

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

MARION P. HAMMER,

Case No.

Plaintiff,

v.

LAWRENCE T. “LOL”  
SORENSEN, CHRISTOPHER  
RISICA, HOWARD WEISS,  
and PATRICK SULLIVAN,

Defendants.

---

**VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF & DAMAGES**

Plaintiff, Marion P. Hammer (“Hammer”), sues Defendants, Lawrence T. “Lol” Sorensen (“Sorensen”), Christopher Risica (“Risica”), Howard Weiss (“Weiss”), and Patrick Sullivan (“Sullivan”), and alleges as follows:

**INTRODUCTION**

1. Hammer is a 79-year-old grandmother and nationally renowned civil rights advocate who has spent the better part of her life protecting the Second Amendment to the U.S. Constitution. She is considered by many to be the most influential Second Amendment state lobbyist in the United States, and currently serves as the National Rifle Association of America’s (“NRA”) Florida lobbyist.

2. Although Hammer's advocacy and prominence on a polarizing political issue have made her a focal point of criticism over the rights and policies she serves to protect, she respects the importance of freedom of speech and robust political debate concerning the policies which she advocates.

3. However, there is a marked difference between speech and harassment, and there are clearly delineated bounds of human decency that no person can cross by using fear, intimidation, and threats of violence to lash out at and try to silence those with whom they disagree.

4. "In a society where the expression of opinion is given the fullest protection, public figures must expect criticism that may be untrue, unjustified, or hurtful. They need not, however, passively accept statements or conduct transcending mere criticism which threaten personal or family safety ... [such that]... personal abuse is not in any proper sense communication of information or opinion safeguarded by the Constitution, and its punishment as a criminal act would raise no question under that instrument." *Smith v. State*, 532 So.2d 50, 53 (Fla. 2d DCA 1988) (*quoting Cantwell v. Connecticut*, 310 U.S. 296, 309-10 (1939)).

5. The Defendants have transcended mere criticism and employed threats, harassment, and personal abuse to try to humiliate and intimidate Hammer in a manner that is utterly intolerable in a civilized community.

6. No person, regardless of their profession or exercise of free speech advocating for policies with which others disagree, should be harassed, threatened, and denigrated as a “*worthless cunt*,” “*whore*,” and “*disgusting bitch*,” who should “*get to experience a (sic) ammo dildo*” and be the victim of “*100 bullets between [her] eyes*” while receiving unsolicited, graphic photos of gunshot victims.<sup>1</sup>

7. The hateful and abhorrent harassment and threats Hammer faces are being spewed in an increasingly threatening social climate in which erratic, aggressive, and violent online personal attacks over political views are being condoned and encouraged and can quickly escalate into actual violence. Hammer reasonably fears that the misconduct directed at her will continue and escalate and that she, her family and possibly others will be the victims of physical violence if the abuse she is suffering is not stopped.

8. Hammer files this action to stand up for herself and others, to put a stop to the assault upon her personal life and constitutional rights, to end her harassment and the threats of violence and personal attacks she is enduring, and to confirm that such misconduct will not be tolerated or allowed to continue and

---

<sup>1</sup> Plaintiff’s counsel reviewed the Local Rules and searched for guidance on the use of profanity in pleadings, and found no results. However, because Plaintiff’s claims are based upon the hostile, aggressive, and abusive nature of the language quoted herein, its severity, and its impacts, Plaintiff believes it is important for that language to be uncensored in this filing.

possibly escalate, regardless of the viewpoints of those who engage in such conduct, or of their victims.

### **PARTIES, JURISDICTION & VENUE**

9. This is an action for injunctive relief and damages in excess of \$1 million, excluding interest, costs, and attorneys' fees.

10. Plaintiff, Hammer, is a resident of Leon County, Florida.<sup>2</sup>

11. Defendant, Sorensen, is a citizen and resident of Camarillo, California. Sorensen is a 67-year-old Caucasian male whose weight, height, and other physical characteristics are unknown.

12. Defendant, Risica, is a citizen and resident of New London, Connecticut. Risica is a 38-year-old male whose weight, height, and other physical characteristics are unknown.

13. Defendant, Weiss, is an individual whose identity and state of residence are unknown at this time, but is believed to be a citizen and resident of a state other than Florida.

14. Defendant, Sullivan, is an individual whose identity and state of residence are unknown at this time, but is believed to be a citizen and resident of a state other than Florida.

---

<sup>2</sup> Pursuant to Section 784.0485, Florida Statutes, for safety reasons Hammer requests and requires that the location of her current address be confidential.

15. Upon information and belief, other individuals who directed e-mails and communications at Hammer are or may be part of a coordinated effort to harass, intimidate, coerce, and threaten Hammer. Consequently, they and any organizations or entities that are organizing, directing, aiding, abetting, coordinating, and/or participating in their actions may be added as defendants at a later time.<sup>3</sup>

16. Pursuant to 28 U.S.C. § 1391, venue is proper in this District because a substantial part of the events giving rise to the claims occurred in this District.

17. This Court has personal jurisdiction over the Defendants because they each engaged in substantial and not isolated activity, including the tortious acts outlined herein, within the State of Florida and/or directed at and intended to cause harm to Hammer in the State of Florida; and/or because they maintain substantial and not isolated contacts with the State of Florida.

18. This Court has subject matter jurisdiction under 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and this action is between citizens of different states.

---

<sup>3</sup> It appears based on the form, content and methods of the communications directed to Hammer that she is the target of a coordinated attack intended to humiliate, harass, and cause substantial emotional distress. For example, Hammer received the same postcards from various individuals throughout the United States, often mailed from the same location. In several instances, the content of the communications Hammer received used the same specific terms and phrases, thus demonstrating direction and cooperation.

### **STATEMENT OF THE FACTS**

19. Hammer has been a prominent advocate for the Second Amendment for decades. In 1995, she became the first woman president of the NRA. Throughout her career, she has been a leader in championing gun safety training at the state and national levels.

20. Hammer also is a staunch and vocal advocate for quality educational opportunities for children with dyslexia and learning disabilities.

21. Hammer currently lives and works as a lobbyist in Tallahassee, Florida.

22. Following the tragic shooting that occurred at Marjory Stoneman Douglas High School and continuing after the national debate over gun control took center stage on television, online, and through social media, Hammer became one of the focal points of a campaign of hate and vitriol that includes threats against her and her grandchildren, harassing phone calls, and numerous e-mails and other written communications that serve no purpose other than to cause substantial emotional distress and to try to humiliate and intimidate Hammer.

23. Hammer has been confronted and verbally attacked in grocery stores, being told, “You’re that evil fucking NRA bitch. I hope somebody blows your fucking head off and your family too.”

24. Hammer's daily life has drastically altered because of the harassment she is enduring. Whenever she is in public she worries that the people who have been harassing her will confront her and that a confrontation could turn violent. She has a very close relationship with her family, but now frequently avoids going out to dinner with them because she runs the risk of being recognized and attacked; potentially exposing her family and other members of the public to physical violence directed toward her. She adjusted her schedule and the places she eats with her family so that they are not predictable. Her entire family group does not go anywhere together any more.

25. Hammer has even avoided public hearings and appearances—thus restraining her own constitutional rights and interfering with her performance of her professional duties—over fears that the harassment and threats against her will escalate and expose bystanders to physical harm.

26. The attacks being launched against Hammer have occurred in an increasingly aggressive social climate in which the Internet has allowed free speech to be hijacked, perverted, and abused to inflict harm, fear, and emotional pain on others.

27. E-mail and social media are more frequently being exploited as implements of harassment and bullying, rather than for the free expression of ideas and commentary on matters of public importance.

28. Tragically, online and electronic harassment masquerading as free speech often precede violent attacks upon the harassers' victims. When that happens, hindsight reveals warning signs that were ignored and a legal process that often fails to prevent the preventable.

29. Hammer is not willing to ignore the precursors to violence she is enduring while warning signs in the language used by her harassers point to their conduct continuing and escalating.

30. Hammer's daily life is being disrupted by electronic harassment and cyber-stalking at the hands of people professing to be her "*enemy for life*," while a growing number of groups such as "End the NRA" have formed for the "singular focus... to make the lives of the NRA's leadership, board members and high-profile supporters a *living hell*." (**Exhibit 1**) (emphasis added).

31. Even politicians are fanning the flames by sending mixed messages that can be easily interpreted as incitement to harass and harm political opponents.

32. As one former U.S. Secret Agent noted, such statements "are dangerous, as they can be misinterpreted as a call to physical action or harm against an individual and people who associate with them." (*See <https://www.cnn.com/2018/06/25/opinions/ex-secret-service-agent-says-waters-comments-are-dangerous-wackrow>*).

33. Within this backdrop, Hammer has experienced vile personal abuse, threats and harassment, including attacks emanating from the hands of the Defendants, that serve no purpose other than to try to make her life a “living hell.”

34. A number of individuals (some protected by the anonymity of e-mail) launched vicious personal attacks upon Hammer, which go far beyond mere insults and indignities:

*“Fuck you, Cunt. That is all.”*

- bizarre[REDACTED]@[REDACTED].com (**Exhibit 2**)

\*\*\*\*\*

*“you are a VILE CUNT... enough said”*

- smith[REDACTED]@[REDACTED].com (**Exhibit 3**)

\*\*\*\*\*

*“I’m horrified at your behavior. Nothing more than a truly ugly from the inside out redneck. Rot in hell you soulless cunt.”*

- suzanne.[REDACTED]@[REDACTED].com (**Exhibit 4**)

\*\*\*\*\*

*“Dead Kids... Eat shit ghoul.”*

- ebu[REDACTED]@[REDACTED].com (**Exhibit 5**)

\*\*\*\*\*

*“You are a wretched fucking bitch. You are complicit in the deaths of 17 children. I hope you rot in hell.”*

- [REDACTED]vil@[REDACTED].com (**Exhibit 6**)

\*\*\*\*\*

*“Die in hell bitch.”*

- jim [REDACTED]@ [REDACTED].com (Exhibit 7)

\*\*\*\*\*

*“How do you sleep at night advocating the slaughter of more children?... You propagate murder and death for profit. Stick this email up your bought and paid for corporate ass you worthless two bit corporate whore.”*

- tim [REDACTED]@ [REDACTED].com (Exhibit 8)

\*\*\*\*\*

*“You are a disgusting piece of shit. I know you’ll never be ashamed of yourself, feces isn’t capable of that, but you should be...”*

- nicky [REDACTED]@ [REDACTED].com (Exhibit 9)

35. A number of other individuals emailed Hammer charging her with direct responsibility for murdering innocent children:

*“Have enough of our children’s blood on your hand’s yet????”*

- angela\_ [REDACTED]@ [REDACTED].com (Exhibit 10)

