

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

TANYA PERRY MOUNT)	
)	
Plaintiff,)	CIVIL ACTION FILE NO.
)	
v.)	_____
)	
RICHMOND COUNTY SCHOOL)	
SYSTEM,)	
TED BROWN, individually and in)	
His official capacity as captain of the)	
School System Police Department,)	
And)	
JANINA DALLAS, individually and)	
In her official capacity as principal)	
Of McBean Elementary School,)	
)	
Defendants.)	

COMPLAINT

I. INTRODUCTION

1. This is in action under 42 U.S.C. § 1983 for various violations of Plaintiff's constitutional rights. Plaintiff seeks damages and declaratory and injunctive relief.

II. JURISDICTION & VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. 1343.
3. Venue is proper because Defendants are located in this District and in this Division, and Plaintiff resides in this District and in this Division.
4. Joinder of the Defendants is proper because the claims against them arise under the same series of transactions or occurrences and there are common questions of law and fact in the claims against them.

III. PARTIES

5. Plaintiff is a citizen of the United States and a resident of the State of Georgia.
6. Defendant Richmond County School System (“RCSS”) is a school system established under the laws of the State of Georgia.
7. RCSS is governed by the Richmond County Board of Education.
8. Defendants Brown and Dallas are employees of the Richmond County School System.
9. Defendant Brown is a Captain in the Richmond County Board of Education Police.
10. Defendant Dallas is the Principal of McBean Elementary School, a school operated by the Richmond County School System.

IV. FACTUAL BACKGROUND

11. On or about October 16, 2013 Plaintiff obtained a Georgia Weapons Carry License (“GWL”) pursuant to O.C.G.A. § 16-11-129.
12. Plaintiff formerly resided in New Jersey and has many friends there.
13. Under New Jersey law, the right to keep and bear arms is severely restricted, and it is all but impossible for an average citizen to obtain a license to carry arms.
14. Proud of her GWL and anxious to show her friends in New Jersey that Georgia is less restrictive of the right to keep and bear arms than New Jersey, Plaintiff displayed a photograph of her GWL on her Facebook page on or about October 16, 2013.
15. Plaintiff has a daughter he until recently attended McBean Elementary School.
16. On or about October 23, 2013, Defendant Brown called Plaintiff and asked her to come to his office for a meeting.
17. On or about October 23, 2013, Plaintiff went to Defendant Brown’s office as requested.
18. At the meeting, Brown and one of Brown’s officers advised Plaintiff that Plaintiff was banned from the McBean Elementary School.

19. Brown and the officer presented Plaintiff with a written notice that Plaintiff would be arrested and prosecuted for criminal trespass, pursuant to O.C.G.A. § 16-7-21 if she returned to the property or grounds of McBean.
20. When Plaintiff asked what the reason for the ban was, Brown and the officer told Plaintiff that Defendant Dallas was afraid of Plaintiff because Plaintiff is a former member of the U.S. Armed Forces and because Plaintiff posted an image of her GWL on Plaintiff's Facebook page.
21. Plaintiff has had no heated or violent confrontations with Dallas.
22. Plaintiff has made no threats of any kind to Dallas.
23. At the time of the meeting, Plaintiff's daughter was attending McBean.
24. Plaintiff reminded Brown that her daughter attended McBean and that it would be impossible for Plaintiff to participate meaningfully in her daughter's education if she were prohibited from entering the school to meet with administration and teachers and for educational activities.
25. Brown advised Plaintiff to seek to have her daughter moved to an "out of zone" school.
26. Seeing no immediate alternative, Plaintiff made that request, which was granted.

27. RCSS advised Plaintiff that Plaintiff's daughter only would be allowed to attend the out of zone school only if Plaintiff's daughter had "acceptable" behavior and if she were never tardy for school, among other requirements.
28. RCSS also advised Plaintiff that the out of zone assignment would only be valid for the 2013-2014 school year, even though the criminal trespass warning is permanent (in that it has no expiration).
29. RCSS requires Plaintiff to provide transportation for her daughter to and from school, because the new school is outside Plaintiff's zone.
30. Plaintiff's daughter rode the school bus, provided by RCSS, when she attended McBean.
31. Plaintiff had paid McBean a fee for school supplies for the year, and then had to pay a new fee for school supplies for the year to the new school.
32. On information and belief, Dallas requested Plaintiff's ban from McBean.
33. Plaintiff is in fear of arrest, detention, and prosecution should she ever enter McBean.
34. Plaintiff desires for her daughter to be able to attend McBean and resume her regular educational regimen, but she is unable to do so because of the fear of arrest, detention, and prosecution.

35. Brown and Dallas are high-ranking officials of RCSS that exercise significant control over the operations of matters within their respective areas.
36. Defendants were at all times relevant to this Complaint, acting under color of state law.

Count 1 – Violations of Fourteenth Amendment

37. By threatening Plaintiff with arrest, detention and prosecution if she enters the grounds or building of McBean, on account of Plaintiff's statements made on social media, and not pertaining to Defendants in any way, Defendants violated Plaintiff's right of free speech as guaranteed by the First Amendment, made applicable to the States via the 14th Amendment.
38. By threatening Plaintiff with arrest, detention, and prosecution if she enters the grounds or building of McBean, on account of Plaintiff's former membership in the Armed Forces of the United States, Defendants have violated Plaintiff's right to participate in the defense of the nation and the Privileges or Immunities Clause of the 14th Amendment.
39. By threatening Plaintiff with arrest, detention and prosecution if she enters the grounds or building of McBean, on account of Plaintiff's discussion of a GWL, absent any history of heated or violent encounter, or threats to any Defendant,

Defendants have imposed a chilling effect on Plaintiff's right to keep and bear arms, as guaranteed by the Second Amendment, made applicable to the States via the 14th Amendment.

Prayer for Relief

Plaintiff demands the following relief:

- 40 . Damages in an amount to be determined at trial.
- 41 . A declaration that Defendants may not ban Plaintiff from McBean on account of her protected speech, or on account of her former membership in the Armed Forces of the United States.
- 42 . An injunction prohibiting Defendants from arresting, detaining or prosecuting Plaintiff for entering the grounds or building of McBean absent a future event validly warranting such action, and requiring Defendants to restore Plaintiff's daughter to attendance at McBean, subject only to the normal, lawful requirements of students at McBean.
- 43 . A preliminary injunction prohibiting Defendants from arresting, detaining or prosecuting Plaintiff for entering the grounds or building of McBean absent a future event validly warranting such action, and requiring Defendants to restore

Plaintiff's daughter to attendance at McBean, subject only to the normal, lawful requirements of students at McBean, during the pendency of this action.

44. Attorney's fees and costs for bringing and maintaining this action.
45. A jury to try to this case.
46. Any other relief the Court deems proper.

JOHN R. MONROE,

/s/ John R. Monroe

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