

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**MOMS FOR LIBERTY – WILSON
COUNTY, TN; ROBIN LEMONS; and
AMANDA DUNAGAN-PRICE,**

PLAINTIFFS

V.

No. 23-CV-00211

**Wilson County Board of Education,
also known as Wilson County Schools;
Jamie Farough, individually and in her
official capacity as a member of the
Wilson County Board of Education;
Kimberly McGee, in her official capacity
as a member and Vice Chairman of the
Wilson County Board of Education;
Melissa Lynn, in her official capacity
as a member of the Wilson County
Board of Education; Beth Meyers, in her
official capacity as a member of the
Wilson County Board of Education;
Joseph Padilla, in his official capacity
as a member of the Wilson County
Board of Education; Greg Hohman, in
his official capacity as a member of the
Wilson County Board of Education;
and, Donnie Self, in his official
capacity as a member of the
Wilson County Board of Education**

DEFENDANTS.

**DEFENDANTS' LIST OF UNDISPUTED MATERIAL FACTS IN MOTION FOR
SUMMARY JUDGMENT**

Now come Defendants, Wilson County Board of Education, also known as Wilson County Schools; Jamie Farough, individually and in her official capacity as a member of

the Wilson County Board of Education; Kimberly McGee, in her official capacity as a member and Vice Chairman of the Wilson County Board of Education; Melissa Lynn, in her official capacity as a member of the Wilson County Board of Education; Beth Meyers, in her official capacity as a member of the Wilson County Board of Education; Joseph Padilla, in his official capacity as a member of the Wilson County Board of Education; Greg Hohman, in his official capacity as a member of the Wilson County Board of Education; and, Donnie Self, in his official capacity as a member of the Wilson County Board of Education, by and through their undersigned counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and hereby submit their Statement of Undisputed Material Facts as follows:

1. The Wilson County Board of Education ("Board") is a governmental entity responsible for the administration and operation of the public school system within Wilson County, Tennessee. (Answer, DE 20, Page ID# 158:6).
2. The Members that comprise the Board are popularly elected in regular elections. (Answer, DE 20, Page ID# 158:6).
3. In the three years that this matter has been pending, three of the seven members of the Wilson County Board of Education have changed and specifically, the Board members representing zones 1, 2, and 5 have changed since this litigation began with zone 5 changing twice. Beth Meyers recently resigned leaving zone 2 unrepresented. (Order, DE 40, Page ID# 307; Resignation letter regarding Donnie Self attached hereto as Exhibit A; Resignation letter regarding Beth Meyers attached hereto as Exhibit B.)

4. The members that represent Zones 2, 4, 5, and 6 will be up for election in this year's election cycle. Kimberly McGee, who currently represents Zone 6, is not running for re-election. (List of Board of Education seats that will be on this year's election cycle at <https://www.wilsontnvotes.gov/election-events-and-dates/>; Sample Ballot at <https://www.wilsontnvotes.gov/uploads/files/1430552e395dc5fb84755696c1d778c9a8d2399d.pdf>; Email regarding resignation from Kimberly McGee attached hereto as Exhibit C).
5. At a minimum then, after the 2026 election cycle concludes, at least 4 of the 7 members of the Board will have changed from the membership at the time of the filing of the Plaintiff's Complaint. (Please see citations accompanying Statements of Undisputed Fact 1-4).
6. Board meetings are open to the public pursuant to Tennessee law. (Doc. 20, Page ID# 160:15).
7. The Board streams its meetings online and posts recordings of meetings on its website. (Answer, DE 20, Page ID# 160:15).
8. During Board meetings, the Board permits members of the public to provide comments subject to Board Policy 1.404 as well as state law. (Complaint, DE 1, Page ID# 5:15-6:19) (Green Dep. p. 16:15-22).

9. Board Policy 1.404 provides procedures governing public participation during Board meetings. (Complaint, DE 1, Page ID# 6:20-8:27) (Green Dep. p. 16:15-22).
10. Board Policy 1.404 provides that "any matter relating to the operation of the school system may be appealed to the Board." (Board Policy 1.404 attached as Exhibit D).
11. Board Policy 1.404 permits members of the public to address the Board regarding any "matter that is germane to the jurisdiction of the governing body" as long as they sign up on a provided form. (Dunagan-Price Dep. pp. 32:8-16; 33:3-19) (Board Policy 1.404 attached as Exhibit D).
12. At the time that this litigation was filed, Board Policy 1.404 required speakers to identify themselves and state their address when addressing the Board to ensure that the speaker was a Wilson County citizen and thus a constituent of the Board of Education. (Complaint, DE 1, Page ID# 6:21) (Green Dep. p. 19:8-24).
13. Likewise, at the time that this litigation was filed, the Chair also read a script at the beginning of public-comment periods that referenced an address-disclosure requirement and cautioned speakers against abusive comments directed toward Board members or school employees. (Complaint, DE 1, Page ID# 6:21-7:24) (Green Dep. p. 50:22-52:25).

