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9
10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12
13 DIMITRIOS KARRAS, an
individual,

14 Plaintiff,

15 v.

16
17 WILLIAM D. GORE, SHERIFF, in
his official capacity, COUNTY OF
18 SAN DIEGO, a municipal
corporation, UNKNOWN SAN
19 DIEGO COUNTY SHERIFF'S
DEPARTMENT FACEBOOK
20 FAN PAGE ADMINISTRATORS I
through V, in their individual and
21 official capacities, inclusive, DOES
VI THROUGH XX INCLUSIVE,

22 Defendants.

Case No.: 3:14-cv-02564-BEN-KSC

EX-PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND APPLICATION FOR
PRELIMINARY INJUNCTION.

Judge: Hon. Roger T. Benitez
Courtroom: 5A
Hearing Date:
Hearing Time:

23
24 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

25 Plaintiff Dimitrios Karras hereby moves this Court under Federal Rules of
26 Civil Procedure 65 to grant Plaintiff's *ex-parte* application for temporary
27 restraining order, and for the court to set a briefing schedule on a preliminary
28 injunction for the following relief:

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10 UNITED STATES DISTRICT COURT
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12 DIMITRIOS KARRAS, an individual,

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14 v.

15 WILLIAM D. GORE, SHERIFF, in
16 his official capacity, COUNTY OF
SAN DIEGO, a municipal
17 corporation, UNKNOWN SAN
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18 DEPARTMENT FACEBOOK FAN
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19 V, in their individual and official
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20 THROUGH XX INCLUSIVE,

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Case No. 3:14-cv-02564-BEN-KSC

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND APPLICATION FOR
PRELIMINARY INJUNCTION

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1 **I. Introduction**

2 Sheriff Bill Gore maintains an official Facebook page. Dimitrios Karras
3 posted on the page. Finding the comments disagreeable, Sheriff Gore’s Facebook
4 page administrators deleted Mr. Karras’s comments and then banned him from
5 posting thereafter.

6 Plaintiff Dimitrios Karras (Karras) brings the instant applications for *ex*
7 *parte* temporary restraining order and preliminary injunction to stop the
8 Defendant William B. Gore, Sheriff of San Diego County (Sheriff Gore), from
9 suppressing viewpoints and criticism of his office in the forum that his
10 government agency has otherwise opened up to the public through Facebook.
11 Sheriff Gore’s staff not only deletes the comments that the Sheriff’s Department
12 disagrees with posted on the official Sheriff’s Facebook page, but bans the
13 posters. Sheriff Gore provides no means for a once banned poster, to recover
14 their ability to once again participate in the forum otherwise open to the public.

15 Plaintiff Dimitrios Karras seeks an Order from this Court providing the
16 following relief:

17 That Defendants desist and refrain from deleting or editing
18 any comments posted on the Facebook page maintained by the San
19 Diego County Sheriff’s Department at URL:
20 <https://www.facebook.com/sdsheriff>.

21 **Further**, that defendants desist and refrain from preventing
22 any persons from posting to the Facebook page for the San Diego
23 County Sheriff’s Department at URL:
24 <https://www.facebook.com/sdsheriff>.

25 **Further**, that those persons that have been banned from
26 publishing comments at this URL:
27 <https://www.facebook.com/sdsheriff> be allowed to publish their
28 comments on the comments section.

1 **Further**, that this relief shall be effective immediately.

2 **Further**, that no bond is required.

3
4 **II. Jurisdiction**

5 Plaintiff Karras invokes this Court's Federal Question jurisdiction under
6 the First and Fourteenth Amendments to the United States Constitution. As this
7 case is brought according to 42 U.S.C. § 1983, 28 U.S.C. § 1331 applies. The
8 Court has supplemental jurisdiction as to the Third Cause of Action according to
9 28 U.S.C. § 1367.

10 Rule 65 of the Federal Rules of Civil Procedure provides the remedial
11 vehicle to stop the Sheriff Department's censorship.

12 **III. Notice**

13 Plaintiff's attorney Scott McMillan provided notice of this matter to the
14 parties, and their counsel, as known. In the event that the parties or their attorneys
15 cannot be present to be heard in opposition, this Court should enter a temporary
16 restraining order without notice, under Fed. R. Civ. P. 65(b).

17 **IV. Facts**

18 Defendants are a municipal corporation and its agents operating in a
19 number of locations within the County of San Diego. [Karras Dec. ¶ 3].
20 Defendants, including elected political official, Sheriff Gore, operate a Facebook
21 fan page for the San Diego County Sheriff's Department. [Karras Dec. ¶ 4]. The
22 Facebook fan page, a government-operated Internet forum, invites Internet users
23 to leave comments and opinions on any stories or photos that Defendants post on
24 its Internet forum. [Karras Dec. ¶ 5].

1 Defendants describe a number of rules for these users in its “General
2 Information”:

3 We are not opposed to dissenting opinions on topics we post, but we
4 ask that our social conversations remain civil, respectful and
5 on-topic. Many of our postings concern matters of employee and
6 volunteer successes. We believe it is the height of incivility to use
7 those opportunities to vent about unrelated topics or offer unrelated
8 insults. We are respectful of the right we all have to free speech. We
9 invite any users with opinions on any topic to post anything they
10 want on their social media accounts. We simply ask for a degree of
11 civility when making comments on our pages. Any user would likely
12 expect the same of those posting made by others to their pages.
13 Comments on topics outside these postings may be directed to the
14 Sheriff’s Department via <http://www.sdsheriff.net/> (“civility
15 policy”).

16 [Karras Dec. ¶ 32].

17 Defendants enforce this “civility” policy by removing comments that fail to
18 be “civil, respectful, and on-topic.” [Karras Dec. ¶ 33]. Defendants leave no
19 other guideline to the public for determining what it means to be “civil,
20 respectful, and on-topic.”

21 On September 2, 2014 Mr. Karras posted a comment on the Sheriff’s
22 Department Facebook fan page. [Karras Dec. ¶ 7]. Within the hour, Plaintiff was
23 startled to find that his comment was removed, and that he was banned from
24 making further comments. [Karras Dec. ¶ 8].

25 On September 3, 2014, Mr. Karras called the Sheriff’s office to determine
26 why he was prevented from commenting and why he had been banned from
27 making further comments. [Karras Dec. ¶ 9]. After requesting transfer to a staff
28 member who administers the Sheriff’s Department Facebook fan page, Plaintiff
29 was transferred to Defendant Unknown San Diego County Sheriff’s Department
30 Facebook Fan Page Administrator I. [Karras Dec. ¶ 10]. Administrator I, a
31 female, explained to Mr. Karras that she would not allow him to post on the
32 Sheriff’s Department Facebook fan page. [Karras Dec. ¶ 10].

33 Mr. Karras, baffled, continued to investigate the extent of Defendants’
34 practice of removing comments and banning users who infringe on its posted

1 “civility” policy. [Karras Dec. ¶ 12].

2 Undeterred, on September 3, 2014, Mr. Karras posted under his alias
3 Facebook account with the name “Jim Block,” to the Sheriff’s page. He posted
4 the following criticism of Defendant Sheriff William D. Gore under a post
5 entitled “#Brake4Buses.” [Karras Dec. ¶ 13]. Mr. Karras’s comment was as
6 follows:

7 “Sheriff Gore: Do you plead the 5th about your involvement in the
8 MURDER of an unarmed woman who was holding her baby?
9 REMEMBER RUBY RIDGE.”

10 [Karras Dec. ¶ 13].

11 Then, without any explanation, Defendants removed Plaintiff’s comment.
12 [Karras Dec. ¶ 15]. To investigate Defendants’ censorship, Plaintiff scoured
13 through the Sheriff’s Department Facebook fan page and observed removal of a
14 number of comments that appear negative to the Sheriff’s Department, and the
15 curious lack of removal for those that praise the Sheriff’s Department. [Karras
16 Dec. ¶ 20].

17 Sheriff William B. Gore’s currently seeks re-election without any declared
18 opposition candidate. Plaintiff Karras is aware of the status. [Karras Dec. ¶¶ 32-
19 33].

20 **V. Standards on Granting an order for Injunctive Relief**

21 The Federal Rules of Civil Procedure empower the District Court to grant
22 both preliminary injunctions and temporary restraining orders. F.R.C.P. Rule 65.
23 The traditional equitable criteria for determining whether an injunction should
24 issue are

25 (1) Have the movants established a strong likelihood of success on
26 the merits;

27 (2) does the balance of irreparable harm favor the movants;

28 ///

1 (3) does the public interest favor granting the injunction?

2 *American Motorcyclists Ass'n v. Watt*, 714 F.2d 962, 965 (9th Cir. 1983).

3 The alternative test holds that “preliminary injunctive relief is available to a
4 party who demonstrates either (1) a combination of probable success and the
5 possibility of irreparable harm, or (2) that serious questions are raised and the
6 balance of hardship tips in its favor.” *Arcamuzi v. Continental Air Lines, Inc.*,
7 819 F.2d 935, 937 (9th Cir. Cal. 1987). “These two formulations represent two
8 points on a sliding scale in which the required degree of irreparable harm
9 increases as the probability of success decreases.’ [Citation omitted] If the
10 plaintiff shows no chance of success on the merits, however, the injunction
11 should not issue.” *Id.* “As an “irreducible minimum,” the moving party must
12 demonstrate a *fair chance* of success on the merits, or questions serious enough to
13 require litigation.” *Id.* (emphasis added).

14 Further, a movant must show that he suffered a significant threat of
15 irreparable injury. *Arcamuzi*, 819 F.2d at 937. The plaintiff “need not
16 demonstrate that he risks irreparable injury, but he must at least show that he will
17 suffer a degree of hardship that outweighs the hardship facing the opposing party
18 if the injunction is not issued.” *Topanga Press, Inc. v. City of Los Angeles*, 989
19 F.2d 1524, 1528 (9th Cir. 1993).

20 For a plaintiff seeking injunctive relief, irreparable injury is presumed if he
21 alleges First Amendment violations, “for even minimal periods of time.” *Elrod v.*
22 *Burns*, 427 U.S. 347, 373 (1976); *Topanga Press, Inc.*, 989 F.2d at 1528-29.

