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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

2017 MAR -6 P 1:01
CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

BRIAN C. DAVISON,
Plaintiff

v.

Case No. __1:16-cv-932__

**LOUDOUN COUNTY BOARD
OF SUPERVISORS**

AND

PHYLLIS RANDALL,

In her official and individual capacities,

Defendants.

SECOND AMENDED COMPLAINT

Plaintiff, Brian C. Davison (hereinafter "Davison") brings this Second Amended Complaint against Loudoun County Board of Supervisors and Phyllis Randall for violations of his First and Fourteenth Amendment rights, his rights under Article I of the Virginia Constitution, and for violation of 28 U.S.C. 1983. In support thereof, the Plaintiff states as follows:

JURISDICTION AND VENUE

This action arises under U.S. Const. Amend. I and XIV and Virginia Constitution Article I. The Plaintiff seeks remedies under 42 U.S.C. § 1983. This Court has jurisdiction

over this matter pursuant to 28 U.S.C. § 1331 and by pendent jurisdiction as to the state law claim made herein.

Venue lies in the Eastern District of Virginia pursuant to 28 U.S.C. § 1391(b). Defendant Loudoun County is a government agency located within the jurisdiction and Defendant Randall is a resident of, or serves as an official within, this jurisdiction. Substantially all events or omissions giving rise to this claim occurred in this jurisdiction.

PARTIES & FACTS

1. The allegations and claims of Paragraphs 1-56 of the original complaint are repeated and incorporated herein by reference.
2. Exhibits 1-17 of the original complaint are repeated and incorporated herein by reference.
3. The allegations and claims of Paragraphs 1-25 of the First Amended Complaint are repeated and incorporated herein by reference.
4. Exhibits 18-24 of the First Amended Complaint are repeated and incorporated herein by reference.
5. Counts III and IV of the original complaint are not incorporated given the Court's dismissal of these counts with prejudice in its order dated September 14, 2016.
6. Count VII of the first amended complaint was dismissed without prejudice by the Court on September 30, 2016 and October 28, 2016. A modified version of Count VII is

proffered below.

7. Facebook users may “block” other Facebook users. (First Amended Complaint, Exhibit 19) When Facebook user A “blocks” Facebook user B, user B cannot see any comments made by user A. This applies to comments on user A’s Facebook profile, on Facebook pages of private organizations (e.g. newspapers), and on government Facebook pages (e.g. Loudoun BOS Facebook page). Both comments made by Facebook user A and any replies to user A’s comments, such as a reply by a government official on a government Facebook page, will be hidden from user B.

8. The comments of Lisa Tilley Svendsen and Mara Bauserman under a March 18, 2016 Facebook post of the Loudoun County Animal Services (LCAS) (<https://www.facebook.com/loudounanimals/posts/10154069665716350>) are hidden to the Plaintiff. (Exhibits 25, 26 & 27) Plaintiff cannot view the comments and he is unable to participate in the discussion under the comment of Svendsen on the LCAS Facebook page.

9. Despite the LCAS page constituting a limited public forum, certain members of the public are barred from observing or participating in the speech therein.

10. Koran Saines (Saines) was elected as the Sterling District Supervisor of the Loudoun County Board of Supervisors in November 2015.

11. Supervisor Koran Saines is paid a salary in excess of \$40,000/year for his work as supervisor and controls an office budget in excess of \$140,000/year strictly to carry out his duties as supervisor. Such duties include answering constituent questions and communicating with the public at large.

12. Saines has chosen to use an official Facebook page as one of his channels of communication with the public. This Facebook page, in contrast to Saines' personal Facebook profile, is titled "Supervisor Koran Saines" and he is cast as a "Public Figure". (Exhibit 28)

13. The comments of Mary Russell Tenshaw under an August 12, 2016 post (<https://www.facebook.com/Koran4Sterling/posts/505272939663473>) on the Supervisor Koran Saines Facebook page are hidden to the Plaintiff. (Exhibits 29-31) Plaintiff cannot view the comments and he is unable to participate in the discussion under the comment of Tenshaw on the Supervisor Koran Saines Facebook page

14. Despite the Supervisor Koran Saines Facebook page constituting a limited public forum, certain members of the public are barred from observing or participating in the speech therein.

15. Loudoun Supervisors respond to comments or concerns of their constituents on these Facebook pages just as Supervisor Matt Letourneau responded to Plaintiff on his Facebook page on February 22, 2017. (Exhibit 32)

16. While Plaintiff has not blocked any Facebook user, Plaintiff has the discretion to block any Facebook user and bar them from viewing or participating in the speech under his comment on Supervisor Letourneau's Facebook page depicted in Exhibit 32. As Plaintiff indicated in his Facebook comment, this includes barring other Loudoun government officials or even Loudoun Supervisors from viewing or participating in discussions on Loudoun Supervisor Facebook pages.

17. Plaintiff contacted the Loudoun BOS regarding these alleged constitutional violations on their limited public forum Facebook page. (Exhibit 33) The Loudoun BOS has not responded to the Plaintiff's email. The Loudoun BOS has also failed to take any action as a result of Plaintiff's October 13, 2016 email.

18. To this date, Defendant Loudoun BOS continues to operate both the county's and individual supervisors' Facebook pages as limited public forums while the Plaintiff remains blocked from participating in the discussions described in ¶ 8 and 13.

COUNT VII

VIOLATION OF FREE SPEECH RIGHTS GUARANTEED BY THE FIRST AMENDMENT

DEFENDANT LOUDOUN BOARD OF SUPERVISORS

19. The First Amendment of the United States Constitution provides speech and assembly protections for all of its citizens.

20. Likewise, Article I of the Virginia Constitution provides speech and assembly protections for Virginia citizens.

21. In a traditional public forum, no member of the public may be excluded from participating in and observing speech within that forum. This right extends not just to citizens performing speech but to those citizens witnessing the speech. *Kincaid v Gibson*, 236 F.3d 342, 347, 354 (6th Cir. 2001)

22. Even in limited public forums, any time, place or manner restrictions must be rationally based and leave open equivalent, alternate channels of communication.