14. The term “abusive” did not appear within the text of Board Policy 1.404 itself but the synonymous term “disruptive” did. (Green Dep. p. 52:7-53:21) (Farough Dep. 91:6-12).

15. At the time of the October, 2022 meeting of the Board as described in the Plaintiff's Complaint, Chairperson Farough had only recently been elected as the Chairperson. The Board meeting in October, 2022 was her first as Board Chairperson. (Farough Dep. 63:13-64:19) (Complaint, DE 1, Page ID# 4:7).

16. The Chairperson's job, as it relates to Board meetings, is to lead all aspects of the meeting, including the public speaker portion. (Complaint, DE 1, PageID# 4:7) (Lemons Dep. p. 43:11-19) (Farough Dep. p. 21:1-14).

17. Chairperson Farough testified that she personally viewed the address-disclosure requirement as a "guideline," not a rule sufficient to terminate a speaker's remarks, and that she did not believe the chair had authority to stop someone from speaking solely because they failed to state their address. She confirmed she never stopped a speaker solely for failing to provide an address. (Farough Dep. p. 54:8-19; p. 64:12-66:20; p. 71:4-21; p. 80:5-81:3).

18. Chairperson Farough testified that in her understanding and application of the abusive-comments restriction, she equated the term "abusive" with "disruptive" or threatening conduct that would interfere with the orderly operation of the meeting or threaten participants, rather than criticism of or disagreement with

Board members. Farough further confirmed that the word "abusive" did not appear within the text of Board Policy 1.404 itself and that the written policy instead used the term "disruptive." (Farough Dep. p. 91:6-20; p. 95:17-24; p. 108:2-16).

19. Green testified that the term "abusive" does not appear anywhere in the text of Policy 1.404, and that in his view the word in the script was likely intended only as a synonym for the criminal disruptive-behavior standard referenced in the policy. (Green Dep. p. 52:7-25; p. 53:14-21; p. 55:18-58:14).

20. Plaintiff Dunagan-Price is the chairperson of Plaintiff Moms for Liberty-Wilson County - TN. (Complaint, DE 1, Page ID# 3:5). (Dunagan-Price Dep. p. 10:9-11).

21. In that capacity, Plaintiff Dunagan-Price attended or viewed numerous Board meetings beginning in approximately 2021. (Complaint, DE 1, Page ID# 10:33-35).

22. Plaintiff Dunagan-Price provided public comments during Board meetings on multiple occasions. (Complaint, DE 1, Page ID# 10:35).

23. Plaintiff Dunagan-Price's comments concerned issues including school curriculum and removal of books from school libraries. (Dunagan-Price Dep. p. 15:3-17:2; p. 53:2-24).

24. Price testified that at every Board meeting at which she gave public comment, August 2021, October 2021, November 2021, and November 2022, she was permitted to speak for her full allotted time without being stopped. (Dunagan-Price Dep. p. 53:25-55:3, p. 59:24-60:6).

25. Price further testified that her husband likewise was never stopped from speaking at any Board meeting and was allowed to speak for his entire allotted time on each occasion. (Dunagan-Price Dep. p. 55:4-18).

26. Plaintiff Dunagan-Price admitted that she was even able to speak for her entire allotted time at a meeting at which she read passages from library books containing pornographic, sexually explicit content aloud and accused voting Board members of "entertaining minors by sexually arousing them." No Board member stopped her, interrupted her remarks, or invoked the abusive-comments restriction against her. (Dunagan-Price Dep. p. 62:9-63:2; Exhibit 5 to Deposition of Dunagan Price).

27. Plaintiff Dunagan-Price participated in Defendant Mr. Padilla's campaign and canvassed for him during the election period in which he was elected to the Board. (Dunagan-Price Dep. p. 69:4-22; 83:21-84:1).

28. After Mr. Padilla won his campaign for a seat on the Board, he posted on social media "[t]hank you Kendra Lyons and Moms for Liberty – Wilson County, TN!!

