

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BETH ANNE PRATTE and JAMES )  
ELBERT MOORE )

**Case No.: 1:21-CV-910**

vs. )

**VERIFIED COMPLAINT**

ELIZABETH ADAMS CARTER and )  
EDWARD MACK DENNISON JR, and )  
STACEY MAREK CALDWELL, in their )  
official capacities and individual capacities,

Defendant.

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NOW COMES Plaintiffs, Beth Ann Pratte and James Elbert Moore, by and through the undersigned counsel, and, pursuant to the Constitution of the United States and 42 U.S.C. § 1983, seek injunctive, compensatory, and exemplary relief from Defendants.

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff Beth Ann Pratte is a citizen and resident of Moore County, North Carolina.<sup>1</sup>
2. Plaintiff James Elbert Moore is a citizen and resident of Moore County, North Carolina.<sup>2</sup>
3. Defendant Elizabeth A. Carter is currently, and has been at all times pertinent to the claims raised herein, a member of the Moore County Schools Board of Education.
4. Defendant Carter is a citizen and resident of Moore County, North Carolina.

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<sup>1</sup> Plaintiff Pratte is not a citizen or resident of that portion of Moore County encompassing the Fort Bragg Military Reservation and Camp Mackall.

<sup>2</sup> Plaintiff Pratte is not a citizen or resident of that portion of Moore County encompassing the Fort Bragg Military Reservation and Camp Mackall.

5. Defendant Edward M. Dennison Jr is currently, and has been at all times pertinent to the claims raised herein, a member of the Moore County Schools Board of Education.

6. Defendant Dennison is a citizen and resident of Moore County, North Carolina.

7. Defendant Stacey M. Caldwell is currently, and has been at all times pertinent to the claims raised herein, a member of the Moore County Schools Board of Education.

8. Defendant Caldwell is a citizen and resident of Moore County, North Carolina.

9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331.

10. Venue lies in the Middle District of North Carolina pursuant to 28 U.S.C. § 1391(b).

### **STATEMENT OF FACTS**

11. Paragraphs 1 through 10 are realleged and incorporated as if fully set forth herein.

12. Facebook is an online, interactive social media forum where persons and entities, both private and governmental, can create pages to share information and invite comments or discussion.

13. Defendant Carter currently and at all times relevant maintains a Facebook page in her official capacity at <https://www.facebook.com/CarterforBoardofEducation> (hereinafter “Carter Facebook Page”). (Exhibit 1)

14. The Carter Facebook Page states that “This page highlights activities and events within my duties as a member of the Moore County Board of [sic]” and the page is designated as a “Government Official” page. (Exhibit 1)

15. Defendant Carter opened the Carter Facebook Page as a public forum for expressive activity, wherein she encouraged, solicited, and allowed public comments and discourse between her, in her official capacity as a Member of the Moore County Schools Board of Education, and her constituents.

16. Defendant Carter currently and at all times relevant uses the Carter Facebook Page as a tool of governance to inform the public about her government work, solicit input on policy issues through the page, and swathes it in the trappings of her office.

17. Defendant Carter chooses to use the Carter Facebook Page as a public forum.

18. Defendant Carter has and at all times relevant had control over the Carter Facebook Page.

19. Defendant Carter currently and at all times relevant controls the Carter Facebook Page as a government actor.

20. Defendant Carter currently and at all times relevant opens the Carter Facebook Page to public comment.

21. The interactive space on the Carter Facebook Page currently and at all times relevant constitutes a public forum.

22. Comments made to the Carter Facebook Page by Plaintiff Pratte are constitutionally protected speech.

23. Comments made to the Carter Facebook Page by Plaintiff Moore are constitutionally protected speech.

24. On or about September 23, 2021, a post was made to the Carter Facebook Page by the Carter Facebook Page sharing a post from the official Facebook page of Southern Middle School (hereinafter “Carter SMS Post”).

25. The “share” function of Facebook allows the owner of one page to post content created by another individual or entity to the page owner’s own page.

26. Southern Middle is a public school within the jurisdiction of Moore County Schools and is located at 717 Johnson Street, Aberdeen, NC 28315.

27. On or about September 23, 2021, Plaintiff Pratte posted a comment to the Carter SMS Post wherein she stated “The truth is a stubborn thing. This has been a pattern of behavior – you exaggerate, twist words or straight up lie. Your efforts to create division worked but many have caught on. We are coming together to end corruption and MCS and focus on academic.” The post linked to an article which offered evidence disputing a previous public statement made by Carter.

28. Plaintiff Pratte’s constitutionally protected speech was removed from the Carter Facebook Page by Defendant Carter, the Carter Facebook Page admin, the Carter Facebook Page editor, or the Carter Facebook Page moderator.

29. When one creates a Facebook page, one automatically become the page’s admin, which means one can change how the page looks and publish as the page. Only the admin can assign roles, such as that of a Facebook page editor or Facebook page moderator, and change others’ roles.

30. A page editor has access to the Facebook page with partial control over the page, including the ability to edit the page and add apps; create and delete posts as the page; send messages as the page; respond to and delete comments and posts to the page; remove and ban people from the page; create ads, promotions, or boosted posts; view insights; view page quality tab; see who published as the page; publish and manage jobs; and turn on job features for a post.

31. A page moderator has task access for message replies, community activity, ads and insights, and partial control over the page, including the ability to; send messages as the page; respond to and delete comments and posts to the page; remove and ban people from the page; create ads, promotions, or boosted posts; view insights; view page quality tab; and see who published as the page.