23. This Court has previously ruled that Facebook pages of public bodies or officials which have been opened for public comment constitute limited public forums. *Davison v Plowman*, 2017 U.S. Dist. LEXIS 4348 at 8.

24. A complete prohibition on a single speaker's participation in such a limited public forum constitutes prior restraint and irreparable injury. *Carroll v President & Comm'Rs of Princess Anne*, 393 U.S. 175, 181 (1968); *Cyr v ARSU*, 60 F. Supp. 3d. 536, 548-50 (2014); *Elrod v Burns*, 427 U.S. 347, 373 (1976)

25. The Loudoun BOS created Facebook pages to widely disseminate information and invited the public to participate in the discussion of public policy issues on these pages.

26. These Facebook pages represent both arms of the Loudoun County Government, such as the Loudoun County Animal Services (LCAS) (Exhibits 25-27), as well as individual elected supervisors, such as Supervisor Koran Saines (Exhibits 28-31).

27. Both sets of Facebook pages constitute limited public forums.

28. Facebook allows any one of its users to completely block third-party individuals from viewing the user's comments. (Exhibit 19 of the First Amended Complaint)

29. The third-party individuals are not only blocked from viewing the user's speech on the user's personal profile but on any public Facebook pages on which the user comments. The hidden speech extends beyond that of just the blocking user's comments. When a

discussion thread (i.e. replies by one of more users to an initial comment) occurs on a public Facebook page in response to the blocking user's comments, the speech of all Facebook users participating in the thread is also hidden from anyone blocked by the original commenter.

30. This is best illustrated by the Plaintiff's comments on Supervisor Matt Letourneau's Facebook page (Exhibit 32). Plaintiff posted a comment on Letourneau's Facebook page regarding a public policy topic. Supervisor Letourneau responded and initiated a discussion thread between himself and Plaintiff. Any other Facebook users could also participate in the discussion thread. However, if the Plaintiff had chosen to personally block any Facebook user, such Facebook user would not be able to participate in the discussion thread nor even view its existence. In fact, in his comment the Plaintiff described how other Loudoun Supervisors could be blocked from participating on this discussion thread on Supervisor Letourneau's Facebook page solely at the discretion of the Plaintiff.

31. Hidden conversations on public Facebook pages maintained by the Loudoun BOS are more than just a hypothetical. On the LCAS Facebook page, Lisa Tilley Svendsen has blocked the Plaintiff from viewing her comments and posted on the LCAS Facebook page.

32. Thus, Plaintiff cannot view Svendsen's comments (Exhibit 25) yet another Loudoun citizen, Meredith Amonson, can not only view them but participate in the discussion. (Exhibits 26-27).

33. Likewise, the Plaintiff is unable to view Mary Russel Tenshaw's comments on the Supervisor Koran Saines Facebook page since Tenshaw has also blocked the Plaintiff from

viewing her comments. (Exhibit 29) However, Amonson can both view and participate in the discussion on the Supervisor Koran Saines Facebook page. (Exhibits 30-31)

34. It is a virtual certainty that such hidden conversations occur across many, if not all, of the public Facebook pages the of Loudoun BOS and its Supervisors.

35. Because Defendant Loudoun BOS cannot ascertain when an individual has been blocked by another Facebook user, it is unable to provide the blocked users notice of their restricted speech.

36. If the Loudoun BOS took direct action to ban a citizen from observing or participating in a limited public forum, such action would clearly be unconstitutional.

37. Furthermore, courts have ruled that government bodies cannot delegate powers to third parties which the government itself is not allowed to exercise. *McMahon v City of Panama City Beach*, 180 F. Supp. 3d 1076, 1113 (2016) (“cannot allow the City to do indirectly what it could never do itself; namely, allow unfettered discretion to suppress speech in the public forum. This action runs counter to the very purpose of the First Amendment and is precisely the sort of mischief that the Free Speech Clause was meant to address.”) In *McMahon*, the Court ruled that it was the city’s conduct in adopting a policy that granted a third party discretion over how a public forum was to be used that violated citizens’ free speech rights. *Id.* at 1093, n5.

38. Traditionally, the government must have exercised or threatened force in a public forum to be liable for violating individuals’ speech rights. *Griffin v City of Opa-Locka*, 261 F.3d 1295, 1303 (11th Cir. 2001); *Rundus v City of Dallas, Tex.*, 634 F.3d 309, 315 (5th Cir.

2011); *Parks v City of Columbus*, 395 F.3d 643, 645, 652 (6th Cir. 2005) Thus, merely granting a permit for a third party to use public property does not implicate the government if the third party illegally restricts a citizen's speech. In such a case, the infringed citizen would be free to bring civil charges against the permitted third party if the citizen were illegally removed or blocked from speaking by the third party. However, not all circumstances lend themselves to one party physically restraining another.

39. Metaphysical forums like the Facebook pages involved in this case do not have police officers enforcing trespass rules when citizens exercise free speech. In such metaphysical limited public forums, conflicts are fundamentally different. Rather than the regulator of the metaphysical forum removing a citizen after speech is made or using the threat of force, the regulator may prevent the citizen from ever speaking.

40. Government bodies have been found to violate the First Amendment for not physically restricting speech at all, but simply for failing to consider funding a specific student organization. *Rosenberger v Rector & Visitors of the Univ. of Va.*, 515 U.S. 819 (1995)

41. While much of the case law surrounding 42 U.S.C. 1983 requires state actors to restrict speech by use of or threat of force – by arresting an individual at the behest of the government or a private party on public grounds – speech may be restricted in metaphysical forums simply by administrators not granting software permissions for an individual to speak on a platform.

42. The explicit use of force by the state is not a requirement for demonstrate

infringement of free speech. In the case of social media, unless the infringed citizen were to hack into the social media provider's software system to create his own speech - an illegal act itself - the citizen is completely barred from exercising his right to speech.

43. In such metaphysical forums created by or for a government body, the restraint of lawful speech by a state actor administering the discussion forum is unconstitutional under the First and Fourteenth Amendments of the United States' Constitution and Article I of the Virginia Constitution.

