

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

LISA METZGER,

Plaintiff,

v.

CITY OF MONROE,
NORTH CAROLINA,

and

ROBERT BURNS,
in his official capacity as Mayor of the
City of Monroe, North Carolina

Defendants.

Case No. 3:25-cv-891

COMPLAINT
FOR DECLARATORY
AND
INJUNCTIVE RELIEF

Introduction

1. The rules governing the public comment period at Monroe, North Carolina city council meetings violate the First Amendment. They are designed to intimidate people from speaking out on issues of public concern and shield council members from criticism.

2. Lisa Metzger regularly attends Monroe city council meetings and speaks during the public comment period, which is open to anyone from anywhere to speak on any topic.

3. But everyone that dares to offer public comment at a meeting, must reveal their home address or forfeit their speaking opportunity. This unreasonable

requirement “chills” speech due to speakers’ fear of physical retaliation for their viewpoint or damage to their personal property.

4. After submitting to this personal exposure, speakers are allowed to address the council. But where speakers are left vulnerable, the public comment rules protect the elected members of the council. Indeed, the rules shield them from criticism with overbroad and vague prohibitions against “yelling” at, being “rude” to, or “insulting” the city council. And any speech the council arbitrarily considers to be “profanity, abusive language, public ridicule, or personal attacks” empowers them to order law enforcement officers to eject a speaker from the meeting.

5. Consequently, Lisa brought this suit to vindicate her rights and to uphold America’s “commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964).

Parties

6. Lisa Metzger is an adult individual and resident of Oakboro, North Carolina in Stanly County.

7. The City of Monroe is a municipality in Union County, North Carolina. It is governed by a City Council that has public policy making authority and the authority to adopt its own rules of procedure. *See N.C. Gen. Stat. §§ 160A-1(2) and (3), 160A-67, 160A-71(c).*

8. Robert Burns is the mayor of the City of Monroe. As mayor, he is the presiding officer “at all council meetings.” *N.C. Gen. Stat. § 160A-69.*

Jurisdiction and Venue

9. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 because this lawsuit challenges Defendants' violation of Plaintiff's civil rights under 42 U.S.C. § 1983.

10. Venue lies in this Court under 28 U.S.C. §§ 1391(b)(1) and (2) because the Defendants are located in this judicial district and a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this judicial district.

Factual Allegations

11. The Monroe City Council is required to allow a Public Comment Period during one of its regular meetings. *See* N.C. Gen. Stat. §§ 160A-71(a); 160A-81.1.

12. The Monroe mayor presides over all Monroe City Council regular meetings. *See* N.C. Gen. Stat. § 160A-69.

13. Plaintiff Lisa Metzger has business interests located in Union County, North Carolina.

14. Plaintiff regularly attends and speaks during the Public Comment Period of the regular Monroe City Council meetings.

15. The Public Comment Period of regular Monroe City Council meetings is governed by the Rules Governing Public Comment Period and Rules of Decorum During City Council Regular Meetings (Oct. 14, 2025) (the "Rules"). *See* the Rules, <https://tinyurl.com/4wy7y5dk>.

16. The Monroe City Council enacted all versions, including the current version, of the Rules.

17. Mayor Robert Burns, in his official capacity as mayor, enforces the Rules during the Public Comment Period at Monroe City Council meetings.

18. The Rules allow individuals to speak on any topic during the Public Comment Period, except for topics being raised for discussion during the Public Hearing portion of the meeting if any. *See the Rules §§ 2, 11, 15.*

19. The Rules allow anyone from anywhere participate, but Monroe residents are given priority in the speaker order, followed by Union County residents, and then everyone else. *See the Rules §§ 2, 4.*

20. The Rules § 14 states, “The City of Monroe shall not record, video, live stream, or post on the internet any video or audio recordings of public comments made during the Public Comment Period.”

21. But a previous version of the Rules allowed the Public Comment Periods of regular Monroe City Council meetings to be recorded and published online. *See City of Monroe NC Government, City Council Meetings, YOUTUBE, <https://tinyurl.com/ymjjj8sw>; compare the Rules § 14 with the Rules (July 8, 2025) (attached as Ex. A).*

Speakers are compelled to disclose their personal primary residence address.