\*\*\*\*\*

*“Murdered children... You make it happen.”*

- [REDACTED]ox@ [REDACTED].com (Exhibit 11)

\*\*\*\*\*

*“How can you help the NRA enact such draconian legislation when children are dying. You are a blind and uninformed woman whose work is killing people.”*

- smc[REDACTED]@[REDACTED].com (Exhibit 12)

\*\*\*\*\*

*“You are a murderer.”*

- steve[REDACTED]@[REDACTED].com (Exhibit 13)

\*\*\*\*\*

*“You have cost kids their lives – you have blood on your hands”*

- marc[REDACTED]@[REDACTED].com (Exhibit 14)

\*\*\*\*\*

*“Shame on you for the blood on your hands”*

- doug.[REDACTED]@[REDACTED].com (Exhibit 15)

\*\*\*\*\*

*“You have killed our family and friends. You are responsible for the deaths in Florida and for the deaths all across the U.S.”*

- yay[REDACTED]@[REDACTED].com (Exhibit 16)

\*\*\*\*\*

*“blood on your hands... You are personally responsible for the deaths of dozens of children...”*

- mark[REDACTED]@[REDACTED].com (Exhibit 17)

\*\*\*\*\*

*“you are a leader of a terrorist organization, no different from ISIS or any other hostile organization, you area*

*(sic) serial killer that for the time being is allowed to walk among the innocent, I am waiting for the day your blood soaked hands are in handcuffs.”*

- stephen[REDACTED]@[REDACTED].com (**Exhibit 18**)

\*\*\*\*\*

*“More... dead kids to add to your resume, Marion. I’m sure you’re proud because, you know, you’re awful. There’s a special place in Hell for you”*

- justin.[REDACTED]@[REDACTED].com (**Exhibit 19**)

\*\*\*\*\*

*“YOU and YOU ALONE are responsible for the DEATH of those CHILDREN... buy another gun and shoot someone who doesn’t agree with you. That’s what you do isn’t it?? You shoot people by destroying them, destroying their careers. It’s the same as that Nikolas kid... you shoot people, except you get away with it!!!!”*

- sb[REDACTED]@[REDACTED].net (**Exhibit 20**)

\*\*\*\*\*

*“You better be aware that many MANY now want you on a platter...”*

- brantl[REDACTED]@[REDACTED].com (**Exhibit 21**)

\*\*\*\*\*

*“Thank you for murdering 17 more children this week.”*

- siegel[REDACTED]@[REDACTED].com (**Exhibit 22**)

\*\*\*\*\*

*“Because of you people have died. We hold you culpable for all the innocent lives murdered and for facilitating gun violence you should never rest easy or in peace.”*

- lina [REDACTED]@ [REDACTED].com (**Exhibit 23**)

\*\*\*\*\*

*“... you are horrifying ugly murderous... you are culpable for the deaths of all the children [who] been killed in Florida... you are as ugly inside as you are on the outside... and are ugly vile stupid ignorant and murderous...”*

*Should have been you as one of the victims.”*

- elzan [REDACTED]@ [REDACTED].com (**Exhibit 24**)

\*\*\*\*\*

*“Gun lobbyists are POS... You are on my shit list, you are on GOD’s shit list. You all have blood on your hands.”*

- auto [REDACTED]@ [REDACTED].com (**Exhibit 25**)

\*\*\*\*\*

*“Blood on your hands... Shame, horror, blood, money, profit, guns and dead children – that’s your legacy. Go find another country to live in, maybe Syria. They have lots of guns and dead people there.”*

- korey. [REDACTED]@ [REDACTED].com (**Exhibit 26**)

\*\*\*\*\*

*“You should be forced to clean up the blood and guts mess inside the Parkland High School and tell the families of those slain how important your gun lobby job is! You are a piece of shit! May you and all the NRA whores burn in hell!”*

- dwight. [REDACTED]@ [REDACTED].com (**Exhibit 27**)

36. Even those professing to be dedicated to preaching anti-hate and anti-violence resorted to threatening Hammer’s family. During a public hearing in Tallahassee on February 27, 2018, Rev. Joe Parramore leaned over to Hammer and stated:

*“The next check you write will be to pay for the funerals of your grandchildren.”*

37. Hammer has received emails making similar threats referencing her grandchildren. (**Exhibit 28**).

38. Defendant, Sorensen, sought out Hammer’s e-mail address and sent her two unsolicited emails that contain graphic photos of gunshot victims, including an unidentified person in a hospital bed with gaping leg wounds and a photo of President John F. Kennedy’s head after he was assassinated. (**Exhibit 29**).

39. Defendants, Risica, Weiss, and Sullivan, each sought out Hammer’s e-mail address and sent her unsolicited e-mails containing indirect and/or direct threats accompanied by humiliating and abusive personal attacks:

*“Dear Twat. You are a vile cunt. I hope you get to experience a (sic) ammo dido (sic). I can’t wait till the day I flip on the news to see you mourning a gunshot victim. You’re disgusting and exactly what’s wrong with people today. I seriously hope karma comes around for you soon. You and that other ammosexual the fairy Wayne LaPierre, what a masculine name to match the fairy he is. I hope to see he died of a gunshot wound that took hours of pain before he succumbed...”*

*Fuck you. You worthless cunt. You’re a whore, not a freedom fighter... I hope you don’t (sic) a moment of peace for the rest of your pitiful lives...”*

- Chris Risica (**Exhibit 30**)

\*\*\*\*\*

*“The consequences that you will... be subjected to when you are killed by those weapons you have hawked for all these years will send you to burn in hell you fucking heartless, greedy bitch. I pray everyday that one of these ‘good’ people puts 100 bullets between your eyes so we can celebrate.”*

- Howard Weiss (**Exhibit 31**)

\*\*\*\*\*

***“You should rot in hell you disgusting bitch!!!! HOW MANY CHILDREN HAVE TO DIE SO YOU CAN GET YOUR ROCKS OFF WITH YOUR FUCKING GUNS!!!***

*Is it because your (sic) so fucking ugly and you never gotten laid in your life?*

*Can’t you go be a nun like old hags like you used to do in order to get your jollies off of being sadistic to children? It’s perverse that you would rather watch them get killed... **FUCK YOU.** I pray someday I run*

*into you so I can scream my head off at your sick face!!!*

*Your enemy for life.”*

- Patrick Sullivan (**Exhibit 32**)

40. While Hammer is being targeted with these vicious attacks, she is keenly aware that she is not the only victim of escalating aggression toward the NRA.

41. For example, in late 2017, following the tragic shooting in Las Vegas, an NRA spokeswoman was forced to move after receiving death threats, threats of being raped and threats directed toward her children. (See <http://thehill.com/homenews/media/355717/nra-spokeswoman-says-shes-moving-due-to-gun-control-death-threats>).

42. In February 2018, a billboard in Louisville, Kentucky was vandalized with the message “KILL THE NRA.” (See <https://www.cnn.com/2018/02/20/us/louisville-kentucky-nra-billboard>).

43. In May 2018, a professor from Nebraska was convicted of spraying fake blood on the home of an NRA lobbyist in Alexandria, Virginia, while his two young children were at home. (See <https://www.washingtonpost.com/local/public-safety/professor-convicted-of-vandalizing-nra-lobbyists-home-with-fake-blood/2018/05/21/>)

44. Hammer's harassment is occurring in an environment in which organized groups are initiating public confrontations with political opponents; such as when Florida Attorney General Pam Bondi had to be escorted from a movie theatre by armed security after being confronted and harassed by protestors, whom she described as "trying to create a fight"; and when Sen. Dana Young was confronted and blocked by protestors outside a restaurant, who began yelling about the Parkland shooting, saying Sen. Young had "blood on her hands" and calling her a "killer" and "murderer."

45. In a recent lawsuit filed to challenge the constitutionality of a Florida law imposing age restrictions on gun purchases, two young adults filed a motion to proceed as anonymous plaintiffs based on fears of harassment, intimidation and potential violence. (*See NRA, et. al. v. Pam Bondi, et. al.*, Case No. 4:18-cv-00137-MW-CAS).

46. That request, which the State of Florida opposed, was based in part on several of the aforementioned e-mails Hammer received.

47. In his Order denying the plaintiffs' motion to proceed under pseudonyms, the Honorable Mark E. Walker, U.S. District Judge, characterized several of the above-referenced e-mails Hammer received as "hateful and abhorrent," "threats," and "harassment." (**Exhibit 33**).

48. The modern reality is that failing to take available action against harassers in the face of such threats leads to tragic consequences. Violent attacks against harassment victims are often preceded by online and electronic threats that are ignored.

49. Hammer is the victim of cyberstalking, harassment, intentional infliction of emotional distress, and intrusion upon seclusion under Florida statutory and common law. The Defendants' e-mails evidence a pattern of conduct composed of a series of acts evidencing a continuity of purpose to harass and cyberstalk or they assert threats against Hammer; including e-mails that communicated words and language or images specifically directed at Hammer which caused substantial emotional distress and served no legitimate purpose.

50. All of the aforementioned e-mails and other communications, including the Defendants' e-mails, were received, unsolicited, and unwelcomed by Hammer in Florida.

51. In addition to violating Section 784.048, Florida Statutes, the above-referenced e-mails violate several Federal laws, including:

- (a) 18 U.S.C. § 875: which prohibits the transmission of any threat to injure the person of another using the Internet;
- (b) 47 U.S.C. § 223: which prohibits the use of a telecommunications device to abuse, threaten or harass a specific person; and/or

- (c) 18 U.S.C. § 2261A: which prohibits the use of e-mail to harass, intimidate and threaten a person or her immediate family member, or causes, attempts to cause or reasonably expects to cause substantial emotional distress to a person or her immediate family member.

**COUNT I**  
**(Injunctive Relief—Cyberstalking—Sorensen)**

52. Hammer re-alleges paragraphs 1 through 51 as if fully set forth herein.

53. Hammer is the victim of cyberstalking by Defendant, Sorensen, because Sorensen engaged in a course of conduct to communicate or to cause to be communicated images by and through the use of electronic mail directed at Hammer, causing substantial emotional distress to Hammer and serving no legitimate purpose; as more fully set forth in paragraph 38, above, and in Exhibit 29 hereto.

54. Cyberstalking is a form of wrongful conduct, not speech, which is prohibited by § 784.048, Florida Statutes, as well as 47 U.S.C. § 223 and/or 18 U.S.C. § 2261A.

55. Cyberstalking is a form of harassment that can be enjoined under § 784.0485, Florida Statutes, as well as under common law, which provides for the entry of injunctions to prevent harassment. *Gilbreath v. State*, 650 So.2d 10, 12 (Fla. 1995); *Kimball v. Fla. Dept. of Health and Rehab. Srvs.*, 682 So.2d 637, 639

(Fla. 2d DCA 1996); *Animal Rights Found. of Fla., Inc. v. Siegel*, 867 So.2d 451, 464 (Fla. 5th DCA 2004).