Couldn't have done this without you guys!" (Dunagan-Price Dep. p. 69:8-13) (Exhibit 6 to Deposition of Dunagan-Price).

29. Plaintiff Lemons is also a Member of Moms for Liberty – Wilson County, TN and serves as its secretary. (Complaint, DE 1, Page ID# 3:4). (Lemons Dep. p. 14:3-7).

30. In the weeks prior to the filing of this Statement of Undisputed Material Facts, on June 5, 2026, Ms. Lemons posted a picture of Mr. Padilla's reelection campaign sign on her personal Facebook profile with the caption "School Board elections are more important than you could possibly believe. Please go out and vote Joe Padilla for Zone 4. Protect what matters most!" (June 5, 2006 Facebook Screenshots attached hereto as Exhibit E).

31. Likewise, on June 17, 2026, accounts affiliated with Mr. Padilla's reelection campaign posted photos of Mr. Padilla with various supporters holding reelection campaign signs. In the photos with Mr. Padilla are Plaintiffs Ms. Dunagan-Price and Ms. Lemons along with Co-Defendant Greg Hohman. (June 17, 2006 Facebook Screenshots attached hereto as Exhibit F).

32. It is no surprise then that, during the pendency of this action, Plaintiff Dunagan-Price and other members of Moms for Liberty have communicated freely with Mr. Padilla while he was a member of the Board through several different mediums including a long running group text message including Mr. Padilla.

(Dunagan-Price Dep. p. 82:1-86:21; Exhibits 7, 9 and 11 to deposition of Ms. Dunagan-Price).

33. Likewise, Ms. Lemons also communicated with Mr. Padilla through various channels and means while he has been a member of the Board. For instance, the day before the October 3, 2022 Board meeting, Plaintiff Lemons called Defendant Joseph Padilla on the phone to request permission to speak on a non-agenda item. In that phone call, Plaintiff Lemons informed Padilla of the specific subject of her planned remarks. Soon thereafter, she emailed him the full text of what she planned to say. (Lemons Dep. p. 34:10-22; p. 44:18-47:9; Exhibits 1-4 to the deposition of Ms. Lemons).

34. Even after being provided the full text of what she intended to say, Padilla granted Lemons' request and placed her name on the speaker list. Plaintiff Lemons was accordingly granted permission to speak and appeared at the meeting as a recognized speaker. (Lemons Dep. p. 34:10-35:11; p. 44:18-48:6-12).

35. Plaintiff Lemons intended to speak about an incident involving her minor child and another minor student that occurred in the bathroom of one of the elementary schools within the Board's school district. (Lemons Dep. p. 14:16-16:1; p. 34:10-35:11; p. 44:18-48:6-12; Exhibit 1 to the deposition of Ms. Lemons).

36. Plaintiff Lemons reported the incident to the Tennessee Department of Children's Services (DCS) and, with her child, assisted in the child abuse investigation conducted by DCS into the report. (Lemons Dep. p. 16:9-17:8; 25:18-26:7).

37. As of October 3, 2022, Ms. Lemons did not know whether DCS had closed the case file involving her child and the other minor student. (Lemons Dep. p. 58:10-19).

38. As a result, on October 3, 2022, Plaintiff Lemons intended to speak at the Board meeting regarding a DCS child abuse case involving multiple minors even though she did not know whether the case was still ongoing. (Lemons Dep. p. 16:9-17:8; 25:18-26:7; 58:10-19; Exhibit 1 to the deposition of Ms. Lemons).

39. Although Plaintiff Lemons knew the DCS case was ongoing on the night of the Board meeting, she had no knowledge of what information the school system possessed regarding the status of the DCS investigation at the time of the meeting and acknowledged that Chairperson Farough could have believed the DCS investigation was still ongoing as well on the night of the meeting. (Lemons Dep. p. 56:1-8; p. 73:6-15).

40. True to her plan, at the October 3, 2022 Board meeting, Plaintiff Lemons was given the floor and began giving her planned remarks in which she discussed the active DCS child abuse case. (Lemons Dep. p. 60:2-19; Exhibit 1 to deposition of Ms. Lemons)) (Complaint, DE 1, Page ID# 13:48-14:52) (Video footage of

October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage)

41. Importantly, at the beginning of her remarks, Plaintiff Lemons refused to provide her address out of concerns for her personal safety. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Lemons Dep. p. 68:13-24) (Farough Dep. p. 43:17-19; p. 44:12-17; p. 64:22-25).