23 **VI. Argument**

24 **A. Fair Chance of Success.**

25 As shown below, Plaintiff should prevail on his 42 U.S.C. § 1983 claim for
26 three reasons: (1) Plaintiff can show that he is likely to prevail under a Monell
27 analysis for municipal corporations and its agents;(2) Defendants’ policy likely
28 violates both the First Amendment of the United States Constitution and the “Free

1 Speech Clause” of the California State Constitution; and (3) Defendants’ policy
2 fails to afford Plaintiff sufficient due process.

3 **1. Defendants are a “person” subject to 42 U.S.C. 1983.**

4 To recover under 42 U.S.C. § 1983, a plaintiff must establish that (1) a
5 defendant violated the plaintiff’s constitutional right; and (2) that defendant was a
6 person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

7 Municipal corporations and their agents are persons acting under state law
8 under 42 U.S.C. § 1983. *Monell v. Dep’t of Soc. Serv.*, 436 U.S. 658, 683-90
9 (1978). A plaintiff can prevail under 42 U.S.C. § 1983 if the plaintiff shows that a
10 municipal agent committed a constitutional violation under a formal government
11 policy or longstanding custom or practice. *See Gillette v. Delmore*, 979 F.2d
12 1342, 1346-47 (9th Cir. 1992). The regulation does not have to be written law,
13 but should “fairly be said to represent official policy.” *Monell*, 436 U.S. at 694. In
14 addition, liability may be based on a single decision by municipal policymakers
15 under appropriate circumstances. *Penbaur v. City of Cincinnati*, 475 U.S. 469,
16 480 (1986).

17 **2. Defendants’ violated Plaintiff’s rights in their operation of**
18 **the Facebook page.**

19 Defendant Sheriff Gore’s official policy (located in the “General
20 Information” section of the Sheriff’s Department Facebook fan page) for
21 censoring the public’s comments is the following: “[Defendants] ask that our
22 social conversations remain civil, respectful and on-topic . . . [w]e invite any
23 users with opinions on any topic to post anything they want on their social media
24 accounts . . . [w]e simply ask for a degree of civility when making comments on
25 our pages.” [Karras Dec. ¶ 32]. Defendants’ evaluation of acceptable speech of
26 whether the speech is “civil” or “uncivil” is entirely within the exercise of
27 Defendants’ discretion.

28 Sheriff Gore gives no objective criteria as “civil” speech is.

1 Yet, under this policy, Defendants twice removed Mr. Karras’s comment
2 and banned him from continuing to publish his comments on the Sheriff’s
3 Department Facebook fan page. At least one of the removed comments contained
4 criticism of the Sheriff Gore, a political official who is seeking reelection to
5 office. [Karras Dec. ¶¶ 22, 24, 26, 27.]

6 In his post, Plaintiff criticized the Sheriff Gore’s handling, while employed
7 by the FBI of the circumstances surrounding the 1992 shooting death of Vicki
8 Weaver. [Karras Dec. ¶ 13]. Defendants’ “civility” policy and its subsequent
9 actions are not in sufficient compliance with First Amendment limitations on
10 government censorship of speech.

11 **a. Defendants’ enforcement of it vague "civility" policy impaired**
12 **Mr. Karras’s First Amendment right to comment on the official**
13 **Facebook page.**

14 A plaintiff can show causation by showing “some kind of direct personal
15 participation in the deprivation, but also by setting in motion a series of acts by
16 others which the actor knows or reasonably should know would cause others to
17 inflict the constitutional injury.” *Johnson v. Duffy*, 588 F.2d 740, 743-44 (9th Cir.
18 1978).

19 Defendants had direct personal participation in the deprivation because
20 Defendants, as the administrators of the Sheriff’s Department Facebook fan page,
21 removed Plaintiff’s comments and banned Plaintiff from making additional
22 comments on the Internet forum. Additionally, Defendants indirectly confirmed
23 their censorship of Plaintiff’s speech over the phone when Plaintiff called the
24 Defendants requesting answers and a resolution –and being told that by
25 Defendant Unknown San Diego County Sheriff’s Department Facebook Fan Page
26 Administrator, that he was not allowed to post on the Sheriff’s Department
27 Facebook fan page. [Karras Dec. ¶¶ 9, 10.]

28 Therefore, Defendants directly caused injury to Plaintiff by denying him

1 exercise of his First Amendment rights.

2 **b. Defendants’ are unlikely to demonstrate that their need to**
3 **regulate the content of speech about Government activities for**
4 **“civility”.**

5 The First Amendment to the United States Constitution provides that
6 “Congress shall make no law . . . abridging the freedom of speech” U.S.
7 Const. Amend. I.

8 Likewise, Article 1, Section 2 (a) of the Constitution of the State of
9 California provides that “[e]very person may freely speak, write and publish his
10 or her sentiments on all subjects, being responsible for the abuse of this right. A
11 law may not restrain or abridge liberty of speech or press.” Cal. Const. art. 1, §
12 2(a).

13 California’s free speech clause and “its right to freedom of speech are not
14 only broad and as great as the First Amendment’s, they are even ‘broader’ and
15 ‘greater.’” *Gerawan Farming, Inc. v. Lyons*, 24 Cal.4th 468, 491 (2000).

16 No decisional authority under this nation’s First Amendment jurisprudence
17 remotely suggests that the government should oppress speech simply because
18 society finds the speech “offensive or disagreeable.” *Texas v. Johnson*, 491 U.S.
19 397, 414 (1989). In fact, the founding fathers argued that engaging in political
20 speech was a public duty. “Believing in the power of reason as applied through
21 public discussion, they eschewed silence coerced by law – the argument of force
22 in its worst form. Recognizing the occasional tyrannies of governing majorities,
23 they amended the Constitution so that free speech and assembly should be
24 guaranteed.” *Whitney v. California.*, 274 U.S. 357, 375-76 (1927) (Brandeis, J.,
25 concurring).

26 This Court should “consider this case against the background of a profound
27 national commitment to the principle that debate on public issues should be
28 uninhibited, robust, and wide-open, and that it may well include vehement,

1 caustic and sometimes unpleasantly sharp attacks on government and public
2 officials.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964).

3 **c. Defendants’ Internet forum was a designated public forum**
4 **because it indiscriminately invited all persons to participate in**
5 **discussion.**

6 One extent to the government’s ability to limit a person’s speech under the
7 First Amendment depends on the character of the property where the speech took
8 place. Under the Public Forum Doctrine, there are three categories of forums that
9 set the limits to the government’s ability to limit speech: (a) “traditional” public
10 forums, (b) “designated” or “limited” public forums, and (c) “non-public” forums.
11 *See Perry Education Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45-49
12 (1983). The government has minimal ability to limit a person’s speech in a
13 “traditional” public forum (e.g., streets or parks) and the maximum ability to limit
14 a person’s speech in a “non-public” forum (e.g., a public school’s internal mail
15 system). *See e.g., id.* at 45, 47.

16 A “designated” or “limited” public forum is “public property which the
17 State has opened for use by the public as a place for expressive activity.” *See id.*
18 at 45. To determine whether a “designated” or “limited” public forum exists, a
19 court analyzes the government’s intent to create such a forum by examining its
20 “policy and practice” as to the forum, and “the nature of the property and its
21 compatibility with expressive activity.” *Cornelius v. NAACP Legal Def. & Educ.*
22 *Fund., Inc.*, 473 U.S. 788, 802 (1985). Under a “designated” or “limited” public
23 forum, a government’s regulation of speech is reviewed under the same exacting
24 scrutiny as a traditional public forum. *Int’l Society for Krishna Consciousness,*
25 *Inc. v. Lee*, 505 U.S. 672, 678 (1992). Thus, if the court finds that an Internet
26 forum is a designated public forum, then the government has minimal ability to
27 limit a person’s speech—it is as if the plaintiff spoke in a park or on a street corner.

28 Here, Defendants’ Sheriff’s Department Facebook fan page is a designated

1 public forum. It explicitly invites “any [Internet] user with opinions on any topic
2 to post anything they want” [Karras Dec. ¶ 32].

3 The Sheriff’s Facebook page allows an interactive discussion between any
4 user (including Defendants), on any Internet-connected device that has Web
5 access, in the form of comments, emoticons, or even Facebook “likes.” [Karras
6 Dec. ¶ 6]. There is no ostensible limit to the types of comments other than
7 Defendants’ vague requirements that the “social conversations remain civil,
8 respectful, and on-topic.”

9 **d. Defendants’ “civility policy” fails exacting scrutiny analysis**
10 **because there is no vital interest in maintaining civility on an**
11 **Internet forum and it eliminated Mr. Karras’s political**
12 **opportunity.**

13 Political express is a core First Amendment right. *Buckley v. Valeo*, 42 U.S.
14 1, 44-45 (1976). Because of this, the courts must evaluate the defendants’ case to
15 exacting scrutiny. *Id.* In “core” political expression cases, “the restriction can be
16 sustained “only if it furthers a ‘vital’ government interest . . . that is achieved by
17 means that does not unfairly or unnecessarily burden either [party’s] continued
18 availability of political opportunity.” *See id.* at 94.

19 Here, Mr. Karras engaged in political speech. He questioned Sheriff Gore’s
20 involvement in a 1992 shooting of a woman [Decl. Karras ¶ 13], a topic of
21 discussion on political leadership and decision-making that is worthy of critique
22 and discussion in light of the upcoming November election. It should weigh on
23 voters’ minds as they make their voting decisions.

24 Defendants can cite to no “vital” government interest because there is no
25 “vital” government interest in, at best, maintaining a “civil” Internet forum for
26 discussion. Furthermore, Defendants’s means to achieve any “vital” government
27 interest is impermissible under the exacting scrutiny test. This is because
28 Defendants’ chosen means to pursue any legitimate interest in censoring Mr.

1 Karras’s speech necessarily unfairly and unnecessarily burden’s Mr. Karras’s
2 political expression – in fact, in one single click of the mouse, they *eliminated*
3 Mr. Karras’s right to political expression. Therefore, Defendants’ infringement of
4 Mr. Karras’s right to political expression cannot be ignored by this Court.

5 **e. Content-based restrictions fail the strict scrutiny analysis**
6 **because there is no compelling state interest in maintaining**
7 **civility on an Internet forum.**

8 Content-based restrictions are government regulations where either the
9 underlying policy is to “suppress particular ideas or, if the regulation, by its very
10 terms, singles out particular content for differential treatment.” *Reed v. Town of*
11 *Gilbert, AZ*, 587 F.3d 966, 974 (9th Cir. 2009).