22. The Rules § 2 states:

Each person desiring to speak during the Public Comment Period shall sign up to speak prior to the start of the meeting on the form provided by listing their name, full street address of their personal primary residence and not business or other address, topic on which he or she will speak, and whether a City of Monroe resident, Union County resident, or other place of residency. . . . A speaker shall verbally state

their name, street address, city, and state of their personal primary residence and not business or other address when called to speak prior to making any public comments. Any speaker that signs up and fails or refuses to give all the required information will not be called on to comment or forfeit their time to speak during the public comment period.

23. Previous versions of the Rules only required speakers to provide their name and discussion topic before speaking. *See the Rules § 2 (Feb. 13, 2024),* <https://tinyurl.com/hzn4vtfa>.

24. Lisa Metger was present at the Monroe City Council meetings and participated in the Public Comment Periods on April 8, 2025, June 10, 2025, August 26, 2025, and September 23, 2025.

25. Lisa Metzger was present and observed the Public Comment Period at the Monroe City Council meeting on July 8, 2025.

26. Lisa Metzger observed the Public Comment Period at the Monroe City Council meeting on May 13, 2025 live on the internet

27. At the May 13, 2025, and June 10, 2025, Regular Meeting Public Comment Periods the Council required speakers write their full address on the sign-up sheet to be permitted to participate in the Public Comment Period. *See City of Monroe NC Government, City Council Regular Meeting of May 13, 2025, YOUTUBE, at 16:22-18:08 (May 13, 2025),* <https://tinyurl.com/3vwah4wm>; *City of Monroe NC Government, City Council Regular Meeting of June 10, 2025, YOUTUBE, at 27:00-30:09 (June 10, 2025),* <https://tinyurl.com/mr389c43>.

28. On July 8, 2025, the City Council amended the Rules to require speakers to “verbally state their name, street address, city, and state when called to speak prior to making any public comments,” in addition to providing this same information on the Public Comment Period sign up form. *See Monroe City Council, Rules Governing Public Comment Period and Rules of Decorum During City Council Regular Meetings (July 8, 2025); City of Monroe NC Government, City Council Regular Meeting of July 8, 2025*, YOUTUBE (July 8, 2025), <https://tinyurl.com/ad6w7ejc>; the Rules § 2 (July 8, 2025) (Ex. A). This broader requirement allowed speakers to disclose a business or some other street address connected to them.

29. Accordingly, at the July 8, 2025, August 26, 2025, and September 23, 2025, City Council meeting, the Council required that speakers list their street address on the Public Comment Period sign up form and verbally state their street address before making their remarks during the Public Comment Period. *See City of Monroe NC Government, City Council Regular Meeting of July 8, 2025*, YOUTUBE, at 1:32:54-1:36:54 (July 8, 2025), <https://tinyurl.com/ad6w7ejc>; *City of Monroe NC Government, City Council Regular Meeting of August 26, 2025*, YOUTUBE, at 34:08-36:43 (Aug. 26, 2025), <https://tinyurl.com/y2x8u8ef>; *City of Monroe NC Government, City Council Regular Meeting of September 23, 2025*, YOUTUBE, at 36:51-41:06 (Sep. 23, 2025), <https://tinyurl.com/4hd7yv9x>.

30. At the July 8, 2025 City Council meeting, William Wolfe was called to speak during the Public Comment period but he forfeited his time to speak. Wolfe

said, “I’m not going to endanger my family or my small children by putting my home address out here, and, forever online on YouTube.” *See City of Monroe NC Government, City Council Regular Meeting of July 8, 2025, YOUTUBE, at 1:48:26-1:48:50 (July 8, 2025),* <https://tinyurl.com/ad6w7ejc>.