44. Here, the Loudoun BOS and its Supervisors have created limited public forums for discussion of public policy on Facebook's social media platform. The administration of speech on these Facebook pages by Loudoun's social media administrators is integrally entwined with Facebook's own software policies.

45. Facebook users have blocked the Plaintiff from viewing or participating in discussions on Loudoun BOS Facebook pages without any due process provided to the Plaintiff.

46. Moreover, since Facebook users are unaware of any blocks instituted by other Facebook users, Defendant Loudoun BOS cannot even provide notice to the blocked users or correct such unconstitutional prior restraints of speech on their Facebook pages.

47. The Loudoun BOS and its Supervisors have many options for hosting discussion forums on the internet. They may create such discussion forums on their own website in which they retain ownership of the software code (e.g. Loudoun.gov), they may contract with website providers to create discussion forums according to requirements established

by the Loudoun BOS, or they may choose to utilize public social media providers such as Facebook, MySpace, Twitter or Instagram.

48. When establishing a discussion forum for citizens to debate and comment on public policy - a limited public forum - via any of these channels, a government body is responsible for administering its policy on speech. When the administration of speech on such discussion forums is so entwined with the operational rules of the social media provider, the social media provider becomes a state actor for the purpose of any speech censored on the government's social media pages. This is especially true when even after both parties have been made aware of the censored speech, no corrective action is taken and the censorship remains.

49. Both Defendant Loudoun BOS and Facebook are state actors with regard to the implicated Facebook pages. *Brentwood Acad. v Tenn Secondary Sch Ath Ass'n*, 531 U.S. 288, 295 (2001); *Evans v Newton*, 382 U.S. 296, 299, 301 (1966); *Marsh v Alabama*, 326 U.S. 501 (1946); *Terry v Adams*, 345 U.S. 461 (1953)

50. The Plaintiff informed Defendants Loudoun BOS and Phyllis Randall on October 13, 2016 that Plaintiff is unable to view and participate in discussion forums on the Defendants' Facebook pages. (Exhibit 33) The Loudoun BOS failed to respond in any way to the Plaintiff's email nor took any action to ensure the Plaintiff could view the speech on its Facebook pages even to this very day.

51. Plaintiff continues to be blocked from participating in the discussions that occur under specific comments on the Loudoun County Animal Services (LCAS) and Supervisor Koran

Saines' Facebook pages.

52. The Loudoun BOS has provided no rational basis for why the Plaintiff is not allowed to view the blocked comments on either page; in fact, no reason whatsoever has been provided.

53. Neither have Defendants provided Plaintiff a chance to appeal.

54. Plaintiff has suggested that Defendants move their discussion forums to a platform that allows the Defendants to completely control the speech that is allowed or barred. The Defendants have the right to choose how to rectify the censorship of Plaintiff's speech but they cannot simply ignore such unconstitutional censorship. Defendants' failure to respond or address the unconstitutional block against the Plaintiff is a violation of the Plaintiff's free speech and due process rights guaranteed by the United States Constitution's First and Fourteenth Amendments as well as Article I in Virginia's Constitution. Just like in *McMahon*, the question here is whether the Loudoun BOS is allowed to do indirectly what it could clearly never do directly. *McMahon*, 180 F. Supp. 3d at 1107.

55. When claims are brought against public officials in their official capacity under 42 U.S.C. 1983, it is equivalent to bringing claims against the public body. *Kentucky v Graham*, 473 U.S. 159, 165-66 (1985) (citing *Monell v New York City Dep't.*, 436 U.S. 658, 690 n. 55 (1978)) Any violations of free speech by Supervisor Koran Saines in his official capacity may be brought as a violation by the Loudoun County Board of Supervisors (BOS).

56. Plaintiff requests this Court enjoin the Defendants from hosting a limited public forum on any platform in which unconstitutional prior restraints of speech are allowed or

enforced. Given that the Supreme Court has found that violation of speech for any length of time is an irreparable injury, Plaintiff requests this Court's injunction require that Defendants have the ability to determine if and when any citizen may be illegally blocked from speaking on all of its limited public forums. Without such protections, citizens could be regularly blocked from speaking while the Defendants claim ignorance of the infringement.

COUNT VIII

VIOLATION OF FREE SPEECH RIGHTS GUARANTEED BY ARTICLE I OF THE VIRGINIA CONSTITUTION

DEFENDANT PHYLLIS RANDALL

57. In ¶ 9-22 of the First Amended Complaint, incorporated herein, Plaintiff asserted a claim against Defendant Randall for violation of his free speech rights under the First Amendment to the United States Constitution as applied by the Fourteenth Amendment.

58. Defendant Randall unconstitutionally enacted a prior restraint of speech by banning Plaintiff from participating in the discussion of her “Chair Phyllis J. Randall” Facebook page. Plaintiff was banned as a result of viewpoint discrimination and in retaliation for his criticism of Randall’s actions as a public official.

59. For the same reasons as in Count V, Randall has violated Article I of the Virginia Constitution which protects its citizens’ right to free speech in Section 12.

60. Federal courts may invoke pendent jurisdiction over state law claims when they are

entwined with the federal claims being adjudicated. While federal courts are barred from hearing state law claims against state officials under the Eleventh Amendment, municipal officials are not afforded the same protections. *Pennhurst State Sch. Hosp. v Halderman*, 465 U.S. 89, 123 (1984) (n34, “We have held that the Eleventh Amendment does not apply to ‘counties and similar municipal corporations’” citing *Mt. Healthy City Bd. Of Ed. v Doyle*, 429 U.S. 274, 280 (1977) and *Lincoln County v Luning*, 133 U.S. 529, 530 (1890)).

61. While counties are barred from liability if the relief is essentially the same as against the state, the present case doesn’t involve any financial liability that would immunize the Defendants. *Id.* at 123 (n34, “we have applied the Amendment to bar relief against county officials ‘in order to protect the state treasury from liability that would have had essentially the same practical consequences as a judgment against the State itself.’” citing *Lakewood Country Estates, Inc. v Tahoe Regional Planning Agency*, 440 U.S. 391, 401 (1979) and *Edelman v Jordan*, 415 U.S. 651 (1974))

62. Plaintiff requests this Court invoke pendent jurisdiction and allow Plaintiff’s free speech state law claim against Defendant Randall.