42. Despite Plaintiff Lemons declining to state her address on October 3, 2022, Chairperson Farough nevertheless permitted her to continue speaking as Ms. Farough did not intend to stop a speaker from speaking due to violation of the address disclosure requirement. Ms. Farough was also sympathetic to Ms. Lemons' personal safety concerns. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Farough Dep. p. 43:3-44:17; 54:8-19; p. 63:23-66:20; p. 71:4-21; p. 80:5-81:3); (Lemons Dep. p. 68:13-69:8).

43. Plaintiff Lemons testified that at the moment she refused to give her address but was still allowed to speak, her First Amendment rights were not abridged. (Lemons Dep. p. 68:13-69:8).

44. After Ms. Lemons' began to speak in depth regarding the DCS child abuse investigation, the Board's attorney questioned Ms. Lemons for the purpose of

clarifying that she was indeed speaking about an active DCS child abuse case that involved multiple minor students. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Complaint, DE 1, Page ID# 13:49) (Green Dep. p. 75:17-21; p. 76:13-22) (Lemons Dep. p. 62:2-4) (Farough Dep. p. 65:21-66:20).

45. Ms. Lemons replied to the Board attorney and confirmed that she was speaking about an active DCS child abuse case involving minor students. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Lemons Dep. p. 62:2-4) (Green Dep. p. 76:18-22).

46. The Board attorney then instructed Ms. Lemons, as well as the Board members, that the active DCS child abuse case involving multiple students did not need to be discussed in that forum. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Green Dep. p. 76:13-22) (Farough Dep. p. 65:21-66:20).

47. Importantly, prior to Ms. Lemons' speech, none of the witnesses in this matter could recall anyone else ever attempting to speak publically at a Wilson County Board of Education meeting regarding an active DCS child abuse case. (Dunagan-Price Dep. p. 129:4-19) (Lemons Dep. p. 77:3-79:16)

48. Despite receiving the Board attorney's instruction to cease discussing the active DCS child abuse case, Ms. Lemons continued with her planned remarks regarding the active DCS child abuse case. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Lemons Dep. p. 62:2-4) (Farough Dep. p. 66:6-8).

49. As the Board Chairperson responsible for the operation of the meeting, Ms. Farough followed the legal advice of her board attorney and instructed Plaintiff Lemons that the forum of a public Board meeting was not the appropriate place to discuss an active DCS child abuse case involving multiple minors. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Farough Dep. p. 65:13-67:17).

50. As a result, Chairperson Farough stated that there was "more than one [student] involved here," and that "we've asked you to quit speaking on this for now." (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Farough Dep. p. 65:14-18).

51. Chairperson Farough directed Plaintiff Lemons not to discuss the DCS child abuse case based upon her understanding of her duties of conducting the Board meeting as the then chairperson only after the Board's legal counsel instructed Plaintiff Lemons, as well as the Board itself, that Plaintiff Lemons' discussion of

an active DCS child abuse case was inappropriate. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Farough Dep. p. 64:5-67:17) (Green Dep. p. 75:13-21; 76:13-77:5).

52. In so doing, Chairperson Farough acted in accordance with the contemporaneous instruction of Board counsel during the October 3, 2022 meeting when she directed Plaintiff Lemons to stop speaking. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Farough Dep. p. 64:5-67:17) (Green Dep. p. 75:13-21; 76:13-77:5). (Lemons Dep. p. 62:2-4).

53. While Ms. Chairperson Farough did also reference the address disclosure requirement when she asked Plaintiff Lemons to stop speaking, had the address-disclosure requirement been enforced as a condition of speaking, Plaintiff Lemons would have been stopped immediately upon her refusal to provide her address, which did not occur. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Farough Dep. p. 63:23-67:17).

54. Instead, Ms. Farough confirmed that Plaintiff Lemons' failure to state her address was not the reason Lemons was asked to stop speaking. Farough testified that she had already allowed Lemons to continue speaking after Lemons declined to provide her address, and that it was only after the Board's attorney raised

concerns about discussion of an ongoing DCS investigation involving multiple students that Lemons was asked to stop. (Video footage of October 3, 2022 meeting available at <http://bit.ly/3X1ZPop>, Ms. Lemons speaks between 1:13:46-1:16:08 on the video footage) (Farough Dep. p. 63:23-67:17) (Green Dep. p. 75:13-21; 76:13-78:24).

55. After the October, 2022 Board meeting, Chairperson Farough began working with the Board policy subcommittee to amend the public speaker policy at issue to remove both the address disclosure requirement and the prohibition on disruptive speech. (Farough Dep. p. 43: 3-8; 44:10-45:7; p. 46:10-47:1; p. 49:1-25; Exhibits 13 and 17 to deposition of Ms. Farough).