12 If the government opens up a forum for discussion over “a wide array of
13 political and public-issue speech,” a content-based restriction on speech in a
14 designated public forum must be subjected to strict scrutiny analysis. *See e.g.*,
15 *United Food & Commercial Workers Union v. Sw. Ohio Reg’l Transit Auth.*, 163
16 F.3d 341, 352-53 (6th Cir. 1998). Under content-based strict scrutiny review,
17 government action limiting a person’s speech “must be necessary to serve a
18 compelling state interest and that it is narrowly drawn to achieve that end.” *Boos*
19 *v. Barry*, 485 U.S. 312, 321 (1988).

20 Here, the government Defendants explicitly engage in content-based
21 restriction on speech. Defendants suppress speech that they consider to be
22 “uncivil.” Furthermore, Defendants not only remove “uncivil” comments, but
23 Defendants ban any speaker from making further speech based on possible future
24 comments from the speaker—it actively restrains the speaker from making any
25 future public comment of any kind. Defendants unambiguously engage in the
26 worst kind of content-based restrictions of speech in a designated forum.
27 Therefore, this Court should evaluate Defendants’ regulations under strict
28 scrutiny analysis.

1 And under the scope of strict scrutiny, Defendants are unlikely to be able to
2 satisfy their burden. Defendants are unlikely to show that there is a compelling
3 state interest in its iron-first moderation of an Internet forum that invites all users
4 to share their opinions. There are no safety concerns. There are no disruption
5 issues that impede on the conducting of government business. *E.g.*, *Norse v.*
6 *Santa Cruz*, 586 F.3d 697, 700 (9th Cir. 2009), *reh's en banc granted*, *Norse v.*
7 *City of Santa Cruz*, 598 F.3d 1061 (9th Cir. 2010) (holding that a city council
8 properly ejected the plaintiff for being disruptive during a city council meeting).
9 There is no case law that Defendants can rely on to support their arguments. As to
10 the “narrowly tailored” requirement, the policies that govern the First
11 Amendment restrictions on the Sheriff’s Department Facebook fan page are not
12 narrowly drawn because enforcement of its “civility” requirements are entirely
13 within the Defendants’ whim.

14 Therefore, Defendants are unlikely to be able to show that their current
15 Sheriff’s Facebook fan page policy meets strict scrutiny analysis.

16 **f. Lacking guidelines on “civility” Defendants will be unable to rebut**
17 **the clear viewpoint discrimination demonstrated here.**

18 As part of the government’s burden to show that its application of content-
19 based restrictions for its website was permissible under strict scrutiny analysis,
20 the government must also show that its censorship does not discriminate based
21 upon the speaker’s viewpoint. *See Forsyth Cnty. v. Nationalist Movement*, 505
22 U.S. 123, 130-31 (1992). The government must show that its regulation was
23 reasonable in light of the purpose served by the forum and are viewpoint neutral.
24 *Cornelius*, 473 U.S. at 806.

25 When a government enacts “civility” or “decorum” policies for website
26 use, for those policies to be reasonable, the government must show that its civility
27 or decorum policies contain “narrow, objective, and definite standards” to ensure
28 that the government does not engage in viewpoint discrimination. David S. Ardia,

1 Government Speech and Online Forums: First Amendment Limitations on
2 Moderating Public Discourse on Government Websites, 2010 BYU L. Rev. 1981,
3 2004 (2010)¹; *Forsyth Cnty.*, 505 U.S. at 131.

4 The underlying principle behind viewpoint discrimination is that if a
5 government chooses to promote speech at all, it must promote all forms of speech
6 equally. Viewpoint discrimination is “thus an egregious form of content
7 discrimination. The government must abstain from regulating speech when the
8 specific motivating ideology or the opinion or perspective of the speaker is the
9 rationale for the restriction.” *Rosenberger v. Rector & Visitors of the Univ. of Va.*,
10 515 U.S. 819, 829 (1992).

11 This is a difficult standard for a government defendant to meet. Courts
12 have “consistently” invalidated government policies that “merely leave it to the
13 government’s discretion to determine what is acceptable.” *Ardia, supra*, at 2004-5
14 (citing *Amandola v. Town of Babylon*, 251 F.3d 339, 341 (2d. 2001) (reversing
15 the district court denial of plaintiff’s motion for preliminary injunction in a case
16 involving wrongful facility permit policies); *Int’l Union of Operating Eng’rs,*
17 *Local 150 v. Vill. of Orland Park*, 139 F. Supp. 2d 950, 954 (N.D. Ill. 2001)
18 (granting a preliminary injunction to plaintiffs involving a case of wrongful
19 picketing permit policies)). As a bottom line rule: the government cannot
20 suppress speech simply because society may find the speech offensive. *FCC v.*
21 *Pacifica Foundation*, 438 U.S. 726, 745 (1978).

22 The facts in this case suggest no reason to deviate from established First
23 Amendment jurisprudence. Defendants failed to set out a “narrow, objective, and
24 definite standard” to its ability to restrict speech on its designated public forum.
25 And through its “civility” requirement, it twice stopped Plaintiff from making his
26 speech (at least one of which was his lawful criticism of a government official)

27
28 ¹ This article is available at: Available at:
<http://digitalcommons.law.byu.edu/lawreview/vol2010/iss6/1>

1 and then banned him from making any further speech – simply based on the
2 content of the initially “offending” speech. When the government can decide
3 what is an acceptable viewpoint, and what is not – the government engages in
4 viewpoint discrimination, as did the Defendants in this case.

5 Therefore, Defendants’ administration of its Sheriff’s Department Facebook
6 fan page and its “civility” policy violates the First Amendment of the United
7 States Constitution and the Free Speech guaranteed of the California State
8 Constitution.

9 **3. Defendants lack any predetermined method for providing**
10 **Procedural Due Process to persons who have been banned.**

11 The Due Process clause states “nor shall any State deprive any person of
12 life, liberty, or property without due process of law.” This requires procedural
13 safeguards to accompany substantive choices. U.S. Const. Amend. XIV; *Mathews*
14 *v. Eldridge*, 424 U.S. 319, 332 (1976). Plaintiff’s comments were censored and
15 their further participation forbidden without any explanation. Mr. Karras had no
16 recourse to recover those comments or challenge being banned from the site.
17 [Karras Dec. ¶ 11].

18 When analyzing procedural due process, the court should apply the three
19 factor test articulated by the Supreme Court in *Mathews v. Eldridge*. There, the
20 Supreme Court stated that in order to determine the adequacy of due process, the
21 following should be considered: First, “[t]he private interest that will be affected
22 by the official action; second, the risk of an erroneous deprivation of such interest
23 through the procedures used, and the probable value, if any, of additional or
24 substitute procedural safeguards; and, finally, the Government’s interest,
25 including the function involved and the fiscal and administrative burdens that the
26 additional or substitute procedural requirement would entail.” *Mathews*, 424 U.S.
27 at 335.

28 Here, the interest affected is Plaintiff’s fundamental right to free speech.

1 The risk of erroneous deprivation is very high as it appears that Defendants make
2 arbitrary decisions, without explanation, and allow no means to have that decision
3 reviewed. Plaintiff suffered erroneous deprivation by having his comments
4 removed, and being banned from further commenting on the Sheriff's Department
5 Facebook fan page.

6 The administrative burden imposed on Defendants would be, at worst,
7 minimal. If Defendants want to limit free speech, all they would have to do is
8 simply turn the commenting ability off..

9 If Defendants were to create a policy that unquestioningly protects
10 constitutional free speech, the only foreseeable additional burden that should be
11 imposed is affording aggrieved citizens some form of review pertaining to their
12 removed post(s). Citizens should be notified and afforded some meaningful
13 opportunity to be heard before being prohibited from participating in the public
14 discussion. While it is highly doubtful that the number of citizens aggrieved by
15 such action would overwhelm the administrators, even if it did require additional
16 or even substantial effort on the part of Defendants, such is the cost due process
17 requires.

18 For these reasons, Plaintiff is likely to prevail on the Due Process cause of
19 action.

20 **B. Suppression of Speech comprises Irreparable Injury that Money**
21 **Damages alone cannot remedy.**

22 The right to speech and expression guaranteed by the First Amendment to
23 the United States Constitution and the Constitution of the State of California is
24 fundamental. And "the loss of First Amendment freedoms, for even minimal
25 periods of time, unquestioningly constitutes irreparable injury." *S.O.C., Inc. v.*
26 *County of Clark*, 152 F.3d 1136, 1148 (9th Cir. 1998).

27 Mr. Karras wants to comment on Sheriff Gore's tax-payer supported page
28 prior to the November 4 election. Thus, each day that he is unable to do so causes

1 irreparable injury. [Karras Dec. ¶ 37].

2 **C. The Balancing of Hardships test favors Plaintiff Karras because**
3 **Defendants' cannot be harmed by Karras's speech.**

4 The grave hardship of denial of fundamental liberties is imposed solely on
5 Plaintiff. There is no likelihood that Defendants will be damaged as a result of
6 restoring Plaintiff's removed comments and allowing Plaintiff to participate in its
7 online forum. Moreover, there is a substantial public interest at stake because the
8 instant litigation concerns the government's subject-matter restriction on speech
9 made in a designated public forum.

10 **D. The dispute implicates a matters of public interest.**

11 The instant case revolves around political speech that is undeniably a
12 matter of public interest because Mr. Karras's speech was core political speech.
13 His questioning of Sheriff Gore's handling of a 1992 shooting of a woman [Decl.
14 Karras ¶ 13], is relevant in light of the upcoming November election. Questioning
15 public authority is a vital First Amendment interest.

16 The very purpose of the First Amendment is to foreclose public
17 authority from assuming a guardianship of the public mind through
18 regulating the press, speech, and religion. In this field every person
must be his own watchman for truth, because the forefathers did not
trust any government to separate the true from the false for us.

19 *Thomas v. Collins*, 323 U.S. 516, 545 (1945). Mr. Karras's speech and speeches
20 of others like him serve a critical interest in ensuring that the government cannot,
21 by its own censorship of the press, speech, and regulation, be the guardianship of
22 the public mind. Here, it is clear that Mr. Karras's right to political expression is
23 the right that should be protected. Not the government's to limit it.