COUNT IX

VIOLATION OF DUE PROCESS RIGHTS GUARANTEED BY ARTICLE I OF THE VIRGINIA CONSTITUTION

DEFENDANT PHYLLIS RANDALL

63. In ¶ 23-25 of the First Amended Complaint, incorporated herein, Plaintiff asserted a claim against Defendant Randall for violation of his due process rights under the Fourteenth

Amendment to the United States Constitution.

64. Defendant Randall restrained Plaintiff's speech without providing prior notice or a chance to appeal.

65. For the same reasons as in Count VI, Randall has violated Article I of the Virginia Constitution which protects its citizens' right to procedural due process in Section 11.

66. Plaintiff requests this Court invoke pendent jurisdiction and allow Plaintiff's procedural due process state law claim against Defendant Randall.

RELIEF

WHEREFORE, Plaintiff prays that the Court find that the Defendants' Loudoun BOS and Randall's Facebook social media forums, as described herein, are limited public forums; that the Plaintiff's right to participate in the forums' public comments is protected by the First Amendment and Article I of the Virginia Constitution; that the Plaintiff's comments made by him and deleted/hidden/suppressed by Defendants was and is speech protected by the First Amendment and Article I of the Virginia Constitution; that Defendant Randall's ban on the Plaintiff's comments was an infringement of speech protected by the First Amendment and Article I of the Virginia Constitution; that the Defendants Facebook pages, as operated by Loudoun BOS and the respective Supervisors, employ unconstitutional prior restraints of speech and access at the discretion of third-party Facebook users; that Defendant Loudoun County BOS violated the procedural due process rights of the Plaintiff by not providing prior notice or a chance to be heard in a

meaningful manner with respect to Plaintiff's deleted Facebook comments; that Defendant Randall violated the procedural due process rights of the Plaintiff by not providing prior notice or a chance to be heard in a meaningful manner with respect to Plaintiff's being banned from commenting on her official Facebook page; that Defendant Loudoun County BOS violated the procedural due process rights of the Plaintiff by not providing prior notice or a chance to be heard in a meaningful manner with respect to Plaintiff's prior restraint on the LCAS and Supervisor Koran Saines Facebook pages; and that the Defendants have violated Plaintiff's First and Fourteenth Amendment rights while acting under the color of state law.

It is further prayed that the Court enter an Order enjoining Defendants to restore the deleted comments; to refrain from deleting Plaintiff's, or any citizens', comments based on viewpoint discrimination; to provide Plaintiff and other citizens access to and a right to participate in any limited public forums established by the Defendants; and to provide appropriate procedural due process in all further comment deletions or restrictions on speech and access with regard to Defendants' limited public forums.

It is also prayed that the Court issue a declaratory judgment finding Defendant Randall's blocking future Plaintiff comments on her official Loudoun Chairwoman Facebook page violated the Plaintiff's First Amendment and the Virginia Constitution's Article I free speech rights as well as Plaintiff's Fourteenth Amendment and the Virginia Constitution's Article I due process rights. Plaintiff further prays that he be allowed recovery of his costs against all Defendants as provided by statute; and for such further

relief as shall be appropriate.

ACTING PRO SE

A handwritten signature in black ink, appearing to read "B. C. Davison", is positioned above a horizontal line.

Brian C Davison
43724 Stone Fence Ter
Leesburg, VA 20176
571.577.8360
bcdavison@hotmail.com



Loudoun County Animal Services



Loudoun County Animal Services

@loudounanimals

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Loudoun County Animal Services added 2 new photos.

March 18

Our three little pot bellied pigs would love to say wee, wee, wee and go all the way home! We have 3 stray pot bellied pigs that were found in Lovettsville yesterday. If you know someone missing their pigs, please send them our way! In the meantime, these guys will be snacking and sunning while they wait for their owners. 703-777-0406 www.loudoun.gov/animals



Like Comment Share

110

Chronological ▾

104 shares
22 Comments



Nancy Reed Koory Pam Wayland

Like · Reply · March 18 at 10:16am

1

Search for posts on this Page

7,177 people like this

Meredith Amoson

592 people have been here

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Price Range: \$

Away

Message Now



Steph Smylie Jessica Brown!!!

Like · Reply · March 18 at 10:20am



Susan Kirkbride Kris Batar, know any pig peeps?

Like · Reply · 1 · March 18 at 10:21am



Batar Kris Awwww they are chunky monkeys....lol. I don't know anyone in that area.

Once the weather gets nice those stinkers start breaking free...hopefully they have a nice home waiting for them.

Like · Reply · 1 · March 18 at 10:36am



Susan Kirkbride I was hoping you were part of a pig fan club that would know where they live. LOL!

Like · Reply · 1 · March 18 at 12:47pm



Write a reply...



Susie Marshall Bassett Victoria Whitmer

Like · Reply · March 18 at 11:37am



Victoria Smith Oh my gosh 🐷 michael would kill me!

Like · Reply · 1 · March 18 at 11:38am



Write a reply...



Barbara Mann Frye Don't show this to Lexie or she will want one!

Like · Reply · March 18 at 12:34pm



Loudoun County Animal Services Thank you for the shares and tags! These guys are super cute but would really like to go home.



Like · Reply · 3 · March 18 at 12:42pm



Tylee Beach Ulmer 1 more was still on the run by the treatment plant in Lovettsville yesterday around 5 pm.

Like · Reply · March 19 at 3:39am



Write a reply...



Wanda Keyes They are precious. Nothing cuter than a pig. And smart too.

Like · Reply · 1 · March 18 at 1:21pm



Roy Dale I'll take them if you want to get rid of them

Like · Reply · March 18 at 2:57pm



Lisa Symons Burke Anne DeCourcy George Fred George III do you know anyone that lost some pigs??

Like · Reply · March 18 at 3:23pm



Fred George III Not lately. 42 years ago we lost one and took it to Brunswick.

Like · Reply · 2 · March 18 at 4:13pm



Henry Rey Where in Brunswick did you take it?