56. Justice, reason, and common sense justify the entry of an injunction for the cyberstalking Hammer has experienced in this case.

57. Hammer has a clear legal right to the entry of an injunction.

58. Hammer will suffer irreparable harm if an injunction is not issued, for which there is no adequate remedy at law.

59. Hammer has a substantial likelihood of success on the merits of her claim.

60. The threatened injury to Hammer as a result of Sorensen's continued misconduct outweighs any possible harm that would result from the entry of an injunction.

61. The considerations of the public interest support the entry of an injunction.

62. There is no other cause of action currently pending between Hammer and Sorensen.

63. Hammer has not made any previous attempt to obtain an injunction for protection against Sorensen in this or any other court.

WHEREFORE, Hammer seeks a temporary and permanent injunction restraining Sorensen from committing any acts of cyberstalking against her and

providing any terms the Court deems necessary for the protection of Hammer, including any injunctions or directives to law enforcement agencies.

**COUNT II**  
**(Injunctive Relief—Harassment—Sorensen)**

64. Hammer re-alleges paragraphs 1 through 51 as if fully set forth herein.

65. Hammer is the victim of harassment by Defendant, Sorensen, because Sorensen engaged in a course of conduct directed at Hammer, causing substantial emotional distress to Hammer and serving no legitimate purpose; as more fully set forth in paragraph 38, above, and in Exhibit 29 hereto.

66. Sorensen's conduct amounts to harassment under Section 748.048, Florida Statutes, and under Florida common law.

67. Harassment is not speech: it is wrongful conduct that may take the form of speech. Consequently, it can be enjoined without running afoul of the First Amendment. *Gilbreath*, 650 So.2d at 12; *Kimball*, 682 So.2d at 639; *Siegel*, 867 So.2d at 464.

68. Justice, reason, and common sense compel a remedy for Sorensen's misconduct.

69. Hammer has a clear legal right to the entry of an injunction.

70. Hammer will suffer irreparable harm if an injunction is not issued, for which there is no adequate remedy at law.

71. Hammer has a substantial likelihood of success on the merits of her claim.

72. The threatened injury to Hammer as a result of Sorensen's continued misconduct outweighs any possible harm that would result from the entry of an injunction.

73. The considerations of the public interest support the entry of an injunction.

74. There is no other cause of action currently pending between Hammer and Sorensen.

75. Hammer has not made any previous attempt to obtain an injunction for protection against Sorensen in this or any other court.

WHEREFORE, Hammer seeks an injunction temporarily and permanently restraining Sorensen from committing any acts of harassment against her and providing any terms the Court deems necessary for the protection of Hammer, including any injunctions or directives to law enforcement agencies.

**COUNT III**  
**(Injunctive Relief—Intentional Infliction of Emotional Distress)**

76. Hammer re-alleges paragraphs 1 through 51 as if fully set forth herein.

77. Defendant, Sorensen, intentionally or recklessly inflicted emotional distress upon Hammer, when he knew or should have known that emotional

distress would result, by sending the e-mails specifically set forth in paragraph 38, above, and in Exhibit 29 hereto.

78. Defendant, Risica, intentionally or recklessly inflicted emotional distress upon Hammer, when he knew or should have known that emotional distress would result, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 30 hereto.

79. Defendant, Weiss, intentionally or recklessly inflicted emotional distress upon Hammer, when he knew or should have known that emotional distress would result, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 31 hereto.

80. Defendant, Sullivan, intentionally or recklessly inflicted emotional distress upon Hammer, when he knew or should have known that emotional distress would result, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 32 hereto.

81. The Defendants' conduct was outrageous, as to go beyond all bounds of decency and to be regarded as odious and utterly intolerable in a civilized community.

82. The revilement the Defendants inflicted upon Hammer is explicit and egregious.

83. The Defendants' conduct has caused and will continue to cause severe emotional distress, shame, humiliation, and embarrassment to Hammer in the future if such conduct is allowed to continue.

84. Hammer has a clear legal right to the entry of an injunction.

85. Hammer will suffer irreparable harm if an injunction is not issued, for which there is no adequate remedy at law.

86. Hammer has a substantial likelihood of success on the merits of her claim.

87. The threatened injury to Hammer as a result of Defendants' continued misconduct outweighs any possible harm that would result from the entry of an injunction.

88. The considerations of the public interest support the entry of an injunction.

WHEREFORE, Hammer seeks a temporary and permanent injunction restraining each of the Defendants from inflicting any emotional distress upon her through emails or other written or verbal communications containing the words and language set forth in Exhibits 29-32, and providing any terms the Court deems necessary for the protection of Hammer.

**COUNT IV**  
**(Damages—Intentional Infliction of Emotional Distress)**

89. Hammer re-alleges paragraphs 1 through 51 as if fully set forth herein.

90. Defendant, Sorensen, intentionally or recklessly inflicted emotional distress upon Hammer, when he knew or should have known that emotional distress would result, by sending the e-mails specifically set forth in paragraph 38, above, and in Exhibit 29 hereto.

91. Defendant, Risica, intentionally or recklessly inflicted emotional distress upon Hammer, when he knew or should have known that emotional distress would result, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 30 hereto.

92. Defendant, Weiss, intentionally or recklessly inflicted emotional distress upon Hammer, when he knew or should have known that emotional distress would result, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 31 hereto.

93. Defendant, Sullivan, intentionally or recklessly inflicted emotional distress upon Hammer, when he knew or should have known that emotional distress would result, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 32 hereto.

94. The Defendants' conduct was outrageous, as to go beyond all bounds of decency and to be regarded as odious and utterly intolerable in a civilized community.

95. The revilement the Defendants inflicted upon Hammer is explicit and egregious.

96. The Defendants' conduct has caused and will continue to cause severe emotional distress, shame, embarrassment, and humiliation to Hammer.

97. As a direct and proximate result, Hammer is entitled to recover damages from each of the Defendants, in appropriate amounts to be determined by the trier of fact.

WHEREFORE, Hammer demands judgment against each of the Defendants for damages, interest and costs, as well as such other and further relief as the Court deems just and appropriate.

**COUNT V**  
**(Injunctive Relief—Intrusion Upon Seclusion)**

98. Hammer re-alleges paragraphs 1 through 51 as if fully set forth herein.

99. Defendant, Sorensen, intentionally or recklessly intruded upon Hammer's seclusion and private activities through electronic means, by sending the e-mails specifically set forth in paragraph 38, above, and in Exhibit 29 hereto.

100. Defendant, Risica, intentionally or recklessly intruded upon Hammer's seclusion and private activities through electronic means, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 30 hereto.

101. Defendant, Weiss, intentionally or recklessly intruded upon Hammer's seclusion and private activities through electronic means, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 31 hereto.

102. Defendant, Sullivan, intentionally or recklessly intruded upon Hammer's seclusion and private activities through electronic means, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 32 hereto.

103. Intrusion upon seclusion extends not only to physical intrusions but to electronic intrusions as well. *Zirena v. Capital One Bank (USA) NA*, No. 11-24158-CIV, 2012 WL 843489 at \*2 (S.D. Fla. Feb. 2, 2012) (defining the intrusion tort as electronically intruding into one's private quarters and holding that harassing phone calls were actionable).

104. The actions by each of the Defendants are offensive and objectionable, and would outrage or cause mental suffering, shame, humiliation, or hurt feelings to a person of ordinary sensibilities.

105. The Defendants' conduct was outrageous, as to go beyond all bounds of decency and to be regarded as odious and utterly intolerable in a civilized community.

106. The Defendants' conduct has caused and will continue to cause emotional distress, humiliation, shame, and embarrassment to Hammer in the future if such conduct is allowed to continue.

107. Hammer has a clear legal right to the entry of an injunction.

108. Hammer will suffer irreparable harm if an injunction is not issued, for which there is no adequate remedy at law.

109. Hammer has a substantial likelihood of success on the merits of her claim.

110. The threatened injury to Hammer as a result of Defendants' continued misconduct outweighs any possible harm that would result from the entry of an injunction.

111. The considerations of the public interest support the entry of an injunction.

WHEREFORE, Hammer seeks a temporary and permanent injunction restraining each of the Defendants from intruding upon her seclusion through emails or other electronic communications containing the words and language set forth in Exhibits 29-32, and providing any terms the Court deems necessary for the protection of Hammer.

**COUNT VI**  
**(Damages—Intrusion Upon Seclusion)**

112. Hammer re-alleges paragraphs 1 through 51 as if fully set forth herein.

113. Defendant, Sorensen, intentionally or recklessly intruded upon Hammer's seclusion and private activities through electronic means, by sending the e-mails specifically set forth in paragraph 38, above, and in Exhibit 29 hereto.

114. Defendant, Risica, intentionally or recklessly intruded upon Hammer's seclusion and private activities through electronic means, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 30 hereto.

115. Defendant, Weiss, intentionally or recklessly intruded upon Hammer's seclusion and private activities through electronic means, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 31 hereto.

116. Defendant, Sullivan, intentionally or recklessly intruded upon Hammer's seclusion and private activities through electronic means, by sending the e-mail specifically set forth in paragraph 39, above, and in Exhibit 32 hereto.

117. Intrusion upon seclusion extends not only to physical intrusions but to electronic intrusions as well. *Zirena*, 2012 WL 843489 at \*2 (defining the intrusion tort as electronically intruding into one's private quarters and holding that harassing phone calls were actionable).

118. The actions by each of the Defendants are offensive and objectionable, and would outrage or cause mental suffering, shame, humiliation, or hurt feelings to a person of ordinary sensibilities.

119. The Defendants' conduct was outrageous, as to go beyond all bounds of decency and to be regarded as odious and utterly intolerable in a civilized community.

120. The Defendants' conduct caused emotional distress, humiliation, shame, and embarrassment to Hammer.

121. As a direct and proximate result, Hammer is entitled to recover damages from each of the Defendants, in appropriate amounts to be determined by the trier of fact.

WHEREFORE, Hammer demands judgment against each of the Defendants for damages, interest and costs, as well as such other and further relief as the Court deems just and appropriate.

### **DEMAND FOR JURY TRIAL**

Hammer demands a trial by jury on all issues so triable.

Respectfully submitted, this 13th day of July, 2018.

*/s/ Shane B. Vogt*

Kenneth G. Turkel

Florida Bar No. 867233

E-mail: [kturkel@bajocuva.com](mailto:kturkel@bajocuva.com)

Shane B. Vogt

Florida Bar No. 257620

E-mail: [svogt@bajocuva.com](mailto:svogt@bajocuva.com)

BAJO | CUVA | COHEN | TURKEL

100 North Tampa Street, Suite 1900

Tampa, Florida 33602

Tel.: 813-443-2199

Fax: 813-443-2193

*Attorneys for Plaintiff*

**VERIFICATION**

I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS COMPLAINT ARE BEING MADE UNDER PENALTY OF PERJURY.

