

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p><b>I. (a) PLAINTIFFS</b> MARK DEW</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>KNOX</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c)</b> Attorney's (Firm Name, Address, and Telephone Number) W. ANDREW FOX, ESQ. GILBERT &amp; FOX 625 S. GAY STREET, SUITE 540 KNOXVILLE, TN 37902 (865) 525-8800</p>	<p><b>DEFENDANTS</b> REBECCA ASHFORD, LOU ANN VAHCIC, JOHN DOE, JAMES DOE, ET AL</p> <p>County of Residence of First Listed Defendant <u>KNOX</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL 1415 MURFEESBORO ROAD SUITE 336 NASHVILLE, TN 37217-2833</p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width: 100%;"> <tr> <td style="width: 30%;">Citizen of This State</td> <td style="width: 10%;">PTF <input type="checkbox"/> 1</td> <td style="width: 10%;">DEF <input type="checkbox"/> 1</td> <td style="width: 40%;">Incorporated or Principal Place of Business In This State</td> <td style="width: 10%;">PTF <input type="checkbox"/> 4</td> <td style="width: 10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)				
<p><b>CONTRACT</b></p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p><b>TORTS</b></p> <p><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p><b>PERSONAL PROPERTY</b></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><b>FORFEITURE/PENALTY</b></p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food &amp; Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. &amp; Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p><b>LABOR</b></p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting &amp; Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p><b>IMMIGRATION</b></p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p><b>BANKRUPTCY</b></p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><b>PROPERTY RIGHTS</b></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p><b>SOCIAL SECURITY</b></p> <p><input type="checkbox"/> 861 HIA (1395(f))</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><b>FEDERAL TAX SUITS</b></p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p><b>OTHER STATUTES</b></p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p><b>REAL PROPERTY</b></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease &amp; Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p><b>CIVIL RIGHTS</b></p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input checked="" type="checkbox"/> 440 Other Civil Rights</p>	<p><b>PRISONER PETITIONS</b></p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><b>Habeas Corpus:</b></p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus &amp; Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>		

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from another district (specify)     6 Multidistrict Litigation     7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 USC 1983

Brief description of cause:  
Violation of Plaintiff's federally protected First Amendment right to freedom of speech

**VII. REQUESTED IN COMPLAINT:**     CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23    **DEMAND \$** \_\_\_\_\_    CHECK YES only if demanded in complaint.    **JURY DEMAND:**     Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions):    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE: 06/09/2011    SIGNATURE OF ATTORNEY OF RECORD: s/ W. Andrew Fox

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553  
Brief Description: Unauthorized reception of cable service

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

COUNSEL FOR PLAINTIFF

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F: (480) 444-0028

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

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MARK DEW

Plaintiff,

v.

No: \_\_\_\_\_

REBECCA ASHFORD, Vice President of Student  
Success and Enrollment Management at PELLISSIPPI STATE  
COMMUNITY COLLEGE, in her individual  
and official capacities;  
JOHN DOE, Campus Security Officer, in his individual  
and official capacities;  
JAMES DOE, Campus Security Officer, in his  
individual and official capacities;  
LOU ANN VAHCIC, Account Clerk, in her individual  
and official capacities;  
MEMBERS OF THE TENNESSEE BOARD  
OF REGENTS – Bill Haslam, Gregory Duckett,  
Barry Gidecomb, John Farris, Tom Griscom,  
Kevin Huffman, Julius Johnson, Jonas Kisber,  
Fran Marcum, Paul Montgomery, Casey McCullum,  
John Copeland, Richard Rhoda, Howard Roddy,  
Emily Reynolds, Robert Thomas, Danny Varlan,  
Each in their individual and official capacities

Defendants.

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**VERIFIED COMPLAINT**

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Comes now the Plaintiff, Mark Dew, and would respectfully state unto this Honorable  
Court as follows:

## Introduction

1. This is a civil rights action brought to vindicate the constitutional rights of Plaintiff, Mark Dew, whose First Amendment rights have been infringed by the Defendants' actions.

2. During the academic year of 2010 - 2011, officials of Pellissippi State Community College, ("PSCC") prevented Plaintiff Mark Dew from distributing free Christian literature peacefully on the Main Campus and from engaging in pure First Amendment activity by way of testifying about his Christian faith to fellow students. PSCC is a public community college organized and existing under the laws of the State of Tennessee, enabled under TCA §49-8-901 et seq., and governed by the Tennessee Board of Regents.

3. PSCC officials characterize Plaintiff's activity as solicitation, although Plaintiff seeks no contributions or remuneration for his activity, he simply seeks to engage in expression of religious belief and exercise the tenets of his faith by peacefully talking to fellow students about his religious beliefs.

4. PSCC officials hid and continue to hide behind the contrivance of solicitation in continuing to deny Plaintiff his First Amendment rights, which are extended to control state government actions through the Fourteenth Amendment.

5. PSCC officials, pursuant to a policy of the Tennessee Board of Regents, require Plaintiff, a student at PSCC, to apply fourteen business days (excluding weekends and holidays) in advance and pay thirty dollars per day for the privilege of exercising his First Amendment right to free speech on his own college campus. Moreover, Defendants selectively apply this policy to Plaintiff because his speech includes "preaching," singling out expression of his religious views for these burdensome requirements while permitting other students to communicate with one another freely.

### **Jurisdiction & venue**

6. This court has subject matter jurisdiction over this case under 28 USC §1331, as this action arises under the First and Fourteenth Amendments to the United States Constitution; under 28 USC §1343 (a) (3), in that it is brought to redress deprivations, under color of state law, of rights, privileges, and immunities secured by the United States Constitution; under 28 USC §1343 (a) (4), in that it seeks to recover damages and secure equitable relief under an Act of Congress, specifically, 42 USC §1983, which provides a cause of action for the protection of civil rights; under 28 USC §2201 (a), to secure declaratory relief; and under 28 USC §2202, to secure preliminary and injunctive relief and damages.

7. The venue in this action is proper within this judicial district and division pursuant to 28 USC §1391 (b), in that (i) the Defendants are situated within this judicial district, and (ii) a substantial part of the claims asserted by Plaintiff arose within this judicial district and division.

### **Parties**

8. Plaintiff Mark Dew is a 44-year-old student at PSCC. Plaintiff attends class at the campus located off Pellissippi Highway in Knox County, Tennessee, known as the Pellissippi Campus or Main Campus. He is a citizen and resident of Knoxville, Tennessee. Plaintiff presently expects to be at least a part-time student at PSCC in the future. Plaintiff is a Christian.

9. The Members of the Tennessee Board of Regents, Bill Haslam, Gregory Duckett, Barry Gidcomb, John Farris, Tom Griscom, Kevin Huffman, Julius Johnson, Jonas Kisber, Fran Marcum, Paul Montgomery, Casey McCullum, John Copeland, Richard Rhoda, Howard Roddy, Emily Reynolds, Robert Thomas, and Danny Varlan, are responsible for the governance of Pellissippi State Community College and have enacted and maintained policies challenged here. They are each sued in their individual and official capacities.

10. Defendant Rebecca Ashford is, and was at all times relevant to this Complaint, Vice President of Student Success and Enrollment Management at PSCC. Her duties include, among others, formulating and applying student conduct policy, policy governing speech activities of students on campus, and policy on use of campus property and facilities. She is sued in her individual and official capacities.

11. As further pleaded below, Defendant Ashford relies upon the policies of The Tennessee Board of Regents in formulating and applying PSCC-specific student conduct policy, policy governing speech activities of students on the PSCC Main Campus, and policy on use of campus property and facilities at the PSCC Main Campus.

12. John Doe is, and was at all times relevant to this Complaint, a uniformed officer with the PSCC Safety and Security office on the Main Campus. He is sued in his individual and official capacities. John Doe is a fictitious name, as Plaintiff is currently unaware of the officer's actual name.

13. James Doe is, and was at all times relevant to this Complaint, a uniformed officer with the PSCC Safety and Security office on the Main Campus. He is sued in his individual and official capacities. James Doe is a fictitious name, as Plaintiff is currently unaware of the officer's actual name.

14. LouAnn Vahcic is an Account Clerk employed by Pellissippi State Community College. She implemented PSCC and Tennessee Board of Regents policies regulating Plaintiff's speech. She is sued in her individual and official capacities.

**Defendants' Unconstitutional Actions Toward Plaintiff**

15. During the 2010 fall semester at PSCC, Plaintiff sought to engage in discussion of his religious beliefs and distribution of free literature about his faith when he was on the PSCC campus.

16. When engaging in his First Amendment free speech and exercise of religious belief activities, Plaintiff took up locations in the courtyard of the PSCC campus. Plaintiff was not an obstruction to the traverse of students across the campus. The courtyard is, however, an effective location to communicate Plaintiff's religious beliefs, because students commonly congregate and talk to one another in the courtyard about a wide variety of topics. Engaging in speech in the courtyard does not interfere with classroom activities or PSCC's educational mission.

17. Plaintiff uses no amplification and he does not use offensive language. If someone declines to accept his literature, or declines to speak to Plaintiff, he will respond with an encouraging statement such as, "Have a nice day"; or "God bless you."

18. In early October 2010, while Plaintiff was handing out literature and speaking about his faith, a uniformed officer of the PSCC Safety and Security office approached Plaintiff, and expressed concern about Plaintiff's activity, stating that PSCC had a "no soliciting" rule on campus.