Like · Reply · March 18 at 4:25pm



Anne DeCourcy George Lol! Just told the story to Lisa and Mary Owen

Like · Reply · March 18 at 4:52pm



Fred George III Where Fast Eddies used to be Henry. Tom and I and about 10 others blocked one lane with it at a red light. What fun it was to watch all the hullabaloo. Just another good story for my book.

Like · Reply · 2 · March 18 at 5:15pm



Henry Rey Fred George III, I remembered the story. Had to ask.

Like · Reply · 1 · March 18 at 5:16pm



Write a reply...

<http://www.loudoun.gov/animals>

APPS



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REVIEWS



4.7 of 5 stars
107 reviews



Emily Wigginton
5★ Wonderful! We visited last weekend looking for a little black kitten and we found the perfect little babe. She has three... See More
October 1, 2016 · 🌐

👍 Like 💬 Comment



Lisette Stickman Cunningham Danyelle Gardner-Small

Like · Reply · March 18 at 3:31pm



Amanda Conard Jeff Hickman

Like · Reply · March 18 at 3:59pm



Jeff Hickman I'm only looking for my one little black piggy that got loose before I could pick her up at Shoemakers house

Like · Reply · 1 · March 18 at 4:22pm



Write a reply...



Lynn Edwards Sedlak Lisa Kraft Lee thought of you!

Like · Reply · March 18 at 4:22pm



Lisa Kraft Lee I know!!!

Like · Reply · March 18 at 4:31pm



Write a reply...



Kirsten Westerfeld Susan McMahan Westerfeld

Like · Reply · March 18 at 6:29pm



Cheryl Hall Mills Don't eat these pigs.

Like · Reply · March 18 at 8:20pm



Abigail Gabriel Kyle Gabriel

Like · Reply · March 18 at 8:44pm



Alexandra Marie Greg Whittaker they need a home

Like · Reply · March 18 at 8:52pm



Kelly Parks Wagner Those are some big pigs! I was thinking they were perhaps smaller in stature! Hope they get home or get a new home!!!

Like · Reply · March 18 at 9:22pm



Nina Stively They look bigger than they are in person. These guys are barely knee-high.

Like · Reply · 1 · March 20 at 11:36am · Edited



Write a reply...



Julia Falke What size are they?

Like · Reply · March 19 at 7:41am



Nina Stively They are about knee-high. The vet will come out and give them a good look over this week and give us a full summary for prospective adopters.

Like · Reply · March 21 at 9:41am



Julia Falke Ok

Like · Reply · March 21 at 4:26pm



Write a reply...



Chris St John Have their owners been found? Still at the shelter?

Like · Reply · March 20 at 8:55am



Nina Stively They are still here at the shelter, no owners have come forth yet.

Like · Reply · March 21 at 9:41am



Write a reply...



Brian Davison Are these from The Truth Behind Ayrshire Farm?

Like · Reply · April 4 at 3:38pm



Loudoun County Animal Services Hi Brian Davison, these pigs were reported to us as strays in Lovettsville. We have had them since 3/17 and no owner has come forward. We are still on the lookout for an owner, but if they are not reclaimed as of April 8th, we will officially be able to adopt them out to a new home.

Like · Reply · April 4 at 3:46pm



Brian Davison Thanks!

Like · Reply · April 4 at 3:49pm



Write a reply...



Kate Rynex

5★ I can't say enough good things about this shelter. Back in Oct 2015, My Fiance and I rescued a little 6 month pit. I had...

See More

June 30, 2016 ·

Like Comment



Tell people what you think

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Virginia Animal Control...

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Loudoun County Animal Services Facebook Page

March 18, 2016

Screenshots from Meredith Amonson

**Lisa Symons Burke**

Anne DeCourcy George Fred George III
do you know anyone that lost some
pigs??

Like · Reply · More · Mar 18

Henry Rey replied · 5 replies

**Lisette Stickman Cunningham**

Danyelle Gardner-Small

Like · Reply · More · Mar 18

**Lisa Tilley Svendsen**

Mara Bauserman?

Like · Reply · More · Mar 18

**Mara Bauserman**

Not my pigs but they are super
cute ☺

Like · 1 · Reply · More · Mar 18



Write a reply..

Reply

**Lisa Tilley Svendsen**

Mara Bauserman?

Like · Reply · More · Mar 18

**Mara Bauserman**

Not my pigs but they are super
cute ☺

Like · 1 · Reply · More · Mar 18



Write a reply..

Reply

**Amanda Conard**

Jeff Hickman

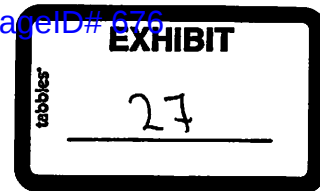
Like · Reply · More · Mar 18

Jeff Hickman replied · 1 reply

**Lynn Edwards Sedlak**

Lisa Kraft Lee thought of you!

Like · Reply · More · Mar 18



Lisa Tilley Svendsen
Mara Bauserman?

Like · Reply · More · Mar 18



Mara Bauserman
Not my pigs but they are super cute 🐷

Like · 🍌 1 · Reply · More · Mar 18



Meredith Amonson
Mara, do you rescue pot belly pigs?

Like · Reply · More · 5 minutes ago



Mara Bauserman
Meredith - yes, but we are very much at capacity. We have 9 or so. Is the one you are inquiring about spayed or neutered?

Like · Reply · More · 3 minutes ago



Meredith Amonson
Sorry, not able to adopt. I was interested in who around nova rescues and has room.


Like · Reply · More · Just now

Supervisor Koran Saines


EXHIBIT

tabbles

28



Loudoun Now




Supervisor Koran Saines
 @Koran4Sterling

About
 Photos
 Likes
 Videos
 Events
 Posts



1 1 1 More

Status Photo / Video



1 Search for posts on this Page

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 Eileen Mary Murdock

Invite friends to like this Page

Supervisor Koran Saines shared The Plaza at Cascades Overlook's event.
 1 hr

Great event going on in Sterling this afternoon! Lots of activities for the kids to do.