56. Chairperson Farough testified that she began working to change the policy on her own initiative, prompted by safety concerns raised by herself and other community members, rather than at the request of either individual Plaintiff. (Farough Dep. p. 44:20-47:1; p. 49:13-25).

57. Ms. Farough was already in the process of removing the challenged provisions and practices before this lawsuit was filed, undercutting any suggestion that the revisions were made solely to obtain an advantage in litigation. (Farough Dep. p. 57:19-58:22).

58. Before the Board could vote on Chairperson Farough's recommended amendments, Plaintiffs filed this lawsuit on March 9, 2023 pursuant to 42 U.S.C.

§ 1983 alleging violations of the First Amendment. (Complaint, DE 1, Page ID# 1-30) (Farough Dep. p. 57:19-58:22).

59. Mere days later, and before the Defendants' first responsive pleading was even due, on March 21, 2023, the Plaintiffs sought relief via a request for preliminary injunction against enforcement of the challenged provisions via a Motion for Preliminary Injunction. (Motion for Preliminary Injunction, DE 16, Page ID# 78-80).

60. Almost immediately, the Board took action to finish what Ms. Farough had already begun and removed all references to the address-disclosure requirement and abusive-comments restriction from its policies and materials. (Defendants' Response to Plaintiffs' Motion for a Preliminary Injunction, DE 21, Page ID# 176-81) (Memorandum Opinion and Order, DE 30, Page ID# 206-62).

61. As of the date of this Statement, over three years have passed since the Board took action to remove the complained of policies and practices. (Lemons Dep. p. 98:9-11) (Dunagan-Price Dep. p. 65:8-66:25) (Green Dep. p. 73:20-25).

62. During that time, the Board has taken no action to reinstate those challenged policies and practices. (Green Dep. p. 74:3-12) (Farough Dep. p. 119:13-14).

63. Neither of the individual Plaintiffs have any information or knowledge to suggest that the Board will reinstate these policies or practices going into the future. (Lemons Dep. p. 98:19-25; p. 99:7-10) (Dunagan-Price Dep. p. 137:15-138:6).

64. Specifically, Plaintiff Lemons testified that both the address-disclosure requirement and abusive-comments restriction had been removed and had "been gone for quite some time." Plaintiff Lemons further testified she had no factual basis to believe either provision would be reinstated and acknowledged the Board had not reenacted either requirement since their removal. (Lemons Dep. p. 98:9-23; p. 99:7-10).

65. Plaintiff Dunagan-Price likewise confirmed she had no knowledge of any Board member intending to reinstate either challenged provision and acknowledged she had not heard the abusive-comments language read at any Board meeting after the lawsuit was filed. (Dunagan-Price Dep. p. 64:9-65:10; p. 66:19-25; 137:15-138:6).

66. Board Representative Green also testified that he is not aware of any discussion or proposal to reinstate the address-disclosure requirement or the abusive-comments restriction since their removal. (Green Dep. p. 74:1-12).

67. Former chairperson Farough testified that her basis for believing the Board would not reinstate the challenged provisions was that doing so would not be in

the best interest of the school system based upon legal advice. (Farough Dep. p. 118:4-10).

68. Former chairperson Farough also testified that, while the Board's membership has changed over the years such that the majority of the board has turned over, the Board's voting pattern has been overwhelmingly unanimous and they have not voted to bring back any of the challenges provisions or practices. (Farough Dep. p. 118:17-119:24).

69. Additionally relevant is that, during the pendency of this litigation, Board member Joseph Padilla was elected to the position of Board Chairperson, succeeding Ms. Farough in that role. He holds this position to this day. (Order, DE 40, PageID# 307) (Lemons Dep. p. 42:9-14) (Dunagan-Price Dep. p. 67: 1-3; 140:13-15).

70. Likewise, Greg Hohman is now the Vice Chairperson of the Board. Mr. Hohman is also a Member of Moms for Liberty. As with Mr. Padilla, Plaintiff Dunagan-Price also canvassed in support of Mr. Hohman during his successful campaign for the Wilson County School Board. (Dunagan-Price Dep. p. 105:16-23; p. 140:5-18).

71. As a result, the Board Chair and Vice Chair were supported heavily by Moms for Liberty members in their respective campaigns for Board membership. Likewise, the record is replete with Mr. Padilla communicating with Plaintiffs and other

Moms for Liberty members via phone, email, and social media. (Dunagan-Price Dep. p. 69:4-19; p. 83:21-84:1; p. 85:22-87:12; p. 105:16-23; p. 140:5-18; Exhibits 7, 9 and 11 to deposition of Ms. Dunagan-Price). (Lemons Dep. p. 34:10-22; p. 44:18-47:9; Exhibits 1-4 to the deposition of Ms. Lemons).

72. Plaintiff Lemons likewise participates on Mr. Padilla's public Facebook page, and Mr. Padilla has never moderated or censored any of her comments there. (Lemons Dep. p. 102:8-25).

73. Importantly then, as the Board Chairperson enforces public speaker policies and practices, Plaintiff Lemons testified that she has no factual basis for any belief that Board Chairperson Joseph Padilla, whom she considers a "friend", would prevent her from speaking at a future Board meeting, stating: "I don't. It's just my opinion." (Lemons Dep. p. 82:24-83:23).

74. Similarly, Plaintiff Dunagan-Price confirmed she has never seen Mr. Padilla stop anyone from speaking at a Board meeting. (Dunagan-Price Dep. p. 68:18-20).

75. Indeed, Plaintiff Dunagan-Price testified that a goal of this lawsuit was to get rid of the policies and practices with which she disagreed, and that she has now achieved that aim. (Dunagan-Price Dep. p. 139:1-13).

76. The Plaintiffs testified at length regarding the communications that they have had with various Board members through various channels outside of Board

meetings, none of which are subject to the Board's policies or procedures. Various exhibits to the Plaintiffs' depositions bore this out. (Farough Dep. p. 69:11-15) (Lemons Dep. p. 31:16-32:4; p. 33:9-21; p. 34:10-25; p. 42:15-25; p. 42:23-43:10; p. 44:18-48:12; p. 93:2-11; Exhibit 1-4 to Deposition) (Dunagan-Price Dep. p. 47:23-48:23; p. 49:11-17; p. 69:4-25; p. 70:19-71:17; p. 85:22-88:5; p. 110:19-112:16; 114:2-122:17; Exhibits 7-13, 16 to Deposition).

77. Indeed, although Plaintiffs testified that they continue to perceive a chill on their speech, they have continued communicating with Board members throughout this litigation through those various means, including continued emails, texts, phone calls, and Facebook conversations with the Defendants, and particularly Ms. Farough, throughout the pendency of this action. (Farough Dep. p. 69:11-15) (Lemons Dep. p. 31:16-32:4; p. 33:9-21; p. 34:10-25; p. 42:15-25; p. 42:23-43:10; p. 44:18-48:12; p. 93:2-11; Exhibit 1-4 to Deposition) (Dunagan-Price Dep. p. 47:23-48:23; p. 49:11-17; p. 69:4-25; p. 70:19-71:17; p. 85:22-88:5; p. 110:19-112:16; 114:2-122:17; Exhibits 7-13, 16 to Deposition).

78. One of those methods of communications is via Ms. Farough's Facebook page. Despite there being no requirement to do so, like Mr. Padilla, Ms. Farough maintains a public Facebook page in which she allows unfettered, unmoderated public participation by way of posts and comments on that page. (Dunagan-Price Dep. p. 110:19-112:16; p. 114:4-122:17; Exhibits 12-13 to Deposition).

79. Despite those posts and comments often being critical of Ms. Farough's beliefs or actions, she takes no action to censor that speech but instead converses with members of the public on those issues via her Facebook page. (Dunagan-Price Dep. p. 110:19-112:16; p. 114:4-122:17; Exhibits 12-13 to Deposition).

80. Indeed, during the pendency of this lawsuit, Plaintiff Dunagan-Price and other members of Moms for Liberty have continued to post on Ms. Farough's Facebook page and converse with Ms. Farough. At all relevant times, Ms. Farough has allowed free public access to her Facebook page and continues to do so to this day. (Dunagan-Price Dep. p. 110:19-112:16; p. 114:4-122:17; Exhibits 12-13 to Deposition).

RESPECTFULLY SUBMITTED,

SELLERS, CRAIG & HAYDEN, INC.

s/Christopher C. Hayden

Christopher C. Hayden (#028220)

Attorneys for Defendant Wilson

County Board of Education, et al.

P.O. Box 10547

Jackson, TN 38308

chris@schofcounsel.com

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was forwarded by electronic means.

s/Christopher C. Hayden
SELLERS, CRAIG & HAYDEN, INC.

Date: July 30, 2026