respondents do not once again infringe upon Petitioners' First Amendment rights as Halloween once again approaches. Petitioners are faced with either complying with Respondents' unlawful scheme and sacrificing their right not to announce directly to the world their registrant status or violate the law and be arrested for some unstated crime. See generally Eternal Word Television Network, Inc. v. Sec'y, U.S. Dep't of Health & Human Servs., 756 F.3d 1339, 1349(III)(B)(11th Cir. 2014). The damage they suffer from being compelled to speak is not quantifiable, but "intangible," and therefore "cannot be undone through monetary remedies." Northeastern Fla. Chapter of Ass'n of Gen. Contractors of Am., 896 F.2d at 1285-86. See also Scott 612 F.3d at 1295(III)(B).

Petitioners' other claims relate to actions which Respondents took in order to facilitate the compelled speech. Thus, permitting Respondents to encroach onto Petitioners' property without a warrant or exigent circumstances for the purpose of occupying a portion of that property with a sign identifying them as registered sex offenders leads to the same, equally irreparable harm.

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D. The Balance Of Equities And Public Interest Strongly Favors Petitioners

The Fifth Circuit recognized that a government entity, "can never have a legitimate interest in administering [a] program in a manner that violates federal law." Planned Parenthood of Gulf Coast, Inc. v. Gee, 862 F.3d 445, 471(B) (5th Cir. 2017). Respondents' actions are not only blatantly beyond their authority, but do not further any public interest since they already publish the information which they wish to amplify, that a registrant lives on the subject property, as required by law for any interested persons to see. See O.C.G.A. §42-1-12(i)(3). Petitioners have also demonstrated that he manner in which the Respondents have implemented its program previously and presumably will this year violates Petitioners' constitutional rights. Therefore, Respondents "can never have a legitimate interest" in implementing this program. Planned Parenthood of Gulf Coast, Inc., 862 F.3d at 471(B).

The balance of equities therefore strongly favor Petitioners and, given the multitude of means the public has of discovering the same information, is not contrary to the public interest. See Doe 1 at 1324(IV)(A)(1)(a).

E. The Public Interest Would Not Be Harmed By An Injunction

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Very recently, Judge Jones noted, "[t]he public interest is promoted by the robust enforcement of constitutional rights." (citations and internal quotes omitted). Sistersong Women of Color Reproductive Justice Collective v. Kemp, ___ Fed.Supp.3d ___, 2019 WL 4849448 at *15(III)(A)(1)(ii)(4)(N.D. Ga. Oct. 1, 2019). And so it is in this case that the public would benefit from the federal Courts' typically zealous enforcement of all citizens' First Amendment and property rights against government encroachment.

Conversely, it is difficult to understand how the public interest is served by permitting Respondents essentially to make up their own rules and act beyond the substantial breadth of the authority they are given under O.C.G.A. §42-1-12, et seq., to monitor registrants. The public is interested in assuring that law enforcement officers, such as Respondents, act responsibly and only within their authority and not beyond it in serving the citizens they are tasked with protecting. See Sistersong Women of Color Reproductive Justice Collective, 2019 WL 4849448 at *15(III)(A)(1)(ii)(4).

4. CONCLUSION

For the foregoing reasons, Petitioners' pray this this Honorable Court:

- **WAIVE** usual procedures in order to expedite consideration of Petitioners' motion and act thereon prior to October 31, 2019;

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- **SET** a hearing for October 21, 2019, or as close to that date as possible, wherein Petitioners may show why an injunction should issue;

- **ISSUE** an injunction consistent with the motion and arguments, *supra*;

- **AWARD** reasonable attorneys' fees and expenses.

This 7 day of October, 2019.

Respectfully Submitted,
YURACHEK & ASSOCIATES, LLC

/s/ Mark Yurachek
_____
Mark Yurachek
Georgia Bar No. 78359955

HORSLEY BEGNAUD, LLC

/s/ Mark Begnaud
_____
Mark Begnaud
Ga. Bar No. 217641

Attorneys for Petitioners

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing ***EMERGENCY MOTION FOR PRELIMINARY INJUNCTION*** with the Clerk of Court using the CM/ECF system and that I served the same on the following by ECF and/or by placing a copy in the United States Mail with adequate postage to ensure delivery:

Sheriff Gary Long
Butts County Sheriffs Office
835 Ernest Biles Drive
Jackson, Georgia 30233

Deputy Jeanette Riley
Butts County Sheriffs Office
835 Ernest Biles Drive
Jackson, Georgia 30233

Michael A. O'Quinn, Esq.[2]
County Attorney for Butts County
O'Quinn & Cronin, LLC
103 Keys Ferry Street
McDonough, Georgia 30253

Date: October 7, 2019

/s/ Mark Yurachek
_____
Mark Yurachek
Georgia Bar No. 783599

[2] O'Quinn has not entered an appearance in this matter, but Petitioners anticipate that he will.

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