32. The admin, editor, and moderator of the Carter Facebook Page is and at all times relevant was affiliated with Carter and has no affiliation with Facebook outside of their role as admin, editor, or moderator for the Carter Facebook Page.

33. Defendant Carter has control over the admin, editor, and moderator of the Carter Facebook Page.

34. Upon information and belief, Defendant Carter or an admin, editor, or moderator acting on behalf of Defendant Carter reported Plaintiff Pratte's constitutionally protected speech to Facebook as "spam," which triggered the deletion of the constitutionally protected speech.

35. Defendant Dennison maintains a Facebook page at <https://www.facebook.com/ed.dennison.5> wherein he lists his extensive civic activity, including but not limited to his status as a Trustee on the Moore County Schools Board of Education and member of the Board of Trustees of the North Carolina School Boards Association Trust (hereinafter "Dennison Facebook Page"). (Exhibit 2).

36. Defendant Dennison opened the Dennison Facebook Page as a public forum for expressive activity, wherein he encouraged, solicited, and allowed public comments and discourse between him, in his official capacity, and his constituents.

37. Defendant Dennison currently and at all times relevant uses the Dennison Facebook Page as a tool of governance to inform the public about his government work, solicit input on policy issues through the page, and swathes it in the trappings of his office.

38. Defendant Dennison chooses to use the Dennison Facebook Page as a public forum.

39. Defendant Dennison has and at all times relevant had control over the Dennison Facebook Page.

40. Defendant Dennison currently and at all times relevant controls the Dennison Facebook Page as a government actor.

41. Defendant Dennison currently and at all times relevant opens the Dennison Facebook Page to public comment related to his role as a Member of the Moore County Schools Board of Education.

42. The interactive space on the Dennison Facebook Page currently and at all times relevant constitutes a public forum.

43. Comments made to the Dennison Facebook Page by Plaintiff Pratte are constitutionally protected speech.

44. Comments made to the Dennison Facebook Page by Plaintiff Moore are constitutionally protected speech.

45. On or about August 9, 2021, Plaintiff Pratte posted constitutionally protected speech to the Dennison Facebook Page wherein she stated, “You’re a big disappointment. You need to take a class on the constitution. RINO [Republican in name only].” (hereinafter “Plaintiff Pratte’s Dennison Post”) (Exhibit 3).

46. Plaintiff Pratte’s constitutionally protected speech was removed from the Dennison Facebook Page by Defendant Dennison or the page admin, page editor, or page moderator acting on behalf of Defendant Dennison.

47. The admin, editor, and moderator of the Dennison Facebook Page is and at all times relevant was affiliated with Dennison and has no affiliation with Facebook outside of their role as admin, editor, or moderator for the Dennison Facebook Page.

48. Defendant Dennison has control over the admin, editor, and moderator of the Dennison Facebook Page.

49. Plaintiff Pratte was subsequently blocked from the Dennison Facebook Page which deprived Defendant Pratte of making additional posts or comments of constitutionally protected speech to the public forum of the Dennison Facebook Page.

50. When one is blocked from a Facebook page, they are no longer able to publish to the page, like or comment on the page's posts, message the page, or like the page.

51. By blocking Plaintiff Pratte from the Dennison Facebook Page, Defendant Dennison exclude discussion by Plaintiff Pratte within a public forum.

52. On numerous other occasions, Defendant Dennison or the admin, moderator, or editor of the Dennison Facebook Page deleted Plaintiff Pratte's constitutionally protected speech from the Dennison Facebook Page.

53. Plaintiff Pratte is still blocked from the Dennison Facebook Page.

54. On or about August 19, 2021, Plaintiff Moore posted a comment to a post on the Dennison Facebook Page criticizing Defendant Dennison and the Moore County Schools Board of Education for pursuing a sale of Moore County Schools property to a preferred buyer at a sale price more than \$200,000.00 less than an offer proposed by another potential buyer. Plaintiff Moore, in his comment, stated that the unrealized difference in sale price could have benefited Moore County Schools in northern Moore County.

55. Defendant Dennison responded to Plaintiff Moore's comment, stating that the Moore County Schools in southern Moore County were in more need for funds than those in northern Moore County.

56. Plaintiff Moore then responded and repeated his assertion that that the unrealized difference in sale price could have benefited Moore County Schools.

57. Defendant Dennison then deleted Plaintiff Moore's comments from the Dennison Facebook Page.

58. After Defendant Dennison deleted Plaintiff Moore's comments, Plaintiff Moore made a post to the Dennison Facebook Page criticizing Defendant Dennison for deleting the comments and stating that it was wrong to delete the comments.

59. Defendant Dennison then deleted this post made by Plaintiff Moore to the Dennison Facebook Page, and Defendant Dennison blocked Plaintiff Moore from the Dennison Facebook Page.

60. Defendant Caldwell currently and at all times relevant maintains a Facebook page in her official capacity at <https://www.facebook.com/BOEStaceyCaldwell> (hereinafter "Caldwell Facebook Page").

61. The Caldwell Facebook Page designates her as a "Public Figure," prominently displays her status as a public official representing District 1 for the Board of Education in Moore County, and includes an "Ask Stacey Caldwell – Moore County Board of Education" application pinned to the top of the Caldwell Facebook Page.

62. Defendant Caldwell opened the Caldwell Facebook Page as a public forum for expressive activity, wherein she encouraged, solicited, and allowed public comments and discourse between her, in her official capacity, and her constituents.