24 **E. The Court should not require a bond.**

25 Because there is a strong likelihood of success on merits as shown above.
26 Therefore, Plaintiff respectfully requests a nominal bond be imposed, if at all. *See*
27 *Doctors Assoc., Inc. v. Stuart*, 85 F.3d 975, 985 (2d Cir. 1996); *Scher v. Volpe*,
28 466 F.2d 1027, 1035 (7th Cir. 1972).

1 **VII. Conclusion**

2 Based upon the foregoing, Plaintiff respectfully urges this Court to issue a
3 Temporary Restraining Order and a Preliminary Injunction preventing Defendants
4 from undertaking any further denial of the right to free speech and expression
5 based on the content of the speech thereof, and/or violations of due process
6 thereof..

7 Respectfully Submitted,

8 Dated: October 29, 2014

THE McMILLAN LAW FIRM, A.P.C.

9 /s/ Scott A. McMillan

10 BY: _____

11 Scott A. McMillan
12 Attorney for Plaintiff
13 Dimitrios Karras

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TABLE OF CONTENTS FOR ATTACHMENTS	
Declaration of Dimitrios Karras w/ Exhibits	
Declaration of Lindy Diaz w/ Exhibits	

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7 Email: ngord2000

8 Attorneys for Dimitrios Karras

9
10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA
12

13 DIMITRIOS KARRAS, an individual,

14
15 Plaintiff,

16 v.

17 WILLIAM D. GORE, SHERIFF, in his
official capacity, COUNTY OF SAN
18 DIEGO, a municipal corporation,
UNKNOWN SAN DIEGO COUNTY
19 SHERIFF'S DEPARTMENT
FACEBOOK FAN PAGE
20 ADMINISTRATORS I THROUGH V, in
their individual and official capacities,
21 inclusive, DOES VI THROUGH XX
INCLUSIVE,

22 Defendants.
23
24

Case No. 3:14-cv-02564-BEN-KSC

DECLARATION OF DIMITRI
KARRAS IN SUPPORT OF EX
PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND APPLICATION FOR
PRELIMINARY INJUNCTION

Date:
Time:
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DECLARATION OF DIMITRI KARRAS

I, DIMITRIOS KARRAS, declare as follows:

1. I am the plaintiff in the above captioned case, and if called before this court or any other court I could and would testify competently to the following from my own personal knowledge except as to those matters I state on information and belief, and as to those matters I believe them to be true.

2. This declaration is made in support of the present Ex-Parte Application for Temporary Restraining Order and Application for Preliminary Injunction.

3. I am aware that the San Diego County Sheriff's Department is a municipal corporation, and that the agency and its agents operate within the County of San Diego.

4. Defendants, including elected political official, Defendant Sheriff William D. Gore (Sheriff Gore), operate a Facebook fan page for the San Diego County Sheriff's Department at the following URL:
<https://www.facebook.com/sdsheriff>

5. The San Diego County Sheriff's Department Facebook fan page invites Internet users to leave comments and opinions on any stories or photos that Defendants post on the website.

6. The San Diego County Sheriff's Department Facebook page allows an interactive discussion between any user (including Defendants), on any Internet-connected device that has Web access, in the form of comments, emoticons, or even Facebook "likes."

7. On or about September 2, 2014, I posted a comment on the San Diego County Sheriff's Department ("Sheriff's Department") Facebook fan page.

8. Within the hour, my posted comment was removed; and, at the same time, my personal Facebook account was banned from further commenting on the Sheriff's Department Facebook fan page.

1 9. On or about September 3, 2014, I called the Sheriff's Department and
2 asked to be transferred to the person handling the Sheriff's Department Facebook
3 fan page.

4 10. I was transferred to DEFENDANT UNKNOWN SAN DIEGO
5 COUNTY SHERIFF'S DEPARTMENT FACEBOOK FAN PAGE
6 ADMINISTRATOR I, a female agent, who let me know that she "knew" who I
7 was, and that she would not allow me to comment on the Sheriff's Department
8 Facebook fan page. She advised me that I should "go post on my own page" and
9 that I should not participate on the Sheriff's Department Facebook fan page.

10 11. I had no recourse to recover those comments or challenge being
11 banned from the site.

12 12. I decided to investigate Defendants' practice of removing comments
13 and removing people.

14 13. On or about September 3, 2014, as "Jim Block," I posted a comment
15 on the Sheriff's Department Facebook fan page in an attempt to document any
16 censorship that the Sheriff's Department employs in the administration of their
17 Facebook fan page. The comment was criticism of Sheriff Gore's handling, while
18 employed by the FBI, of the 1992 shooting death of Vicki Weaver. The comment
19 is reproduced as follows:

20 Sheriff Gore: Do you plead the 5th about your involvement in the
21 MURDER of an unarmed woman who was holding her baby?
 REMEMBER RUBY RIDGE.

22 A fair and accurate depiction of the posting is attached hereto as **Exhibit 1**.

23 14. My comment, which also addresses child safety, was in response to
24 Defendant's posting on the Sheriff's Department Facebook fan page warning
25 about dangers to children, entitled "#Break4Buses."

26 15. On or about September 3rd, 2014, Defendants again censored my
27 comment by deleting my posting to the Facebook fan page. A fair and accurate
28 depiction of the censorship is attached hereto as **Exhibit 2**.

1 16. On or about September 4, 2014, I sent a letter to Defendants
2 demanding that they bring themselves into compliance with the First Amendment
3 and announcing that I would take legal action, if they did not. A true and correct
4 copy of the letter, dated September 4, 2014, is attached hereto as **Exhibit 3**.

5 17. On or about September 4, 2014, my friend, Lindy Diaz, posted a
6 comment on the Sheriff's Department Facebook fan page. She posted the
7 following:

8 Are you the same person that is responsible for the
9 death of Vicki Weaver. If so, how are you not in
10 jail? If the world was just you would be tried for
11 your crimes.\

12 A fair and accurate depiction of the posting is attached hereto as **Exhibit 4**.

13 18. On or about the evening of September 4, 2014, I saw that Lindy
14 Diaz's comment was removed. A fair and accurate depiction of the censorship is
15 attached hereto as **Exhibit 5**.

16 19. On or about the evening of September 4, 2014, Lindy Diaz informed
17 me that she too was banned from posting comments on the Sheriff's Department
18 Facebook fan page.

19 20. After further investigations into Defendants' censorship, I observed
20 the removal of a number of comments that appear negative to the Sheriff's
21 Department, and the curious lack of removal for comments that praise the Sheriff's
22 Department.

23 21. On or about September 9, 2014, I saw a comment posted on the
24 Sheriff's Department Facebook fan page by user Brendon Benghazi Von,
25 referencing Sheriff Gore, which stated:

26 What about Bill Gore? Isn't he responsible for the
27 death of 2 people at ruby ridge?

28 A fair and accurate depiction of the posting by user Brendon Benghazi Von
is attached hereto as **Exhibit 6**.

29 22. Later, on or about September 9, 2014, I saw that user Brendon

1 Benghazi Von's comment was removed.

2 23. On or about September 9, 2014, I saw another comment posted
3 on the Sheriff's Department Facebook fan page by user TJ Smith,
4 referencing a deadly 1992 confrontation between government agents and the
5 wife of a religious leader, Vicki Weaver, which stated (with a picture of
6 Vicki Weaver):

7 Can I bring my mom, she is drop dead gorgeous.

8 A fair and accurate depiction of the posting by TJ Smith is attached
9 hereto as **Exhibit 7**.

10 24. On or about September 10, 2014, I saw that user TJ Smith's
11 comment was removed. A fair and accurate depiction of the censorship is
12 attached hereto as **Exhibit 8**.

13 25. As another example, on or about September 3, 2014, I saw that
14 one post from the Sheriff's Department Facebook fan page should have
15 displayed eight comments. A fair and accurate depiction of the option to
16 view eight comments is attached hereto as **Exhibit 9**.

17 26. However, I saw that the same post only displayed four
18 comments when I chose to "show" all comments. A fair and accurate
19 depiction of the inconsistency is attached hereto as **Exhibit 10**.

20 27. And as another example, on or about September 4, 2014, I saw
21 that one post from the Sheriff's Department Facebook fan page should have
22 displayed nineteen comments, but I was only able to view ten of them. A
23 fair and accurate depiction of the inconsistency is attached hereto as **Exhibit**
24 **11**.

25 28. And as another example, on or about September 4, 2014, I saw
26 that one post from the Sheriff's Department Facebook fan page should have
27 displayed six comments, but I was only able to view four of them. A fair and
28 accurate depiction of the inconsistency is attached hereto as **Exhibit 12**.

1 29. On or about September 8, 2014, I saw that comments such as
2 “Good job guys!! Keep it up! We appreciate ya!” were posted on the San
3 Diego County Sheriff’s Department’s Facebook fan page. A fair and
4 accurate depiction of the positive comment is attached hereto as **Exhibit 13**.

5 30. On or about September 10, 2014, I saw that the same positive
6 comments that praise the Defendants were not censored. A fair and accurate
7 depiction of the self-serving lack of censorship is attached hereto as **Exhibit**
8 **14**.

9 31. On or about October 28, 2014, I reviewed the “About” Section
10 of the San Diego County Sheriff’s Department Facebook fan page, which
11 details its posting policies. A fair and accurate depiction of the policies are
12 attached hereto as **Exhibit 15**.

13 32. I read from the “About” section of the San Diego County
14 Sheriff’s Department Facebook fan page that there are a number of rules for
15 posting a comment to the San Diego Sheriff’s Department Facebook fan
16 page. Those rules are the following:

17 We are not opposed to dissenting opinions on
18 topics we post, but we ask that our social
19 conversations remain civil, respectful and
20 on-topic. Many of our postings concern matters of
21 employee and volunteer successes. We believe it is
22 the height of incivility to use those opportunities
23 to vent about unrelated topics or offer unrelated
24 insults. We are respectful of the right we all have
25 to free speech. We invite any users with opinions
26 on any topic to post anything they want on their
27 social media accounts. We simply ask for a degree
28 of civility when making comments on our pages.
Any user would likely expect the same of those
posting made by others to their pages. Comments
on topics outside these postings may be directed to
the Sheriff’s Department via
<http://www.sdsheriff.net/>

26 33. Defendants remove comments that fail to be "civil, respectful,
27 and on-topic" according to the standards that they alone define and enforce.

28 34. I am aware that Sheriff Gore is a candidate for the November

1 2014 election for Sheriff. A fair and accurate depiction of the Sheriff Gore's
2 Candidate Intention Statement is attached hereto as **Exhibit 16**.