OCT 15 **Down On The Farm - Sat 10/15, 3-5pm.**
 Today 3 PM · Sterling
 29 people interested · 12 people going

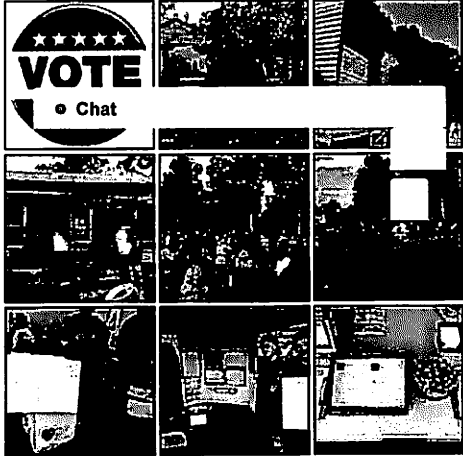
2

Like Comment Share

Supervisor Koran Saines shared YMCA Loudoun County's event.
 11 hrs

Join me and other elected officials tomorrow at the Grand Opening and the Ribbon Cutting Ceremony of YMCA Loudoun County's new Youth Development Center in Sterling from 11-1 pm.
 After the Ribbon Cutting Ceremony there will be exciting activities for

PHOTOS



VIDEOS



Supervisor Koran Saines



Supervisor
Koran Saines
@Koran4Sterling

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1
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Supervisor Koran Saines
August 12 · 🌐

At our community meeting on Tuesday we discussed the long term permanent solution of a bridge or underpass at the Sterling Boulevard crossing of the W&OD Trail. At many other locations along the trail, such a crossing exists.

We will need to acquire funding for this project and so we need your help and support in doing so!

Funding from regional, state and/or federal sources will make a substantial positive impact towards funding this solution, and possibly help accelerate the timeline in completing such a project.

I encourage you to reach out to your representatives below requesting they work with our office in funding this much needed improvement, and ask that you CC me on your emails at Koran.Saines@Loudoun.gov

For our regional partner you can contact NOVA Parks via email at feedback@nvrpa.org

The Sterling district's state level representatives are State Senator Jennifer Wexton, State Senator Barbara Favola, Delegate John Bell, Delegate Jennifer B. Boysko, and Delegate Kathleen Murphy.

Their emails are respectively:
District33@senate.virginia.gov
District31@senate.virginia.gov
DelJBell@house.virginia.gov
DelJBoysko@house.virginia.gov
DelKMurphy@house.virginia.gov

Our federal representatives are Senator Mark Warner, U.S. Senator Tim Kaine, and Congresswoman Barbara Comstock.

Their phone numbers are respectively:
202-224-2023 (Warner)
202-224-4024 (Kaine)
202-225-5136 (Comstock)

Together with your input and our work with our other government officials, we locally here on the Board of Supervisors can bring the solution on the W&OD that Sterling deserves!

Like
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13

Top Comments

1
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1,321 people like this
Eileen Mary Murdock

Invite friends to like this Page

ABOUT

Koran Saines is the Supervisor for the Sterling District seat on the Loudoun County Board of Supervisors.
Typically replies within a few hours
Message Now
<http://www.koranforsterling.com/>

PHOTOS





Chat (1)









VIDEOS

1 share

2 Comments



Write a comment...



Ian Tillman Why not make a toll both to pay for it!

Like · Reply · August 12 at 6:32pm

Write a comment...



Status



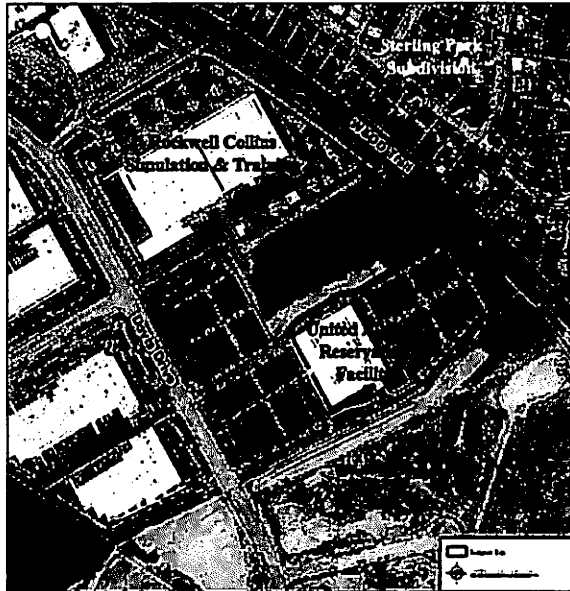
Photo / Video



Supervisor Koran Saines

20 mins · 🌐

For those in the Forest Grove area: Dominion Virginia Power has filed zoning applications with Loudoun County to construct an electric substation on a vacant parcel of land in the TransDulles Business Park, on the south side of the W&OD Trail (see map). Dominion will be holding a community meeting at 7:00 pm on Wednesday, October 19, 2016, in the Forest Grove Elementary School gymnasium and invites any interested neighbor to attend the informational meeting. There will be a b... See More



👍 1

👍 Like

💬 Comment

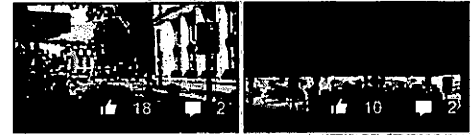
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Supervisor Koran Saines shared The Plaza at Cascades Overlook's event.

3 hrs · 🌐

Great event going on in Sterling this afternoon! Lots of activities for the kids to do.



VISITOR POSTS



Janean Buchner

February 25 at 12:14am 🌐

Thank you so much for taking the time to meet with the parents and s... See More

👍 1 · 🌐

1 Like

Like · Comment



Mona Cosgrove

November 5, 2015 at 12:08pm 🌐

It's a Beatiful Day!!! Congradulations Mr Supervisor !!!!