July 12, 2018  
DATE

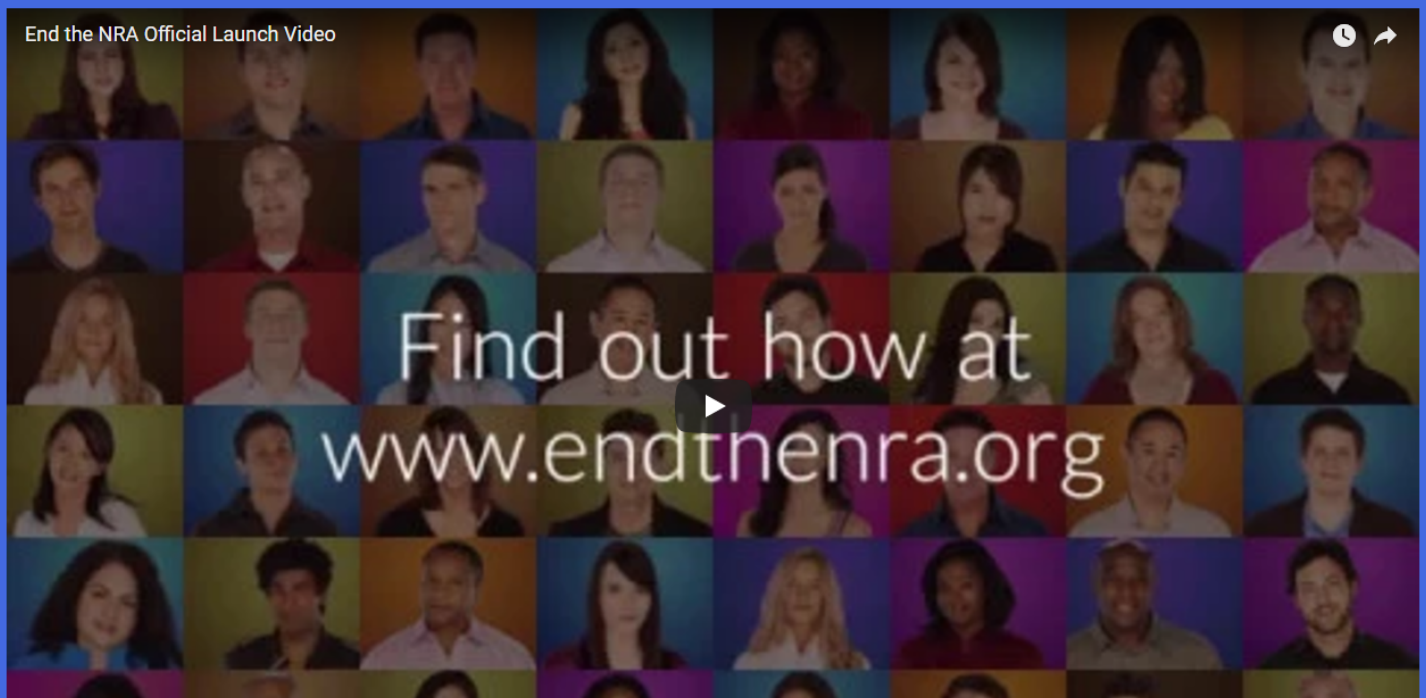
Marion J. Hammer  
MARION HAMMER

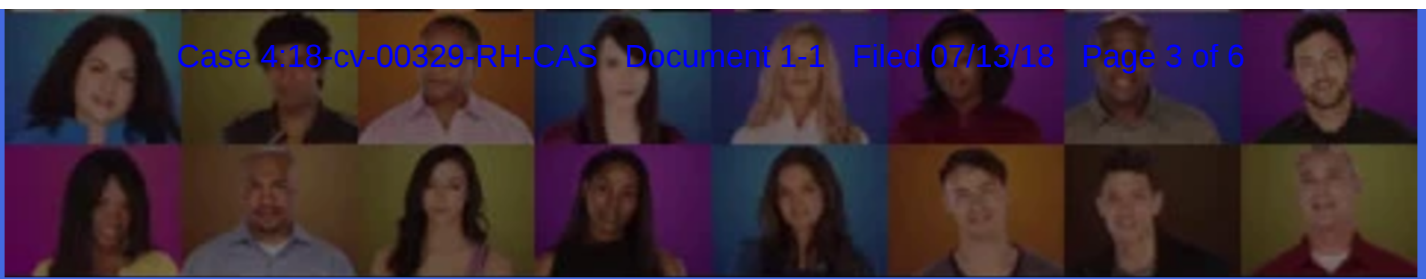
# **EXHIBIT 1**

*to Verified Complaint for Injunctive Relief & Damages*

# END THE NRA

**NO MORE GUN VIOLENCE.**





## End the NRA

Our singular focus is to make the lives of the NRA's leadership, board members, and high-profile supporters a living hell.

We will make sure every neighbor, colleague, friend, and acquaintance of NRA leaders know they're associating with mass killers and doing the bidding of the gun industry.

We're sick and tired of waiting around for someone else to do something about gun violence. We're sick and tired of politicians that feed us empty rhetoric. We're sick and tired of watching people get mad and then lose interest. End the NRA is about building a sustained movement that will get immediate results. We're going to make the NRA's leaders famous -- and not in a good way.

What repercussions have the leaders of the NRA felt? None. They're protected by their money and political power. But now, for the first time in the NRA's history, they will feel the anger and frustration of the people and all of us who have been irreparably broken by their uncompromising policy of putting more guns on our streets, in our neighborhoods, and in our schools.

End the NRA is an organization fueled by regular people that uses innovative guerilla-style marketing tactics and ideas from supporters like you to start fighting back. We're going to name them, and we're going to shame them. It will be peaceful, but for them, it will be uncomfortable.

**If you're ready to get in the fight, join us.**

**What's our first goal?** We're going to put up a billboard outside the house of Wayne LaPierre with the names of every mass shooting victim of the past year. His neighbors deserve to know who he is. It'll only get worse for him and his cronies after that.

**Our commitments to you:**

- **Your input.** Everything we do will be based on your input. We'll send our members a poll before every action we take, and let you decide how we give the NRA hell.
- **No Compromise.** NRA leaders have been successful because they've refused to allow compromise; they've treated the politicians with an iron fist. We'll do the same. When we marshal the power of millions, we're going to win. We don't have to compromise with those responsible for so many deaths.
- **No Holding Back.** Too often, good people worry about "how it looks" to talk about policy and politics in the wake of mass shootings. But the NRA sure doesn't. We're not going to "play nice" anymore. It's tragic, but it's necessary.
- **Real Results.** This isn't about lining the pockets of lobbyists. This isn't about press releases that do nothing. This is about holding the NRA's leaders accountable. Today. Tomorrow. And every single day after that.

**This isn't for everyone. End the NRA is going to make people uncomfortable, including some of our friends and allies. That's OK. This is a crisis and people are dying. We're just done with politics as usual. And we're done doing nothing.**

**If that sounds good to you, get in the fight with us. Let's end the NRA. Sign up below.**

**What's our first goal?** We're going to put up a billboard outside the house of Wayne LaPierre with the names of every mass shooting victim of the past year. His neighbors deserve to know who he is. It'll only get worse for him and his cronies after that.

**Our commitments to you:**

- **Your input.** Everything we do will be based on your input. We'll send our members a poll before every action we take, and let you decide how we give the NRA hell.
- **No Compromise.** NRA leaders have been successful because they've refused to allow compromise; they've treated the politicians with an iron fist. We'll do the same. When we marshal the power of millions, we're going to win. We don't have to compromise with those responsible for so many deaths.
- **No Holding Back.** Too often, good people worry about "how it looks" to talk about policy and politics in the wake of mass shootings. But the NRA sure doesn't. We're not going to "play nice" anymore. It's tragic, but it's necessary.
- **Real Results.** This isn't about lining the pockets of lobbyists. This isn't about press releases that do nothing. This is about holding the NRA's leaders accountable. Today. Tomorrow. And every single day after that.

**This isn't for everyone. End the NRA is going to make people uncomfortable, including some of our friends and allies. That's OK. This is a crisis and people are dying. We're just done with politics as usual. And we're done doing nothing.**

**If that sounds good to you, get in the fight with us. Let's end the NRA. Sign up below.**

**PLEASE COMPLETE THE FORM BELOW**

Name \*

First Name

Last Name

Email Address \*

Zip Code \*

Submit

PAID FOR BY END THE NRA. NOT AUTHORIZED BY ANY CANDIDATE OR COMMITTEE. .

**DONATE CONTACT FACEBOOK TWITTER**



## Donate to End the NRA

### End the NRA.

Our singular focus is to make the lives of the NRA's leadership, board members, and high-profile supporters a living hell.

We will make sure every neighbor, colleague, friend, and acquaintance of NRA leaders know they're associating with mass killers and doing the bidding of the gun industry.

We're sick and tired of waiting around for someone else to do something about gun violence. We're sick and tired of politicians that feed us empty rhetoric. We're sick and tired of watching people get mad and then lose interest. End the NRA is about building a sustained movement that will get immediate results. We're going to make the NRA's leaders famous -- and not in a good way.

What repercussions have the leaders of the NRA felt? None. They're protected by their money and political power. But now, for the first time in the NRA's history, they will feel the anger and frustration of the people and all of us who have been irreparably broken by their uncompromising policy of putting more guns on our streets, in our neighborhoods, and in our schools.

End the NRA is an organization fueled by regular people that uses innovative guerilla-style marketing tactics and ideas from supporters like you to start fighting back. We're going to name them, and we're going to shame them. It will be peaceful, but for them, it will be uncomfortable.

If you're ready to get in the fight, join us.

**What's our first goal?** We're going to put up a billboard outside the house of Wayne LaPierre with the names of every mass shooting victim of the past year. His neighbors deserve to know who he is. It'll only get worse for him and his cronies after that.

Our commitments to you:

- **Your input.** Everything we do will be based on your input. We'll send our members a poll before every action we take, and let you decide how we give the NRA hell.
- **No Compromise.** NRA leaders have been successful because they've refused to allow compromise; they've treated the politicians with an iron fist. We'll do the same. When we marshal the power of millions, we're going to win. We don't have to compromise with those responsible for so many deaths.
- **No Holding Back.** Too often, good people worry about "how it looks" to talk about policy and politics in the wake of mass shootings. But the NRA sure doesn't. We're not going to "play nice" anymore. It's tragic, but it's necessary.
- **Real Results.** This isn't about lining the

### ① Your contribution

Your contribution will benefit End the NRA.