3 35. I am aware that Sheriff Gore is unopposed for the November
4 2014 election.

5 36. I believe that Defendants targeted my comments for removal
6 and banned me from the public forum in light of the upcoming November
7 2014 election.

8 37. I want to comment and post on Sheriff Gore's tax-payer
9 supported page prior to the November 4 election. Thus, each day that I am
10 unable to do so causes irreparable injury. Defendants do not have an
11 appeal process that I am able to participate in to have my ability to post
12 comments restored.

13 38. I seek a stop to further violations of the First Amendment and
14 other just compensation for the time I spent bringing this injustice to light.

15 I declare under penalty of perjury that the foregoing is true and
16 correct. Executed on October 29, 2014.


17
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20 Dimitrios Karras


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Table of Contents for Exhibits Decl. of Dimitrios Karras	
Exhibit #	Description
Ex. 1	Plaintiff Dimitrios Karras's comment on #Break4Buses post.
Ex. 2	Defendants' censorship of Plaintiff Dimitrios Karras's comment on #Break4Buses post.
Ex. 3	Plaintiff Dimitrios Karras's letter to Defendants concerning Defendants' First Amendment violations.
Ex. 4	Lindy Diaz's comment on Facebook fan page.
Ex. 5	Defendants' censorship of Lindy Diaz's comment on Facebook fan page.
Ex. 6	User Brendon Benghazi Von's comment on Facebook fan page.
Ex. 7	User TJ Smith's comment on Facebook fan page.
Ex. 8	Defendants' censorship of User TJ Smith's comment on Facebook fan page.
Ex. 9	A Facebook fan page post that should have contained eight comments.
Ex. 10	Inconsistent number of comments.
Ex. 11	A Facebook fan page post that should have contained nineteen comments.
Ex. 12	A Facebook fan page post that should have contained six comments.
Ex. 13	Speech that Defendants promote.
Ex. 14	Speech that Defendants do not censor.
Ex. 15	"About" Section of the San Diego County Sheriff's Department Facebook fan page.
Ex. 16	Sheriff Gore's Candidate Intention Statement


EXHIBIT 1

APPS

 Newsletter Sign Up

 Welcome

PHOTOS





Like · Comment · Share

56 people like this.

 **Cindy Gustafson** It should read WHEN RED LIGHTS ARE FLASHING....not all busses have stop sign arms
Yesterday at 10:15am · Like · 1

 **Abigail Bushnell** Seriously though laurel st in Lakeside is bad. No one stops. Its very scary.
Yesterday at 10:59am · Like · 1

 **Jim Block** Sheriff Gore: Do you plead the 5th about your involvement in the MURDER of an unarmed woman who was holding her baby? REMEMBER RUBY RIDGE
a few seconds ago · Like

 Write a comment..
Press Enter to post.

Create Page

- Recent
- 2014
 - 2013
 - 2012
 - 2011
 - 2010
 - 2009

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Meet Your Girlfriend
★★★★★ AYI
Meet and chat with single women near you with the Are You Interested? Facebook app.

Use Now · 500,000 people use this

 **San Diego County Sheriff's Department**
2 hours ago

EXHIBIT 2

PEOPLE >

9,059 likes

Invite your friends to like this Page

ABOUT >

Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.

http://www.sdsheriff.net/

Suggest Edits

APPS

Newsletter Sign Up

Welcome

PHOTOS >



incredibly powerful special report tonight after the Emmys and we've empowered you with lots of great information here >>> http://wncn.tv/VIGoz5



Share

56 people like this.

Cindy Gustafson It should read WHEN RED LIGHTS ARE FLASHING....not all busses have stop sign arms Yesterday at 10:15am · 1

Abigail Bushnell Seriously though laurel st in Lakeside is bad. No one stops. Its very scary. Yesterday at 10:59am · 1

Create Page

Recent

- 2014
- 2013
- 2012
- 2011
- 2010
- 2009

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EXHIBIT 3

Lycurgan, Inc. Ares Armor

208 N Freeman St

Oceanside, CA 92054

TO: Sheriff Bill Gore

FROM: Dimitrios Karras, CEO Ares Armor

SUBJ: 1st Amendment Violation and MURDER OF VICKI WEAVER

DATE: September 4, 2014

Sheriff Gore,

Firstly, I would like to congratulate you on holding the public office that you do. This is quite the accomplishment considering your past. The simple fact of the matter is that YOU are responsible for the death of an unarmed woman while she was holding her infant child. The orders that YOU gave, which were then followed by your subordinates, directly caused Vicki Weaver to be shot in the head. She was unarmed and posed no threat to you or your officers.

This is not why I write to you today though. I write to you in regards of your censorship of a public forum. This activity is despicable in every way. You are an elected official and you are using the publicly owned Facebook page <http://Facebook.com/sdsheiff> as a tool to silence any who would have negative comment about your ability and fidelity to hold this office.

The veracity of the comments that you remove from this page are never questioned, the only thing that is accomplished is censorship. Your illegal actions serve to remove any dissenter's rights to speak on this particular public forum. Others who support you are allowed to speak in this same public forum without restriction.

I have screenshots of the censorship that occurred; the comments were not profane or otherwise inappropriate.

As much as I dislike a murderer such as yourself holding the office that you do, I do not wish to burden the public with legal action to force you into complying with the law.

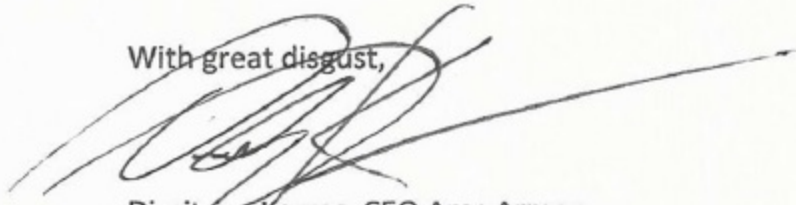
Let this be notice to you, if you do not within 14 days:

1. Un-block all of the citizen's accounts from the public Facebook page of the San Diego Sheriff's Department and allow these citizens the same 1st amendment rights that you allow to your supporters.
2. Cease and Desist ALL unreasonable censorship of political speech on the public forum <Http://facebook.com/sdsheiff>

I will then be left no option but to take legal action against your violations of the people's 1st amendment rights by means of civil suit. I pray that it does not come to this and that you will do the right thing and comply with the law on this particular issue.

I hope you live with your cowardice and your shame for a thousand years. May your children and your children's children learn of your disgrace and cast their eyes to the ground in embarrassment at the mere mention of your name.

With great disgust,

A handwritten signature in black ink, appearing to read 'Dimitrios Karras', with a long horizontal line extending to the right.

Dimitrios Karras, CEO Ares Armor

EXHIBIT 4

San Diego County Sheriff's Department

Invite your friends to like this Page

ABOUT

- Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.
- <http://www.sdsheriff.net/>

Suggest Edits

APPS

Newsletter Sign Up

Welcome

PHOTOS

VIDEOS

#Brake4Buses

#Brake4Buses - Please spread the word. North Carolina drivers break school bus traffic laws over 3,000 times a day. WNCN Jonathan Rodriguez has an incredibly powerful special report tonight after the Emmys and we've empowered you with lots of great information here >>> <http://wncn.tv/VIGOz5>

1364

STOP

0:47

Like Comment Share

60 people like this.

- Cindy Gustafson It should read WHEN RED LIGHTS ARE FLASHING...not all busses have stop sign arms. September 2 at 10:15am · Like · 1
- Abigail Bushnell Seriously though laurel st in Lakeside is bad. No one stops. Its very scary.. September 2 at 10:59am · Like · 1
- Lindy Diaz Are you the same person who is responsible for the murder of Vicky Weaver? If so how is it that you are not in jail? If the world was just you would be tried for your crimes. a few seconds ago · Like

San Diego County Sheriff's Department

18 hours ago

Sheriff Gore Urges Wildfire Preparedness (6 photos)

Wildfires are a year-round threat here in San Diego County. One only need look back at the May 2014 wildfires to see just how quickly things can get out of control.

Recent

- 2014
- 2013
- 2012
- 2011
- 2010
- 2009

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Top Carlsbad Dentist

packarddental.com

Packard Dental. Call Today and ask about our SPECIAL OFFERS!

191 people like this

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att.com

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Brittany Sue added a new photo.

- Garth Dickerson likes Chuck Newville's post on his own Timeline.
- Robin Jenkins guessed a song on SongPop.
- Mark Stober likes Carole Moll's status.
- Sharon Lowery is listening to No Such Thing - Demo
- Version by .inhn
- Katie KatAtonia... Mobile
- Jeremy Tuma Web
- Tatiana Clift 1m
- Ryan Jamieson 4h
- Sori Perez Web
- Justin Paik Mobile
- Courtney Ritterh... Mobile
- Allie Marie Moore Mobile
- Mario Diaz Mobile
- Shannon Theodor... 20m
- Daniel Bomtreger 6h
- Dave Diaz
- Linda Sue Dunn 1h
- Rachel R Mobile
- Malachi Paul Tipping Web

MORE FRIENDS (18)

Alexander Buck Mobile

Search

This webpage wants to run the following add-on: Java SE Runtime Environment 7 Update 67 from Oracle America, Inc. What's the risk? Allow x

EXHIBIT 5

San Diego County Sheriff's Department

9,064 likes

Dimitri Karras likes this.

Invite your friends to like this Page

ABOUT

Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.

<http://www.sdsheriff.net/>

Suggest Edits

APPS

Newsletter Sign Up

Welcome

PHOTOS

#Brake4Buses

#Brake4Buses - Please spread the word. North Carolina drivers break school bus traffic laws over 3,000 times a day. WNCN Jonathan Rodriguez has an incredibly powerful special report tonight after the Emmys and we've empowered you with lots of great information here >>> <http://wncn.tv/VIGOz5>

Share

60 people like this.

Cindy Gustafson It should read WHEN RED LIGHTS ARE FLASHING....not all busses have stop sign arms
September 2 at 10:15am · 1

Abigail Bushnell Seriously though laurel st in Lakeside is bad. No one stops. Its very scary.
September 2 at 10:59am · 1

San Diego County Sheriff's Department
18 hours ago

Sheriff Gore Urges Wildfire Preparedness (6 photos)
Wildfires are a year-round threat here in San Diego County. One only need look back at the May 2014 wildfires to see just how quickly things can get out of control.

The Sheriff's Department is working with the County of San Diego and CAL ... See More

Recent

2014
2013
2012
2011
2010
2009

Sponsored

Top Carlsbad Dentist
packarddental.com

Packard Dental. Call Today and ask about our SPECIAL OFFERS!
191 people like this

Need a new profile pic?
atl.com

Sophie Brown likes Laura Daniel Koch's status.

Robin Jenkins guessed a song on SongPop.

Scott A McMillan commented on his own link.

Melissa Nevers likes Lex Kathryn's status.

Kimberly Cannon-Egler I hate this place soo much!!!

Nick Witter commented on ...

Tatiana Clift Mobile

Shannon Theod... Mobile

Adam Dellgen Mobile

Brittany Sue 1m

Melissa Mahoney Mobile

Katie KatAtonia... Mobile

Kimberly Canno... Mobile

Ryan Jamieson 4h

Riko Kai Wur Mobile

Marianne Wolf Mobile

Justin Pak Mobile

Courtney Rittenh... Mobile

Daniel Bortreger 6h

Dave Diaz

Linda Sue Dunn 1h

MORE FRIENDS (28)

Amanda Bittinger Mobile

<https://www.facebook.com/video.php?v=10152731420209750>

EXHIBIT 6

San Diego County Sheriff's Department

ABOUT

Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.

<http://www.sdsheriff.net/>

Suggest Edits

APPS

Newsletter Sign Up

Welcome

PHOTOS

Yesterday · Edited

Suicide Prevention Week

Every 40 seconds, someone in the world takes their own life, that's about 800,000 suicides each year. The finding is from a World Health Organization (WHO) report which also shows suicide kills more than conflicts,... See More



Share 14 Shares

20 people like this.

Brendon Benghazi Von What about Bill Gore? Isn't he responsible for the death of 2 people at ruby ridge?
17 hours ago

Create Page

- Recent**
- 2014
 - 2013
 - 2012
 - 2011
 - 2010
 - 2009

Sponsored

You could get \$150
bbvacompass.com
Open BBVA Compass ClearChoice Checking & you could earn \$150. Compass Bank, Member FDIC

YOUR APPS MORE

-
- Jessica Nyberg and Patrick Fojt** are now friends.
- David G Vfgunrunner III** commented on his own link.
- Kevan Hill** commented on his own status.
- Les Murad III** shared Firefighter Turnout Bags's status update.
- Michael Wright** likes Joel Clark's link.
- Eric Graves** likes Dan Bilzerian's photo.
- David Anthony Flores** likes Men's Humor's photo.
- Jane Sealy Sprin...** Mobile
- Carlos Joel Ra...** Mobile
- MORE FRIENDS (54)**
- Adam Siefman** Mobile

EXHIBIT 7

San Diego County Sheriff's Department

Dimitri Home 20+



Invite your friends to like this Page

ABOUT

Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.

<http://www.sdsheriff.net/>

Suggest Edits

APPS



Newsletter Sign Up



Welcome

PHOTOS



Coffee With The Community - Del Mar
Tuesday, September 23 at 8:00am
Powerhouse Community Center in Del Mar, California
You're going

Going

Like · Share

3 people like this.

Sheri Seansmom When are we doing this in Vista?
September 5 at 11:25am · Like

Adrian Aquino Great! Always nice to see our law enforcement taking time to talk to the community.
September 5 at 4:54pm · Like

San Diego County Sheriff's Department Coffee With The Community events are held regularly throughout the year within Sheriff's jurisdiction. Follow us here on Facebook for the latest updates.
22 hours ago · Unlike · 1

TJ Smith Can I bring my mom, she is drop dead gorgeous.



14 hours ago · Unlike · 2

Create Page

Recent

- 2014
- 2013
- 2012
- 2011
- 2010
- 2009

Sponsored

Get the money you need.
advanceamerica.net



Advance America can help you go from zero to hundreds in no time at all. Learn more.

YOUR APPS MORE



David G Vfgunrunner III commented on his own link.

Kevan Hill commented on his own status.

Les Murad III likes Firefighter Turnout Bags's status.

Michael Wright likes Joel Clark's link.

Eric Graves likes Dan Bilzerian's photo.

David Anthony Flores likes Men's Humor's photo.

Tanner Curtis So Apple releases the new iPhone

MORE FRIENDS (56)

Alan Couch Mobile

Alexis Monique ... Mobile

Bob Lee Swaggerd Web

Search



EXHIBIT 8



24 8



14 3



107 6

UPCOMING EVENTS

Coffee With The Community - Del ...
 Tuesday, September 23, 2014 at 8:00am
 Melissa Mahoney and Brendon Benghazi Von are going

Chat With A Recruiter
 Wednesday, October 1, 2014 at 10:00am
 Hosted by San Diego County Sheriff's Department

Chat With A Recruiter
 Monday, November 3, 2014 at 10:00am
 Hosted by San Diego County Sheriff's Department

San Diego County Sheriff's Department created an event. September 5



Coffee With The Community - Del Mar
 Tuesday, September 23 at 8:00am
 Powerhouse Community Center in Del Mar, California
 You declined

Like - Share

3 people like this.

Sheri Seansmom When are we doing this in Vista?
 September 5 at 11:25am · Like

Adrian Aquino Great! Always nice to see our law enforcement taking time to talk to the community.
 September 5 at 4:54pm · Like

San Diego County Sheriff's Department Coffee With The Community events are held regularly throughout the year within Sheriff's jurisdiction. Follow us here on Facebook for the latest updates.
 September 8 at 1:03pm · Unlike · 1

Create Page

Recent

- 2014
- 2013
- 2012
- 2011
- 2010
- 2009

Sponsored



Red Bull Air Race Vegas
 redbullairrace.com
 Red Bull Air Race Las Vegas
 Oct 11-12. Get tickets today!

YOUR APPS



Eric Southland likes Kevin Zuniga's photo.

Faye Higbee and Mike Ferris are now friends.

Chad Jones likes Nsz85.

George Peterson shared Col. Rob Maness (ret.) for US Senate's video. "On September 11th I was at work in the Pentagon when the plane..."

Robert W. Banes likes Max Mullen's photo.

Shawn Herrin likes Guns Save Lives's link.

Sean Newton Mobile

Sara Bryant Mobile

MORE FRIENDS (54)

Alessandro Abia... Mobile

EXHIBIT 9

San Diego County Sheriff's Department

PEOPLE >

9,059 likes

Invite your friends to like this Page

ABOUT >

Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.

http://www.sdsheriff.net/

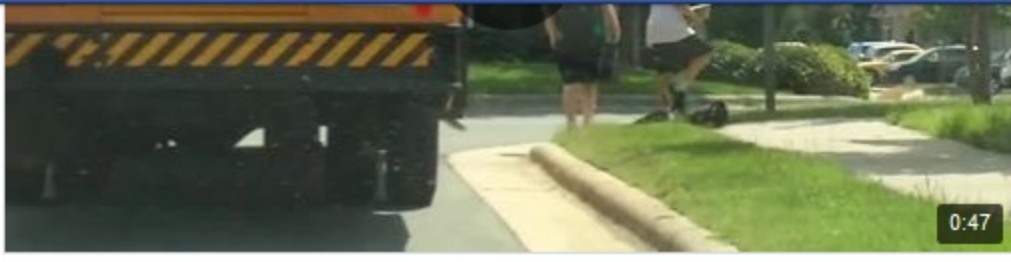
Suggest Edits

APPS

Newsletter Sign Up

Welcome

PHOTOS >



Like · Comment · Share

56 people like this.

View 8 more comments

Jim Block Sheriff Gore: Do you plead the 5th about your involvement in the MURDER of an unarmed woman who was holding her baby? REMEMBER RUBY RIDGE 25 minutes ago · Unlike · 2

Shane Uphoff http://3.bp.blogspot.com/.../TTDyUIEMKs/s400/MICKIW.jpg about a minute ago · Like

Write a comment..

San Diego County Sheriff's Department 2 hours ago

Sheriff Gore Urges Wildfire Preparedness (6 photos) Wildfires are a year-round threat here in San Diego County. One only need look back at the May 2014 wildfires to see just how quickly things can get out of control.

The Sheriff's Department is working with the County of San Diego and CAL ... See More



Create Page

- Recent 2014 2013 2012 2011 2010 2009

Sponsored



Grab 2000 FREE Coins & P... Slotomania Slot Machines Get All The Thrills of VIDEO SLOTS with Tons of Levels, BONUS Games and FREE gifts!

Play Now 1,000,000 people play this

Decl. of Karras Ex. 9

Chat

EXHIBIT10

San Diego County Sheriff's Department

Jim Home Find Friends

PEOPLE >

9,059 likes

Invite your friends to like this Page

ABOUT >

Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.

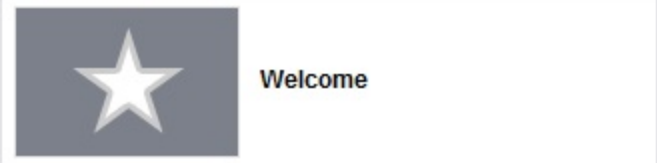
http://www.sdsheriff.net/

Suggest Edits

APPS



Newsletter Sign Up



Welcome

PHOTOS >



Like · Comment · Share

56 people like this.



Cindy Gustafson It should read WHEN RED LIGHTS ARE FLASHING...not all busses have stop sign arms Yesterday at 10:15am · 1



Abigail Bushnell Seriously though laurel st in Lakeside is bad. No one stops. Its very scary. Yesterday at 10:59am · 1



Jim Block Sheriff Gore: Do you plead the 5th about your involvement in the MURDER of an unarmed woman who was holding her baby? REMEMBER RUBY RIDGE 26 minutes ago · Unlike · 2



Shane Uphoff http://3.bp.blogspot.com/.../TTDyUIEMKs/s400/MICKIW.jpg 2 minutes ago · Like



Write a comment..



San Diego County Sheriff's Department 2 hours ago

Sheriff Gore Urges Wildfire Preparedness (6 photos) Wildfires are a year-round threat here in San Diego County. One only need look back at the May 2014 wildfires to see just how quickly things can get out of control.

Create Page

- Recent 2014 2013 2012 2011 2010 2009

Sponsored



Grab 2000 FREE Coins & P... Slotomania Slot Machines Get All The Thrills of VIDEO SLOTS with Tons of Levels, BONUS Games and FREE gifts!

Play Now 1,000,000 people play this

Decl. Karras Ex. 10

Chat

EXHIBIT11

San Diego County Sheriff's Department

Suggest Edits

APPS: Newsletter Sign Up



PHOTOS



Memorial Day is just a few days away, and that means many will spend the long holiday weekend partying and having a good time.

Unfortunately, some will endanger lives by drinking and getting... See More



Share 87 likes 19 comments 88 shares

87 people like this.

Cheryo Kevis Amador Sobriety checkpoints — also known as DUI checkpoints — are the most common roadblocks you might encounter. They function as a general purpose investigatory tactic where police can get a close look at passing motorists by detaining them briefly. A roadblock stop is quick, but it gives police a chance to check tags and licenses, while also giving officers a quick whiff of the driver's breath and a chance to peer into the vehicle for amonment. Remember that your constitutional rights still apply in a roadblock situation. Though police are permitted to stop you briefly, they may not search you or your car unless they

Create Page

- Recent: 2014, 2013, 2012, 2011, 2010, 2008

Sponsored by



Birthday flowers & gifts 1... FTD.COM She makes "overboard" the only way to go — treat her to a birthday to remember

YOUR APPS



- Shames Flynn added a new photo
Scott Koch shared a link
Dan Price commented on Jordan Pallen's link

Riggs Smith posted a photo to Stephanie Mello's timeline — with Stephanie Mello. That moment when your old lady says she has an idea

Rex Bacon likes Dana Howell's status.

Roof Hearted likes Entertainment Weekly's link.

Jane Sealy Sprin...
Brian Dillabower

Alex Popescu

Search

Decl. of Karras 11



UPCOMING EVENTS

Chat With A Recruiter
Wednesday, October 1, 2014 at 10:00am
Hosted by San Diego County Sheriff's Department

Chat With A Recruiter
Monday, November 3, 2014 at 10:00am
Hosted by San Diego County Sheriff's Department

Chat With A Recruiter
Monday, December 1, 2014 at 10:00am
Hosted by San Diego County Sheriff's Department

- weekend stay safe. Thank you for all you guys do to keep us safe.
Hardy Jeff I really don't get it. What I know Memorial Day is the day of remembrance for those brave heroes who sacrifice their life for our liberty and freedom.
Jose De Jesus Anguiano I don't drink lol....4 years sober boys...
David Jarvis Cue the ignorant Americans who believe they understand law and decide to whine on the Sheriff's facebook page for some reason.
Amanda Patchin Martin Just drove thru a checkpoint on RSJ in Encinitas.
Mike Brown Pinch every last one of them, badges!! Thank you for your work.
Bryan Sanders ok, how about DONT EVER DRINK AND DRIVE... or just dont do it this weekend but any other time go for it?
Annette Minor Gabriella Could someone post what the sheriff helicopter is announcing over San Marcos currently? it is hard to hear. This would be an ideal place to post such immediate announcements when seeking lost individuals or suspects on the loose.

San Diego County Sheriff's Department
May 19 at

Click It Or Ticket

Deputies are stepping up enforcement to catch drivers who aren't wearing their seat belts from May 19th to June 1st.

Create Page

Recent

- 2014
2013
2012
2011
2010
2009

Sponsored by



Birthday flowers & gifts f...
PTD.COM
She makes "inversant" the only way to go - treat her to a birthday to remember

POOR APPS



Hank Roberts commented on his own status.

Shamus Flynn added a new photo.

Scott Koch shared a link.

Dan Price commented on Jordan Paller's link.

Riggs Smith posted a photo to Stephanie Mello's timeline - with Stephanie Mello. that moment when your old lady says she has an idea

Rex Bacon likes Dana Howell's status.

Jane Sealy Sprin...

Jason Grace

Alex Popescu

Decl. of Karras Ex. 11

EXHIBIT12



Create Page

Recent

- 2014
- 2013
- 2012
- 2011
- 2010
- 2009

Sponsored



Birthday flowers & gifts f...
FTD.COM
She makes "overboard" the only way to go - treat her to a birthday to remember.



Cesar Calderon commented on his own photo.

Mark Roberts commented on his own status.

Shames Flynn added a new photo.

Scott Koch shared a link.

Dan Price commented on Jordan Patten's link.

Riggs Smith posted a photo to Stephanie Mello's timeline - with Stephanie Mello. That moment when your old lady says she has an idea.

Jane Sealy Sprin... likes

Lindy Diaz likes

Anthony Simmons likes



UPCOMING EVENTS



Chat With A Recruiter
Wednesday, October 1, 2014 at 10:00am
Hosted by San Diego County Sheriff's Department



Chat With A Recruiter
Monday, November 3, 2014 at 10:00am
Hosted by San Diego County Sheriff's Department



Chat With A Recruiter
Monday, December 1, 2014 at 10:00am
Hosted by San Diego County Sheriff's Department

English (US) Privacy Terms Cookies More
Facebook © 2014

Decl. of Karras Ex. 12

EXHIBIT13

San Diego County Sheriff's Department



14 3



107 6



96 12

UPCOMING EVENTS

Coffee With The Community - Del ... Tuesday, September 23, 2014 at 8:00am Hosted by San Diego County Sheriff's Department

Chat With A Recruiter Wednesday, October 1, 2014 at 10:00am Hosted by San Diego County Sheriff's Department

Chat With A Recruiter Monday, November 3, 2014 at 10:00am Hosted by San Diego County Sheriff's Department



Share

11 Shares

Linda Pearce, SASPD Explorer Post 490, Cindy Mitchell and 103 others like this.

Daniel DePozo Good work, keep it going and may be they will get the hint that drugs are not allowed at all. The people of Mexico are very good ,but the drug cartel is bad news for the people there and the USA. stop THEM clod. September 5 at 4:28pm

Cristina Medina El Iván Diaz that's why they were all posted at the police station. They were booking all these chumps September 5 at 5:58pm

El Iván Diaz No pasa nada See Translation September 5 at 6:06pm

Rigo Candelario I saw this happening, it was across the street from my house smh September 5 at 6:08pm

Rigo Candelario Chuya Candelario September 5 at 6:12pm

Abbie Kirkendall Great job everyone!! September 5 at 10:11pm

Mick Gepford This is why I want to be a deputy !!! September 6 at 12:13am

Sharon McMunn Good job guys!! Keep it up! We appreciate ya! September 6 at 9:27am

Karen Christian Thank you, thank you, thank you! September 6 at 2:32pm

Create Page

- Recent 2014 2013 2012 2011 2010 2009

EXHIBIT14

San Diego County Sheriff's Department

Invite your friends to like this Page

ABOUT

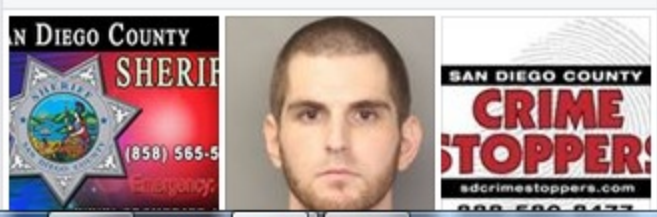
Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1. http://www.sdsheriff.net/ Suggest Edits

APPS

Newsletter Sign Up

Welcome

PHOTOS



Share 11 Shares

- 107 people like this. Daniel DePozo Good work, keep it going... Cristina Medina El Iván Diaz that's why they were all posted... El Iván Diaz No pasa nada... Rigo Candelario I saw this happening... Rigo Candelario Chuya Candelario... Abbie Kirkendall Great job everyone!!... Mick Gepford This is why I want to be a deputy!!!... Sharon McMunn Good job guys!!... Karen Christian Thank you, thank you, thank you!

Create Page

Recent

- 2014 2013 2012 2011 2010 2009

Sponsored



Red Bull Air Race Vegas redbullairrace.com Red Bull Air Race Las Vegas Oct 11-12. Get tickets today!

YOUR APPS



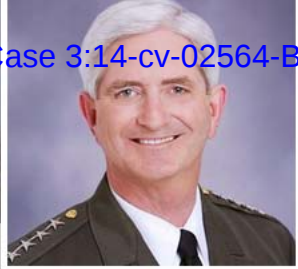
- Jeremy Paulin likes Karen Dwyer Burton's link. Eric Southland likes Kevin Zuniga's photo. Faye Higbee and Mike Ferris are now friends. Chad Jones likes Nsz85. George Peterson shared Col. Rob Maness (ret.) for US Senate's video. Robert W. Banes likes Max Mullen's photo.

MORE FRIENDS (54)

- Bill Giraldi Web Jason Grace Mobile Alessandro Abia... Mobile

Decl. of Karras Ex. 14

EXHIBIT 15



San Diego County Sheriff's Department

Government Organization

- Timeline
- About**
- Photos
- Events
- More ▾

About

Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.

Description

The San Diego County Sheriff's Department is the chief law enforcement agency in San Diego County. The department is comprised of approximately 4,000 employees, both sworn officers and professional support staff. The department provides general law enforcement, detention and court services for the people of San Diego County in a service area of approximately 4,200 square miles. In addition, the department provides specialized regional services to the entire county, including the incorporated cities and the unincorporated areas of the county.

SHERIFF'S ROLE

The Sheriff, elected by the residents of San Diego County, is the chief executive of the department. He manages seven major detention facilities as well as eight major patrol stations, four patrol substations, a crime laboratory and an array of support operations necessary to provide full law enforcement coverage for the County of San Diego.

GENERAL SERVICE AREAS

The San Diego County Sheriff's Department is organized into six general service areas which includes the following:

- Office of the Sheriff
- Law Enforcement Services
- Detention Facility Services
- Court Services
- Human Resource Services
- Management Services

Law Enforcement Services

Basic Info

Joined Facebook 09/11/2009

Location 9621 Ridgehaven

Hours Mon - Fri: 8:00 a

Contact Info

Phone (858) 565-5200

Website <http://www.sdsd>

■ Management Services

Law Enforcement Services

The San Diego County Sheriff's Department provides contract law enforcement services for the cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach and Vista. In these cities the Sheriff's Department serves as their police department, providing a full range of law enforcement services including patrol, traffic and investigative services.

In the unincorporated (non-city) areas, the Sheriff's Department provides generalized patrol and investigative services. The California Highway Patrol has the primary jurisdiction for traffic services in unincorporated areas.

Detention Services

The San Diego County Sheriff's Department operates seven detention facilities. Male arrestees are booked at the San Diego Central Jail and Vista Detention Facility, while female arrestees are booked at the Las Colinas and Vista Detention Facilities. The remaining jails house inmates in the care of the Sheriff.

In order to provide critical services to a daily inmate population over 5,000, the Detention Services Bureau is supported by a state-of-the-art food services production center, comprehensive medical services, laundry, commissary, and inmate processing services. The Inmate Services Division provides a number of educational and rehabilitative programs aimed at improving the reentry success of those returning to our communities.

Court Services

In January 2000, the former San Diego County Marshal's Office merged with the Sheriff's Department. Since that time, the Sheriff has provided court security and related services for the San Diego Superior Court at several locations throughout the county.

General Information

We are not opposed to dissenting opinions on topics we post, but we ask that

The San Diego County Sheriff's Department provides law enforcement services for the cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach and Vista. In these cities the Sheriff's Department serves as their police department, providing a full range of law enforcement services including patrol, traffic and investigative services.

In the unincorporated (non-city) areas, the Sheriff's Department provides generalized patrol and investigative services. The California Highway Patrol has the primary jurisdiction for traffic services in unincorporated areas.

Detention Services

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Court Services

In January 2000, the former San Diego County Marshal's Office merged with the Sheriff's Department. Since that time, the Sheriff has provided court security and related services for the San Diego Superior Court at several locations throughout the county.

General Information

We are not opposed to dissenting opinions on topics we post, but we ask that our social conversations remain civil, respectful and on-topic. Many of our postings concern matters of employee and volunteer successes. We believe it is the height of incivility to use those opportunities to vent about unrelated topics or offer unrelated insults. We are respectful of the right we all have to free spee...

[See More](#)

Decl. of Karras Ex. 15 p. 3

EXHIBIT 16

2013 APR 30 A 10:49

CANDIDATE INTENTION STATEMENT

Candidate Intention Statement

ORIGINAL Type or Print in Ink.

Date Stamp REC'D S.D. CO. ROV

CALIFORNIA FORM 501

For Official Use Only

Check One: [X] Initial [] Amendment (Explain)

1. Candidate Information:

NAME OF CANDIDATE (Last, First, Middle Initial)

GORE, WILLIAM D.

NUMBER (optional)

E-MAIL (optional)

CITY

SAN DIEGO

STATE

CA

ZIP CODE

92101

OFFICE SOUGHT (POSITION TITLE)

SHERIFF

AGENCY NAME

SAN DIEGO COUNTY

DISTRICT NUMBER, if applicable.

[X] NON-PARTISAN

OFFICE JURISDICTION

PARTY:

[] State (Complete Part 2.)

[] City [X] County [] Multi-County:

(Name of Multi-County Jurisdiction)

2014 (Year of Election)

2. State Candidate Expenditure Limit Statement:

(CalPERS and CalSTRS candidates, judges, judicial candidates, and candidates for local offices do not complete Part 2.)

Primary/general election (Year of Election)

Special/runoff election (Year of Election)

(Check one box)

[] I accept the voluntary expenditure ceiling for the election stated above.

[] I do not accept the voluntary expenditure ceiling for the election stated above.

Amendment:

[] I did not exceed the expenditure ceiling in the primary or special election held on: ___/___/___ and I accept the voluntary expenditure ceiling for the general or special run-off election.

(Mark if applicable)

[] On ___/___/___, I contributed personal funds in excess of the expenditure ceiling for the election stated above.

3. Verification:

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on

4/26/13 (month, day, year)

Signature

William D. Gore (Candidate)

Decl. of Karras Ex. 16

1 Scott A. McMillan, SBN 212506
The McMillan Law Firm, APC
2 4670 Nebo Dr., Suite 200
La Mesa, CA 91941-5230
3 Tel. 619-464-1500 x 14 // Fax (206) 600-5095
email: scott@mcmillanlaw.us

4 Alan Alexander Beck, SBN 276646
5 Attorney at Law
4780 Governor Drive
6 San Diego, CA 92122
Telephone: (619) 971-0414
7 Email: ngord2000

8 Attorneys for Dimitrios Karras

9
10
11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13
14 DIMITRIOS KARRAS, an individual,

15
16 Plaintiff,

17 v.

18 WILLIAM D. GORE, SHERIFF, in his
official capacity, COUNTY OF SAN
19 DIEGO, a municipal corporation,
UNKNOWN SAN DIEGO COUNTY
20 SHERIFF'S DEPARTMENT
FACEBOOK FAN PAGE
21 ADMINISTRATORS I THROUGH V, in
their individual and official capacities,
22 inclusive, DOES VI THROUGH XX
INCLUSIVE,

23 Defendants.
24
25

Case No. 3:14-cv-02564-BEN-KSC

DECLARATION OF LINDY DIAZ
IN SUPPORT OF EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
APPLICATION FOR PRELIMINARY
INJUNCTION

26
27 ///

28 ///

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DECLARATION OF LINDY DIAZ

I, Lindy Diaz, do solemnly swear or affirm under the penalty of perjury that the following is true and is based upon my own personal knowledge.

1. I am over the age of 18 years old and fully competent to testify to the following matters based upon my own personal knowledge.

2. On or about September 4th, 2014, I posted a comment on the San Diego County Sheriff's Department Facebook fan page with the following:

Are you the same person that is responsible for the death of Vicki Weaver. If so, how are you not in jail? If the world was just you would be tried for your crimes.\

A fair and accurate depiction of the posting is attached hereto as **Exhibit 1**.

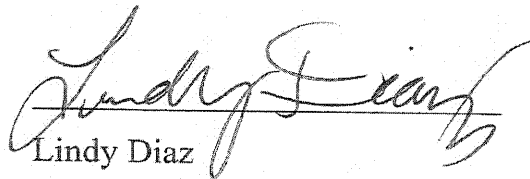
3. On or about the evening of September 4th, 2014, my comment was removed. A fair and accurate depiction of the censorship is attached hereto as **Exhibit 2**.

4. On or about the evening of September 4th, 2014, I found out that I was banned from posting comments on the Sheriff's Department Facebook fan page.

FURTHER AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 28, 2014.


Lindy Diaz

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Table of Contents for Exhibits Decl. of Lindy Diaz	
Exhibit #	Description
Ex. 1	Lindy Diaz's post on the Facebook fan page.
Ex. 2	Defendants' censorship of the same.

EXHIBIT 1

San Diego County Sheriff's Department

Invite your friends to like this Page

ABOUT
 Sheriff Bill Gore - Official San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.
<http://www.sdsheeriff.net/>
 Suggest Edits

APPS
 Newsletter Sign Up
 Welcome

PHOTOS
 55 San Diego County Sheriff's Department

VIDEOS
 The webpage wants to run the following add-on: Java SE Runtime Environment 7 Update 67 from Oracle America, Inc. What's the risk? Allow X

#Bribe4Buses - Please spread the word. North Carolina drivers break school bus traffic laws over 3,000 times a day. WINCN Jonathan Rodriguez has an incredibly powerful special report tonight after the Emmys and we've empowered you with lots of great information here >>> <http://wncn.com/GO25>

Lia Comment State
 60 people like this.
 Cindy Gustafson It should read WHEN RED LIGHTS ARE FLASHING...not all buses have stop sign arms
 September 2 at 10:15am Like 1
 Abigail Bustnell Seriously though! I am in Lakeside is bad. No one stops. Its very scary.
 September 2 at 10:59am Like 1
 Lindy Diaz Are you the same person who is responsible for the murder of Vicki Weaver? If so how is it that you are not in jail? If the world was just you would be tired for your crimes!
 9 hours ago Like

San Diego County Sheriff's Department
 18 hours ago

Sheriff Gore Urges Wildlife Preparedness (6 photos)
 Wildfires are a year-round threat here in San Diego County. One only need look back at the May 2014 wildfires to see just how quickly things can get out of control.

Recent
 2014
 2013
 2012
 2011
 2010
 2009

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More Friends (18)
 Alexander Buck
 Maachi Paul Tripping
 Rachel R
 Linda Sue Dunn
 Dave Diaz
 Daniel Bontrieger
 Sharon Throder
 Mario Diaz
 Alle Marie Moore
 Courtney Rittsch
 Jason Pak
 Soni Perez
 Ryan Jamieson
 Tatiara Cliff
 Jeremy Tuma
 Katie Karamona
 Sharon Lowery is listening to No Such Thing - Demo
 Viveson tv John
 Mark Stober likes Carole Mofis status.
 Robin Jenkins guessed a song on SongPop.
 Garth Dickerson likes Chuck Newby's post on his own Timeline.
 Britanny Sue added a new photo.
 San Diego County Sheriff's Department

EXHIBIT 2

https://www.facebook.com/sdsheiff

File Edit View Favorites Tools Help

San Diego County Sheriff's Department

9,064 likes

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#BtakedBuses - Please spread the word. North Carolina drivers break school bus traffic laws over 3,000 times a day. WINCN Jonathan Rodriguez has an incredibly powerful special report tonight after the Emmys and we've empowered you with lots of great information here >>> <http://wncn.tv/WGOZ5>

Share

60 people like this.

Cindy Gustafson It should read WHEN RED LIGHTS ARE FLASHING...not all busses have stop sign arms
September 2 at 10:15am

Abigail Bushnell Seriously though laural st in Lakeside is bad. No one stops. Its very scary
September 2 at 10:58am

San Diego County Sheriff's Department
18 hours ago

Sheriff Gore Urges Wildlife Preparedness (6 photos)
Wildfires are a year-round threat here in San Diego County. One only need look back at the May 2014 wildfires to see just how quickly things can get out of control. The Sheriff's Department is working with the County of San Diego and CAL... See More

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Robin Jenkins guessed a song on SongPop

Scott A McMillian commented on his own link

Melissa Nevens likes Lex Kathryn's status.

Kimberly Cannon-Egler I hate this place soo much!!!!

Nick Wither commented on

Talana Olti

Shannon Theod...

Adam Deligan

Brittany Sue

Meissa Mahoney

Katie Kalkatona...

Kimberly Camo...

Ryan Jamieson

Rio Kai Wur

Marianne Wolf

Jaslin Pak

Courtney Ritten...

Daniel Borngrger

Dave Diaz

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