19. After a brief conversation, in which Plaintiff advised that Plaintiff was not selling anything, and that Plaintiff was a student, the officer advised that Plaintiff could continue to hand out free Christian literature, as long as he did not "preach." Furthermore, the officer admonished Plaintiff that if the officer received a complaint, "[he] would have to act."

20. Plaintiff continued to share his faith and hand out literature. Later in October 2010, while Plaintiff was engaging in this First Amendment protected activity, a different uniformed officer of the PSCC Safety and Security office, John Doe, approached Plaintiff and commanded him to stop.

21. John Doe stated that he had received an unspecified complaint about Plaintiff's activities, and one complaint was enough to shut Plaintiff down.

22. Upon inquiry by Plaintiff, John Doe stated that the reason Plaintiff could not share his faith and distribute free Christian literature was because of the "no soliciting" policy of PSCC.

23. Plaintiff stated that he was not selling anything, but John Doe would not relent in requiring Plaintiff to cease his activities.

24. Shortly after his encounter with John Doe, Plaintiff arranged for a meeting with Rebecca Ashford, the Vice President of Student Assistance and Enrollment Management, to seek her counsel on the rights of students at PSCC to witness, speak about matters of faith and hand out free Christian literature.

25. At this meeting in late October or early November, 2010, Rebecca Ashford advised Plaintiff she would get back to Plaintiff on his rights.

26. At or around the time of the meeting with Rebecca Ashford, Plaintiff spoke with a leader of the Pellissippi Collegiate Ministry ("PCM"), a PSCC-sanctioned student organization dedicated to the evangelism of the Christian faith, about his experience with the officer and was advised that he could consider himself sponsored by the PCM for the purpose of handing out religious literature and speaking about his faith on the PSCC Main Campus when PCM could obtain permission from PSCC to hold functions on campus.

27. With the understanding that Plaintiff was sponsored by PCM for his activities of religious expression and religious exercise, Plaintiff was able to speak about his faith and hand out free literature about his faith on a few occasions, but not as frequently as he desired because PCM was only approved by PSCC to hold functions no more than once per week.

28. Rebecca Ashford arranged for a second appointment with Plaintiff.

29. At this second meeting, Rebecca Ashford advised Plaintiff that he could not as an individual speak about his faith or distribute free Christian literature.

30. Rebecca Ashford advised Plaintiff that even though he was officially sponsored by PCM, he could not speak about his faith or distribute literature on an ad hoc basis, but only during PSCC approved PCM activities, which generally occurred weekly on Wednesdays.

31. Rebecca Ashford advised Plaintiff that the limitations on Plaintiff's activities were due to the PSCC policy against solicitation.

32. Rebecca Ashford advised Plaintiff that he could also go through the application process and pay a fee, paid by any non-student who wished to appear on the campus for purposes of solicitation, and be approved to engage in evangelism and distribution of free Christian literature, under the regulation of the administration.

33. A copy of the application provided to Plaintiff by Rebecca Ashford is attached as Exhibit A.

34. Upon inquiry by Plaintiff, Rebecca Ashford implied that if he continued to speak about his faith and distribute free Christian literature outside of the parameters she established pursuant to PSCC and Tennessee Board of Regents policies, he would be subject to discipline.

35. For the remainder of the Fall 2010 semester, Plaintiff continued to share his faith and hand out free Christian literature only under the parameters established by Rebecca Ashford.

36. In the spring semester of 2011, Plaintiff decided to attempt to speak about his faith and distribute free Christian literature to see if PSCC's policy would be the same during the spring semester, due to his belief that he was not involved in solicitation when he discussed his faith and distributed free Christian literature.

37. During the first week of school in the Spring Semester 2011, Plaintiff resumed his position in the courtyard of the PSCC Main Campus and began speaking about his faith and handing out free Christian literature.

38. Shortly after beginning his free speech and free exercise activities, yet another uniformed officer of the PSCC Safety and Security office, James Doe, approached Plaintiff from another part of the campus.

39. James Doe yelled at Plaintiff as he approached and forcefully commanded Plaintiff to cease his activities.

40. Plaintiff inquired about what campus rule prevented Plaintiff's activities.

41. James Doe advised that PSCC has a "no solicitation" policy that prohibited him from speaking about his faith and distributing his free literature.

42. On February 9, 2011, Plaintiff's counsel sent a letter to Defendant Ashford explaining that her restrictions violated Plaintiff's First Amendment rights. A copy of this letter is attached as Exhibit B.

43. On February 23, 2011, Kae Carpenter, Associate General Counsel to the Tennessee Board of Regents, responded to Plaintiffs' counsel's letter, stating that Pellissippi State's policy of requiring its own students to apply and pay for the privilege of engaging in non-commercial speech on campus was reasonable and viewpoint neutral. A copy of this letter is attached as Exhibit C.

44. The Tennessee Board of Regents has promulgated policy 3:02:02:00, a Policy on Use of Campus Property and Facilities. This policy permits Tennessee public colleges and universities, including PSCC, to charge both students and non-students for the use of campus facilities for any free speech activities. This policy is attached as Exhibit D.

45. Policy 3:02:02:00 also requires anyone, including individual students, desiring to use campus facilities to engage in any First Amendment protected activities anywhere on campus to submit an application fourteen business days in advance (weekends and holidays excluded). Officials may take up to seven business days to evaluate the request and notify the applicant whether approval has been granted.

46. Defendants have interpreted and applied Policy 3:02:02:00 to require Plaintiff to submit an application to speak about his faith and distribute free literature on his campus fourteen business days in advance and to pay a fee at a rate determined by Defendants.

47. Plaintiff has no certainty that Pellissippi Collegiate Ministries will continue to permit him to speak during their weekly events and the organizers of Pellissippi Collegiate Ministries have no assurance that PSCC will continue to permit them to hold weekly events where Mr. Dew may speak. Indeed, Defendants retain unbridled discretion to permit PCM to reserve space for regular events. Moreover, PCM may decline to hold weekly events or prohibit him from speaking during their events for any reason, including any disagreement with his views, or no reason at all at any time.

48. Plaintiff registered to be a student during the summer 2011 academic session.

49. Under protest, Plaintiff completed a facility usage application, attached as Exhibit E, so that he could share his faith with his fellow students and distribute free Christian literature during one of the first days of the summer 2011 academic session.

50. Defendants required Plaintiff to pay a \$30 "rental fee" to speak about and distribute literature about his faith on June 8, 2011, as he otherwise would have been unable to participate in his expressive activity on campus. Defendants did not explain the basis for the calculation of the \$30 fee charged to Plaintiff.

51. A copy of the e-mail dialogue between Plaintiff and Defendant Vahcic which communicates the requirement to pay a fee in advance of his speech activity is attached as Exhibit F. Plaintiff has paid this fee.

52. Defendants' treatment of Plaintiff notwithstanding, other individual students at PSCC can often be seen talking to one another about any number of topics and handing each other written information in the same area of the campus where Plaintiff seeks to exercise his First Amendment rights.

53. Plaintiff avers that he does not give up his First Amendment rights upon entering the PSCC campus, given that he is a student and otherwise has a right to be on the PSCC campus.

54. Plaintiff has a First Amendment right to initiate conversations that have religious content, express his religious beliefs, and give away free literature related to his beliefs without the requirement to pay a rental fee and complete a facility usage application.

55. Plaintiff avers that he was not engaged in solicitation.

56. Plaintiff avers that the basis for Defendants' restriction upon Plaintiff was and continues to be a content-based and viewpoint-based suppression of Plaintiff's personal First Amendment rights.

57. Plaintiff avers that Defendants' reliance on a no-solicitation policy to thwart Plaintiff's First Amendment-based activities is a subterfuge and mere contrivance.

#### **Harm to Plaintiff**

58. Plaintiff desires to share his religious beliefs with his fellow students on the PSCC campus frequently, as often as daily, and to provide written tracts to his fellow students that discuss his religious beliefs.

59. Under Defendants' interpretation and application of PSCC and Tennessee Board of Regents policies toward Plaintiff, Plaintiff is forbidden from engaging in these First Amendment protected activities in any public area on the PSCC campus outside of weekly PCM activities, unless Plaintiff applies in advance and pays a solicitation fee for every instance of his exercise of First Amendment rights.

60. Plaintiff has been prevented from exercising his First Amendment rights on numerous days of the past academic year and will continue to be denied these rights, unless he pays a rental fee that appears to be \$30 per day. Payment of such a fee is a substantial burden on Plaintiff.

61. Defendants' prohibition of Plaintiff's faith-related speech and free Christian literature distribution as an individual who otherwise had license to be on the PSCC campus deprived Plaintiff of unrecoverable opportunities to communicate his point of view to others, thereby irreparably interfering with his constitutional rights, inconveniencing him and resulting in loss of time, and causing him mental and emotional harm.

62. Defendants' unconstitutional prohibitions and policies regulating student campus expressive activities, including literature distribution have caused and are continuing to cause a chill on the speech of Mark Dew and others who have been, or are students at PSCC.

63. Defendants' unconstitutional prohibitions and policies regulating students' exercise of religion on campus have caused and are continuing to cause a chill on the free exercise of religion by Mark Dew and other Christians who have been or are students at PSCC.

64. Unless and until Defendants' unconstitutional limitations on speech and religious exercise are enjoined, Plaintiff will suffer and continue to suffer irreparable injury to his constitutional rights.

65. Plaintiff has no adequate or speedy remedy at law to redress his mistreatment and chill under Defendants' constitutionally infirm policies limiting religious speech and religious exercise.