63. Defendant Caldwell currently and at all times relevant uses the Caldwell Facebook Page as a tool of governance to inform the public about her government work, solicit input on policy issues through the page, and swathes it in the trappings of her office.

64. Defendant Caldwell chooses to use the Caldwell Facebook Page as a public forum.

65. Defendant Caldwell has and at all times relevant had control over the Caldwell Facebook Page.

66. Defendant Caldwell currently and at all times relevant controls the Caldwell Facebook Page as a government actor.

67. Defendant Caldwell currently and at all times relevant opens the Caldwell Facebook Page to public comment.

68. The interactive space on the Caldwell Facebook Page currently and at all times relevant constitutes a public forum.

69. Comments made to the Caldwell Facebook Page by Plaintiff Pratte are constitutionally protected speech.

70. Comments made to the Caldwell Facebook Page by Plaintiff Moore are constitutionally protected speech.

71. On or about August 3, 2021, Defendant Caldwell shared a post to the Caldwell Facebook Page, and Plaintiff Pratte commented on the post on the Caldwell Facebook Page wherein she criticized Defendant Caldwell's performance as a public official.

72. Numerous other individuals commented on the same Caldwell Facebook Page post as Plaintiff Pratte and similarly criticized Defendant Caldwell's performance as a public official.

73. The post on which Plaintiff Pratte commented was subsequently removed by Defendant Caldwell, thus deleting Plaintiff Pratte's constitutionally protected speech.

74. Defendant Caldwell has control over the admin, editor, and moderator of the Caldwell Facebook Page.

75. On or about September 23, 2021, Plaintiff Moore posted a comment to the Caldwell Facebook Page criticizing Defendant Caldwell's performance as a public official.

76. After Plaintiff Moore posted his comment to the post on the Caldwell Facebook Page, Defendant Caldwell deleted her post, which also deleted the comment made by Plaintiff Moore along with numerous other comments critical of her performance as a public official.

77. The deletion by Defendant Caldwell of the post on which Plaintiff Moore commented deleted Plaintiff Moore's constitutionally protected speech.

#### **FIRST CLAIM FOR RELIEF**

#### **Violation of Plaintiff Pratte's Free Speech Rights as Guaranteed by the First Amendment to the Constitution of the United States as to Defendant Carter, Defendant Dennison, and Defendant Caldwell, in their official and individual capacities.**

78. Paragraphs 1 through 77 are realleged and incorporated as if fully set forth herein.

79. Defendant Carter opened up the Carter Facebook Page as a public forum for expressive activity.

80. Defendant Carter encouraged, solicited, and allowed public comments and discussion between her, in her official capacity, and her constituents on the Carter Facebook Page.

81. Defendant Dennison opened up the Dennison Facebook Page as a public forum for expressive activity.

82. Defendant Dennison encouraged, solicited, and allowed public comments and discussion between him, in his official capacity, and his constituents on the Dennison Facebook Page.

83. Defendant Caldwell opened up the Caldwell Facebook Page as a public forum for expressive activity.

84. Defendant Caldwell encouraged, solicited, and allowed public comments and discussion between her, in her official capacity, and her constituents on the Caldwell Facebook Page.

85. The deletion of Plaintiff Pratte's comments from the Carter Facebook Page is viewpoint discrimination and done in retaliation for Plaintiff Pratte's lawful expression of her political views and criticism of Defendant Carter's actions. Plaintiff Pratte's right to access, join in, and participate in discussions in the public forum established by Defendant Carter, subject to reasonable rules not inconsistent with the constitution, is protected by the First Amendment to the United States Constitution as applied to the states by the Fourteenth Amendment.

86. Given Defendant Carter's repeated censorship of Plaintiff Pratte's constitutionally protected speech in a public forum, Plaintiff Pratte can reasonably expect to have her free speech rights infringed upon in the future by Defendant Carter.

87. Defendant Carter either personally made the decision to have Plaintiff Pratte's constitutionally protected free speech censored, or Defendant Carter adopted and ratified those acts made through the admin, editor, or moderator of the Carter Facebook Page.

88. Defendant Carter, acting under the color of state law, has violated, and continues to violate, Plaintiff Pratte's right of free speech.

89. The deletion of Plaintiff Pratte's comments from the Dennison Facebook Page and blocking of Plaintiff Pratte from the Dennison Facebook Page is viewpoint discrimination and done in retaliation for Plaintiff Pratte's lawful expression of her political views and criticism of Dennison's actions. Plaintiff Pratte's right to access, join in, and participate in discussions in the public forum established by Defendant Dennison, subject to reasonable rules not inconsistent with the constitution, is protected by the First Amendment to the United States Constitution as applied to the states by the Fourteenth Amendment.

90. Given Defendant Dennison's repeated censorship of Plaintiff Pratte's constitutionally protected speech in a public forum, Plaintiff Pratte can reasonably expect to have her free speech rights infringed upon in the future by Defendant Dennison.

91. Defendant Dennison either personally made the decision to have Plaintiff Pratte's constitutionally protected free speech censored, or Dennison adopted and ratified those acts made through the admin, editor, or moderator of the Dennison Facebook Page.

92. Defendant Dennison, acting under the color of state law, has violated, and continues to violate, Plaintiff Pratte's right of free speech.