👍 1 · 🌐

Like · Comment



Adam Hamblett

November 5, 2015 at 9:21am 🌐

Congratulations on your win, Koran! Personally

👍 1 · 🌐

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U.S. Senator Tim Kaine
Government Official

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Fire Protection

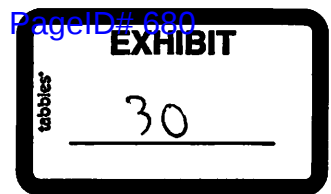
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Sterling Playmakers

👍 Like



Supervisor Koran Saines Facebook Page

August 12, 2016

Screenshots from Meredith Amonson



other government officials, we locally here on the Board of Supervisors can bring the solution on the W&OD that Sterling deserves!



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13



Write a comment...

11:53 AM



Mary Russell Tenshaw

Honestly any crossing needs to be a bridge or underpass where traffic is heavy- why risk safety.

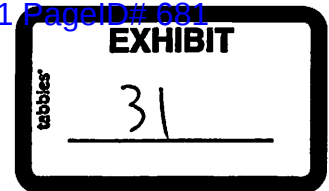
Like · Reply · More · Aug 12



Ian Tillman

Why not make a toll both to pay for it!

Like · Reply · More · Aug 12



13

1 Share



Write a comment.

13



Mary Russell Tenshaw

Honestly any crossing needs to be a bridge or underpass where traffic is heavy- why risk safety.

Unlike · 1 · Reply · More · Aug 12



Meredith Amonson

Looks like that is what he's requesting support for.

Like · Reply · More · Just now



Write a reply.

13



EXHIBIT

32



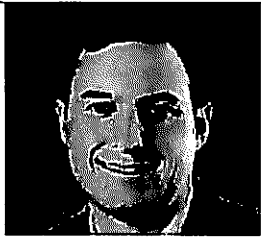
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Supervisor Matt Letourneau

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Supervisor Matt Letourneau

23 hrs · 🌐

Last night, the Board of Supervisors held a work session on our FY18 Capital Improvement Plan, and tonight we'll be meeting with the School Board to discuss their budget request. As the budget process progresses, there will be several opportunities for in-person public comment. Those are:

Tuesday, February 28 – 6:00 p.m., Loudoun County Government Center
Thursday, March 2 – 3:00 p.m., Loudoun County Government Center
Saturday, March 4 – 9:00 a.m. – 12:00 p.m., Loudoun County Public Schools Administration Building (21000 Education Court, Ashburn)

In addition, you can always email loudounbudget@loudoun.gov

Throughout the month of March, the Board will be having worksessions on departmental requests and the capital plan. At this stage, our process looks very smooth thanks to very strong economic (and revenue) growth during the past fiscal year and steady assessments.

👍 Like 💬 Comment ➦ Share

🕒 1

Chronological

1 share
1 Comment



Virginia SGP Does the term "very smooth" indicate you will send over whatever LCPS requests because there is more tax revenue? Or might the BOS try to determine if LCPS needs that much funding especially given LCPS' retention rate is much higher than surrounding counties and LCPS had a whopping \$34M in excess funding last year.

We know LCPS inflates its budget request and that the school board seeks massive raises since 4 of the 9 have spouses who work in the schools. Will you expropriate taxpayer money to handout to their spouses? Or be good stewards of taxpayer money?

Like · Reply · 21 hrs



Supervisor Matt Letourneau I always review the School Board's request carefully, but to be clear, funds that are not expended by LCPS return to the Board of Supervisors. We're in the middle of that process now and I expect an item coming to us in the next month returning funding. That said, with a budget of over \$1 billion, I would expect LCPS to finish the year with excess funds of at least that much, if not more—quite honestly, 3% percent is a smaller buffer. The County maintains excess funds for major unplanned expenses (facility problems, weather issues beyond what would normally be expected, etc), and we expect LCPS to do the same.

Like · Reply · 20 hrs



Brian Davison So you are suggesting that LCPS plan a buffer? The reason I ask is that carryover funding appears to be budgeted for LCPS but at a much lower rate. LCPS midyear reviews suggested they would underburn by less than \$10 last year but the final number was \$30M. Nobody has a problem with prudent management but it seems the LCPS budget is knowingly inflated partly to have extra end-of-year money. Are you saying that is not true?

Also, are you suggesting that as long as tax revenues are healthy, the BOS will support LCPS giving large raises to LCPS personnel even though their retention numbers are sky high? That didn't appear to be the rationale of Buona earlier this year when he suggested LCPS compare salaries to a 40-mile radius instead of only high cost of living counties to the East. What is the process by which the BOS decides how much to give LCPS? Will any request be funded if the equalized tax rate can pay for it?

Like · Reply · 20 hrs · Edited



Supervisor Matt Letourneau I don't believe they made any major

Government Official

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The official Facebook page for Dulles District Supervisor Matt Letourneau



3,602 people like this and 3,582 people follow this

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www.loudoun.gov/Default.aspx?tabid=3998



Government Official

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Vanita Kataria

February 18 at 12:23pm

📧 Supervisor Letourneau, what are we doing to educate the residents of... See More

3 Likes 1 Comment

Like · Comment



Joe Haymarket

February 18 at 11:02am

🗨 Chat (1)

Anything that regards to the school... See more

1 Comment

Like · Comment



Tina Alder Valdov

February 8 at 8:12am

Rio accident on 606 east right before the

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expenditures with their fund balance, and once the fiscal year is over, they can't make any expenditures with it, so there wouldn't be much incentive for them to do so. It has to go back to the Board of Supervisors anyway. I think every Board member has their own way of evaluating budget requests, but we don't have line item budget authority, so we really have to deal with macro issues because they can change their budget during reconciliation anyway.

Like · Reply · 19 hrs



Brian Davison I think there are some legitimate concerns.

1. As you know, the LCSB has an item on their legislative agenda to allow school boards to keep their fund balances. That is supported by Jeff Morse. While unlikely to pass, given their inaccurate budgets and \$30M+ balances, it is concerning.

2. The BOS and county has done a very good job diversifying the tax base to the point that the equalized rate (with no inflation) will nearly fund the FY18 budget. However, it is well known that LCSB submits a (inflated) wish list to the BOS so that after negotiations, LCPS still receives a substantial per pupil increase. Press releases indicate some on the BOS are not treating the LCPS submission as the negotiating position it really is and plan to fund the whole thing. The increased revenues from the county will simply be wasted as largess on LCPS. While you do not have line item vetoes, many hope the BOS doesn't simply transfer taxpayer funds to LCPS for clearly unnecessary raises above and beyond step increases.

3. Lastly, while fund balances are returned to the county, I don't think you intend to run a bank with large amounts of retained capital. There is incentive to spend year end fund balances with less scrutiny than the regular budget. Any balance that was not budgeted is clearly result of inaccurate budgeting. Such inflated budgets should not be rewarded. Do you disagree?

Thanks for the answer.

Like · Reply · 18 hrs · Edited



Brian Davison As an aside, you use this page to answer constituents' questions and increase transparency. However, given the way Facebook currently works, if I were to block Chair Phyllis J. Randall's or Ralph Buona for Loudoun's personal profile, neither could even view my top-level comment or any part of our follow-on discussion. Suppose that I took offense to Phyllis Randall's pejorative statement that she would "pray for" me or I objected to her progressive political stance. Comments under your Facebook page would be hidden from another BOS member simply based on my viewpoint discrimination. And you would never know which Facebook members, including elected Loudoun Supervisors, could not see this discussion because you have no way of knowing who has blocked whom. How messed up is that?

Of course, I haven't blocked any Facebook users so they all can see this discussion thread. I would submit that it's in politicians' interest for Facebook to change its practices and treat public bodies' Facebook pages as true limited public forums. The public body should be allowed full editorial control over its forum. That is why I asked the Loudoun BOS in October of 2016 to stop using Facebook to host discussions since you all have essentially accepted/condoned the censorship of any commenter on your thread. Of course, it's best to adjudicate this in court so that a federal judge can rule it's currently unconstitutional for any US public body to use Facebook as a discussion forum. That way, Facebook will be incentivized to change its software's behavior.

Btw, Ms. Judkins, you can add this as another planned exhibit for trial. I'll take a screenshot and send it over shortly. I think the issues have been fully demonstrated in this post.

Like · Reply · 15 hrs



Write a reply...



Write a comment...



Loudoun News

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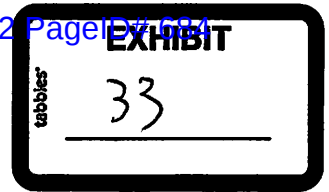
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Facebook © 2017



Use of Facebook as a limited public forum for government bodies (discussion forum)

From: **Brian Davison** (bcdavison@hotmail.com)

Sent: Thu 10/13/16 12:08 AM

To: bos@loudoun.gov (bos@loudoun.gov); lcsb@lcps.org (lcsb@lcps.org)
leo.rogers@loudoun.gov (leo.rogers@loudoun.gov); stephen.devita@lcps.org

Cc: (stephen.devita@lcps.org); wayde.byard@lcps.org (wayde.byard@lcps.org);
eric.williams@lcps.org (eric.williams@lcps.org)

Bcc: meredithamonson@gmail.com (meredithamonson@gmail.com)

Loudoun County BOS & Loudoun County School Board,

This email serves to provide notice that your Facebook "pages" ('The Official Loudoun County Public Schools', 'Loudoun County Government', 'Loudoun County Animal Services', and any others operated by Loudoun County's government) do not comply with the constitutional protections afforded citizens on limited public forums. Given that these Facebook pages operate as limited public forums, I am providing notice that until technical issues are resolved by Facebook, I believe such pages violate the civil rights of Loudoun citizens including me. I am requesting that you cease and desist hosting comments on these Facebook pages until the technical issues are solved. The use of other discussion forums which comply with constitutional restrictions, in lieu of Facebook "pages", would also satisfy this requirement.

Specifically, Facebook "pages" are deficient in two ways. By Facebook "pages", I am not referring to the personal profile of a verified user of Facebook. I am referring to the abstract "page", defined by Facebook, which may be administered by one or more Facebook users.

1. Facebook's appears to allow third-party users to mark comments as spam either on their own profile, on a non-government entity's page (e.g. newspaper), or directly on a government body's Facebook page. Facebook's spam algorithm then appears to hide certain comments on the government body's Facebook page based on feedback from other users regardless of whether such comments violate lawful regulations (profanity, defamation, etc.). When marked as spam, at best these comments on government "pages" are hidden until the Facebook page's administrator restores them to visibility. At worst, the comments that Facebook's autonomous spam algorithm identifies as spam are irretrievable and hidden from all users viewing the page. When lawful comments posted on your government Facebook pages (limited public forums) are suppressed/hidden, this constitutes a violation of free speech rights under the First Amendment. Furthermore, the lack of prior notice and due process to restore the comments violates the Fourteenth Amendment.

2. Facebook allows users to hide their comments from other targeted users. While Facebook "pages" may not be hidden from any user, a user can still hide their comments made on such Facebook pages from specific targeted users. Any replies to the hidden comment, including replies by public officials, will also be hidden from the targeted user. Note that a "reply" appears indented beneath the hidden comment and is generated by clicking on Facebook's "reply" button immediately underneath the original comment. It is unconstitutional to restrict access to speech

made in a limited public forum. If a government agency, such as the BOS or LCSB, is not able to ensure all citizens can view/hear the speech made by other users on such public Facebook pages, then the use of Facebook pages as limited public forums are unconstitutional.

Facebook provides such "pages" in return for the advertising revenues it gains from hosting the pages. Loudoun County is essentially renting web pages from Facebook by foregoing potential advertising revenues. Loudoun County government bodies engage in the administration of comments on these Facebook pages. You have the ability to hide and/or delete comments regardless of whether such actions are lawful. By operating discussion forums on Facebook pages, you also delegate additional administrative control to Facebook (e.g. spam algorithms) which then becomes a state actor with respect to your limited public forums. Loudoun County government bodies have an obligation to ensure all of its limited public forums comply with constitutional protections. Since it appears you are unable to guarantee such protections on your Facebook pages, I am requesting an immediate cessation of public comment on all Loudoun County Facebook pages.

Please feel free to contact me if you require clarification. I have specific examples of both cases described above on Facebook pages operated by Loudoun County government bodies and/or its officials.

Regards,
Brian Davison