31. Lisa Metzger witnessed the events stated in ¶ 30.

32. At the July 8, 2025 City Council meeting, Lori [LNU] questioned why she needed to state her street address when it was not required on other occasions. She expressed concern about the requirement and stated she did not provide her personal primary residence address on the sign-up sheet because, “I felt that it would endanger me.” After being told she would forfeit her speaking time if she did not reveal her address, Lori reluctantly stated her address and made her remarks. *See City of Monroe NC Government, City Council Regular Meeting of July 8, 2025, YOUTUBE, at 1:53:10-1:53:58 (July 8, 2025),* <https://tinyurl.com/ad6w7ejc>.

33. Lisa Metzger witnessed the events stated in ¶ 32.

34. Lisa Metzger stated the street address of her business interest before giving her remarks during the Public Comment Period so that she could participate in the Public Comment Period when she was compelled to disclose an address.

35. Lisa Metzger has received death threats, correspondence from the Satanic Temple, and other intimidating communications from various sources on social media.

36. Lisa Metzger witnessed her friend, Michelle Ball, state her primary residential address before giving her remarks during the Public Comment Period so that she could participate in the Public Comment Period.

37. Lisa Metzger has personal knowledge that Michelle Ball has received correspondence from the Satanic Temple and other intimidating communications and items from anonymous sources.

38. Then at the October 14, 2025 City Council meeting, the City Council amended the Rules to require Public Comment Period speakers to list and state their “personal primary residence and not business or other address” before they speak during the Public Comment period. *See* The Rules § 2. The amendment was passed without public discussion as part of the City Council’s Consent Agenda, which is supposed to be reserved for “non-controversial” matters. *See* Consent Agenda & Item 19, <https://tinyurl.com/2v7azejx>.

39. Lisa Metzger is fearful of participating in the Public Comment Period because of concern for her physical safety and for the safety of her property due to the personal primary residence disclosure requirement for individuals to participate in the Public Comment Period under the Rules § 2.

40. Lisa Metzger changes the content of her speech during the Public Comment Period because she is fearful for her physical safety and for the safety of her property due to the personal primary residence disclosure requirement for individuals to participate in the Public Comment Period under the Rules § 2.

The Rules regulate the content of a Public Comment Period participant's speech and infringe on their petition rights.

41. The Rules § 6 regulates the content of each person's speech that participates in the Public Comment Period.

42. The Monroe City Counsel uses the Rules § 6 to prevent Public Comment Period participants from petitioning elected officials

43. The Rules § 6 states:

Yelling, making threats, insulting, or rude comments directed towards the Mayor, City Council, City staff or a member of the public will not be tolerated. Profanity, abusive language, public ridicule, or personal attacks will not be tolerated. A speaker that fails to maintain proper decorum may be sanctioned including, but not limited to, forfeiting the remainder of their time, removal from the meeting premises, or other sanctions deemed appropriate.

44. Lisa Metger was present at the Monroe City Council meeting and participated in the Public Comment Period at the Monroe City Council meeting on April 8, 2025.

45. At the April 8, 2025 City Council meeting, a council member made a general announcement stating that pursuant to the Rules, "Don't direct any comments directly to [a] council member. . . . I would ask that you not direct your comments directly to a specific council person by name." *See City of Monroe NC Government, City Council Regular Meeting of April 8, 2025, YOUTUBE, at 1:13:37-1:13:50 (April 8, 2025), <https://tinyurl.com/38xz5zeh>.*

46. Lisa Metger was present at the Monroe City Council meeting and participated in the Public Comment Period at the Monroe City Council meeting on June 10, 2025.

47. During the Public Comment Period at the June 10, 2025 Monroe City Council meeting, after Michelle Ball questioned whether a freedom of information request would reveal child pornography stored on a city council member's government issued mobile phone or computer, a council member angrily interrupted Michelle Ball's speech, told Ms. Ball that the content of her speech was "absolutely unacceptable," and demanded that the meeting pause for a five-minute recess. The motion for a recess was approved by a majority vote. After an over twelve-minute recess, Ms. Ball was chastised for alleging that a city council member may possess illegal materials on their government issued devices, told to not disrupt the order of the meeting, warned to not to raise her voice, and told to not speak again about whether a council member possessed child pornography on their government issued electronic devices. Subsequently, Ms. Ball explained that disclosing her personal primary residence to speak during the Public Comment Period has resulted in threats to her and her children's physical safety. *See City of Monroe NC Government, City Council Regular Meeting of June 10, 2025, YOUTUBE, at 35:45-50:16 (June 10, 2025), <https://tinyurl.com/mr389c43>.*

48. Lisa Metzger witnessed the events stated in ¶ 47.

49. During the Public Comment Period at the June 10, 2025 City Council meeting, after stating the address of her personal primary residence and explaining

that her family was harassed at her personal primary residence, Jen Sanders was sanctioned for calling mayor's associates "goons" and that they were "spreading lies and causing trouble." *See City of Monroe NC Government, City Council Regular Meeting of June 10, 2025*, YOUTUBE, at 1:13:24-1:14:14 (June 10, 2025), <https://tinyurl.com/mr389c43>.

50. Lisa Metzger witnessed the events stated in ¶ 49.

51. Lisa Metzger was present at the Monroe City Council meeting and participated in the Public Comment Period at the Monroe City Council meeting on September 23, 2025.

52. On September 23, 2025, Michelle Ball was prevented from petitioning and negatively criticizing a city council member directly by name. Indeed, she was ordered not to make direct comments toward any council member. Michelle Ball was approached by a law enforcement officer and ejected from the meeting without finishing her comments. *See City of Monroe NC Government, City Council Regular Meeting of September 23, 2025*, YOUTUBE, at 49:40-52:19 (Sep. 23, 2025), <https://tinyurl.com/4hd7yv9x>.

53. Lisa Metzger witnessed the events stated in ¶ 52.

54. Lisa Metzger witnessed Public Comment Period speakers be censored by the City Council, sanctioned by the City Council, forced to forfeit their speaking time, or ejected from a City Council meeting because of the Rules § 6.

55. Lisa Metzger self-censors and changes the content of her speech during the Public Comment Period because she is fearful that she will be censored by the

City Council, sanctioned by the City Council, forced to forfeit her speaking time, or ejected from a City Council meeting because of the Rules § 6.

56. Lisa Metzger witnessed the City Council announce its prohibition against addressing council members that was recounted in ¶ 45 and she has witnessed the Council use the Rules § 6 to prevent Public Comment Period participants from petitioning the elected public officials on the Council.

57. Lisa Metzger cannot petition the elected officials on the Monroe City Council during the Public Comment Period because of the Rules § 6.

58. Lisa Metzger will continue to speak at City Council meetings and express her views only if she is not forced to reveal her personal primary residence address. But even if this mandate did not exist, the other burdens imposed on her by the Rules chill her speech, impact the content of her speech, cause her to self-censor, suppress the viewpoints she wants to express, infringes on her right to petition, and diminishes her willingness to participate at City Council meetings. Lisa Metzger may at times test the limits of Defendants' speech restrictions, but the restrictions' presence chills her expression.

Claims for Relief

Count One

The Rules § 6 violates Plaintiff's Free Speech Rights, both facially and as applied, in violation of the First and Fourteenth Amendments.

59. Plaintiff realleges and incorporates the preceding paragraphs by reference.

60. The First Amendment applies to the Public Comment Period at Monroe City Council meetings and the Rules.

61. Under the Speech Clause of the First Amendment, “a government, including a municipal government vested with state authority, has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015) (internal quotation marks omitted).

62. “Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.”

Id.

63. The Monroe City Council invites anyone from anywhere to share their views on whatever topic the speaker thinks deserves the Council’s attention. *See* the Rules §§ 2, 4.

64. The Rules § 6 regulates the content of speakers that participate in the City of Monroe’s Public Comment Period because it only applies when certain ideas or messages are expressed.

65. Defendants Rules § 6 cannot pass any level of First Amendment scrutiny.

66. Accordingly, the Rules § 6 is facially unconstitutional.

67. All of Plaintiff's public speech at the Public Comment Period is protected by the Free Speech Clause of the First Amendment.

68. Plaintiff has been forced to self-censor and alter her speech as a result of the Rules § 6 and how it is enforced.

69. As applied against Lisa Metzger, the Rules § 6's prohibitions violate and continue to violate Plaintiff's First Amendment right of free speech by impermissibly discriminating against or "chilling" her speech.

70. By adopting and enforcing the Rules § 6 of the Public Comment Period at Monroe City Council meetings, Defendants, under color of law, deprived and continue to deprive Plaintiff of the right to free speech in violation of the First and Fourteenth Amendments to the United States Constitution, both facially and as applied to the Plaintiff. Accordingly, Plaintiff is damaged in violation of 42 U.S.C. § 1983, and, therefore, is entitled to damages; declaratory and preliminary and permanent injunctive relief against continued enforcement and maintenance of the City of Monroe's unconstitutional customs, policies, and practices; and attorneys' fees and expenses pursuant to 42 U.S.C. § 1988.

Count Two

Defendant's public participation policy is unconstitutionally vague in violation of the First and Fourteenth Amendments.

71. Plaintiff realleges and incorporates the preceding paragraphs by reference.

72. Because notice is the first element of due process, the Fourteenth Amendment's Due Process Clause prohibits the enforcement of vague laws. The First Amendment likewise forbids the enforcement of laws that are so vague as to chill protected speech.

73. The Rules § 6 is unconstitutionally vague, granting the council the authority to sanction the speaker "including, but not limited to, forfeiting the remainder of their time, removal from the meeting premises, or other sanctions deemed appropriate." The Rules § 6.

74. "It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined." *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972).

75. The Rules § 6 "is unreasonable because it fails to define key terms, lacks any official guidance, and vests too much discretion in those charged with its application." *Young Israel of Tampa, Inc. v. Hillsborough Area Reg'l Transit Auth.*, 89 F.4th 1337, 1347 (11th Cir. 2024).

76. By adopting and enforcing the Rules § 6, Defendants, under color of law, facially deprive the Plaintiff of the right to Free Speech and Due Process in

violation of the First and Fourteenth Amendments to the United States Constitution. Accordingly, the Plaintiff is damaged in violation of 42 U.S.C. § 1983, and, therefore, is entitled to nominal damages, declaratory and preliminary and permanent injunctive relief against continued enforcement and maintenance of Defendants' unconstitutional customs, policies, and practices; and attorney fees and expenses pursuant to 42 U.S.C. § 1988.

Count Three

Defendant's public participation policy is unconstitutionally overbroad in violation of the First and Fourteenth Amendments.

77. Plaintiff realleges and incorporates the preceding paragraphs by reference.

78. Because notice is the first element of due process, the Fourteenth Amendment's Due Process Clause prohibits the enforcement of overbroad laws. The First Amendment likewise forbids the enforcement of laws that are so broad as to chill protected speech.

79. The speech prohibitions in the Rules § 6 are unconstitutionally overbroad, granting the council the authority to sanction the speaker "including, but not limited to, forfeiting the remainder of their time, removal from the meeting premises, or other sanctions deemed appropriate." The Rules § 6.

80. The language the Rules § 6 censors is undefined. Defendants are using the overbroad prohibitions of the Rules § 6 to silence speech common in today's

political discourse. Speakers are left to guess at how broadly the Rule § 6 sweeps, and how Defendants will apply it in a given instance.

81. Accordingly, the Rules are unconstitutionally overbroad.

82. By adopting and enforcing the Rules § 6, Defendants, under color of law, facially deprive the Plaintiff of the right to Free Speech and Due Process in violation of the First and Fourteenth Amendments to the United States Constitution. Accordingly, the Plaintiff is damaged in violation of 42 U.S.C. § 1983, and, therefore, is entitled to nominal damages, declaratory and preliminary and permanent injunctive relief against continued enforcement and maintenance of Defendants' unconstitutional customs, policies, and practices; and attorney fees and expenses pursuant to 42 U.S.C. § 1988.

Count Four

The Rules § 2's requirement that speakers disclose their personal primary residence address violates Plaintiff's Free Speech Rights, both facially and as applied, in violation of the First and Fourteenth Amendments.

83. Plaintiff realleges and incorporate the preceding paragraphs by reference.

84. The Supreme Court has "held time and again that freedom of speech includes both the right to speak freely and the right to refrain from speaking at all." *Janus v. AFSCME, Council* 31, 585 U.S. 878, 892 (2018) (internal quotation marks omitted).

85. The Rules § 2 requires speakers to "verbally state their name, street address, city, and state of their personal primary residence and not business or

other address when called to speak prior to making any public comments.” If a speaker refuses, they “will not be called on to comment or forfeit their time to speak during the public comment period.” *Id.*

86. By compelling speakers to “disclose certain identifying information regarding political speakers,” “potentially exposing those speakers to identification and harassment, First Amendment protections and values come into play.” *Wash. Post v. McManus*, 944 F.3d 506, 515 (4th Cir. 2019).

87. “[A] person's right to refrain from speaking ‘applies . . . equally to statements of fact the speaker would rather avoid.’” *Greater Balt. Ctr. for Pregnancy Concerns, Inc. v. Mayor & City Council of Balt.*, 879 F.3d 101, 110 (4th Cir. 2018) (quoting *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Boston*, 515 U.S. 557, 573 (1995)).

88. A constitutional violation can occur when speech regulations “deter[]” or “chill[]” speech. *Laird v. Tatum*, 408 U.S. 1, 11 (1972); *see also Virginia v. Am. Booksellers Ass'n*, 484 U.S. 383, 393 (1988) (“[T]he alleged danger of this statute is, in large measure, one of self-censorship.”).

89. Speakers being forced to state the address of their personal primary residence in order to participate in the Public Comment Period weighs on speakers’ minds, and inhibits their desire to keep speaking out on controversial issues because of fear of reprisal by those who do not tolerate their points of view.

90. The evidence shows that this is occurring at Monroe City Council meetings. *See ¶¶ 30, 32, 35, 37, 45.*

91. Lisa Metzger does not want to verbally state the address of her personal primary residences but the Rules § 2 compels her to if she wants to speak during the Public Comment Period.

92. Lisa Metzger has suffered harassment and threats because she disclosed the address of her business interests.

93. Lisa Metzger altered and alters the content of her speech because of the Rules' compelled address disclosure requirements.

94. The disclosure requirements in the Rules § 2 have a "chilling effect" on Lisa Metzger's First Amendment right of freedom of speech.

95. The Rules § 2 personal primary residence address disclosure requirement facially violates the First Amendment.

96. The Rules § 2 personal primary residence address disclosure requirement violates the First Amendment as applied to the Plaintiff.

97. By adopting and enforcing the Rules § 2, Defendants, under color of law, deprive Plaintiff of the right of free speech in violation of the First and Fourteenth Amendments to the United States Constitution, both facially and as applied to the Plaintiff. Accordingly, Plaintiff is damaged in violation of 42 U.S.C. § 1983 and is therefore entitled to damages; declaratory and preliminary and permanent injunctive relief against continued enforcement and maintenance of Defendants' unconstitutional customs, policies, and practices; and attorney fees and expenses pursuant to 42 U.S.C. § 1988.

Count Six

The Rules § 6 violates Plaintiff's Right to Petition, both facially and as applied, in violation of the First and Fourteenth Amendments.

98. Plaintiff realleges and incorporate the preceding paragraphs by reference.

99. The right to petition the government for redress of grievances “allows citizens to express their ideas, hopes, and concerns to their government and their elected representatives.” *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 388 (2011).

100. “The Petition Clause undoubtedly does have force and application in the context of a personal grievance addressed to the government.” *Id.* at 394.

101. The Public Comment Period at Monroe City Council meetings is a forum that enables people to exercise their fundamental First Amendment right to petition elected government officials.

102. The City Council uses the Rules to prevent Public Comment Period participants from directly addressing them by name or otherwise. *See ¶¶ 43, 52.*

103. Petitioning a city council for redress of grievances will necessarily require referencing individuals—especially members of the Monroe City Council.

104. The Rules § 6 suppresses petitions for redress.

105. Lisa Metzger’s public speech during the Public Participation Period at Monroe City Council meetings is fully protected by the First Amendment right to petition the government for redress of grievances.

106. As applied against the Plaintiff, the Rules prohibitions against personally addressing Monroe City Council members violated and continue to violate her First Amendment right to petition.

107. By enacting and enforcing the Rules § 6, Defendants, under color of law, deprives Plaintiff of the right to petition in violation of the First and Fourteenth Amendments to the United States Constitution, both facially and as applied to the Plaintiff. Accordingly, Plaintiff is damaged in violation of 42 U.S.C. § 1983 and is therefore entitled to damages; declaratory and preliminary and permanent injunctive relief against continued enforcement and maintenance of Defendants' unconstitutional customs, policies, and practices; and attorney fees and expenses pursuant to 42 U.S.C. § 1988.

Prayer For Relief

Plaintiff Lisa Metzger requests judgment be entered in her favor and against Defendants as follows:

1. An order permanently enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from enforcing the Rules Governing Public Comment Period and Rules of Decorum During Monroe City Council Regular Meetings § 2's requirement for speakers to disclose their personal primary residence address and § 6's prohibition against petitioning the government or making insulting or rude comments directed toward the

Mayor, City Council, City Staff or a member of the public, profanity, abusive language, public ridicule, and personal attacks.

2. Declaratory relief consistent with the injunction, to the effect that the Rules Governing Public Comment Period and Rules of Decorum During Monroe City Council Regular Meetings § 2's requirement for speakers to disclose their personal primary residence address and § 6's prohibition against petitioning the government or making insulting or rude comments directed toward the Mayor, City Council, City Staff or a member of the public, profanity, abusive language, public ridicule, and personal attacks are unconstitutionally void and unenforceable as they violate the First Amendment rights of free speech and petition and the Fourteenth Amendment's guarantee of due process against overbroad and vague laws;
3. Such other injunctive relief as this Court may direct;
4. Nominal damages of \$17.91;
5. Costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and
6. Any other relief this Court may grant in its discretion.

Dated: November 5, 2025

/s/ Nathan Wilson

FOX ROTHSCHILD LLP
301 Hillsborough St.
Suite 1120
Raleigh, NC 27603
(919) 719-1269
nwilson@foxrothschild.com

and

Ryan Morrison*
LIBERTY JUSTICE CENTER
7500 Rialto Blvd.
Suite 1-250
Austin, TX 78735
(512) 481-4400
rmorrison@ljc.org
** Pro hac vice admission forthcoming*

Counsel for Plaintiff

EXHIBIT

A

**RULES GOVERNING PUBLIC COMMENT
PERIOD AND RULES OF DECORUM DURING
CITY COUNCIL REGULAR MEETINGS**

1. A Public Comment Period shall be placed on the Agenda of each City Council Regular Meeting. Said agenda item shall occur on the Regular Meeting Agenda immediately after the invocation and pledge of allegiance. When adopting the Agenda, City Council may move the Public Comment Period to another location on the Agenda solely at City Council's discretion. Such change is effective only during that meeting. In addition, City Council may, upon motion to suspend the rules during a Regular Meeting, approve moving the Public Comment Period to another location on the Agenda at any point during the meeting.
2. Each person desiring to speak during the Public Comment Period shall sign up to speak prior to the start of the meeting on the form provided by listing their name, full street address, topic on which he or she will speak, and whether a City of Monroe resident, Union County resident, or other place of residency. An individual may only sign up for themselves and not sign up or place another individual's name on the Signup Sheet. A speaker shall verbally state their name, street address, city, and state when called to speak prior to making any public comments. Any speaker that signs up and fails or refuses to give all the required information will not be called on to comment or forfeit their time to speak during the public comment period.
3. A total time of thirty (30) minutes will be allotted for the Public Comment Period on the Regular Agenda. Any speaker that signs up to speak and does not get a chance to speak during the Public Comment Period will be given an opportunity to speak at the conclusion of the Regular Agenda. A speaker that signed up to speak and not available for public comments at the end of the Regular Agenda will be given priority to speak during the next City Council Public Comment Period. City Council, in its discretion, may extend the thirty (30) minutes allotted for the Public Comment Period during any meeting.
4. City of Monroe residents will be given the opportunity to speak first, followed by Union County residents, followed by residents of other areas. The Mayor, or presiding officer, shall determine the order in which speakers are called to comment.
5. Each speaker shall be allotted up to two (2) minutes to speak which shall be strictly observed at all times. Speakers shall immediately cease speaking when their allotted time is over. Groups of persons speaking on the same topic are strongly encouraged to designate a spokesperson to speak on their behalf. As an incentive, a spokesperson making comments for two (2) to five (5) individuals that signed up to speak will be given up to three (3) minutes, and for six (6) or more, a spokesperson will be given up to five (5) minutes to speak.
6. Speakers and audience members shall maintain proper decorum, etiquette, and civility at all times during the Public Comment Period and any City Council Meeting. Speakers

shall remain at the podium to make comments and not approach City Council or City staff. No one can accompany the speaker at the podium. The speaker may use visual aids but shall not engage in demonstrations or inappropriate theatrics. Yelling, making threats, insulting, or rude comments directed towards the Mayor, City Council, City staff or a member of the public will not be tolerated. Profanity, abusive language, public ridicule, or personal attacks will not be tolerated. A speaker that fails to maintain proper decorum may be sanctioned including, but not limited to, forfeiting the remainder of their time, removal from the meeting premises, or other sanctions deemed appropriate.

7. Members of the audience shall also maintain proper decorum, etiquette, and civility at all times. Audience members shall refrain from commenting, jeering, clapping, or cheering in response to comments. Audience members shall not engage in demonstrations or theatrics and shall remain seated at all times unless called on to be identified from their seat when designating a spokesperson and immediately be seated. Audience members shall never approach the podium or dais. Improper decorum by a member of the audience will not be tolerated and may result in sanctions up to and including being asked to leave the meeting following the same procedures set out the sanction a speaker for a decorum violation.
8. Members of the audience may hold signs of proper decorum no larger than 8 inches by 11½ inches in size but shall not raise them above their heads or so as to block the view of those behind them.
9. The Mayor, as the presiding officer, has the authority and responsibility to enforce and carry out these Rules. However, any member of City Council may identify improper conduct by raising a point of order during the meeting. Upon raising a point of order by a Council Member, the Mayor, or presiding officer, shall call for all public comments to cease immediately. The presiding officer shall then, at a minimum, warn the violator and demand the individual cease the violation first. If the violator continues to violate the rules, the presiding officer may impose appropriate sanctions including, but not limited to, loss of time, removal from the Council meeting, or other appropriate action needed to restore decorum. However, if a City Council member believes the warning or sanction imposed are insufficient based on the nature of the violation, any City Council Member may renew the point of order and call for additional sanctions up to and including removal of the offender from the meeting premises upon motion, second, and approval by a majority of City Council. The City Attorney, as Parliamentarian for the City, shall be the final arbiter of the procedural rules and take necessary action to see that proper parliamentary procedures are followed and maintained during City Council Meetings.
10. Anyone that willfully interrupts, disturbs, or disrupts a City Council Meeting may be asked to leave the meeting premises immediately by the Mayor or upon point of order by a City Council Member and approval by City Council. Upon failure to leave as directed, the individual may be cited for violating NC General Statute §14-318.17.

11. Speakers shall not speak on any topic which is the subject of a public hearing on the same Agenda.
12. City Council will refrain from engaging in a dialogue with speakers except to the extent necessary to clarify the speaker's position.
13. No formal action will be taken by City Council during the same meeting on any matter which was initially introduced during the Public Comment Period.
14. City Council shall not restrict the subject matter of any comment based on content in any way except as provided herein.

Adopted: September 6, 2005 (R-2005-35)

Amended: April 2, 2023 (R-2019-23); February 13, 2024; May 14, 2024; July 19, 2024; July 8, 2025