93. The removal of the Caldwell Facebook Page tag from Plaintiff Pratte's post by Defendant Caldwell, which, in turn, deleted the activity from the Caldwell Facebook Page, is viewpoint discrimination and done in retaliation for Plaintiff Pratte's lawful expression of her political views and criticism of Defendant Caldwell's actions. Plaintiff Pratte's right to access, join in, and participate in discussions in the public forum established by Defendant Caldwell, subject to reasonable rules not inconsistent with the constitution, is protected by the First Amendment to the United States Constitution as applied to the states by the Fourteenth Amendment.

94. Given Defendant Caldwell's repeated censorship of Plaintiff Pratte's constitutionally protected speech in a public forum and her censorship of others, Plaintiff Pratte can reasonably expect to have her free speech rights infringed upon in the future by Defendant Caldwell.

95. Defendant Caldwell either personally made the decision to have Plaintiff Pratte's constitutionally protected free speech censored, or Defendant Caldwell adopted and ratified those acts made through the admin, editor, or moderator of the Caldwell Facebook Page.

96. Defendant Caldwell, acting under the color of state law, has violated, and continues to violate, Plaintiff Pratte's right of free speech.

97. The loss of Plaintiff Pratte's First Amendment right to free speech, even for minimal periods of time, constitutes irreparable injury.

98. The violation of Plaintiff Pratte's constitutionally protected right to free speech is continuing and will continue without intervention of this Court. Plaintiff Pratte has suffered and will continue to suffer irreparable harm.

### **SECOND CLAIM FOR RELIEF**

#### **Violation of Plaintiff Moore's Free Speech Rights as Guaranteed by the First Amendment to the Constitution of the United States as to Defendant Dennison and Defendant Caldwell, in their official and individual capacities.**

99. Paragraphs 1 through 98 are realleged and incorporated as if fully set forth herein.

100. The deletion of Plaintiff Moore's comments from the Dennison Facebook Page and blocking of Defendant Moore from the Dennison Facebook Page is viewpoint discrimination and done in retaliation for Plaintiff Moore's lawful expression of his political views and criticism of Dennison's actions. Plaintiff Moore's right to access, join in, and participate in discussions in the public forum established by Defendant Dennison, subject to reasonable rules not inconsistent with the constitution, is protected by the First Amendment to the United States Constitution as applied to the states by the Fourteenth Amendment.

101. Given Defendant Dennison's repeated censorship of Plaintiff Moore's constitutionally protected speech in a public forum, Plaintiff Moore can reasonably expect to have his free speech rights infringed upon in the future by Defendant Dennison.

102. Defendant Dennison either personally made the decision to have Plaintiff Moore's constitutionally protected free speech censored, or Dennison adopted and ratified those acts made through the admin, editor, or moderator of the Dennison Facebook Page.

103. Defendant Dennison, acting under the color of state law, has violated, and continues to violate, Plaintiff Moore's right of free speech.

104. The deletion of Plaintiff Moore's comments from the Caldwell Facebook Page is viewpoint discrimination and done in retaliation for Plaintiff Moore's lawful expression of his political views and criticism of Defendant Caldwell's actions. Plaintiff Moore's right to access, join in, and participate in discussions in the public forum established by Defendant Caldwell, subject to reasonable rules not inconsistent with the constitution, is protected by the First Amendment to the United States Constitution as applied to the states by the Fourteenth Amendment.

105. Given Defendant Caldwell's repeated censorship of Plaintiff Moore's constitutionally protected speech in a public forum and her censorship of others, Plaintiff Moore can reasonably expect to have his free speech rights infringed upon in the future by Defendant Caldwell.

106. Defendant Caldwell either personally made the decision to have Plaintiff Moore's constitutionally protected free speech censored, or Defendant Caldwell adopted and ratified those acts made through the admin, editor, or moderator of the Caldwell Facebook Page.

107. Defendant Caldwell, acting under the color of state law, has violated, and continues to violate, Plaintiff Moore's right of free speech.

108. The loss of Plaintiff Moore's First Amendment right to free speech, even for minimal periods of time, constitutes irreparable injury.

109. The violation of Plaintiff Moore's constitutionally protected right to free speech is continuing and will continue without intervention of this Court. Plaintiff Moore has suffered and will continue to suffer irreparable harm.

### **THIRD CLAIM FOR RELIEF**

#### **Violation of Plaintiff Pratte's Due Process Rights as Guaranteed by the Fourteenth Amendment to the Constitution of the United States as to Defendant Carter, Defendant Dennison, and Defendant Caldwell, in their official and individual capacities.**

110. Paragraphs 1 through 109 are realleged and incorporated as if fully set forth herein.

111. Defendant Carter, Defendant Dennison, and Defendant Caldwell deleted Plaintiff Pratte's constitutionally protected free speech from the Carter Facebook Page, Dennison Facebook Page, and Caldwell Facebook Page, respectively, without prior notice and without providing an opportunity for Plaintiff Pratte to appeal the decision.

112. At a minimum, due process requires notice to Plaintiff Pratte and an opportunity for Plaintiff Pratte to be heard at a meaningful time and in a meaningful manner before Plaintiff Pratte is deprived of any significant liberty or property interest.

113. Plaintiff Pratte's right to constitutionally protected free speech is a significant liberty interest.

114. Defendant Carter, Defendant Dennison, and Defendant Caldwell, acting under the color of state law, have violated, and continue to violate, Plaintiff Pratte's due process rights.

115. The loss of Plaintiff Pratte's due process rights as guaranteed by the Fourteenth Amendment constitutes irreparable injury.

116. The violation of Plaintiff Pratte's constitutional due process rights as guaranteed by the Fourteenth Amendment is continuing and will continue without intervention of this Court. Plaintiff Pratte has suffered and will continue to suffer irreparable harm.

### **FOURTH CLAIM FOR RELIEF**

#### **Violation of Plaintiff Moore's Due Process Rights as Guaranteed by the Fourteenth Amendment to the Constitution of the United States as to Defendant Dennison and Defendant Caldwell, in their official and individual capacities.**

117. Paragraphs 1 through 116 are realleged and incorporated as if fully set forth herein.

118. Defendant Dennison and Defendant Caldwell deleted Plaintiff Moore's constitutionally protected free speech from the Dennison Facebook Page and Caldwell Facebook Page, respectively, without prior notice and without providing an opportunity for Plaintiff Moore to appeal the decision.

119. At a minimum, due process requires notice to Plaintiff Moore and an opportunity for Plaintiff Moore to be heard at a meaningful time and in a meaningful manner before Plaintiff Moore is deprived of any significant liberty or property interest.

120. Plaintiff Moore's right to constitutionally protected free speech is a significant liberty interest.

121. Defendant Dennison and Defendant Caldwell, acting under the color of state law, have violated, and continue to violate, Plaintiff Moore's due process rights.

122. The loss of Plaintiff Moore's due process rights as guaranteed by the Fourteenth Amendment constitutes irreparable injury.

123. The violation of Plaintiff Moore's constitutional due process rights as guaranteed by the Fourteenth Amendment is continuing and will continue without intervention of this Court. Plaintiff Moore has suffered and will continue to suffer irreparable harm.

#### **FIFTH CLAIM FOR RELIEF**

**Violation of Plaintiff Pratte's Equal Protection Rights as Guaranteed by the Fourteenth Amendment to the Constitution of the United States as to Defendant Carter, Defendant Dennison, and Defendant Caldwell, in their official and individual capacities.**

124. Paragraphs 1 through 123 are realleged and incorporated as if fully set forth herein.

125. Defendant Carter, Defendant Dennison, and Defendant Caldwell deleted Plaintiff Pratte's constitutionally protected free speech from the Carter Facebook Page, Dennison Facebook Page, and Caldwell Facebook Page, respectively.

126. Defendant Carter, Defendant Dennison, and Defendant Caldwell allowed other citizens to post constitutionally protected free speech to the Carter Facebook Page, Dennison Facebook Page, and Caldwell Facebook Page, respectively.

127. Defendant Carter, Defendant Dennison, and Defendant Caldwell treated Plaintiff Pratte differently than similarly situated citizens.

128. Government actors must have a rational basis for treating similarly situated individuals differently.

129. Defendant Carter, Defendant Dennison, and Defendant Caldwell have no lawful basis for treating Plaintiff Pratte differently than other similarly situated citizens.

130. Defendant Carter, Defendant Dennison, and Defendant Caldwell, acting under the color of state law, have violated, and continue to violate, Plaintiff Pratte's equal protection rights.

131. The actions taken by Defendant Carter, Defendant Dennison, and Defendant Caldwell are viewpoint discrimination.

132. The loss of Plaintiff Pratte's equal protection rights as guaranteed by the Fourteenth Amendment constitutes irreparable injury.

133. The violation of Plaintiff Pratte's constitutional equal protection rights as guaranteed by the Fourteenth Amendment is continuing and will continue without intervention of this Court. Plaintiff Pratte has suffered and will continue to suffer irreparable harm.

## SIXTH CLAIM FOR RELIEF

### **Violation of Plaintiff Moore's Equal Protection Rights as Guaranteed by the Fourteenth Amendment to the Constitution of the United States as to Defendant Dennison and Defendant Caldwell, in their official and individual capacities.**

134. Paragraphs 1 through 133 are realleged and incorporated as if fully set forth herein.

135. Defendant Dennison and Defendant Caldwell deleted Plaintiff Moore's constitutionally protected free speech from the Dennison Facebook Page and Caldwell Facebook Page, respectively.

136. Defendant Dennison and Defendant Caldwell allowed other citizens to post constitutionally protected free speech to the Dennison Facebook Page and Caldwell Facebook Page, respectively.

137. Defendant Dennison and Defendant Caldwell treated Plaintiff Moore differently than similarly situated citizens.

138. Government actors must have a rational basis for treating similarly situated individuals differently.

139. Defendant Dennison and Defendant Caldwell have no lawful basis for treating Plaintiff Moore differently than other similarly situated citizens.

140. Defendant Dennison and Defendant Caldwell, acting under the color of state law, have violated, and continue to violate, Plaintiff Moore's equal protection rights.

141. The actions taken by Defendant Dennison and Defendant Caldwell are viewpoint discrimination.

142. The loss of Plaintiff Moore's equal protection rights as guaranteed by the Fourteenth Amendment constitutes irreparable injury.

143. The violation of Plaintiff Moore's constitutional equal protection rights as guaranteed by the Fourteenth Amendment is continuing and will continue without intervention of this Court. Plaintiff Moore has suffered and will continue to suffer irreparable harm.

**SEVENTH CLAIM FOR RELIEF**

**42 U.S.C. § 1983 Violations by Defendant Carter, Defendant Dennison, and Defendant Caldwell, in their official and individual capacities, against Plaintiff Pratte.**

144. Paragraphs 1 through 143 are realleged and incorporated as if fully set forth herein.

145. The Carter Facebook Page is swathed in the trappings of public office, including, inter alia,

- a. The page is categorized as that of a government official;
- b. The statement "This page highlights activities and events within my duties as a member of the Moore County Board of [sic];"
- c. Defendant Carter makes posts of Moore County School Board of Education activities;
- d. Defendant Carter makes posts about the activities and events of schools within the Moore County School system;
- e. Defendant Carter invites comments and discussion related to her position as a Member of the Moore County Schools Board of Education; and
- f. Defendant Carter created and maintains the Carter Facebook Page to further her duties as a public official.

146. Defendant Carter uses the Carter Facebook Page as a tool of governance.

147. Defendant Carter uses the Carter Facebook Page to further her duties as Board Chair of the Moore County Schools Board of Education.

148. Plaintiff Pratte's 42 U.S.C. § 1983 challenge to Defendant Carter's actions are linked to events that arose out of Defendant Carter's official status.

149. Defendant Carter's acts to deprive Plaintiff Pratte of her constitutionally protected rights occurred in the course of performing actual or apparent duty of Carter's office.

150. Defendant Carter's sole intention in taking action to deprive Plaintiff Pratte of her constitutionally protected rights was to suppress speech critical of her conduct in her official duties and of her fitness for public office.

151. Defendant Carter's actions under the color of state law deprived Plaintiff Pratte of her constitutionally protected rights under the First and Fourteenth Amendments to the Constitution of the United States.

152. The Dennison Facebook Page is swathed in the trappings of public office, including, *inter alia*,

- a. The page prominently lists Defendant Dennison's civic involvement, including his public official status;
  - b. Defendant Dennison makes posts of Moore County School Board of Education activities;
  - c. Defendant Dennison makes posts about the activities and events of schools within the Moore County School system;
  - d. Defendant Dennison invites comments and discussion related to her position as a Member of the Moore County Schools Board of Education; and
  - e. Defendant Dennison created and maintains the Dennison Facebook Page to further his duties as a public official.
153. Defendant Dennison uses the Dennison Facebook Page as a tool of governance.

154. Defendant Dennison uses the Dennison Facebook Page to further his duties as Member of the Moore County Schools Board of Education

155. Plaintiff Pratte's 42 U.S.C. § 1983 challenge to Defendant Dennison's actions are linked to events that arose out of Defendant Dennison's official status.

156. Defendant Dennison's acts to deprive Plaintiff Pratte of her constitutionally protected rights occurred in the course of performing actual or apparent duty of Defendant Dennison's office.

157. Defendant Dennison's sole intention in taking action to deprive Plaintiff Pratte of her constitutionally protected rights was to suppress speech critical of his conduct in his official duties and of his fitness for public office.

158. Defendant Dennison's actions under the color of state law deprived Plaintiff Pratte of her constitutionally protected rights under the First and Fourteenth Amendments to the Constitution of the United States.

159. The Caldwell Facebook Page is swathed in the trappings of public office, including, inter alia:

- a. The Caldwell Facebook Page is designated as a page for a public figure;
- b. The profile name associated with the Caldwell Facebook Page is "Stacey Caldwell-Moore County Board of Education;"
- c. The Caldwell Facebook Page prominently holds Stacey Caldwell out as representing District 1 for the Board of Education in Moore County Schools;
- d. Defendant Caldwell makes posts of Moore County School Board of Education activities;

- e. Defendant Caldwell makes posts about the activities and events of schools within the Moore County School system;
  - f. Defendant Caldwell invites comments and discussion related to her position as a Member of the Moore County Schools Board of Education; and
  - g. Defendant Caldwell created and maintains the Caldwell Facebook Page to further her duties as a public official.
160. Defendant Caldwell uses the Caldwell Facebook Page as a tool of governance.
161. Defendant Caldwell uses the Caldwell Facebook Page to further her duties as Member of the Moore County Schools Board of Education
162. Plaintiff Pratte's 42 U.S.C. § 1983 challenge to Defendant Caldwell's actions are linked to events that arose out of Defendant Caldwell's official status.
163. Defendant Caldwell's acts to deprive Plaintiff Pratte of her constitutionally protected rights occurred in the course of performing actual or apparent duty of Defendant Caldwell's office.
164. Defendant Caldwell's sole intention in taking action to deprive Plaintiff Pratte of her constitutionally protected rights was to suppress speech critical of her conduct in her official duties and of her fitness for public office.
165. Defendant Caldwell's actions under the color of state law deprived Plaintiff Pratte of her constitutionally protected rights under the First and Fourteenth Amendments to the Constitution of the United States.

**EIGHTH CLAIM FOR RELIEF**

**42 U.S.C. § 1983 Violations by defendant Dennison and Defendant Caldwell, in their official and individual capacities, against Plaintiff Moore.**

166. Paragraphs 1 through 165 are realleged and incorporated as if fully set forth herein.

167. Plaintiff Moore's 42 U.S.C. § 1983 challenge to Defendant Dennison's actions are linked to events that arose out of Defendant Dennison's official status.

168. Defendant Dennison's acts to deprive Plaintiff Moore of his constitutionally protected rights occurred in the course of performing actual or apparent duty of Defendant Dennison's office.

169. Defendant Dennison's sole intention in taking action to deprive Plaintiff Moore of his constitutionally protected rights was to suppress speech critical of his conduct in his official duties and of his fitness for public office.

170. Defendant Dennison's actions under the color of state law deprived Plaintiff Moore of his constitutionally protected rights under the First and Fourteenth Amendments to the Constitution of the United States.

171. Plaintiff Moore's 42 U.S.C. § 1983 challenge to Defendant Caldwell's actions are linked to events that arose out of Defendant Caldwell's official status.

172. Defendant Caldwell's acts to deprive Plaintiff Moore of his constitutionally protected rights occurred in the course of performing actual or apparent duty of Defendant Caldwell's office.

173. Defendant Caldwell's sole intention in taking action to deprive Plaintiff Moore of his constitutionally protected rights was to suppress speech critical of her conduct in her official duties and of her fitness for public office.

174. Defendant Caldwell's actions under the color of state law deprived Plaintiff Moore of his constitutionally protected rights under the First and Fourteenth Amendments to the Constitution of the United States.

## **CLAIM FOR RELIEF**

WHEREFORE, Plaintiffs respectfully prays unto this Court for the following relief:

1. That the Court grant a preliminary injunction preventing Defendant Carter, Defendant Dennison, and Defendant Caldwell from censoring Plaintiffs' constitutionally protected free speech;

2. That the Court grant a permanent injunction preventing Defendant Carter, Defendant Dennison, and Defendant Caldwell from censoring Plaintiffs' constitutionally protected free speech;

3. That Plaintiffs recover from Defendant Carter, Defendant Dennison, and Defendant Caldwell compensatory and exemplary damages as allowed by law, plus interest allowed by law, in an amount to be determined at trial;

4. That Plaintiffs recover from Defendant Carter, Defendant Dennison, and Defendant Caldwell the reasonable costs of attorney fees incurred in the prosecution of this action as allowed by law, plus interest as allowed by law;

5. That all costs of this action be taxed against Defendant Carter, Defendant Dennison, and Defendant Caldwell;

6. That all issues in this case be tried by a jury; and

7. For such other and further relief that the Court deems appropriate

Respectfully submitted this the 23rd day of November, 2021.

**Landon White Law Firm, PLLC**

By: /s/ D. Landon White  
D. Landon White  
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*Counsel for Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **VERIFIED COMPLAINT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys listed on the court docket as representing other parties. Further, I hereby certify that a summons has been issued to the following Defendants:

Elizabeth A. Carter  
*Defendant*  
10 Cypress Point Dr  
Pinehurst, NC 28374

Edward M. Dennison Jr  
*Defendant*  
150 Ridgewood Rd  
Pinehurst, NC 28374

Stacey M. Caldwell  
*Defendant*  
495 Pine Top Dr  
Carthage, NC 28327

Respectfully submitted this the 23rd day of November, 2021.

**Landon White Law Firm, PLLC**

By: /s/ D. Landon White  
D. Landon White  
NCSB # 45120  
PO Box 6696  
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[lwhite@landonwhitelaw.com](mailto:lwhite@landonwhitelaw.com)  
*Counsel for Plaintiffs*

NORTH CAROLINA  
COUNTY OF MOORE

**VERIFICATION**

Beth Ann Pratte, being first duly sworn, deposes and says that she is the Plaintiff in the foregoing action, that she has read the foregoing Verified Complaint and knows the contents thereof, and that such allegations are based upon her own knowledge, except those allegations stated upon information and belief, which she believes to be true.

Date:

19 November 2021 Beth Ann Pratte  
Beth Ann Pratte, Plaintiff

SWORN AND SUBSCRIBED BEFORE ME

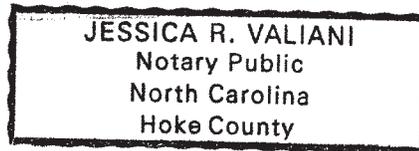
This the 19 of November, 2021.

Notary Public

Jessica R. Valiani

My Commission Expires:

6/7/2024



NORTH CAROLINA  
COUNTY OF MOORE

VERIFICATION

James Moore, being first duly sworn, deposes and says that he is the Plaintiff in the foregoing action, that he has read the foregoing Verified Complaint and knows the contents thereof, and that such allegations are based upon his own knowledge, except those allegations stated upon information and belief, which he believes to be true.

Date: 11-19-21

[Signature]  
James Moore, Plaintiff

SWORN AND SUBSCRIBED BEFORE ME

This the 19 of November, 2021.

[Signature]

Notary Public

My Commission Expires: 6/7/2026

JESSICA R. VALIANI  
Notary Public  
North Carolina  
Hoke County

# choices



Learning Takes Many Paths.

Moore County Schools.  
our child's education.  
choice.

## Libby Carter

744 followers • 30 following

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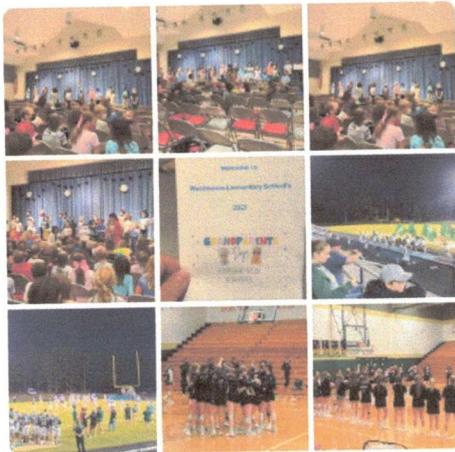
### Intro

This page highlights activities and events within my duties as a member of the Moore County Board of

Page · Government Official

### Photos

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### Posts

Filters

Libby Carter  
16h ·

Principal Phillips sets the bar high!



Pinecrest High School PTSA

17h ·

Happy National Principals Month to the best of the best, [Stefanie Phillips!](#)

Thank you, [Erin Kirkland Newcomb](#) for the great idea and [Brian Criswell](#) for delivering the treats!

7

Like

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PLAINTIFF'S EXHIBIT 2



# Ed Dennison

4.9K Friends • 3 mutual



Add Friend

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## Do you know Ed?

To see what he shares with friends, send him a friend request.

Add Friend

3 Mutual Friends

## Intro

- Knights of Columbus 4th Degree and past Grand Knight
- North Carolina School Boards Association Trust, Member, Board of Trustees
- 2019 Best of the Pines Public Servant/Elected Official
- Board of Education Trustee at Moore County Schools
- Former Member Moore County Drug Prevention Task Force
- Former President, Pinehurst Civic Group
- Former Grand Knight, Knights of Columbus
- Former Plant Management at Henkel Corporation
- Former Sales & Business Management at ARA Management Services

## Posts

Filters

Ed Dennison shared a memory. October 30 at 7:42 AM

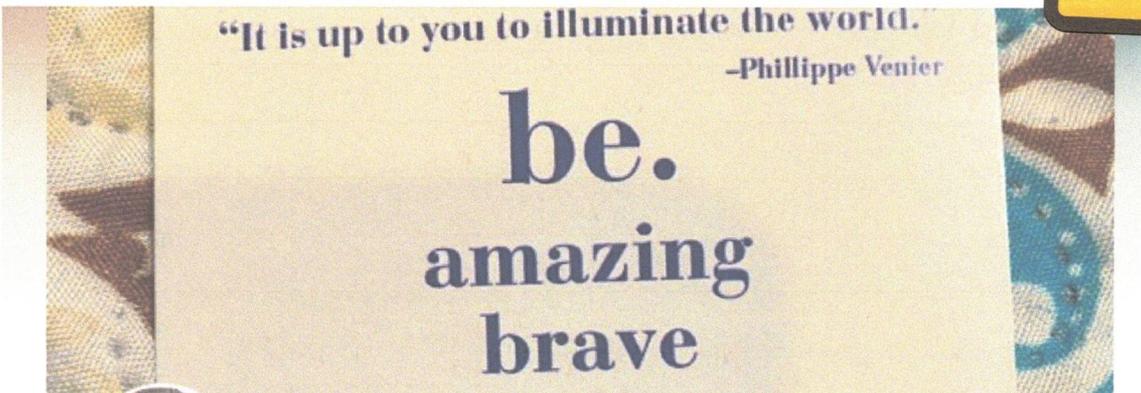


3 Years Ago See Your Memories >

Ed Dennison is with Tim Locklair and 5 others. October 30, 2018

Living Rhythms West African Drumming, Sponsored by the Arts Council of Moore County, at Aberdeen Primary School.





**Stacey Caldwell- Moore County Board of Education**  
 @BOEStaceyCaldwell · Public Figure

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**Ask Stacey Caldwell- Moore County Board of Education**

- "Can you tell me more about yourself?" [Ask](#)
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- "Where are you located?" [Ask](#)

Type a question [Ask](#)

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- Stacey Caldwell District 1 for the Board of Education in Moore County Schools.**
- 399 people like this
- 416 people follow this
- Typically replies within a day
- [Send Message](#)
- electstaceycaldwell@gmail.com
- Public Figure
- Stacey Caldwell Board Of Education District 1 Moore County Schools

**Photos** [See All](#)



DEStaceyCaldwell/photos/a.945824432146185/3633008143427787/

**Stacey Caldwell- Moore County Board of Education** September 29 · [View Profile](#)

State Board of Education Chairman Erik Davis, Vice Chairman Alan Duncan and State Superintendent of Public Instruction Catherine Truitt issued the following response today to safety concerns at some school board meetings over the course of the last month:

*As education leaders in our state, we are united by our fierce passion for serving students and in our commitment to providing all students and those serving our students with a safe environment. As we continue to see instances of violence unfold during some local school board meetings, we are yet again unified. The increased hostility and threats of force we have seen across the state is not reflective of what we expect and ask of our own students: treating others with kindness and respect.*

*As educators, as parents and as concerned citizens, we respect the rights of our fellow citizens to share their concerns and voice their opinions. However, this must be done without the use of intimidation or intentionally inspiring fear. Every one of us has a responsibility to instill in our children their first amendment rights and responsibilities, but we have an even greater responsibility to model good behavior while doing so.*

*Our schools and district buildings should remain safe havens, and these acts of aggression cannot be tolerated. Our school board members and local leaders should not be threatened. Especially in times of disagreement, we should act with civility and respect for our teachers, local boards, superintendents, and school staff who are doing their best throughout this unprecedented time to lead, guide and educate our students. We invite you to join us in this endeavor.*

**NC Superintendent Catherine Truitt** September 28 · [View Profile](#)

In conjunction with the State Board of Education, Chair Davis, Vice Chair Duncan and I issued the following response to safety concerns at some school board mee... [See more](#)

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Write a comment...

**Stacey Caldwell- Moore County Board of Education** August 27 · [View Profile](#)

**MCS Military Family Connection** August 26 · [View Profile](#)

Please know that our school staff is here to support our military students and families. If your child or family needs assistance or support as we process the c... [See more](#)

1 [Comment](#) [Share](#)