\$5

\$10

\$25

\$50

\$100

\$250

\$1,000

\$

Continue

felt? None. They're protected by their money and political power. But now, it's our turn. In this NRA's history, they will feel the anger and frustration of the people and all of us who have been irreparably broken by their uncompromising policy of putting more guns on our streets, in our neighborhoods, and in our schools.

End the NRA is an organization fueled by regular people that uses innovative guerilla-style marketing tactics and ideas from supporters like you to start fighting back. We're going to name them, and we're going to shame them. It will be peaceful, but for them, it will be uncomfortable.

If you're ready to get in the fight, join us.

**What's our first goal?** We're going to put up a billboard outside the house of Wayne LaPierre with the names of every mass shooting victim of the past year. His neighbors deserve to know who he is. It'll only get worse for him and his cronies after that.

Our commitments to you:

- **Your input.** Everything we do will be based on your input. We'll send our members a poll before every action we take, and let you decide how we give the NRA hell.
- **No Compromise.** NRA leaders have been successful because they've refused to allow compromise; they've treated the politicians with an iron fist. We'll do the same. When we marshal the power of millions, we're going to win. We don't have to compromise with those responsible for so many deaths.
- **No Holding Back.** Too often, good people worry about "how it looks" to talk about policy and politics in the wake of mass shootings. But the NRA sure doesn't. We're not going to "play nice" anymore. It's tragic, but it's necessary.
- **Real Results.** This isn't about lining the pockets of lobbyists. This isn't about press releases that do nothing. This is about holding the NRA's leaders accountable. Today. Tomorrow. And every single day after that.

This isn't for everyone. End the NRA is going to make people uncomfortable, including some of our friends and allies. That's OK. This is a crisis and people are dying. We're just done with politics as usual. And we're done doing nothing.

If that sounds good to you, get in the fight with us. Let's end the NRA.

---

#### Contribution rules

1. I am a U.S. citizen or lawfully admitted permanent resident (i.e., green card holder).
2. This contribution is made from my own funds, and funds are not being provided to me by another person or entity for the purpose of making this contribution.
3. I am making this contribution with my own personal credit card and not with a corporate or business credit card or a card issued to another person.
4. I am at least eighteen years old.
5. I am not a federal contractor.

Paid for by ActBlue ([actblue.com](https://actblue.com)) and not authorized by any candidate or candidate's committee.

Contributions or gifts to ActBlue are not deductible as charitable contributions for Federal income tax purposes.

## **EXHIBIT 2**

*to Verified Complaint for Injunctive Relief & Damages*

regarding that New Yorker article

From: [REDACTED]

To: [REDACTED]

Subject: Regarding that New Yorker article

Date: Tue, Feb 27, 2018 3:13 pm

---

Fuck you, Cunt. That is all.

## **EXHIBIT 3**

*to Verified Complaint for Injunctive Relief & Damages*

you are a VILE CUNT

From:

To:

Subject: you are a VILE CUNT

Date: Mon, Mar 26, 2018 4:27 am

enough said.

## **EXHIBIT 4**

*to Verified Complaint for Injunctive Relief & Damages*

to words

From: [REDACTED]

To: [REDACTED]

Subject: No words

Date: Fri, Feb 23, 2018 3:43 pm

---

For your level of evil. I thought the idiot in office was the biggest soulless troll, but I'll be damned if you aren't a close second, tied of course to the many others who applaud senseless murder. I'm horrified at your behavior. Nothing more than a truly ugly from the inside out redneck. Rot in hell you soulless cunt.

Sent from Yahoo Mail for iPhone

## **EXHIBIT 5**

*to Verified Complaint for Injunctive Relief & Damages*

Dead kids

From: [REDACTED]

To: [REDACTED]

Subject: Dead kids

Date: Fri, Mar 9, 2018 6:03 am

---

Eat shit ghoul

## **EXHIBIT 6**

*to Verified Complaint for Injunctive Relief & Damages*

un laws

From:

To:

Subject: gun laws

Date: Fri, Feb 16, 2018 8:14 pm

marion hammer,

You are a wretched fucking bitch. You are complicit in the deaths of 17 children. I hope you rot in hell.

Sent from Outlook

## **EXHIBIT 7**

*to Verified Complaint for Injunctive Relief & Damages*

Die in hell bitch

[REDACTED]

From: [REDACTED]

To: [REDACTED]

Subject: Die in hell bitch

Date: Mon, Feb 26, 2018 1:47 am

---

## **EXHIBIT 8**

*to Verified Complaint for Injunctive Relief & Damages*

Gun Control

From: [REDACTED]  
To: [REDACTED]  
Subject: Gun Control  
Date: Sat, Feb 24, 2018 11:34 am

---

Ms. Hammer,

How do you sleep at night advocating the slaughter of more children? No matter how you may justify it to yourself that is what you are doing. Don't pretend the rest of us are stupid because we know EXACTLY where you stand.

People like you are a cancer on this country. You propogate murder and death for profit. Stick this email up your bought and paid for corporate ass you worthless two bit corporate whore.

-Tim

--

--Tim Sent from Gmail Mobile. Please excuse the brevity & typos.

## **EXHIBIT 9**

*to Verified Complaint for Injunctive Relief & Damages*

-----Original Message-----

From: [REDACTED]

To: [REDACTED]

Sent: Fri, Feb 23, 2018 9:20 am

Subject: Hello!

---

Marion,

I just read about all the horrible things you have done to the state of Florida by pushing the NRA agenda of murder for profit. You are a disgusting piece of shit. I know you'll never be ashamed of yourself, feces isn't capable of that, but you should be. One day, Americans will free themselves from the grasp of the NRA and the corrupt Republicans that they payoff or bully to push through destructive legislation.

## **EXHIBIT 10**

*to Verified Complaint for Injunctive Relief & Damages*

---

-----Original Message-----

From: [REDACTED]  
To: [REDACTED]  
Sent: Sun, Feb 18, 2018 8:48 pm  
Subject: Parkland

Have enough of our children's blood on your hands yet???? Shame. Shame on you!!!

Sent from my iPad

## **EXHIBIT 11**

*to Verified Complaint for Injunctive Relief & Damages*

---

-----Original Message-----

From: [REDACTED]

To: [REDACTED]

Sent: Wed, Feb 21, 2018 1:15 pm

Subject: Murdered children

You make it happen. You personally make this country so much worse.

Derek

## **EXHIBIT 12**

*to Verified Complaint for Injunctive Relief & Damages*

---

-----Original Message-----

From: [REDACTED]  
To: [REDACTED]  
Sent: Fri, Feb 23, 2018 6:05 pm  
Subject: Shame on you

Marion,

How can you help the NRA enact such draconian legislation when children are dying. You are a blind and uninformed woman whose work is killing people. How do you live with yourself?

Please change,  
Susan

## **EXHIBIT 13**

*to Verified Complaint for Injunctive Relief & Damages*

---

-----Original Message-----

From: [REDACTED]  
To: [REDACTED]  
Sent: Fri, Feb 23, 2018 11:47 pm  
Subject: Idiots with guns

You are a murderer.

Who is the worst person to have a gun (apart from you)? a person with mental Heath problems. Idiot

Regards, Steve  
Sent from my iPad  
[REDACTED]

## **EXHIBIT 14**

*to Verified Complaint for Injunctive Relief & Damages*

---

-----Original Message-----

From: [REDACTED]  
To: [REDACTED]  
Sent: Sat, Feb 24, 2018 10:47 am  
Subject: Please resign immediately

Mrs. Hammer,

I've been reading lots about you in recent days. I think you need to resign immediately and go live out your days in shame. You have cost kids their lives - you have blood on your hands.

I am a lifelong gunowner, hunting, shooting enthusiast, registered Republican and now avowed enemy of the NRA specifically because of your shameful and deplorable tactics.

Thanks,  
Marc

## **EXHIBIT 15**

*to Verified Complaint for Injunctive Relief & Damages*

---

-----Original Message-----

From: [REDACTED]  
To: [REDACTED]  
Sent: Sat, Feb 24, 2018 5:24 pm  
Subject: SHAME ON YOU

Shame on you for the blood on your hands.

DC

**Doug Cooney**

[REDACTED]  
[REDACTED]

*"Health is your best asset."*

## **EXHIBIT 16**

*to Verified Complaint for Injunctive Relief & Damages*

---

-----Original Message-----

From: [REDACTED]

To: [REDACTED]

Sent: Sat, Feb 24, 2018 8:41 pm

Subject: You have killed our family and friends. You are responsible for the deaths in Florida and for the deaths all across the U.S.

You have killed our family and friends. You are responsible for the deaths in Florida and for the deaths all across the U.S.

## **EXHIBIT 17**

*to Verified Complaint for Injunctive Relief & Damages*

-----Original Message-----

From: [REDACTED]  
To: [REDACTED]  
Sent: Mon, Feb 26, 2018 8:07 pm  
Subject: blood on your hands

You are personally responsible for the deaths of dozens of children. How do you sleep at night? Very poorly I hope.

Mark

## **EXHIBIT 18**

*to Verified Complaint for Injunctive Relief & Damages*

support

From: [REDACTED]

To: [REDACTED]

Subject: support

Date: Sat, Mar 24, 2018 11:27 am

---

you are a leader of a terrorist organization, no different from ISIS or any other hostile organization, you are a serial killer that for the time being is allowed to walk among the innocent, I am waiting for the day your blood soaked hands are in handcuffs.

## **EXHIBIT 19**

*to Verified Complaint for Injunctive Relief & Damages*

[REDACTED]

From: [REDACTED]

To: [REDACTED]

Subject: More...

Date: Fri, May 18, 2018 3:23 pm

---

...dead kids to add to your resume, Marion.

I'm sure you're proud because, you know, you're awful.

There's a special place in Hell for you,

Shady

## **EXHIBIT 20**

*to Verified Complaint for Injunctive Relief & Damages*

YOU and YOU ALONE are responsible for the DEATH OF Those CH...

From: [REDACTED]

To: [REDACTED]

Subject: YOU and YOU ALONE are responsible for the DEATH OF Those CHILDREN!!!!

Date: Sun, Feb 18, 2018 7:50 pm

---

You and alone...just YOU!!!!!!  
Just YOU...YOU!!!!YOU!!!!  
Shame on you!!!shame on you!!!

How can you sleep???? How can you look yourself in the mirror and say that EVERYOne should own a AR15???

And AOL?? Really??? It define you as O—L—D!!! Get a new email address!

....or buy another gun and shoot someone who doesn't agree with you. That's what you do isn't it?? You shoot people by destroying them, destroying their careers. It's the same as that Nikolas kid...you shoot people, except you get away with it!!!!

Well, guess what? You're old. We ARE going to defeat you!!

## **EXHIBIT 21**

*to Verified Complaint for Injunctive Relief & Damages*

SOFLA school shooting

From:

To:

Subject: SOFLA school shooting

Date: Wed, Feb 14, 2018 11:16 pm

---

SPEAK....

You better be aware that many MANY now want you on a platter..

Your silence is a stupid move.  
really stupid.

Thank You

From: [REDACTED]

To: [REDACTED]

Subject: Thank You

Date: Sat, Feb 17, 2018 8:21 pm

---

Thank you for murdering 17 more children this week.

Insincerely,

Josh [REDACTED]

## **EXHIBIT 22**

*to Verified Complaint for Injunctive Relief & Damages*

Thank You

From: [REDACTED]

To: [REDACTED]

Subject: Thank You

Date: Sat, Feb 17, 2018 8:21 pm

---

Thank you for murdering 17 more children this week.

Insincerely,

Josh [REDACTED]

## **EXHIBIT 23**

*to Verified Complaint for Injunctive Relief & Damages*

Gun regulation

From: [REDACTED]

To: [REDACTED]

Subject: Gun regulation

Date: Wed, Mar 7, 2018 4:02 pm

---

Because of you people have died. We hold you culpable for all the innocent lives murdered and for facilitating gun violence. You should never rest easy or in peace.

## **EXHIBIT 24**

*to Verified Complaint for Injunctive Relief & Damages*

NRA

From: [REDACTED]

To: [REDACTED]

Subject: NRA

Date: Mon, Mar 12, 2018 10:20 am

We in Florida have heard about your work in the NRA for many years.

We like to tell you that you are horrifying ugly murderous

You are culpable for the deaths of all the children whi been killed in Florida

How are you can maintain this position and have any conscience and humanity is beyond comprehension. . And you can't possibly call yourself religious when you support hatred and murderous intent.

If you are religious think God will judge you and it will not be good for you. While you're standing up there as a shill for the NRA you are a vile and despicable human being

You are as ugly inside as you are on the outside

Many are holding you accountable. Yes you need your guns because you have no strength of character and are ugly vile Stupid ignorant and murderous. There is no defense for you. Should have been you as one of the victims

## **EXHIBIT 25**

*to Verified Complaint for Injunctive Relief & Damages*

Gun lobbyists are POS'

From:

To:

**Subject:** Gun lobbyists are POS'

**Date:** Sun, Mar 18, 2018 3:55 pm

---

You are on my shit list, you are on GOD'S shit list. You all have blood on your hands.

## **EXHIBIT 26**

*to Verified Complaint for Injunctive Relief & Damages*

Blood on your hands

From: [REDACTED]

To: [REDACTED]

Subject: Blood on your hands

Date: Fri, Feb 23, 2018 7:25 pm

---

Shame, horror, blood, money, profit, guns and dead children - that's your legacy.

Go find another country to live in, maybe Syria. They have lots of guns and dead people there.

Sent from my iPad

## **EXHIBIT 27**

*to Verified Complaint for Injunctive Relief & Damages*

NRA

From: [REDACTED]

To: [REDACTED]

Subject: NRA

Date: Wed, Feb 14, 2018 10:55 pm

---

You have blood on your hands. You should be forced to clean up the blood and guts mess inside the Parkland High School and tell the families of those slain how important your gun lobby job is! You are a piece of shit! May you and all the NRA whores burn in hell!

Sent from my iPhone

## **EXHIBIT 28**

*to Verified Complaint for Injunctive Relief & Damages*

#neveragain #Nomoreguns

From: [REDACTED]

To: [REDACTED]

Subject: #neveragain #Nomoreguns

Date: Tue, Feb 27, 2018 11:29 am

---

Marion Hammer

You should be ashamed of yourself letting these children get slaughtered don't you have grandchildren ?  
you should be completely ashamed of yourself and resign  
Or start lobbying for the children  
or go to heaven and face God

Mom's everywhere HATE YOU

NRA

From: [REDACTED]  
To: [REDACTED]

Subject: NRA

Date: Sat, Mar 3, 2018 6:05 pm

---

I hope that your grandchildren if you have any never have to live thru what the Stoneman children did.  
As for you, I hope you rot in Hell, but that is too good for you.

\ Plea for Sanity

From: [REDACTED]

To: [REDACTED]

Subject: A Plea for Sanity

Date: Sun, Feb 18, 2018 2:28 pm

---

How many [REDACTED] and [REDACTED] have been killed in school shootings?

As a concerned grandmother It's time to follow your conscience and take action about assault weapons and bump stocks. THEY SHOULD BE BANNED FOR CIVILIAN USE.

I am not an advocate of banning guns. I actually like to shoot targets and also support limited government intervention.

And the argument that some people enjoy using assault weapons for recreational purposes rings hollow.

Mental health often comes up in relation to mass shootings. Isn't it possible to do an involved background check for any gun for younger applicants that also includes non criminal activities that could be red flags, eg expulsion from school, public social media posts, information in a school file?

Putting an assault weapon in a mentally unstable person's hands is a recipe for disaster. It may be the case, but I have never heard of school shooters using these weapons for sport and recreational purposes.

The time has come to put a stop to this so no more [REDACTED] and [REDACTED] are GUNNED DOWN IN COLD BLOOD. .

Diane [REDACTED]

Sent from my iPhone

## **EXHIBIT 29**

*to Verified Complaint for Injunctive Relief & Damages*



-----Original Message-----

From: Lol Sorensen

To: [REDACTED]

Sent: Sat, Mar 24, 2018 11:02 pm

Subject: One more instructive photo

Dear Marion,

This photo documents the effect of an outdated military rifle on JFK. Today's assault rifles are far more destructive.



Best regards,

Lol Sorensen



[REDACTED]

-----Original Message-----

From: Lol Sorensen

To: [REDACTED]

Sent: Sat, Mar 24, 2018 10:31 pm

Subject: Assault Rifle Support Results

Dear Ms. Hammer,

Thought you should see a few photos of handiwork of the assault rifles you support.







Best regards,  
Lol Sorensen

## **EXHIBIT 30**

*to Verified Complaint for Injunctive Relief & Damages*

You

From: [REDACTED]  
To: [REDACTED]  
Subject: You  
Date: Fri, Mar 9, 2018 10:38 pm

---

Dear Twat You are a vile cunt. I hope you get to experience a ammo dido. I can't wait till the day I flip on the news to see you mourning a gunshot victim. You're disgusting and exactly what's wrong with people today. I seriously hope karma comes around for you soon. You and that other ammosexual the fairy Wayne LaPierre, what a masculine name to match the fairy he is. I hope to see he died of a gunshot wound that took hours of pain before he succumbed. I'm not anti gun, I'm anti morons without morals, hence the reason for this letter.

Fuck you. You worthless cunt. You're a whore, not freedom fighter.

I love that you freaks always get taken down eventually, I love the perp walks. My god I hope you experience everything you've given. I hope you don't a moment of peace for the rest of your pitiful lives.

Manafort and Shkreli both went down today, you two cunts are next! Can't wait! Enjoy your cell, I know I will seeing you in it.

Pleasantly yours,  
Fuck you.

## **EXHIBIT 31**

*to Verified Complaint for Injunctive Relief & Damages*

The consequences that you will

From: Howard Weiss

To:

Subject: The consequences that you will

Date: Mon, Apr 2, 2018 12:24 am

---

Be subjected to when you are killed by those weapons you have hawked for all these years will send you to burn in hell you fucking heartless, greedy bitch. I pray everyday that one of these "good" people puts 100 bullets between your eyes so we can celebrate.

Sent from my iPhone

## **EXHIBIT 32**

*to Verified Complaint for Injunctive Relief & Damages*

-----Original Message-----

From: Patrick Sullivan

To: [REDACTED]

Sent: Tue, Mar 13, 2018 9:56 pm

Subject: NRA

You should rot in hell you disgusting bitch!!!!

HOW MANY CHILDREN HAVE TO DIE SO YOU CAN GET YOUR ROCKS OFF WITH YOUR FUCKING GUNS!!!

Is it because your so fucking ugly and you never gotten laid in your life?

Can't you go be a nun like old hags like you used to do in order to get your jollies off of being sadistic to children? It's perverse that you would rather watch them get killed.

Wayne Pierre is a fucking idiot.

"The only way to stop a bad guy with a gun is a good guy with one???"

What about taking away their gun?

Fuck You. I pray someday I run into you so I can scream my head off at your sick face!!!

Your enemy for life.

Patrick

## **EXHIBIT 33**

*to Verified Complaint for Injunctive Relief & Damages*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**NATIONAL RIFLE ASSOCIATION  
OF AMERICA, INC.,**

***Plaintiff,***

**v.**

**Case No. 4:18cv137-MW/CAS**

**PAM BONDI, in her official  
capacity as Attorney General  
of Florida, et al.,**

***Defendants.***

\_\_\_\_\_ /

**ORDER DENYING  
MOTION TO PROCEED UNDER PSEUDONYMS**

The National Rifle Association of America, Inc., (“NRA”) filed this lawsuit on March 9, 2018. ECF No. 1. At the time, the NRA was the only plaintiff. *Id.* Since then, the NRA has moved to amend its original complaint and add a second plaintiff—a nineteen-year-old female identified as Jane Doe. ECF No. 18. Among other changes, the amended complaint also includes allegations about a nineteen-year-old male identified as John Doe. ECF No. 18-1, at 9–10.

Ordinarily, parties referred to in a complaint must be identified by their real names. The Federal Rules of Civil

Procedure specifically provide that “[t]he title of the complaint must name all the parties.” Fed. R. Civ. P. 10(a). Similarly, courts have long recognized that “[l]awsuits are public events” and that the public has a “legitimate interest in knowing all of the facts involved [in a case], including the identities of the parties.” *Doe v. Frank*, 951 F.2d 320, 322–24 (11th Cir. 1992). But that doesn’t mean that parties can never use pseudonyms. *See Plaintiff B v. Francis*, 631 F.3d 1310, 1315 (11th Cir. 2011) (explaining that Rule 10(a)’s naming requirement “is not absolute”). Indeed, even though “[t]he Federal Rules of Civil Procedure do not include provisions for plaintiffs wishing to proceed anonymously[,] . . . courts have allowed plaintiffs to conceal their true identities . . . in a select number of cases.” *Rose v. Beaumont Indep. Sch. Dist.*, 240 F.R.D. 264, 266 (E.D. Tex. 2007) (citations omitted).

Accordingly, when the NRA moved to amend its complaint, it also filed a motion for leave to proceed under pseudonyms. ECF No. 19. Defendants opposed the motion, *id.* at 1, so this Court ordered Defendants to file a response and permitted the NRA to file a reply. Having considered the filings and the applicable law, this Court finds that the NRA’s motion to proceed under pseudonyms, ECF No. 19, is due to be **DENIED**.

## I. *Background*

The Marjory Stoneman Douglas High School Public Safety Act<sup>1</sup> (“Act”) became part of Florida law on March 9, 2018. Among other things, the Act provides that “[a] person younger than 21 years of age may not purchase a firearm.” *See* Ch. 2018-3, § 11, Laws of Fla. (codified as § 790.065(13), Fla. Stat.). The NRA sued to challenge this portion of the act (the “ban”) and argues that it violates the Second Amendment<sup>2</sup> to the United States Constitution. ECF No. 1. Specifically, the NRA mounts both a facial challenge (i.e., a claim that no set of circumstances exists under which the ban would be valid)<sup>3</sup> and an as-applied challenge (i.e., a claim that applying the ban to females between the ages of

---

<sup>1</sup> *See* Ch. 2018-3, § 1, Laws of Fla. The Act purports to address “the crisis of gun violence, including but not limited to, gun violence on school campuses.” *Id.* § 2. It was passed shortly after the Stoneman Douglas High School shooting in Parkland, Florida. *See generally Stoneman Douglas High School Shooting*, Wikipedia, [https://en.wikipedia.org/wiki/Stoneman\\_Douglas\\_High\\_School\\_shooting](https://en.wikipedia.org/wiki/Stoneman_Douglas_High_School_shooting) [<https://perma.cc/65GK-QMRW>].

<sup>2</sup> The Second Amendment reads: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. amend. II. The Supreme Court has held that the Second Amendment confers an individual right to keep and bear arms, *see District of Columbia v. Heller*, 554 U.S. 570 (2008), and that “the Second Amendment right is fully applicable to the States,” *McDonald v. City of Chicago*, 561 U.S. 742, 750 (2010).

<sup>3</sup> *See United States v. Salerno*, 481 U.S. 739, 745 (1987) (“A facial challenge to a legislative Act is, of course, the most difficult challenge to mount successfully, since the challenger must establish that no set of circumstances exists under which the Act would be valid.”).

18 and 21 is unconstitutional). *See id.* at 8–10. The NRA also raises the same facial and as-applied challenges under the Equal Protection clause of the Fourteenth Amendment. *Id.* at 10–12.

The NRA’s amended complaint includes the same four counts as its original complaint but also supplements those counts by making specific references to alleged NRA members. For example, in Count 2 (the as-applied Second Amendment claim) the amended complaint alleges that the ban “particularly infringes upon . . . the Second Amendment rights of Plaintiff Jane Doe.” ECF No. 18-1, at 12. Elsewhere, the amended complaint refers to “John Doe” and notes that “[b]ut for Section 790.065(13)’s blanket ban, Mr. Doe would purchase a long-gun forthwith.” *Id.* at 10.

In moving for leave to proceed with the pseudonyms mentioned above, the NRA also filed three supporting affidavits. The first affidavit is signed by Jane Doe and explains that she is a “19-year-old female resident of Florida” who “desire[s] to participate in this litigation as a plaintiff, to vindicate [her] constitutional right to keep and bear arms.” ECF No. 20-1. The affidavit further explains that, “[b]ecause of the highly controversial nature of this litigation[,]” Jane Doe is “afraid that if [her] association with the lawsuit became public, [she] would be

subjected to harassment, intimidation, threats, and potentially even physical violence.” *Id.*

The second affidavit is signed by John Doe and contains representations similar to those in Jane Doe’s affidavit. *See* ECF No. 20-2.

Finally, the third affidavit is signed by Marion Hammer (a former president of the NRA). ECF No. 20-3. In her affidavit, Ms. Hammer states that she “frequently represent[s] the NRA’s interests in the State of Florida” and has “been identified in national news stories associated with [this] suit.” *Id.* at 1. Ms. Hammer further explains that, “[a]fter news of the Parkland shooting broke,” she started receiving “numerous harassing emails and phone calls threatening [her] life and physical well-being” that “continue to this day.”<sup>4</sup> *Id.* at 2. Ms. Hammer attached copies of some of those harassing emails to her affidavit. *Id.* at 5–18.

---

<sup>4</sup> It is clear that much (if not all) of the harassment Ms. Hammer has suffered is the result of her involvement with the NRA and this lawsuit. Several of the emails Ms. Hammer attached to her affidavit specifically refer to guns, shootings, and related terms. Due to the offensive nature of the emails, this Court chooses not to repeat any specific language here. Suffice it to say, the emails are hateful and abhorrent.

## II. Analysis

As this Court has already noted, “[t]he Federal Rules of Civil Procedure do not include provisions for plaintiffs wishing to proceed anonymously.” *Rose*, 240 F.R.D. at 266. Moreover, the Supreme Court has yet to announce a standard that courts should apply under these circumstances. *Cf., e.g., Qualls v. Rumsfeld*, 228 F.R.D. 8, 10 (D.D.C. 2005) (noting that the Supreme Court has not “expressly condoned th[e] practice” but has “from time to time . . . permitted pseudonymous litigation to proceed without comment”). Consequently, the standards for determining when the use of pseudonyms is appropriate have been entirely crafted by the lower federal courts. *See* Jayne S. Ressler, *Privacy, Plaintiffs, and Pseudonyms: The Anonymous Doe Plaintiff in the Information Age*, 53 U. Kan. L. Rev. 195, 225–26 (2004) [hereinafter *PPP*].

If it were *entirely* up to this Court, this Court would not hesitate to grant the NRA’s motion. One need only look to the harassment suffered by some of the Parkland shooting survivors to appreciate the vitriol that has infected public discourse about the Second Amendment.<sup>5</sup> And this Court has no doubt that the

---

<sup>5</sup> There are legions of news reports describing the harassment and threats suffered by the Parkland shooting survivors. *See, e.g.,* Chantal Da

harassment goes both ways; Ms. Hammer’s affidavit proves just that. *See* ECF No. 20–3. People—especially teenagers—should not have to subject themselves to threats of violence, continued harassment,<sup>6</sup> and a concerning amount of public scrutiny just to share their views about the Second Amendment (whatever those views may be).

But it’s not entirely up to this Court. That is, this Court is bound to follow precedent set by the Eleventh Circuit Court of Appeals. *See, e.g., McGinley v. Houston*, 361 F.3d 1328, 1331 (11th Cir. 2004) (“A circuit court’s decision binds the district courts sitting within its jurisdiction . . . .”); *cf. also Hand v. Scott*, No. 18-11388-G, 2018 WL 1959634, at \*2 (11th Cir. Apr. 25, 2018) (reminding this Court that “binding precedent . . . cannot . . .

---

Silva, *Florida School Shooting Survivors Receiving Death Threats*, Newsweek (Feb. 26, 2018), <http://www.newsweek.com/florida-school-shooting-survivors-death-threats-819484> [<https://perma.cc/P2UY-MMVG>]. Some of the survivors who have taken more prominent roles in public discourse have even been the subject of conspiracy theories. *See, e.g.,* Daniel Arkin & Ben Popken, *How the Internet’s Conspiracy Theorists Turned Parkland Students into ‘Crisis Actors’*, NBC News (Feb. 21, 2018), <https://www.nbcnews.com/news/us-news/how-internet-s-conspiracy-theorists-turned-parkland-students-crisis-actors-n849921> [<https://perma.cc/B3AM-RM3N>].

<sup>6</sup> As a point of reference, family members of a victim from the Sandy Hook shooting continue to receive death threats “[m]ore than five years after” the shooting occurred. Bethania Palma, *Are Parkland School Shooting Survivors Receiving Death Threats from NRA Members?*, Snopes (Feb. 27, 2018), <https://www.snopes.com/news/2018/02/27/parkland-school-shooting-survivors-receiving-death-threats-nra-members/> [<https://perma.cc/UUU9-RAZ6>].

simply be ignored”). And that precedent is unfortunately restrictive here.

The Eleventh Circuit has made it clear that pseudonyms may only be used in “exceptional” cases, *Frank*, 951 F.2d at 323, and that there is “a strong presumption in favor of parties’ proceeding in their own names,” *Francis*, 631 F.3d at 1315. That presumption can only be overcome where the party seeking to proceed pseudonymously shows that they have “a substantial privacy right which outweighs the ‘customary and constitutionally-embedded presumption of openness in judicial proceedings.’” *Frank*, 951 F.2d at 323 (quoting *Doe v. Stegall*, 653 F.2d 180, 186 (5th Cir. Unit A Aug. 1981)). In determining whether Jane and John Doe have such a right, this Court starts its analysis with the following three factors: (1) whether they are “seeking anonymity challenging government activity,” (2) whether they will be “required to disclose information of the utmost intimacy”, and (3) whether they will be “compelled to admit their intention to engage in illegal conduct and thus risk criminal prosecution.” See *Francis*, 631 F.3d at 1316.

This Court finds that the first factor does not weigh in favor of using pseudonyms in this case (although it doesn’t weigh against

such use either). If the NRA were suing private parties, then there would be a risk of “damage to [those parties’] good names and reputation” as well as a risk of “economic harm.” *See S. Methodist Univ. Ass’n of Women Law Students v. Wynne & Jaffe*, 599 F.2d 707, 713 (5th Cir. 1979) [hereinafter *SMU*]. But the NRA is not suing private parties here; it is suing government actors in their official capacities. *See* ECF No. 18-1, at 1. Suits challenging the constitutional, statutory or regulatory validity of government activity (like this case) “involve no injury to the Government’s ‘reputation.’” *SMU*, 599 F.2d at 713. Accordingly, this first factor only has a neutral effect. *Cf. Frank*, 951 F.2d at 324 (“[T]he fact that Doe is suing the Postal Service does not weigh in favor of granting Doe’s request for anonymity.”); *cf. also Roe v. Aware Women Ctr. for Choice, Inc.*, 253 F.3d 678, at 686 (11th Cir. 2001) (“[N]o published opinion that we are aware of has ever permitted a plaintiff to proceed anonymously merely because the complaint challenged government activity.”).

As to the second factor, the Eleventh Circuit has explained that “the ‘information of utmost intimacy’ standard applies to cases involving issues such as abortion . . . and prayer and personal religious beliefs.” *Francis*, 631 F.3d at 1316 (citation omitted). One

would think that the standard covers more, but apparently it doesn't. Indeed, courts have denied the use of pseudonyms in cases involving matters that many would consider extremely private.<sup>7</sup>

Here, the NRA has not really identified any information of “utmost intimacy” that would be revealed if Jane and John Doe were forced use their real names. All we know so far is that they’re nineteen years old, they live in Florida, they’re members of the NRA, they haven’t been convicted of a felony, they haven’t been adjudicated mentally defective, they want to buy firearms, and they want to support the NRA with this lawsuit. *See* ECF No. 18-

---

<sup>7</sup> *Cf. Francis*, 631 F.3d at 1316 (noting that “courts have often denied the protection of anonymity in cases where plaintiffs allege sexual assault, even when revealing the plaintiff’s identity may cause her to ‘suffer some personal embarrassment’” (quoting *Frank*, 951 F.2d at 324)); *Frank*, 951 F.2d at 324 (finding “no abuse of discretion in the district court’s implicit conclusion that the stigma involved in Doe’s disclosure [of alcoholism] does not rise to the level necessary to overcome the presumption of openness in judicial proceedings); *Lockett v. Beaudet*, 21 F. Supp. 2d 1029, 1030 n.1 (D. Minn 1998) (“Even in the abortion context, anonymity is not automatic.”); *Doe v. Goldman*, 169 F.R.D. 138, 141 (D. Nev. 1996) (police officer was concerned that an allegation that he had attempted suicide by putting a gun to his head would stigmatize him in the employment context; court held that there was “no risk of stigma sufficient to overcome the presumption against proceeding under a fictitious name”); *Doe v. Bell Atl. Bus. Sys. Servs., Inc.* 162 F.R.D. 418, 422 (D. Mass. 1995) (plaintiff claimed she was sexually assaulted, was concerned she that she was infected with HIV as a result, and feared that she would suffer “intense embarrassment and shame within her community”; court held plaintiff had “not demonstrated such a compelling need for privacy as to outweigh the rights of the defendants and the public to open proceedings”); *see also PPP*, 53 U. Kan. L. Rev. at 196 (noting that relatives of 9-11 victims who were “grieving and wary of publicity” were denied their request to pursue their claims anonymously).

1; ECF No. 20-1; ECF No. 20-2. This type of information does not raise the same privacy concerns as the information at issue in cases where pseudonyms have been allowed. *Cf. SMU*, 599 F.2d at 712–13 (collecting cases and listing “birth control, abortion, homosexuality, [and] the welfare rights of illegitimate children or abandoned families” as examples of “matters of a sensitive and highly personal nature” (footnotes omitted)).

Finally, the third factor does not help the NRA either. That is, there is no information in the record suggesting that Jane or John Doe have engaged in criminal activity or that they intend to do so. Nor has the NRA alleged that such information may become part of this case in the future. Accordingly, none of the three factors weigh in favor of using pseudonyms.

Of course, none of these three factors take into account Jane and John Doe’s concerns about the potential harassment and threats they face. To be clear, this Court does not intend to diminish those concerns. This Court recognizes that it has “discretion”<sup>8</sup> and “should carefully review *all* the circumstances of a given case” before deciding “whether the customary practice of

---

<sup>8</sup> Perhaps even “broad discretion.” *See Francis*, 631 F.3d at 1320 (Moody, J., dissenting).

disclosing the plaintiff's identity should yield to the plaintiff's privacy concerns." *See Frank*, 951 F.2d at 323. Indeed, the three factors this Court has considered so far "were not intended as a 'rigid, three-step test for the propriety of party anonymity.'" *Id.* (quoting *Stegall*, 653 F.2d at 185). Rather, courts have also considered additional factors "such as whether the plaintiffs were minors, whether they were threatened with violence or physical harm by proceeding in their own names, and whether their anonymity posed a unique threat of fundamental unfairness to the defendant." *Francis*, 631 F.3d at 1316 (citations omitted).

But even when this Court takes into account the threats that have been made against Ms. Hammer—as well as Jane and John Doe's concerns that they'll potentially receive similar threats—it does not seem this case fits the mold. That is, even though this Court ostensibly has discretion to grant the NRA's motion, the precedent that binds this Court seems to counsel against such use. One need only consider the case *Doe v. Stegall*<sup>9</sup> to understand why.

---

<sup>9</sup> *Stegall* was decided by the former Fifth Circuit in August 1981. *See* 653 F.2d at 180. The Eleventh Circuit has adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981. *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir. 1981).

In *Stegall*, a mother brought suit on behalf of her two minor children to complain about “religiously-oriented ceremonies” that were being conducted at the children’s middle school. 653 F.2d at 181–82. “Fearing harassment and violence directed against [her] family generally and the [two] children in particular should their names be publicly disclosed, the [mother] asked that [she and the children] be permitted to proceed under fictitious names.”<sup>10</sup> *Id.* at 182. The mother “offered several documentary exhibits to bolster [her] assertions that they might be subjected to retaliatory harassment or violence if their identities were publicly revealed.” *Id.* at 182 n.6. “The exhibits include[d] local newspaper reports of public reaction to the lawsuit voiced at a [local school-board] meeting.” *Id.* Some of the comments voiced at the meeting appear to be just as hateful as the emails Ms. Hammer attached to her affidavit in this case.<sup>11</sup>

---

<sup>10</sup> The mother agreed to share her and the children’s identities to the defendants and to the Court; the motion “merely sought to bar disclosure to the general public.” *Stegall*, 653 F.2d at 182.

<sup>11</sup> The Fifth Circuit certainly found the comments in *Stegall* to be serious. See 653 F.2d at 186 (“Evidence on the record indicates that the Does may expect extensive harassment and perhaps even violent reprisals if their identities are disclosed . . .”). If anything, the comments in *Stegall* could be viewed as *more* concerning because they were made in person (i.e., unlike the messages Ms. Hammer received, which were all over email or phone). People are generally more likely to make threats anonymously than in person. Cf. *United States v. Wheeler*, 776 F.3d 736, 745 (10th Cir. 2015) (noting that the

Ultimately, the district court denied the mother’s request for anonymity. *Id.* at 183. On appeal, the Fifth Circuit reversed and held that the mother and children “should have been permitted to proceed under fictitious names.” *Id.* at 183–87. But the court didn’t reach that decision simply because of the threats and harassment that the mother was afraid of. Indeed, the court explicitly held that “[t]he threat of hostile public reaction to a lawsuit, standing alone, will only with great rarity warrant public anonymity.” *Id.* at 186. Instead, what “tip[ped] the balance” for the court was the fact that

---

anonymity afforded by the internet “allow[s] authors to make menacing statements they would never consider making to an individual in person.”). As such, one might take a threat made in person much more seriously than one made online. *But see id.* (noting that “[s]everal attributes of the Internet substantially amplify the fear an individual can instill via threats or incitement”); *see also United States v. Bagdasarian*, 652 F.3d 1113, 1126 (9th Cir. 2011) (“Certainly as of fall 2008, our country’s collective experience with internet threats and postings that presaged tragic events made it all the more likely that a reasonable person would foresee that even anonymous internet postings would be perceived as threats.”).

Moreover, the threats in *Stegall* were made by members of a very small community. The school-board meeting took place in Rankin County, Mississippi, and the middle school was housed in the town of Pelahatchie. *See Stegall*, 653 F.2d at 182. Rankin County had a population of only ~40,000 at the time, and Pelahatchie had a population of only ~1,500. *See U.S. Dep’t of Commerce; Bureau of the Census, 1980 Census of Population: Number of Inhabitants, Mississippi* (1982), at 12, 21, available at [https://www2.census.gov/prod2/decennial/documents/1980a\\_msABCD-01.pdf](https://www2.census.gov/prod2/decennial/documents/1980a_msABCD-01.pdf) [<https://perma.cc/BKG4-ERWJ>]. It goes without saying that threats are more serious when they are made closer to home (especially when that “home” is relatively small).

there were “other factors weighing in favor of maintaining the [parties’] anonymity.” *Id.*

For instance, the court highlighted the fact that the case involved complaints “of public manifestations of religious belief.” *Id.* The court went on to explain that “religion is perhaps the quintessentially private matter.” *Id.*; *see also id.* (emphasizing “the fundamental privateness of the religious beliefs” at issue). No court has held the same about the Second Amendment or the rights that it confers. What’s more, this Court has already noted that there are few privacy concerns at issue in this case.<sup>12</sup> *See supra* pp. 10–11.

Moreover, the *Stegall* court also explained that “[a] final factor” it found “especially persuasive” was “the fact that plaintiffs [were] children.” 653 F.2d at 186. That is, the case involved middle-school children (i.e., likely no older than fourteen years old). *Cf. id.* By contrast, Jane and John Doe are both nineteen years old. ECF No. 18-1; ECF No. 18-2. True, they are still young, but maybe not quite so young that they share the same “special status and

---

<sup>12</sup> Again, this Court does not intend to diminish the parties’ concerns. This Court recognizes that the Second Amended right is critical. This Court merely notes that the issue here really isn’t “privacy” per se. Instead, the issue is Jane and John Doe’s concerns for threats and violent reprisal.

vulnerability” that the “child-litigants” in *Stegall* had. *Cf.* 653 F.2d at 186.

In sum, based on the precedent that binds this Court (particularly *Doe v. Stegall*), this Court finds that mere evidence of threats and harassment made online is insufficient to outweigh the customary and constitutionally-embedded presumption of openness in judicial proceedings. This is especially true where the targets of such threats and harassment are not minors and where the subject at issue does not involve matters of utmost intimacy.

To be fair, a lot has changed in society since *Stegall* was decided. Today we have the internet, social media, and the 24-hour news cycle. What this means is that if a person attaches their name to a lawsuit—and especially if that lawsuit is sensational—then *everyone* will quickly be made aware of it. Articles get posted online, and the responding comments, tweets, and whatever-else-have-yous often devolve into a rhetorical barrage of hate. Unfortunately, it seems the internet just doesn’t always bring out the best in us.

Maybe the law should be modified to reflect these changes.<sup>13</sup> But it's not this Court's job to change the law; this Court's job is to apply the law. *Cf., e.g.*, ECF No. 8, at 3 (denying a motion to intervene and explaining that "[i]t is not this Court's job to fashion new laws."). And the law unfortunately directs that the NRA's motion must be denied.

Accordingly,

**IT IS ORDERED:**

1. The NRA's motion to proceed under pseudonyms, ECF No. 19, is **DENIED**.
2. The NRA must file its amended complaint—without pseudonyms—no later than May 21, 2018.

**SO ORDERED on May 13, 2018.**

s/Mark E. Walker  
**United States District Judge**

---

<sup>13</sup> *See, e.g., PPP*, 53 U. Kan. L. Rev. at 195 ("Rule 10(a) imposes a cost that could not have been foreseen [when it was promulgated] in 1938—an invasion of privacy. The burden of this new expense is shared by both plaintiffs and society alike, as a result of a judicial system that often appears to value openness at any price. The time has come, therefore, for a more liberal approach to pseudonymous plaintiffs.").

Northern District of Florida

Civil Action No.

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:

Northern District of Florida

Defendant(s)

Civil Action No.

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: