

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SALLY HUNT,

Plaintiff,

v.

CITY OF WENTZVILLE,
MISSOURI,

Defendant.

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Case No.: 4:18-cv-562

COMPLAINT

Plaintiff Sally Hunt alleges as follows:

INTRODUCTION

1. In this civil rights action, brought pursuant to 42 U.S.C. § 1983, Plaintiff Sally Hunt seeks judgment against the City of Wentzville for violation of her free-speech rights under the First Amendment because she was removed from a Board of Aldermen meeting by order of the mayor after she raised concerns about a recently installed “IN GOD WE TRUST” sign that stretches approximately 16 feet in length across the front of the Board’s dais between the Aldermen and members of the public.

PARTIES

2. Plaintiff, Sally Hunt, is a citizen of Missouri who resides in Maryland Heights.
3. Defendant, the City of Wentzville, is a municipal corporation duly organized under the laws of the State of Missouri.

JURISDICTION AND VENUE

4. Plaintiff brings this claim pursuant to 42 U.S.C. § 1983 and the Free Speech Clause of the First Amendment to the United States Constitution, incorporated as against States and their municipal divisions through the Fourteenth Amendment.
5. The jurisdiction of this Court is proper pursuant to 28 U.S.C. § 1331, because Plaintiff's action arises under the Constitution of the United States, and § 1343(a)(3) to redress the deprivation of a right secured by the Constitution of the United States.
6. Venue is proper in the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in St. Charles County, Missouri.
7. Divisional venue is proper in the Eastern Division because the events leading to the claim for relief arose in St. Charles County and Defendant is a municipality located in St. Charles County. E.D. Mo. L.R. 2.07(A)(1), (B)(1).

FACTS

8. Mayor Nick Guccione and the Wentzville Board of Aldermen recently approved the installation of a large "IN GOD WE TRUST" sign on the dais in Wentzville City Hall.
9. Wentzville citizens did not have the opportunity to vote for or against the installation of the plaque.
10. Plaintiff, an advocate for the strict separation of state and church, has criticized the decision to install the plaque on social media. In January 2018, Mayor Guccione blocked Plaintiff from his official Facebook page.
11. The Wentzville Municipal Code provides for an "Open Forum" during Board of Aldermen meetings and provides for a five-minute time allowance for each person

addressing the Board of Aldermen during the Open Forum. *See* Wentzville Code § 115.220.

12. The City of Wentzville provides the option to submit a “speaker appearance form” prior to a Board of Aldermen meeting, which the Presiding Officer, Mayor Guccione, reviews and approves.
13. The Open Forum portion of Wentzville’s Board of Aldermen meetings is a public forum.
14. Plaintiff submitted a “speaker appearance form” for the February 14, 2018 Board of Aldermen meeting. The “speaker-request card” listed her name, address, and speaking topic as “In God We Trust.”
15. Plaintiff’s request to speak was approved for the February 14, 2018 meeting, and she was called to speak by the Presiding Officer, Mayor Guccione.
16. Plaintiff spoke at the podium when it was her turn during the “Open Forum” of the Board of Aldermen meeting and remained within the five-minute time limit.
17. Plaintiff sought to explain her belief that the plaque would alienate citizens who did not believe in God or did not believe the sign should be in City Hall. She stated that some Wentzville residents disagreed with the sign, such as those who do not believe in a higher power but who were afraid to come forward because they feared intimidation.
18. Plaintiff stuck to her pre-submitted topic, spoke in an audible tone of voice, used no profanity, did not engage in slander or name-calling, made no personal or impertinent remarks, did not raise her voice beyond a normal public-speaking volume, addressed her comments to the Board as a body, and remained at the podium throughout her speech.
19. After 4 minutes and 35 seconds, Mayor Guccione interrupted Plaintiff’s speech and stated her time was up.

20. Plaintiff thanked Mayor Guccione for his time and moved away from the podium to return to her seat.
21. Mayor Guccione re-engaged Plaintiff, stating, “Okay, okay, but I want to correct one thing” and going on to state that her comments regarding the views of Wentzville residents were hearsay.
22. Then, for approximately 30 seconds, Mayor Guccione continued to engage Plaintiff in a discussion about whether any Wentzville residents opposed the addition of the sign.
23. When Plaintiff responded in disagreement, Mayor Guccione stated that Plaintiff’s time was up and he was having her removed.
24. Plaintiff then left the podium and returned to her seat, where she was immediately approached by two uniformed law enforcement officers.
25. Another speaker was announced, walked up to the podium, and addressed Mayor Guccione and the Board of Aldermen.
26. While that speaker said his piece uninterrupted, the police officers continued to demand Plaintiff leave the meeting.
27. After the officers threatened to remove Plaintiff forcibly, she stood up to leave, questioning why she was being removed.
28. The officers attempted to grab Plaintiff’s arm to remove her from the meeting.
29. Since the other speaker had by then finished his statement and left the podium, leaving it empty, Plaintiff approached the podium again—flanked by the officers—and asked Mayor Guccione why she was being removed from the meeting.
30. Mayor Guccione responded that her time was up and she was from Maryland Heights.

31. At the same time, one of the police officers reached in front of Plaintiff to grab her by the opposite arm, spun her around, and directed her down the aisle, gripping her arm firmly. The officers then escorted Plaintiff from the meeting.
32. In the foyer, the officers told Plaintiff she had to leave the building entirely.
33. When Plaintiff asked why she had made to leave the meeting, one officer stated that she had been removed at Mayor Guccione's request and that it was his right to do so.
34. At the conclusion of the "Open Forum," Mayor Guccione took several minutes to address the audience about Plaintiff. He stated among other things that he blocked her on Facebook because she does not live in Wentzville.
35. After the February 14, 2018 meeting, Plaintiff and Mayor Guccione were interviewed by a local television station. The Mayor was quoted as saying he removed Plaintiff from the meeting because he thought she was going to be disruptive.

FIRST AMENDMENT

Violation of First Amendment right – 42 U.S.C. § 1983

36. Plaintiff incorporates by reference the allegations in the foregoing paragraphs of this complaint as fully set forth herein.
37. Plaintiff's speech was conducted in a public forum.
38. Plaintiff's speech is protected by the First Amendment.
39. Plaintiff's speech did not violate any law.
40. Plaintiff spoke during the "Open Forum" portion of the council meeting.
41. But for the content of and viewpoint expressed in Plaintiff's speech and Mayor Guccione's animus towards Plaintiff for statements addressing the "In God We Trust" sign, Plaintiff's speech would not have been cut off and she would not have been

removed from an open public meeting of the Wentzville Board of Aldermen. The silencing of Plaintiff and her removal from the meeting was a violation of Plaintiff's constitutional rights.

42. The actions of Mayor Guccione would deter a person of ordinary firmness from exercising their constitutional rights.
43. As Mayor of Wentzville, a fourth-class city, Mayor Guccione occupies a policymaking role for Wentzville such that his actions, taken under color of law, are the official policy of the City of Wentzville. *See Atkinson v. City of Mountain View*, 709 F.3d 1201, 1215 (8th Cir. 2013).

WHEREFORE, Plaintiff respectfully requests this Court:

- A. Enter judgment in favor of Plaintiff and against Defendant City of Wentzville;
- B. Award Plaintiff nominal damages against Defendant, the City of Wentzville, for its violation of Plaintiff's constitutional rights under color of state law.
- C. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- D. Allow such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Anthony E. Rothert

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