

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

JOHN MCGLONE,

Plaintiff,

vs.

JIMMY G. CHEEK, in his official capacity as Chancellor of the University of Tennessee at Knoxville; DR. MAXINE DAVIS, individually and in her official capacity as Dean of Students at the University of Tennessee at Knoxville; ANGI SMITH, individually and in her official capacity as Associate Dean of Students at the University of Tennessee at Knoxville;

Defendants.

CIVIL ACTION NO. 3:11-cv-00405

**MOTION FOR PRELIMINARY
INJUNCTION**

Plaintiff John McGlone, pursuant to Fed. R. Civ. P. 65(a), respectfully moves this Court for a preliminary injunction enjoining Defendants Jimmy G. Cheek, in his official capacity as Chancellor of University of Tennessee at Knoxville (UT); Maxine Davis, individually and in his official capacity as Dean of Student Affairs at UT; and Angi Smith, individually and in her official capacity as Associate Dean of Students at UT and their agents, servants, employees, attorneys, and all persons and entities in active concert or participation with them, directly or indirectly, from applying UT's sponsorship requirement, as contained in policy # 1720-1-2 and the "Access to Campus" policy, to prevent McGlone and other speakers from engaging in their desired and constitutionally protected speech activities. McGlone asks that the sponsorship requirement be enjoined on its face and as-applied.

In the absence of a preliminary injunction order, McGlone will suffer irreparable injury, namely, the loss of rights and freedoms guaranteed by the United States Constitution. In support of this Motion, McGlone relies on the following:

- A. Affidavit of John McGlone, attached hereto as Exhibit “A”;
- B. Copy of picture of John McGlone speaking in Amphitheatre at UT in spring of 2010, attached hereto as Exhibit “B”;
- C. Copy of picture of John McGlone speaking in Amphitheatre at UT in spring of 2010 as university officials watch, attached hereto as Exhibit “C”;
- D. Copy of August 25, 2010 email from Matthew Scoggins to John McGlone, attached hereto as Exhibit “D”;
- E. Copy of Policy # 1720-1-2, entitled “Access to University Property,” attached hereto as Exhibit “E”;
- F. Copy of Policy entitled “Access to Campus” attached hereto as Exhibit “F”;
- G. Copy of April 13, 2011 email from John McGlone to UT student groups, attached hereto as Exhibit “G”;
- H. Copy of letter from Plaintiff’s counsel to UT officials, attached hereto as Exhibit “H”;
- I. Copy of letter from UT officials to Plaintiff’s counsel, attached hereto as Exhibit “I”;
- J. Verified Complaint of John McGlone; and
- K. Memorandum of Law in Support of this Motion filed simultaneously with this Motion.

WHEREFORE, PREMISES CONSIDERED, Plaintiff John McGlone respectfully requests that this Honorable Court grant his Motion for Preliminary Injunction.

Respectfully submitted,

s/ Nathan W. Kellum NATHAN W. KELLUM TN BAR #13482; MS BAR # 8813 JONATHAN SCRUGGS* TN Bar # 025679 Alliance Defense Fund 699 Oakleaf Office Lane, Suite 107 Memphis, TN 38117 (901) 684-5485 telephone (901) 684-5499 – Fax Attorneys for Plaintiff	W. ANDREW FOX TN BAR #17356 Gilbert & Fox Law Firm 625 S. Gay St., Suite 540 Knoxville, TN 37902 (865) 525-8800 telephone (865) 525-8200 – Fax Attorney for Plaintiff
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*Motion for admission *pro hac vice*
forthcoming

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 24th day of August, 2011, that a copy of the foregoing, along with the Complaint and Summons, has been/will be delivered to a process server for service on defendants.

s/ Nathan W. Kellum
Nathan W. Kellum