66. Plaintiff has suffered compensatory damages in the amount of \$30, through the PSCC's unconstitutional requirement that Plaintiff pay \$30 to engage in First Amendment activities.

#### **Allegations of Law**

67. All acts alleged herein of the Defendants, their officers, agents, servants, employees, or persons acting at their behest or direction, were done and are continuing to be done under the color of state law, including the application of Tennessee Board of Regents and PSCC's restrictions on expressive activities and religious exercise; and the enactment,

implementation, and enforcement of the various PSCC and Tennessee Board of Regents policies challenged herein, and all related regulations, customs, policies, and usages of PSCC and the Tennessee Board of Regents discussed herein.

68. Each of the Defendants has had and continues to have involvement in the deprivation of Plaintiff's freedom of speech and free exercise of religion on campus; and each of such Defendants has acted and continues to act to deprive Plaintiff of these rights.

69. Defendants' purported policies, actions and threats to discipline Plaintiff if he engages in these traditionally protected activities of personal evangelization and distribution of free Christian literature, as set forth above, do not serve any legitimate, compelling state interest.

70. Defendants' actions and policies alleged above would chill the person of ordinary firmness from engaging in speech on matters of controversy as set forth herein.

71. Defendants' imposition of a rental fee for a student to engage in personal First Amendment expressive activity and exercise of religion constitutes a substantial burden and discourages Plaintiff and any person of ordinary firmness from engaging in speech activities, or in exercise of religion.

72. Defendants' imposition of a requirement that Plaintiff apply for permission to engage in speech and literature distribution on campus at least fourteen business days in advance of such activity prevents Plaintiff and similarly situated PSCC students from engaging in spontaneous speech activities and discourages Plaintiff and any person of ordinary firmness from engaging in speech activities.

73. Defendants have deprived and continue to deprive Plaintiff of his clearly established rights under the United States Constitution, as set forth below.

#### **Causes of Action**

74. Plaintiff hereby incorporates by reference all foregoing allegations as if set forth fully herein.

FIRST AMENDMENT – FREE SPEECH

75. Defendants have prohibited Plaintiff from speaking with fellow students about his religious beliefs and distributing literature to them about his beliefs unless he applies fourteen business days in advance and pays a substantial fee, to wit \$30, to exercise these First Amendment rights.

76. Defendants require Plaintiff to seek the approval of an officially registered student group in order to exercise his First Amendment rights without charge, subjecting him to a private student group's unbridled discretion in authorizing his exercise of First Amendment rights on campus.

77. Defendants have permitted and continue to permit other students to speak to one another without charge on campus, including in the same area where Plaintiff seeks to exercise his First Amendment rights, but have singled out Plaintiff's "preaching" for prohibition, in discrimination on the basis of his religious content and viewpoint.

78. Defendants retain unbridled discretion to approve or deny permission to PCM and other registered student groups to engage in speech and literature distribution on campus, and in practice have not permitted PCM to do so more than once weekly, thus restricting Plaintiff from being able to engage in his activities more than once per week.

79. No compelling or even legitimate state interest justifies the Defendants' infringements of Plaintiff's exercise of his First Amendment rights.

80. Defendants' policies and practices, requiring Plaintiff and similarly situated students to apply for permission to speak and distribute literature anywhere on campus at least fourteen business days in advance and to pay a \$30 fee for the exercise of their rights is not a reasonable time, place and manner restriction on the exercise of Plaintiff's First Amendment rights.

81. Defendants' actions have therefore violated and continue to violate Plaintiff's First Amendment right of religious free speech.

#### FIRST AMENDMENT – FREE EXERCISE

82. It is Plaintiff's sincerely held religious belief that he must share his faith with others.

83. Defendants have prevented Plaintiff from "preaching" or otherwise sharing his faith with others on campus unless he pays a fee or receives the sponsorship of a student group, burdens not placed on any other students on campus who speak to one another on any number of topics.

84. Defendants' application of their policies are neither neutral nor generally applicable but instead are targeted at Plaintiff's speech because of its religious character.

85. The Defendant's prohibition of Plaintiff from sharing his faith with his fellow students on campus is a severe burden on Plaintiff's free exercise of his religion.

86. No compelling state interest justifies the Defendants' infringement of Plaintiff's First Amendment right to exercise the tenets of his religious belief.

87. Defendants' actions have therefore violated and continue to violate Plaintiff's First Amendment right to the free exercise of his religious beliefs.

#### **Prayer for Relief**

A. Adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter in controversy in order that such declarations shall have the force and effect of final judgment and that the Court retain jurisdiction of this matter for the purpose of enforcing the Court's Orders;

B. Pursuant to 28 U.S.C. § 2201, enter a Declaratory Judgment stating that Defendants' restrictions violate the First and Fourteenth Amendments to the United States Constitution, by its contrived "no solicitation" policy, and discriminatory treatment of Plaintiff,

including their restrictions on Plaintiffs' efforts to distribute literature on campus and to interfere with Plaintiffs' evangelism efforts, unless Plaintiff in advance files an application and pays a fee;

C. Pursuant to 28 U.S.C. § 2201, enter a Declaratory Judgment stating that Defendants' policies governing Plaintiff and other students at PSCC, as alleged above, on their face and as applied to Plaintiff, violate the First and Fourteenth Amendments to the United States Constitution;

D. Pursuant to 28 U.S.C. § 2202, FED. R. CIV. P. 65, and 42 U.S.C. § 1983, preliminarily and permanently enjoin Defendants, their agents, servants, employees, officials, or any other person acting in concert with them or on their behalf, from enforcing against Plaintiff or any other students the unconstitutional policies identified herein, without a condition of bond or other surety being required of Plaintiffs, such that Plaintiff will no longer be under threat of discipline or criminal punishment for exercising his First Amendment rights to distribute free Christian literature and speak to others about his Christian faith;

E. Award nominal damages to vindicate the constitutional injuries suffered by Plaintiff, to be paid by those Defendants named in their individual capacities;

F. Award actual damages, including but not limited to the \$30 rental fee, to Plaintiff in an amount to be determined by the finder of fact in accordance with the proof, plus interest at the legal rate until paid;

G. Award Plaintiff's costs and expenses of this action, including a reasonable attorneys' fee award, in accordance with 42 U.S.C. § 1988 and other applicable law; and

H. Grant such other and further relief as the Court deems equitable, just, and proper.  
Respectfully submitted this 9th day of June, 2011.

s/W. Andrew Fox  
W. Andrew Fox, BPR #017356  
Attorney for Plaintiff  
Gilbert & Fox  
Suite 540 Two Centre Square  
625 Gay Street  
Knoxville, TN 37902  
P: (865)525-8800  
F: (865)525-8200

\*Casey Mattox, VSB#47148  
Alliance Defense Fund  
Attorney for Plaintiff  
801 G Street NW, Ste. 509  
Washington, DC 20001  
P: (202) 393-8690  
F: (202) 347-3622

\*Bryan H. Beauman, KY Bar No. 869698  
Alliance Defense Fund  
Attorney for Plaintiff  
PO Box 779  
Paris, KY 40362  
P: (859) 340-1127  
F: (480) 444-0028

\* Motion for admission pro hac vice pending submission.

**OATH**

**STATE OF TENNESSEE  
COUNTY OF KNOX**

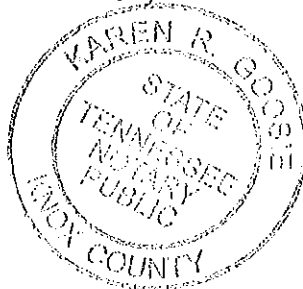
I, Mark Dew, after being duly sworn, according to law, hereby make oath that I have read the foregoing Verified Complaint; that the statements contained therein are true to the best of my knowledge, information and belief.

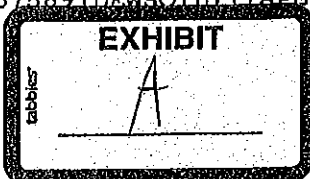
  
\_\_\_\_\_  
Mark Dew

Sworn to and subscribed before me on this 27 day of May, 2011.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: 1-5-15





Business and Community Services
10915 Hardin Valley Road
P. O. Box 22090
Knoxville, TN 37933-0990
Office: (866) 639-7167 Fax: (865) 694-6583

FACILITY USAGE APPLICATION

Page 1 of 2

Applicants complete Part I and read Parts II and III. Submit completed application to the Business and Community Services office.

I. INSTITUTION APPROVAL IS CONTINGENT ON THE APPLICANT'S SUCCESSFUL COMPLETION OF ALL FINANCIAL AND/OR INSURANCE OBLIGATIONS AS MAY BE REQUIRED BY THE COLLEGE.

Please type or print:
Name of Organization: Contact Person:
Mailing Address: Phone Number:
City: State: Zip: Email Address:
Is the billing address the same as above? If not, please indicate where invoices should be sent:
Name: Phone: City: State: Zip:
Mailing Address: City: State: Zip:

Please fill in completely:
[ ] Non-Profit Organization (Proof required) [ ] For-Profit Business or Organization [ ] Governmental Agency [ ] Other:
Location Requested: [ ] Clayton Performing Arts Center (CPAC) (AL160) [ ] Goins Building Auditorium (GN136) [ ] Bagwell Art/Media Gallery (BA142) [ ] Other Location Building & room number (if known):
Number of people expected: Admission/registration fee? [ ] No [ ] Yes: Amount: \$

Date(s) Requested: Time Requested (from/to): (daily beginning & ending times) Date and Time of Performances: (if applicable)

Detailed Description of Activity (indicate name and topic if a speaker):

\*\* Copies of marketing materials need to be provided to the Business and Community Services office prior to advertising the event \*\*

Please list any special needs below:
[ ] Food Service: Pellissippi State's food services contract requires all on-campus catering be provided by the college's food service vendor. Contact the Cafeteria Manager at 604-6615 to discuss catering needs.
[ ] Room Setup (Check all that apply): Tables: How many? / Chairs: How many? / Podium: / Other:
[ ] Audio/Visual: Arrangements will be made through the Media Center. Contact information will be given when reservation is confirmed.
[ ] Safety and Security: Determination of security and insurance requirements will be solely at the discretion of Pellissippi State Community College.

II. APPLICANT CERTIFICATIONS / APPLICATION FOR REGISTRATION OF ON-CAMPUS ACTIVITY:
(Applicant acknowledges by this application that the College has made a copy of the Pellissippi State Policy Number 08:03:00, Facilities and Property Use, available for review and understands that a copy of such policy will be provided upon request and payment of reasonable copying charges. Applicant understands that filing of this application shall constitute agreement by applicant to the following conditions:
1) The intended use of the college property and facilities by applicant does not violate, and actual use will not violate, the provisions of the Tennessee Board of Regents Policy on Use of Campus Property and Facilities or any policies or regulations of Pellissippi State, or any federal, state, or local law or regulation.
2) Any use of college property and facilities pursuant to this application that is contrary to such policies, laws, or regulations or that is inconsistent with the activity as described in this application constitutes grounds for the institution to remove the activity from college property.
3) Applicant agrees to indemnify the institution and hold it harmless from liabilities arising out of applicant's use of institution property and/or facilities, including but not limited to personal injury, property damage, court costs or attorney fees.
I acknowledge that I have read the Applicant Certifications, Part II, and I will abide by these requirements. My signature below attests to same.
Applicant's Signature: Date:

DO NOT WRITE BELOW THE LINE:
APPROVED DENIED
Date:
Comments:
PSTCC Official:
Charges:
Facility:
Custodial:
Security:
Technician:
Equipment:
Utilities:
Other:
Total Charges: \$
Deposit Due: \$
Balance after Dep.: \$
Date Dep. Paid:
Payments Made on Account:
Date: Amount: \$

An AA/EEO College
PSTCC 2061413

A Tennessee Board of Regents Institution



Business and Community Services  
10915 Hardin Valley Road  
P. O. Box 22990  
Knoxville, TN 37933-0990  
Office: (865) 539-7167 Fax: (865) 694-6883

**FACILITY USAGE APPLICATION**

Page 2 of 2

This information applies to all facility rentals at any of the Pellissippi State Community College campuses.

**III. THE FOLLOWING STATEMENTS ARE TAKEN FROM THE PELLISSIPPI STATE COMMUNITY COLLEGE POLICIES AND PROCEDURES MANUAL:**

- College-affiliated groups, organizations and individuals are given priority in the use of property and facilities.
- Rental or lease agreements may be required for activities of non-affiliated groups.
- Non-affiliated groups, organizations, or individuals desiring use of college property or facilities must submit a written application for facilities usage of the proposed activity at least fourteen (14) days in advance (excluding weekends and holidays).
- No activity will be authorized or permitted on any property or in any building or facility, and an application for usage may be denied when:
  - o The requested use would cause substantial disruption or interference with the normal activities of the College.
  - o The applicant, or sponsor of the activity, has not fully provided accurate or complete information required on the application for usage.
  - o Use of the property or facilities requested would be impossible due to set-up time, and/or take-down time, required for other previously scheduled activities at the requested location immediately before and/or after the requested use, or due to other extenuating circumstances.
  - o The activity is of such nature or duration that it cannot reasonably be accommodated in the particular area for which application is made, provided that in such event, an alternative on-campus site, if available for the activity, will be proposed by the College.
  - o Such use conflicts or would conflict with existing contractual obligations of the College.
  - o The activity creates or would create a danger, or dangerous condition, impacting on the health, safety, and welfare of others.
- Except as is otherwise permitted by this provision, solicitation for purely commercial purposes is prohibited on all property owned or used by the College.
- All persons on the campus will be subject to all rules and regulations of the College and TBR, which are applicable to the conduct of students on campus, and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on the campus agree by such operation to be subject to College and TBR rules, regulations, policies and procedures on traffic and parking.
- Smoking will be allowed only in designated areas at each of the Pellissippi State Community College locations.

Please mail or fax the completed form to:

Pellissippi State Community College  
Business and Community Services  
10915 Hardin Valley Road  
P. O. Box 22990  
Knoxville, TN 37933-0990  
Office: (865) 539-7167 Fax: (865) 694-6883

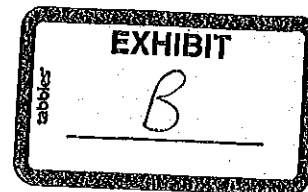
Reservations for use of facilities are confirmed when the non-affiliated group receives notification from Pellissippi State authorizing the request. Due to the high demand for rooms, Pellissippi State will not confirm, pencil-in, or otherwise reserve space for non-affiliated groups by phone or verbal agreement. If there is any question as to the approval of your application, or if confirmation has not yet been received, please contact the Business and Community Services office and ask to speak with the staff member that coordinates facility rentals.

Pellissippi State complies with Section 504 of the 1973 Rehabilitation Act and with the 1990 Americans with Disabilities Act (ADA).

A Tennessee Board of Regents Institution

An AA/EEO College  
PSTCC 2881413

LAW OFFICES OF  
**GILBERT & FOX**  
*An association, not a partnership*  
TWO CENTRE SQUARE – SUITE 540  
625 S. GAY STREET  
KNOXVILLE, TENNESSEE 37902  
TELEPHONE (865) 525-8800  
FACSIMILE (865) 525-8200



Roger L. Gilbert  
W. Andrew Fox

February 9, 2011

Dr. Rebecca Ashford  
Vice President, Student Success and Enrollment Management  
Pellissippi State Community College  
10915 Hardin Valley Road  
Knoxville, TN 37933

Re: *Student Speech Policies at Pellissippi State Community College*

Dear Dr. Ashford:

I represent Mark Dew, a Pellissippi State Community College student, regarding Pellissippi State speech and literature distribution policies. I am also an allied attorney of the Alliance Defense Fund, a national legal organization that defends the First Amendment rights of students on campuses across the country. By this letter we request your immediate action to eliminate the unconstitutional restrictions on speech of Pellissippi State students.

Mark Dew is a student at Pellissippi State who seeks to publicly engage his fellow students concerning his Christian beliefs both verbally and with some literature. In the fall he was informed that his speech and literature distribution to students was prohibited by a school policy banning "solicitation." He has since been permitted to exercise his First Amendment rights publicly on campus but only once per week as a guest of a student organization. In December you informed Mr. Dew that the school's solicitation policy prohibited him from distributing literature or sharing his religious beliefs publicly with other students on campus unless he either (1) did so as a guest of the student organization that has been seeking permission for him, or (2) submits an application to solicit on the same basis that any non-student might, including paying a fee.

Additionally, neither the applications themselves nor any other published document, to our knowledge, provides any criteria for or limitations on the administrators who make the determination to permit student groups to engage in free speech activities on campus. In short, in order to engage in First Amendment protected activity on his own college campus, Mr. Dew must either pay a fee and await the unbridled discretion of an administrator or have a student organization seek permission on his behalf, which is also subject to the unbridled discretion of an administrator. Both are unconstitutional and we ask that you immediately end this unconstitutional practice.

First, Mr. Dew's peaceful speech and literature distribution is pure First Amendment protected activity, not "solicitation" that may be subject to lesser First Amendment protection. It

is our position that the word "solicitation" is associated with a financial transaction, whether the purpose of the transaction is for a charitable cause or for pecuniary gain of the solicitor. Our position is buttressed by the definition of "solicitation" in Tennessee law as "any oral or written request, however communicated, whether directly or indirectly, for a contribution." TCA §48-101-501(10) (emphasis added). Mr. Dew does not seek or accept any payment or contributions for his speech or literature; he engages in core First Amendment protected activity.

Moreover, Pellissippi State's policy, requiring advance permission for student or student group speech, is an unconstitutional prior restraint on all student or student group speech. As is evidenced by its application to Mr. Dew, Pellissippi State requires an advance permit even for a single student or small group that wishes to engage in First Amendment protected activity. The Supreme Court has deemed prior restraints on speech like those imposed by Pellissippi State to be presumptively unconstitutional. *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 225-26 (1990) (plurality); *Shuttlesworth v. Birmingham*, 394 U.S. 147, 151 (1969); *Freedman v. Maryland*, 380 U.S. 51 (1965). I am aware of no special rationale for the policy here that would permit the school to overcome this burden, and thus justify the requirement of students to seek advance permission from school administrators to speak with other students.

Pellissippi State does not simply request advance *notice*, for example, so that it can ensure that more than one group is not planning to hold an event at the same time – permitting students to continue their activity subject to a first in time rule. Rather, it prohibits even individual and small student group expression until the university decides to permit the speech. "[A] prior restraint that fails to place limits on the time within which the decisionmaker must issue the license is impermissible." *FW/PBS, Inc.*, 493 U.S. at 226. See also *Freedman*, 380 U.S. at 59. This is a classic prior restraint and it violates students' First Amendment rights.

Even more troubling, neither the application forms nor any other published Pellissippi State policy identifies any clearly defined standards to govern the university's decision whether a student or group of students can engage in free speech and assembly on campus. This is a classic example of unconstitutional unbridled discretion. As the Supreme Court has explained:

The danger of government regulation of speech "is at its zenith when the determination of who may speak and who may not is left to the unbridled discretion of a government official. As demonstrated above, we have often and uniformly held that such statutes or policies impose censorship on the public or the press, and hence are unconstitutional, because, without standards governing the exercise of discretion, a government official may decide who may speak and who may not based upon the content of the speech or viewpoint of the speaker. Therefore, even if the government may constitutionally impose content-neutral prohibitions on a particular manner of speech, it may not condition that speech on obtaining a license or permit from a government official in that official's boundless discretion.

*City of Lakewood v. Plain Dealer Pub. Co.*, 480 U.S. 750, 763-64 (1988) (internal citations omitted). Even if Pellissippi State had a valid interest in requiring individuals and small groups of students to first obtain permission before engaging in First Amendment activity, it would nevertheless have an obligation to ensure that administrators' discretion to approve or deny the permits were carefully limited to avoid content or viewpoint based discrimination. That obligation is not presently being met.

Additionally, as a student at Pellissippi State, Mr. Dew has free speech rights that the school cannot require him to make subject to the endorsement of other students. By allowing Mr. Dew to engage in speech only if a student organization will sponsor him and seek permission for him, Pellissippi State has effectively delegated to student organizations the authority to veto his First Amendment rights. These organizations' potential to refuse sponsorship of Mr. Dew's speech at any given time are subject to no restraints at all and hence, for all the reasons explained above, violate the First Amendment. In fact, one would expect that student groups would choose whether to sponsor his speech on the basis of his viewpoints and the congruence with the groups' own viewpoint. While this is entirely within the First Amendment rights of the student groups, it highlights why the school cannot ask student organizations to be the gatekeeper of its speech forum. Assigning the power to control individual student speech to the discretion of student organizations just expands on the First Amendment problems with the Pellissippi State speech policies.

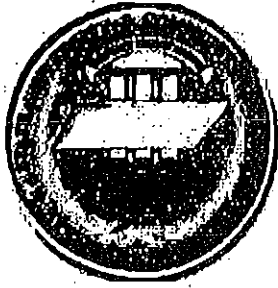
On behalf of Mr. Dew and other Pellissippi State students, we ask you to take immediate action to correct these unconstitutional policies. As our client and his fellow students at Pellissippi State remain subject to these unconstitutional restrictions, chilling the exercise of First Amendment rights, we request a response confirming the revision of Pellissippi State's student speech policies by February 23, 2011 so that we can evaluate whether further steps will be necessary to protect our client's First Amendment rights.

With kind regards,



W. Andrew Fox

cc: Mark Dew  
Casey Mattox, Senior Legal Counsel, Alliance Defense Fund



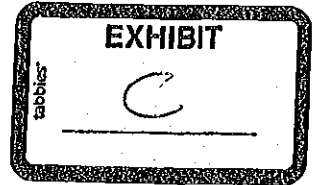
# Tennessee Board of Regents

Office of the General Counsel

1415 Murfreesboro Road - Suite 336

Nashville, Tennessee 37217-2833

Phone (615) 366-4438 Fax (615) 366-3910



Sent via facsimile transmission to 615-525-8200

February 23, 2011

W. Andrew Fox  
Law Offices of Gilbert & Fox  
Two Centre Square—Suite 540  
625 S. Gay Street  
Knoxville, TN 37902

Re: **Student Speech Policies at Pellissippi State Community College**

Dear Mr. Fox,

Your February 9, 2011, letter addressed to Dr. Rebecca Ashford has been forwarded to me for response. I would appreciate it if you would direct all future correspondence related to the College to me.

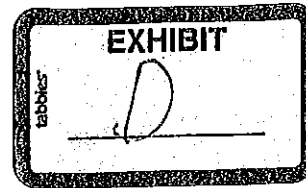
Pellissippi State Community College's primary mission is education. Its policies related to campus facilities use reflect the College's recognition of that purpose and free speech rights of students and non-students. Its policies are both reasonable and viewpoint neutral and therefore do not violate Mr. Dew's right to free speech.

If Mr. Dew encounters difficulties working through the policies, please feel free to contact me directly.

Regards,

Kae Carpenter  
Associate General Counsel

Austin Peay State University · East Tennessee State University · Middle Tennessee State University · Tennessee State University  
Tennessee Technological University · University of Memphis · Chattanooga State Technical Community College  
Cleveland State Community College · Columbia State Community College · Dyersburg State Community College  
Jackson State Community College · Motlow State Community College · Pellissippi State Technical Community College  
Roane State Community College · Shelby State Community College · Volunteer State Community College  
Walters State Community College · Nashville State Technical Institute · Northeast State Technical Community College



## Policy 3:02:02:00

### Subject: Policy on Use of Campus Property and Facilities

#### I. PURPOSE

The purpose of this policy is to provide a uniform basis upon which the institutions and area vocational-technical schools governed by the Tennessee Board of Regents can regulate the **use of campus property** and facilities by affiliated and non-affiliated groups, organizations and individuals. The policy is intended to provide a system of regulations calculated to promote the orderly conduct of activities on campus property and in campus facilities; to prevent interruption of or interference with normal missions, processes and functions of the institutions and schools; to promote an educational rather than commercial atmosphere on campus; to prevent commercial exploitation of students; to preserve residential tranquility and to prevent **use of campus property** and facilities contrary to federal, state or local law or regulation, or policies or regulations of the Board of Regents or the institutions and schools.

#### II. DEFINITIONS

For the purposes of these regulations, the following definitions shall apply:

- (1) "Student" - a person who is registered for a credit course or courses, or a non-credit course or program at the institution or school, including any such person during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period.
- (2) "Guest" - a person invited by a student, official or employee of the institution or school to visit the campus at a specific time and place.
- (3) "Affiliated Group or Organization" - an officially registered student group or organization, or a group or organization funded by and/or sponsored by the institution or school, or a group or organization of faculty or other employees of the institution or school approved by the president or area school director. The term shall include any alumni association, booster club, etc., which is organized and operated for the benefit of the institution or school.
- (4) "Non-affiliated Group or Organization" - any group or organization which is not an "affiliated group or organization"
- (5) "Affiliated Individuals" - persons connected with the institution or school including the institution's or school's students, faculty, staff and guests
- (6) "Non-affiliated Individual" - Any person who is not an "affiliated individual"

#### III. ACCESS TO CAMPUSES

- (1) The campuses and facilities of the institutions and schools are restricted to students, faculty, staff and guests of the institutions or schools, except when part or all of a campus, its buildings or facilities are open to the general public for a designated time and purpose, or when use by non-affiliated groups, organizations or individuals has been granted or approved pursuant to the provisions of this policy or the policy of the individual institution or school.

(2) All persons on the campus of any institution or school shall be subject to all rules and regulations of the institution or school, and the Board which are applicable to the conduct of students on campus and to all applicable federal and state laws and regulations. In addition, all persons who operate motor vehicles on the campus of any institution or school agree by such operation to be subject to institution or school, and Board rules, regulations, policies and procedures on traffic and parking.

(3) All persons on the campus of any institution or school shall provide adequate identification upon request to appropriate officials and security personnel of the institution or school. Personnel and students of the institution or school who refuse to provide such identification may be subject to disciplinary action. Other persons who refuse to provide such identification shall be requested to leave the campus, and if they refuse, may be subject to lawful removal and prosecution.

#### IV. GENERAL CONDITIONS FOR USE OF PROPERTY OR FACILITIES

(1) **Use of campus property** and facilities, pursuant to prior approval as hereinafter required for meetings or other activities, is subject to limitations on the number of persons who may attend in accordance with appropriate building and fire codes and safety standards.

(2) Regulations of the individual institutions and schools which relate to the conduct of assemblies, meetings and demonstrations of affiliated groups, organizations and individuals shall apply to assemblies, meetings and demonstrations of non-affiliated groups, organizations and individuals.

(3) Sound amplification equipment may be used by groups, organizations and individuals at assemblies, meetings and demonstrations only when prior approval has been granted by the appropriate official of the institution or school; provided, however, that such sound amplification is subject to reasonable regulation by the institution or school with respect to time, place, manner and volume.

(4) Institution or school equipment may be used in connection with the **use of campus property** and facilities only with the approval of, or under the supervision of approved institution or school personnel.

(5) Each institution and school shall establish a system whereby affiliated groups, organizations and individuals are given priority in the use of property and facilities. This system may result in a request for use submitted by a non-affiliated group, organization or individual being held in excess of the seven (7) day period referred to in Article V, Paragraph (3), page 5. Such requests will be held and considered in the order received. The decision to grant or deny the requests will be made at least ten (10) working days prior to the date of the requested use.

(6) Campus property and facilities may not be used by any non-affiliated group, organization or individual for the conduct of profit-making activities except when a rental or lease agreement is negotiated and the institution or school receives a fair rental value for the property or facilities used. Rental or lease agreements may be required for non-profit activities of non-affiliated groups, organizations or individuals provided that rental charges for such use may be reduced or waived in the discretion of the institution or school depending upon the nature and extent of the proposed use.

(7) Rental rates may include the fair market value of providing the property or facilities which may include overhead, depreciation, maintenance and security expenses. Rental charges may be based in part upon a fixed percentage of the gross receipts of the activity with a minimum rental charge for use of the facilities.

(8) All rental or lease agreements between the institution or school and non-affiliated groups, organizations, or individuals must be approved by the Chancellor of the Board of Regents, or his or her designee if such agreement deviates from Guideline G-030.

(9) In utilizing campus property or facilities, non-affiliated groups, organizations and individuals shall provide: 1) adequate bond or other security for damage to the property or facilities during the period of the use, 2) personal injury and property damage insurance coverage, 3) a performance bond or insurance guaranteeing or insuring performance of its obligations under the contract, and, 4) other types of insurance in such amounts as are designated by the institution or school, provided, that the institution or school may waive the requirements of security, performance bond or insurance coverage.

(10) All non-affiliated groups, organizations and individuals agree, by making application for registration of an activity and by subsequent use after approval by the institution or school, to indemnify the institution or school and hold it harmless from any and all liabilities arising out of such group's, organization's or individual's use of the property and/or facilities of the institution or school, including, but not limited to, personal injury, property damage, court costs and attorneys fees.

(11) Affiliated groups, organizations and individuals may be assessed the cost of providing maintenance and/or security required as a result of their **use of campus property** or facilities.

#### V. GENERAL PROCEDURE - APPLICATION FOR USE OF PROPERTY OR FACILITIES

(1) Regular or special meetings of affiliated groups or organizations may be planned and scheduled according to procedures established by this policy, or according to procedures established by the individual institution or school. All other gatherings at a central location on campus property which are sponsored or instigated by affiliated groups, organizations or individuals may be permitted without prior registration only at such times and locations as may be designated by the president of the institution or the director of the area school, or his or her designee

(2) Any affiliated group, organization or individual desiring to use campus property or facilities at any time, and/or location other than those designated pursuant to paragraph (1) above, and all non-affiliated groups, organizations or individuals desiring **use of campus property** or facilities must submit a written application for registration of the proposed activity at least fourteen (14) days in advance (excluding weekends and holidays) to the appropriate official at the institution or school; provided, however, that the president of the institution or director of the area school, or his or her designee, may approve applications for registration filed at a later time upon such official's determination that the use of property requested can be reasonably accommodated and that adequate cause exists for late filing of the application for registration. Approval of late applications shall be within the sole discretion of the president of the institution or the director of the area school, or his or her designee. The decision of such official is final. Applications shall be submitted on a form designated by the Chancellor of the Board of Regents, or his or her designee

(3) With the exception of the provision found at Article IV, Paragraph (5), page 3, written notice of approval or disapproval of the proposed **use of campus property** or facilities shall be made available to the applicant group, organization or individual within seven (7) days (excluding weekends and holidays) from the time an application for registration is submitted to the appropriate official at the institution or school at the office of the designated official at the institution or school. Notice of disapproval of the proposed use shall include the

grounds for disapproval. Notices will not be mailed or delivered; it shall be the responsibility of the applicant to inquire at the office of the designated official as to the decision concerning the application, and the time and location in which the activity is authorized.

(4) No assembly, meeting, demonstration or other activity shall be authorized or permitted on any property or in any building or facility, and an application for registration may be denied when:

(a) A determination by the appropriate official or body of the institution or school is made that the requested use would cause substantial disruption or interference with the normal activities of the institution or school conducted in the course of its lawful mission, processes and functions.

(b) A determination is made that the requested use would be contrary to federal, state or local law or regulation, or policies or regulations of the Board of Regents, the institution or school.

(c) The applicant or sponsor of the activity has not fully provided accurate or complete information required on the application for registration.

(d) The applicant or sponsor of the activity has been responsible for violation of subparagraphs (a), (b) or (c) above during a previously registered **use of campus property** or facilities, or has violated any conditions or assurances specified in a previous registration application and the institution or school has reasonable cause to believe such violation will reoccur.

(e) Approval for use of the property or facilities has previously been given to another group, organization or individual for the time(s) and location(s) requested.

(f) Use of the property or facilities requested would be impossible due to set-up time and/or take-down time required for other previously scheduled activities at the requested location immediately before and/or after the requested use, or due to other extenuating circumstances.

(g) The activity is of such nature or duration that it cannot reasonably be accommodated in the particular area for which application is made, provided that in such event, an alternative on-campus site, if available for the activity, shall be proposed by the institution or school;

(h) The activity creates or would create a danger, or dangerous condition impacting on the health, safety and welfare of others;

(i) Such use conflicts or would conflict with existing contractual obligations of the institution or school.

(5) Any group, organization or individual whose timely application for registration for use of property or facilities of the institution or school is denied for reasons cited in subparagraphs (a), (b), (d), (g), (h) or (i) of paragraph (4) above shall have the right to appeal that denial to the president or area school director, or his or her designee. Notice of appeal shall be made in writing during normal business hours of the institution or school no later than five (5) days (excluding weekends and holidays) prior to the time of the proposed event. The decision of the president or the area school director, or his or her designee, shall be made at least four (4) days before the time of the event

(6) Affiliated and non-affiliated groups, organizations, or individuals may sell or distribute literature only in conjunction with their authorized presence on campus after such proposed sale or distribution has been registered with and approved by the appropriate official of the institution or school as specified in paragraph (2)

above. Any application for registration shall include, but not be limited to the name of the applicant; the name of the organization, if any; the date, time, duration and location of the proposed sale or distribution; and, the number of participants, and shall be on a form which has been designated by the Chancellor of the Board of Regents, or his or her designee.

(7) Applications for registration by affiliated and non-affiliated groups, organizations or individuals required in paragraph (6) above to distribute or sell literature shall be denied in the event that: 1) a prior application for registration for the same time and location has been made which has been or will be granted; 2) the location is or will be in use for the same time by an affiliated group, organization or individual; 3) the activities would not reasonably permit multiple occupancy of the particular area, 4) the sale or distribution will present a clear and present danger to the public health or safety; 5) the number of persons engaged in the sale or distribution exceeds the number that can reasonably be accommodated in the particular location applied for; or, 6) the activity would constitute a violation of applicable law or regulation, or any other provision of this policy.

(8) No demonstration, distribution or sale of literature, or solicitation unless otherwise permitted elsewhere by this policy shall be permitted within: (1) classroom, library or other academic buildings or facilities; (2) administrative and employee offices and work areas; or, (3) student residence halls, dormitories or apartment buildings. However, an institution or school may permit distribution or sale of literature in designated locations within the lobbies or other general use areas of the above buildings or other campus facilities designated for the placement of literature for distribution or sale.

(9) Any group, organization or individual whose application for registration required by paragraph (6) above is denied shall have the right to appeal that denial to the president or area school director, or his or her designee. Notice of appeal shall be made in writing during normal business hours of the institution or school no later than five days (excluding weekends and holidays) prior to the time of the proposed sale or distribution. The decision of the president or area school director, or his or her designee, shall be made at least four (4) days before the time of the proposed sale or distribution.

## VI. PARTICULAR USES

### (1) Political Use

(a) The **use of campus property** or facilities for speaking engagements by candidates for political office or for other political activities whether at the request of an affiliated or non-affiliated group, organization or individual shall be subject to the registration requirements and procedures specified above and shall be subject to the regulations of the institution or school concerning other types of meetings or activities on campus property or in campus facilities.

(b) When campus property or facilities are used for political purposes, reasonably equal opportunity shall be provided for presentation of all sides or views or reasonably equal access to the property or facilities shall be provided all sides.

(c) No campaign posters, signs or other items of campaign or political advertising may be placed on campus property or facilities, except as specified in subparagraphs (d) and (e) below.

(d) Students may place campaign posters, signs or other items of campaign or political advertising, whether pertaining to a campus or general election within his/her dormitory residence provided such placement is made in such a way as to not damage or destroy campus property.

(e) Affiliated and non-affiliated groups, organizations or individuals, with the exception of state employees, may place campaign posters, signs or other items of campaign or political advertising, whether pertaining to a campus or general election, on bulletin boards or other locations on campus specifically designated for such use by the institution or school. Any distribution of such material may be made only subsequent to the registration and approval process.

### (2) Religious Use

(a) Campus property and facilities may be utilized by affiliated groups or organizations for the purpose of religious worship or evangelical activities subject to the specified registration requirements and procedures.

(b) Non-affiliated groups, organizations and individuals may utilize campus property and facilities on a temporary basis for the purpose of religious worship or evangelical activities subject to the specified registration requirements and procedures.

### (3) Literature Distribution or Sale

(a) Any proposed distribution or sale of literature by an affiliated or non-affiliated group, organization or individual is subject to the specified registration requirements and procedures.

(b) Any literature which is, or which is proposed to be, distributed or sold shall comply with all applicable federal, state and local laws and regulations, and with the regulations and policies of the institution or school, and the Board of Regents. No obscene literature or material shall be distributed on any property owned or used by an institution or school.

(c) No literature, material or other printed matter shall be sold or distributed within: (1) classroom, library or other academic building or facilities; (2) administrative and employee offices and work areas; or, (3) student residence halls, dormitories or apartment buildings. However, an institution or school may permit such sale or distribution in designated locations within the lobbies or other general use areas of the above-noted buildings or other campus facilities designated for placement of literature for distribution or sale. Further, this shall not restrict a faculty member from distributing within the classroom non-commercial material related to the particular course or subject matter.

(d) Each institution and school shall designate the locations on campus which are available for the sale or distribution of literature. In addition to those areas designated in subparagraph (c) above, the institution or school shall prohibit the sale or distribution of literature in all areas where such would: 1) cause injury or damage to campus resources, 2) unreasonably impair the academic atmosphere of the campus, 3) unreasonably interfere with the academic program and other activities of the institution or school, or with the administrative functions of the institution or school; or, 4) substantially impair the use of facilities or services on the campus, or the flow of vehicular or pedestrian traffic.

(e) No person, whether distributor or recipient of literature, shall cause any litter to occur on the campus of an institution or school, and literature shall only be discarded in trash receptacles on campus.

(f) Persons engaged in the sale or distribution of printed matter shall not obstruct or impede pedestrians or vehicles, harass other persons with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.

(g) The institution or school shall have the right to terminate the distribution or sale of literature by any group, organization or individual which violates the provisions of this policy.

(4) Solicitations

(a) Except as is otherwise permitted by this provision, solicitation for purely commercial purposes is prohibited on all property owned or used by an institution or school, provided that solicitations by the institution or school and solicitations by vendors incidental to the vendor providing services on behalf of the institution or school pursuant to a contract between the institution or school and the vendor are permissible. "Solicitation" will not be considered to include activities or events engaged in by affiliated groups, organizations or individuals for the purpose of raising funds to meet expenses of the group, organization or individual. The funds raised by such activities or events shall be used for the benefit of the group, organization or individual, or for charity and no funds shall be distributed to the officers, members, or any individual for personal profit or use. For purposes of this provision the following activities are not prohibited.

(1) Advertising, as permitted by this policy;

(2) Sale or distribution of commercial literature as permitted by this policy;

(3) Conversations or communications between a dorm resident and a properly admitted guest notwithstanding the commercial content of the conversation or communication; provided, however, other dorm residents may not be solicited for the purposes of selling a product or service or enrolling the individual in a contest, program or other commercial venture; or

(4) Conversations or communications between a resident of University owned apartments and a properly admitted guest notwithstanding the commercial content of the conversation or communication, provided the conversations or communications are confined to the specific unit of the resident inviting the guest or other area properly reserved by the resident for such purpose.

(b) Solicitation and fund-raising activities other than for purely commercial purposes may be conducted on property owned and used by the institution or school by affiliated groups, organizations or individuals, charitable organizations holding such activities with the sponsorship of the institution or school or the State of Tennessee, or non-affiliated groups, organizations or individuals subject to the specified registration requirements and procedures of Article V, paragraphs (2) through (5), pages 4 and 5.

(c) No solicitation of charitable funds shall be permitted unless the group, organization or individual provides evidence to the institution or school demonstrating that the proposed activity is in accordance with or exempt from the provisions of T.C.A. § 48-101-501 through 48-101-518.

(d) Solicitation in conjunction with the distribution of literature is subject to the provisions of Article VI, paragraph (3), pages 8 and 9

(e) Solicitation of dues and/or membership in an organization is permissible only by affiliated groups, organizations or individuals

(f) Solicitations shall only be permitted in those areas designated by the institution or school pursuant to the conditions of Article VI, paragraph (3), subparagraphs (c) and (d), pages 8 and 9 application for registration of a solicitation may be denied for any of the reasons set forth in Article V, paragraphs (4) and (7) pages 5, 6 and 7

and persons engaged in solicitation shall comply with the provisions of Article VI, paragraph (3), subparagraph (f), page 9.

(g) No funds solicited on campus property shall inure to the benefit of any individual unless contributions are requested for the relief of an individual specified by name at the time of solicitations, and all funds contributed are turned over to the named beneficiary for his or her use without any deductions whatsoever

(h) An institution or school may require any group, organization or individual to verify the use, application or disposition of funds solicited on campus property.

#### (5) Advertising

(a) No advertising signs, posters, or other material may be placed on any campus property or facility by any non-affiliated group, organization or individual, except that institutions and schools may permit advertising on specifically designated bulletin boards and other designated locations on campus. Affiliated groups, organizations and individuals may place advertising materials on campus property but only in such places as are designated by the institution or school.

(b) Institutions and schools may authorize the inclusion of advertisements in appropriate campus publications for a reasonable fee.

(c) Institutions and schools may permit limited advertising by groups, organizations or individuals when incidental to a donation of property or services to the institution or school, or pursuant to a contract with the institution or school.

### VII. Miscellaneous

#### (1) Bulletin Boards

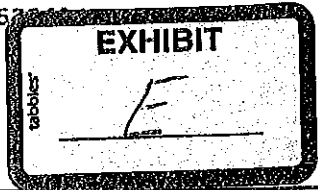
(a) Bulletin boards may be designated for use by specific groups, organizations or individuals. Those groups, organizations or individuals authorized to use a bulletin board, the types of materials which may be posted on a board, the maximum size and duration of any notice, and any other special conditions on use shall be conspicuously posted on each board, and shall control the use of the board when posted

(b) Each institution and school may require prior approval for the use of any or all bulletin boards on campus, and if required, the name of the official authorized to approve use of the board shall be posted on the board. Use of a board may be denied on the basis of one or more of the following: 1.) the person or group is not authorized to use the board in question; 2.) the material is not the type authorized for the board in question, or fails to meet any special conditions as posted on the board; 3.) the material is obscene or otherwise violates any federal or state law or regulation of the institution or school; or 4.) there is insufficient space available for the material on the board in question due to the previous posting of other materials

(2) The office of the official at each institution and school who is responsible for receiving and processing applications and registrations pursuant to this policy shall maintain a copy of the policy for inspection by groups, organizations, and individuals interested in the **use of campus property** and/or facilities and shall provide a copy of such policy upon request and payment of a reasonable charge

(3) Exceptions to this policy can be made upon approval of the Chancellor of the Tennessee Board of Regents

Source TBR Meetings December 8, 1978; March 10, 1979; March 18, 1983; September 30, 1983 September 18, 1987; March 16, 1990; September 21, 1990



Business and Community Services
10915 Hardin Valley Road
P. O. Box 22990
Knoxville, TN 37933-0990
Office: (865) 530-7167 Fax: (865) 684-6583

FACILITY USAGE APPLICATION

Page 1 of 2

Applicants complete Part I and read Parts II and III. Submit completed application to the Business and Community Services office.

I. INSTITUTION APPROVAL IS CONTINGENT ON THE APPLICANT'S SUCCESSFUL COMPLETION OF ALL FINANCIAL AND/OR INSURANCE OBLIGATIONS AS MAY BE REQUIRED BY THE COLLEGE.

Please type or print:
Name of Organization: Mark Dew
Contact Person: Mark Dew
Phone Number: (865) 898-1097
Mailing Address: 117 Sierra Vista Ln
City: Knoxville State: TN Zip: 37922
Email Address: Markdew66@yahoo.com

Please fill in completely:
Non-Profit Organization For-Profit Business or Organization Governmental Agency Other: Individual

Location Requested: Clayton Performing Arts Center (CPAC) (AL160) Goins Building Auditorium (GN138) Bagwell Art/Media Gallery (BA142) Other Location: Courtyard

Number of people expected:
Date(s) Requested: Nov 8th
Time Requested (from/to): 10:00 A.M. - 5:00 P.M.
Date and Time of Performance(s):

Detailed Description of Activity (Indicate name and topic if a speaker): Personal evangelism and gospel tract distribution

\*\* Copies of marketing materials need to be provided to the Business and Community Services office prior to advertising the event! \*\*

Please list any special needs below:
Food Service: Pelissippi State's food services contract requires all on-campus catering be provided by the college's food service vendor.
Room Setup (check off that apply): Tables: How many? / Chairs: How many? / Podium: / Other:
Audio/Visual: Arrangements will be made through the Media Center.
Safety and Security: Determination of security and insurance requirements will be solely at the discretion of Pelissippi State Community College

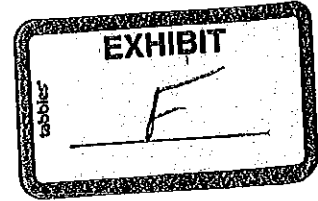
II. APPLICANT CERTIFICATIONS / APPLICATION FOR REGISTRATION OF ON-CAMPUS ACTIVITY:
(Please read carefully and sign. Application will not be considered if this section is not completed.)

Applicant acknowledges by this application that the College has made a copy of the Pelissippi State Policy Number 06:03:00, Facilities and Property Use, available for review and understands that a copy of such policy will be provided upon request and payment of reasonable copying charges.
1) The intended use of the college property and facilities by applicant does not violate, and actual use will not violate, the provisions of the Tennessee Board of Regents Policy on Use of Campus Property and Facilities or any policies or regulations of Pelissippi State, or any federal, state, or local law or regulation.
2) Any use of college property and facilities pursuant to this application that is contrary to such policies, laws, or regulations or that is inconsistent with the activity as described in this application constitutes grounds for the institution to remove the activity from college property.
3) Applicant agrees to indemnify the institution and hold it harmless from liabilities arising out of applicant's use of institution property and/or facilities, including but not limited to personal injury, property damage, court costs or attorney fees.
I acknowledge that I have read the Applicant Certifications, Part II, and I will abide by these requirements. My signature below attests to same:
Applicant's Signature: [Signature] Date: 5/15/11

DO NOT WRITE BELOW THE LINE:
APPROVED DENIED
Date:
Comments:
Charges:
Facility:
Custodial:
Security:
Technician:
Equipment:
Utilities:
Other:
Total Charges: \$
Deposit Due: \$
Balance after Dep.: \$
Date Dep. Paid:
Payments Made on Account:
Date: Amount: \$

PSTCC Official:
A Tennessee Board of Regents Institution

An AA/EEO College
PSTCC 2061413



----- Forwarded Message -----

**From:** "Vahcic, LouAnn" <lavahcic@pstcc.edu>  
**To:** Mark Dew <markdew66@yahoo.com>  
**Sent:** Wed, May 11, 2011 10:24:52 PM  
**Subject:** RE: Facility use at Pellissippi State

Mr. Dew,

Your facility usage application has been approved subject to your acknowledgement that you've read the TBR Policy 3:02:02:00 and agree to abide by it while on the Pellissippi State campus.

Your rental rate will be \$30 for the seven hour timeframe requested on the application and once all arrangements are finalized, I'll send an invoice detailing how the payment can be submitted. Payment of rental fees are required at least two business days in advance of the event date.

Let me know if you have any questions.  
LouAnn

**From:** Mark Dew [mailto:markdew66@yahoo.com]  
**Sent:** Wednesday, May 11, 2011 2:53 PM  
**To:** Vahcic, LouAnn  
**Subject:** Re: Facility use at Pellissippi State

It will just be me the whole time. No substitutions.

Thanks,

Mark

**From:** "Vahcic, LouAnn" <lavahcic@pstcc.edu>  
**To:** Mark Dew <markdew66@yahoo.com>  
**Sent:** Wed, May 11, 2011 4:08:08 PM  
**Subject:** RE: Facility use at Pellissippi State

Mr. Dew: Any individuals wishing to be on campus for the purposes stated in your original application will be required to complete an application and, if approved, pay a fee.

**From:** Mark Dew [mailto:markdew66@yahoo.com]  
**Sent:** Tuesday, May 10, 2011 7:11 PM  
**To:** Vahcic, LouAnn  
**Subject:** Re: Facility use at Pellissippi State

Would there be additional fees for additional people?

Thanks,

Mark Dew

**From:** "Vahcic, LouAnn" <[lavahcic@pstcc.edu](mailto:lavahcic@pstcc.edu)>  
**To:** "[markdew66@yahoo.com](mailto:markdew66@yahoo.com)" <[markdew66@yahoo.com](mailto:markdew66@yahoo.com)>  
**Sent:** Tue, May 10, 2011 8:56:01 PM  
**Subject:** Facility use at Pellissippi State

Good afternoon Mr. Dew,

Thank you for the interest in using the facilities at Pellissippi State. I wanted to let you know your application has been received, but I'll need some additional information before I can finish processing the request.

- 1) Please verify that you are the person who will actually be in attendance and distributing the information on our campus.
- 2) Will there be anyone else joining or substituting for you? If so, I'll need to have a separate application for that person as well.

After the application has been approved and processed, you will receive a confirmation email summarizing the arrangements made for your event, as well as, a request for prepayment of facility rental fees.

In the meantime, please familiarize yourself with the attached policy which governs use of campus property and facilities. The highlighted areas on pages six and seven are most relevant to your request.

Let me know if you have any questions or need additional information.  
LouAnn

---

LouAnn Vahcic, CPS  
Account Clerk 2  
Office: (865) 694-6665  
Pellissippi State Community College  
Business and Community Services  
BCS: (865) 539-7167  
BCS Fax: (865) 694-6583  
Email: [lavahcic@pstcc.edu](mailto:lavahcic@pstcc.edu)

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Pellissippi State offers a wide variety of Continuing Education classes, and we can customize our training programs to meet your business needs. Check us out on the web!  
[www.pstcc.edu/bcs](http://www.pstcc.edu/bcs)

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBECCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) REBECCA ASHFORD, VP of Student Success and Enrollment and Managementst  
Pellissippi State Communtiy College in her individual and offical capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBCCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JOHN COPELAND, Member of the Tennessee Board of Regents in his individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_ *Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the
Eastern District of Tennessee

MARK DEW
Plaintiff
v.
REBCCA ASHFORD, LOU ANN VAHCIC, JOHN
DOE, JAMES DOE, ET AL
Defendant
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) GREGORY DUCKETT, Member of the Tennessee Board of Regents in his
individual and official capacities
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL
ATTN: Kae Carpenter, Associate General Counsel
1415 Murfessboro Road, Suite 336
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are: W. ANDREW FOX, ESQ.
GILBERT & FOX
625 S. Gay Street, Suite 540
Knoxville, TN 37902
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the
Eastern District of Tennessee

MARK DEW
Plaintiff
v.
REBCCA ASHFORD, LOU ANN VAHCIC, JOHN
DOE, JAMES DOE, ET AL
Defendant
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BARRY GIDCOMB, Member of the Tennessee Board of Regents in his individual
and official capacities
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL
ATTN: Kae Carpenter, Associate General Counsel
1415 Murfessboro Road, Suite 336
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are: W. ANDREW FOX, ESQ.
GILBERT & FOX
625 S. Gay Street, Suite 540
Knoxville, TN 37902
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBCCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Bill Haslam, Member of the Tennessee Board of Regents in his individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (f))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_ *Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBCCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) BARRY GIDCOMB, Member of the Tennessee Board of Regents in his individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the Eastern District of Tennessee

MARK DEW Plaintiff
V. REBECCA ASHFORD, LOU ANN VAHCIC, JOHN DOE, JAMES DOE, ET AL Defendant
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: Defendant's name and address KEVIN HUFFMAN, Member of the Tennessee Board of Regents in his individual and official capacities
60 TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL
ATTN: Kae Carpenter, Associate General Counsel
1415 Murfreesboro Road, Suite 336
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: W. ANDREW FOX, ESQ. GILBERT & FOX 625 S. Gay Street, Suite 540 Knoxville, TN 37902 (865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_

- I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBCCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JAMES DOE, Security Officer at PELLISSIPPI STATE COMMUNITY COLLEGE  
in his individual and official capacities  
c/o TENNESSEEBOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the
Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBECCA ASHFORD, LOU ANN VAHCIC, JOHN
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JOHN DOE, Security Officer at PELLISSIPPI STATE COMMUNITY COLLEGE in
his individual and official capacities
c/o TENNESSEEBOARD OF REGENTS OFFICE OF GENERAL COUNSEL
ATTN: Kae Carpenter, Associate General Counsel
1415 Murfessboro Road, Suite 336
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

W. ANDREW FOX, ESQ.
GILBERT & FOX
625 S. Gay Street, Suite 540
Knoxville, TN 37902
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBCCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JULIUS JOHNSON, Member of the Tennessee Board of Regents in his individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBECCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* JONAS KISBER, Member of the Tennessee Board of Regents in his individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Tennessee

MARK DEW	)	
_____	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No.
REBCCA ASHFORD, LOU ANN VAHCIC, JOHN	)	
DOE, JAMES DOE, ET AL	)	
_____	)	
<i>Defendant</i>	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* FRAN MARCUM, Member of the Tennessee Board of Regents in her individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the
Eastern District of Tennessee

MARK DEW
Plaintiff
v.
REBCCA ASHFORD, LOU ANN VAHCIC, JOHN
DOE, JAMES DOE, ET AL
Defendant
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CASEY MCCULLUM, Member of the Tennessee Board of Regents in his
individual and official capacities
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL
ATTN: Kae Carpenter, Associate General Counsel
1415 Murfessboro Road, Suite 336
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

W. ANDREW FOX, ESQ.
GILBERT & FOX
625 S. Gay Street, Suite 540
Knoxville, TN 37902
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBECCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) PAUL MONTGOMERY, Member of the Tennessee Board of Regents in his individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBCCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) RICHARD RHODA, Member of the Tennessee Board of Regents in his individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBCCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HOWARD RODDY, Member of the Tennessee Board of Regents in his individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the
Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBECCA ASHFORD, LOU ANN VAHCIC, JOHN
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ROBERT THOMAS, Member of the Tennessee Board of Regents in her
individual and official capacities
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL
ATTN: Kae Carpenter, Associate General Counsel
1415 Murfessboro Road, Suite 336
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

W. ANDREW FOX, ESQ.
GILBERT & FOX
625 S. Gay Street, Suite 540
Knoxville, TN 37902
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBECCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) LOU ANN VAHCIC, Account Clerk at PELLISSIPPI STATE COMMUNITY COLLEGE in her individual and official capacities c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL ATTN: Kae Carpenter, Associate General Counsel 1415 Murfessboro Road, Suite 336 Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

MARK DEW

Plaintiff

v.

REBCCA ASHFORD, LOU ANN VAHCIC, JOHN  
DOE, JAMES DOE, ET AL

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) DANNY VARLAN, Member of the Tennessee Board of Regents in her individual and official capacities  
c/o TENNESSEE BOARD OF REGENTS OFFICE OF GENERAL COUNSEL  
ATTN: Kae Carpenter, Associate General Counsel  
1415 Murfessboro Road, Suite 336  
Nashville, TN 37217-2833

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

W. ANDREW FOX, ESQ.  
GILBERT & FOX  
625 S. Gay Street, Suite 540  
Knoxville, TN 37902  
(865) 525-8800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: ..

Signature of Clerk or Deputy Clerk

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

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_ *Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc: