IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

DANIELE LEDONNE,

Plaintiff,

v.

DR. BEVERLEE MCCLURE, in her official capacity as
President of Adams State University and in her individual capacity; and

PAUL GROHOWSKI, in his official capacity as
Chief of the Adams State University Police Department, and in his individual capacity,

Defendants.

PLAINTIFF DANIELE LEDONNE'S
VERIFIED COMPLAINT

INTRODUCTION

1. On October 14, 2015, Adams State University President, Dr. Beverlee McClure, issued, and Defendant Grohowski delivered a No Trespass Order ("Order") to Plaintiff Daniele ("Danny") Ledonne. The Order states that Mr. Ledonne will be arrested for trespass if he appears on the University campus. In connection with issuing the Order, Defendants publicly disseminated unfounded statements falsely accusing Mr. Ledonne of harassment, terrorism, and threatening physical violence. Mr. Ledonne was provided no notice of any specific allegations and was provided no meaningful hearing or other opportunity to defend himself and his good name against these false, stigmatizing accusations.

2. Plaintiff seeks a declaratory judgment that Defendants violated his constitutional rights, as well as interim and permanent injunctive relief to preserve his right to enter onto the

public campus of Adams State University, which has traditionally been open and remains open to the public-at-large.

JURISDICTION AND VENUE

3. This action arises under the Constitution and laws of the United States, including 42 U.S.C. § 1983. Jurisdiction is conferred on this Court, pursuant to 28 U.S.C. §§ 1331 and 1343.

4. This Court has jurisdiction to issue the declaratory relief requested, pursuant to the Declaratory Relief Act, 28 U.S.C. §§ 2201, 2202.

5. Venue is proper in the District of Colorado, pursuant to 28 U.S.C. § 1391(b). The Defendants reside within the District of Colorado, and all relevant events occurred and will occur in the District of Colorado.

PARTIES

6. Plaintiff Daniele Ledonne is a resident of Alamosa, Colorado. Mr. Ledonne is known as "Danny" Ledonne.

7. Defendant Beverlee McClure is President of Adams State University, which is located in Alamosa, Colorado. She is sued in her official capacity for injunctive and declaratory relief. She is sued in her individual capacity for nominal damages.

8. Defendant Paul Grohowski is Chief of the Adams State University Police Department. He is sued in his official capacity for injunctive and declaratory relief. He is sued in his individual capacity for nominal damages.

9. All actions and inactions of the Defendants described herein are carried out under color of state law.

FACTUAL ALLEGATIONS

10. Mr. Ledonne was raised in Alamosa, Colorado. He earned his undergraduate degree in Visual Media Arts at Emerson College in 2004. He then attended American University, where he obtained a Master of Fine Arts in Film and Electronic Media in 2010. He holds the terminal degree in his field.

11. Mr. Ledonne has more than ten years of experience in videography and is the owner and operator of Emberwilde Productions, LLC, a video production business.

12. Mr. Ledonne has taught media production for numerous K-12 and higher education programs over the past ten years.

Mr. Ledonne's Employment with Adams State University

13. From May 2011 through June 2014, Adams State University employed Plaintiff Daniele Ledonne as a part-time adjunct professor of video coursework in the Mass Communication program.

14. Beginning in July 2011, Adams State University also hired Mr. Ledonne, through Emberwilde Productions, on a contractual basis to create and edit a variety of videos for the University's ongoing use. Mr. Ledonne worked with the Adams State University Creative Relations office to create marketing and promotional videos that are used on the Adams State University website.

15. In December 2013, Mr. Ledonne applied for a full-time, tenure track position as Assistant Professor of Mass Communication, to begin the following school year. In April 2014, Mr. Ledonne was informed that he was not chosen for the position. No one was hired for this position in 2014.

16. In August 2014, Mr. Ledonne accepted a one-year position as a full-time visiting assistant professor. He worked in that capacity until his contract with Adams State University ended in June 2015.

17. Throughout his employment with Adams State University, Mr. Ledonne received consistently high student evaluations and "meritorious" departmental evaluations.

18. By the 2014-2015 school year, Mr. Ledonne's independent contract with Adams State University included $10,000 worth of video production work annually.

19. In December 2014, Mr. Ledonne again applied for a full-time, tenure track position as Assistant Professor of Mass Communications, to begin the following school year.

20. In February 2015, Mr. Ledonne learned that he was not selected for the position.

21. In March 2015, Mr. Ledonne filed a complaint with the Adams State University Office of Equal Opportunity (OEO), alleging that the hiring process was flawed.

22. In April 2015, Mr. Ledonne understood, based on conversations with then-Vice President of Enrollment Management, Dr. Michael Mumper, and Director of Creative Relations, Mark Schoenecker, that Mr. Ledonne's video contract for the 2015-2016 school year would increase from $10,000 to $20,000 annually.

23. In April 2015, Mr. Ledonne learned, based on conversations with then-President, Dr. David Svaldi, that the contract for his teaching position would not be renewed.

24. In August 2015, Mr. Ledonne spoke with Mr. Schoenecker, Mr. Schoenecker stated that he had met with the new President of Adams State University, Defendant McClure. Mr. Schoenecker reported that he was told he could "no longer hire [Mr. Ledonne]" but was given no explanation as to why.

Mr. Ledonne's Investigation into Adams State University

25. Mr. Ledonne utilized the Colorado Open Records Act (CORA) to obtain his scoresheets from the application process for the full-time faculty position.

26. During the summer of 2015, after Mr. Ledonne was no longer employed by Adams State University, he continued to attend administrative meetings at the University as an invited presenter, serving as Vice Chair for the Contingent Faculty Instructor Council, and also as an observer.

27. Beginning in September 2015, Mr. Ledonne also sought access to public records relating to compensation for Adams State University faculty, staff, and administration. He subsequently lawfully requested additional data for adjunct faculty, as well as budget requests for all University travel.

28. On September 6, 2015, Mr. Ledonne launched a website called WatchingAdams.org. The purpose of the website was to provide access to publicly-available data in order to bring to light concerns about the practices of the administration at Adams State University. The website also featured articles critical of the Adams State University administration, as well as interviews with former students, faculty, and staff.

29. At no time did Mr. Ledonne ever express any opinions or make any statements that could be considered even remotely physically threatening or violent toward anyone or anything at Adams State University.

30. In September 2015, Mr. Ledonne's Adams State University e-mail account and e-mail address were terminated. Mr. Ledonne contacted Tracy Rogers, Director of Human Resources, to request the account be re-activated, as he used it to maintain the website of the Southern Colorado Film Festival. Mr. Ledonne served as Director of the Film Festival and the

Film Festival was to take place at Adams State University for its third consecutive year in October 2015. Ms. Rogers declined this request, stating that as a non-employee, Mr. Ledonne was not entitled to an Adams State University e-mail account.

31. On October 12, 2015, on the Watching Adams website, Mr. Ledonne published three articles critical of the University. The articles criticized the University for (1) pay disparity between staff/faculty and administration; (2) for a potential violation of the Colorado Wage Act due to an ongoing practice of delayed paychecks to adjunct instructors; (3) for identifying the University's failure to respond to CORA requests within the time limits prescribed by law; and (4) a CORA request that took 68 days to be fulfilled by Adams State University's Department of Human Resources. Copies of these articles are attached as **Exhibit 1**.

Adams State University Bans Mr. Ledonne from Campus Without Due Process

32. The day after the articles were published, on October 13, 2015, Defendant McClure contacted Mr. Ledonne to inform him that, as a non-employee, he was not permitted to attend administrative meetings at the University.

33. On October 14, 2015, two days after Mr. Ledonne published the three Watching Adams articles critical of the University, Defendant Grohowski hand-delivered to Mr. Ledonne the No Trespass Order that is challenged in this case, signed by Defendant McClure. A copy of the Order is attached as **Exhibit 2**.

34. The Order states that for "an indefinite period of time," Mr. Ledonne is "prohibited from being on Adams State University property." It further states that his "**presence on any property owned or operated by Adams State University will result in [his] immediate arrest for trespass**." (emphasis in original.)

35. The No Trespass Order further states that Mr. Ledonne is prohibited from access to Adams State University because his "alleged behavior is deemed to be detrimental to the well-being of the institution and/or incompatible with the function of the University."

36. The Order was issued without notice, without a hearing, and prior to any other opportunity to be heard. Indeed, Mr. Ledonne was provided no notice or details of the "alleged behavior" that purportedly justified the Order. Mr. Ledonne was not provided with any advance notice that such an order was to be issued, nor was he given an opportunity to challenge the basis for issuing such an order prior to its issuance.

37. The Order includes reference to an "appeal," stating, "[y]ou are also advised that you may not return to campus including any campus facilities until a decision is made to any appeal. The appeal must be in writing and must be made within ten days of the receipt of this notice." The Order provides the name and address of Jessica Salazar, Assistant Attorney General in the Colorado Department of Law, State Services section, Education Unit, as the person to whom the appeal should be directed. Mr. Ledonne contacted Ms. Salazar, who denied that she was the appropriate person for an appeal. Instead, Mr. Ledonne was told he should appeal to Kurt Cary, the Interim Vice-President of Adams State University, who reports directly to Defendant McClure.

38. Mr. Ledonne wrote to Vice-President Cary on October 27, 2015, disputing the propriety of the Order, protesting that he was given no notice of what behaviors or conduct he was alleged to have committed that would justify a campus ban, and disputing that he had ever been violent or issued any statements that would express an intent to cause physical harm.

39. On November 2, 2015, Vice-President Cary responded to Mr. Ledonne. Mr. Cary proposed that Mr. Ledonne attend a meeting, which was "provided as an opportunity to provide

information related to your appeal." Vice-President Cary's letter again provided no explanation of the evidence the University had against Mr. Ledonne or notice of any kind relating to the conduct or behavior that caused Mr. Ledonne to be banned from campus. Vice-President Cary said he would notify Ledonne of his decision on Ledonne's "appeal" no later than ten business days from the date of the meeting. A copy of the correspondence is attached as **Exhibit 3**.

40. Without notice of the precise allegations or an explanation of the evidence against him, Mr. Ledonne could not meaningfully prepare for or participate in any post-deprivation appeal process.

41. The issuance of the No Trespass Order without notice or a meaningful hearing was in violation of Adams State University's written policy regarding conduct and behavior of non-students on campus.

42. The University's Student Handbook (pages 1-19 attached as **Exhibit 4**), includes a "Non-Student Policy." It specifies that "[p]ersons on campus who are not students or employees of the University are required to adhere to the Code of Conduct when on campus or grounds of the University or participating in University-sponsored activities." (Ex. 4 at 19.)

43. The Code of Conduct provides a detailed listing of the behavior required of non-students on campus, including, among others, observation of all laws, refraining from disorderly conduct, refraining from bullying of any type, refraining from engaging in harassing behavior, and refraining from obscene, lewd, or indecent conduct. (Ex. 4 at 16-17.) Per the Handbook, violations of University policies by a non-student may bring about the sanction of a "Persona non grata" order. Under the University's policy, such an order shall be issued "***after*** a reasonable attempt to notify the individual of the basis for the order and an opportunity to be heard on the matter by a designated University official." (Ex. 4 at 19.) (emphasis added.)

44. In tandem with the issuance of the No Trespass Order to Mr. Ledonne in October 2015, Adams State University administrators attempted to introduce a new, revised Persona Non-Grata Policy ("PNG") for first reading at the President's Cabinet committee. In a subsequent meeting, the PNG policy was tabled at second reading because several faculty and staff cited legal concerns with the proposed new policy. In a January 2016 Cabinet meeting, a revised draft of the PNG policy was approved.

Mr. Ledonne's Professional and Community Obligations Require His Presence on Campus

45. In addition to his video contract work with Adams State University, Mr. Ledonne works with other members of the Alamosa community on video projects on a contractual basis. Many of the events he is hired to record take place on the Adams State University campus and they are open to the public.

46. For example, Mountain Valley Dance Studio performs annual spring dance recitals and, in December, *The Nutcracker* ballet at the Adams State University Theatre. Since 2004, Mountain Valley Dance Studio has regularly hired Mr. Ledonne to serve as the videographer for these performances.

47. Hilos Culturales hired Mr. Ledonne to film the Hilos Culturales retreat on the Adams State University campus from July 19-22, 2015. Mr. Ledonne received a certificate of appreciation for this production and can reasonably expect to be involved with the organization again in the near future.

48. Mr. Ledonne has a long-running relationship with the Southern Colorado Film Commission, which holds its annual Southern Colorado Film Festival on the Adams State University campus. In 2015, Mr. Ledonne was the Director of the Film Festival. When his University e-mail account was terminated, when he was told he was prohibited from attending

administrative meetings, and upon learning of a proposed PNG policy, Mr. Ledonne re-assigned his Film Festival duties to ensure the Festival's smooth ongoing operation. Mr. Ledonne was unable to attend the 2015 Festival because of the No Trespass Order, which was issued just one day before the Festival began.

49. Mr. Ledonne also works as a Media Producer for the Rio Grande Healthy Living Park. The organization occasionally holds public meetings on the Adams State University campus, and Mr. Ledonne has recorded these meetings as part of his job responsibilities.

50. Mr. Ledonne has also been hired as a videographer and photographer for the Alamosa Live Music Association. This organization regularly holds concerts at the Adams State University music hall, Leon Memorial, and Mr. Ledonne has filmed and photographed these concerts.

51. During the summer of 2016, Mr. Ledonne will be traveling to Peru on an Adams State University biology field study program, working as a professional videographer and photographer. Orientation meetings for this international educational program, for which Mr. Ledonne has pre-paid in full, will be taking place on the Adams State University campus in the succeeding months.

52. In order to continue to fulfill his professional obligations, it is necessary for Mr. Ledonne to attend these and other events held on campus, such events just as any other member of the public, or invited guest would be permitted to do.

53. As Mr. Ledonne has worked as a professor for many years and has many colleagues and friends at Adams State University, it is also vital to his ongoing professional networking in the field of higher education that he be able to attend University functions in his dual capacities as a community member and educator in his field.

54. Beyond his professional obligations on the Adams State University campus, Mr. Ledonne, like any member of the Alamosa community, has in the past and hopes to continue to take advantage of the many cultural and artistic programs that are held on campus and are open to the public. For example, Mr. Ledonne frequently attended Adams State University theatre productions prior to the banishment. This spring, the theatre program is producing *Arcadia,* and Mr. Ledonne would like to attend the production. Furthermore, before Defendants issued the No Trespass Order, Mr. Ledonne frequently attended concerts, faculty lectures, art gallery openings, and cultural events which all took place on the Adams State University campus.

55. Alamosa is in the San Luis Valley, a relatively rural and isolated region of Colorado. The Adams State University campus is the hub of intellectual and cultural life in Alamosa. The campus is open to the public, and the public is encouraged to attend many of the cultural, artistic, and educational programs that occur regularly on campus. As Adams State University boasts on its own website: "As the Regional Education Provider for southern Colorado, Adams State University is crucial to enhancing the area's educational opportunity, economic development, and cultural enrichment."

56. Because Adams State University is the center of the cultural and intellectual life of the San Luis Valley, ideas and information freely flow from the programs that regularly occur on campus, whether through lectures or educational discussions among participants. Mr. Ledonne has a First Amendment constitutional right to receive such information and ideas. *See Board of Educ., Island Trees Union Free School Dist. No. 26 v. Pico*, 457 U.S. 853, 867 (1982).

Defendants' False, Defamatory, and Public Statements About Mr. Ledonne in Connection With the No Trespass Order

57. In connection with and in the context of the issuance of the No Trespass Order, Defendants made and issued false and stigmatizing public statements about Mr. Ledonne, injuring his reputation in the academic and professional communities and in Alamosa, generally.

58. On October 28, 2015, Defendant Chief Grohowski issued an open letter to "all ASU faculty and staff" in which he asserted that he made "the decision and recommendation to disallow" Mr. Ledonne on campus. Defendant Grohowski cited his "concern for public safety" in relation to "Mr. Ledonne's behavior while at ASU." Defendant Grohowski stated that Mr. Ledonne "made numerous members of the faculty and staff uncomfortable by his actions, words, and behaviors." Defendant Grohowski further claimed that Mr. Ledonne "began to harass members of the Svaldi family on social media." (Dr. David Svaldi is the former President of Adams State University, preceding Defendant McClure in the position). Defendant Grohowski acknowledged that "Mr. Ledonne's behavior has not yet breached the realm of violation of our laws."

59. In connection with issuance of the No Trespass Order, Defendant McClure granted an interview with the Valley Courier, the local general circulation newspaper. In that interview, Defendant McClure made false stigmatizing statements about Mr. Ledonne, accusing him of harassment, terrorism, and representing a threat to campus safety. On November 7, 2015, the Valley Courier published an article based on the interview with Defendant McClure. (The Valley Courier article is attached as **Exhibit 5**.) The Valley Courier reported as follows:

- Defendant McClure stated that over the course of the prior two years, Mr. Ledonne "began to harass the institution and harass the former president."
- Defendant McClure stated that "[t]here were patterns of behavior that happened along with the creation of that website, that when we put it all together and looked at the timeline, targeting us and other community members . . .."

- "McClure said the University's list of instances, events, and behaviors by Ledonne demonstrate that he is a potential threat to campus safety."

- Defendant McClure stated that "[t]he personal attacks and the terrorism against me and the previous president and individuals on campus [*sic*] we're all under a veil of silence because of the legal matters of that."

60. On November 9, 2015, the Adams State University Board of Trustees issued a memo to "ALL FACULTY AND STAFF" which stated that the No Trespass Order was issued "based on safety concerns and disruptive behavior." The memo is attached as **Exhibit 6**.

61. In a press release dated November 10, 2015, Adams State University asserted that the No Trespass Order was issued "only for safety purposes" and "because faculty, staff, and the former President have expressed concerns about [Mr. Ledonne's] threatening behavior." The press release is attached as **Exhibit 7**.

62. On November 17, 2015, Defendant McClure issued a written statement to "ALL STUDENTS," asserting that the Order was necessary because Mr. Ledonne's "behavior include[d] direct and indirect threats against individuals and the campus as a whole." Defendant McClure went on to defend her decision by citing the need to safeguard the community against the frequency of "mass violence on campuses and elsewhere." The statement is attached as **Exhibit 8**.

63. On November 18, 2015, Defendant McClure called for and met with a special session of the Faculty Senate, which was open to all ASU employees. During that meeting Defendant McClure:

a. Held up a thick folder of documents, giving the impression that the file she was holding contained a significant amount of evidence against Mr. Ledonne;

b. Stated that upon notifying the local police about the No Trespass Order that was issued against Mr. Ledonne, she was informed that Mr. Ledonne was currently on a Colorado State Police "watch list."

c. Defendant McClure replied, "yes," when asked by a member of the audience if Mr. Ledonne had made threats of physical violence.

64. Each and every one of the stigmatizing accusations described in paragraphs 57-63 is unfounded and false.

65. In banning Mr. Ledonne from campus, Defendants deprived Mr. Ledonne of his constitutional right to due process and a name-clearing hearing. Mr. Ledonne was deprived of his constitutional right to notice of the allegations and a meaningful opportunity to contest the false allegations that were purportedly the basis for Defendants' adverse actions. Indeed, Defendants have refused to provide Mr. Ledonne with notice of any specific allegations that supposedly support the false generalized defamatory accusations that Defendants have disseminated to the public.

Defendants' Statements and Actions Have Stigmatized Mr. Ledonne in the Community

66. Mr. Ledonne has been stigmatized by the No Trespass Order, as well as Defendants' publicly and widely-disseminated statements, falsely accusing him of harassment, terrorism, threatening violence, and being a "threat to campus safety." As a result, his professional reputation has been harmed and relationships with clients, potential clients, and community organizations have been damaged.

67. Organizations that have previously hired Mr. Ledonne to film events on the Adams State University campus have had to petition the University to allow Mr. Ledonne on campus to film their specific events.

68. On two occasions, since the issuance of the No Trespass Order, Adams State University did allow Mr. Ledonne on campus to film specific events. But Adams State University personnel nevertheless continued to emphasize that the No Trespass Order remains in place and, except for specific dates and times when very limited permission was granted, Mr. Ledonne would be arrested for trespass if he appeared on campus.

69. In order for Mr. Ledonne to fulfill his contractual obligations to attend and film performances of *The Nutcracker* ballet, scheduled for December 17 through 20, 2015, Adams State University required Mr. Ledonne to sign a letter, dated December 11, 2015. (Attached as **Exhibit 9**.) The letter gave Mr. Ledonne limited permission to be on campus for two hours prior to each day of the performance. It expressly barred him from engaging "in any contact with University administrators, faculty, or students" while on campus. The letter stated that "in all other respects" the No Trespass Order "remains in full force and effect." Mr. Ledonne signed the letter while noting his objection to the No Trespass Order.

70. Mr. Ledonne also works with the SLV Ecosystem Council. On December 17, 2015, that organization held an art gallery opening in the Community Partnerships Building on Adams State University campus called "Art for the Endangered Landscapes." The SLV Ecosystem Council contracted with Mr. Ledonne to film this event for the organization. The organization sought and obtained special permission for Mr. Ledonne to attend the event in order to fulfill his professional obligations. Mr. Ledonne repeatedly requested this authorization in writing; however, Adams State University administration insisted on verbal communication only.

71. The Defendants banned Mr. Ledonne from campus without due process, not because he represents an actual threat to staff, students, or property on the campus, but because of his research uncovering information critical of the University administration, the launching of

the Watching Adams website, and his public statements challenging, among other things, Adams State University's hiring practices and academic salaries, all of which is protected expression under the First Amendment to the United States Constitution.

DECLARATORY RELIEF

72. An actual and immediate controversy exists between Plaintiff and Defendants.

73. Plaintiff contends that the issuance of the challenged No Trespass Order without due process and in retaliation for protected First Amendment activity violates his constitutional rights.

74. Defendants contend that the challenged Order complies with the law.

75. Plaintiff is, therefore, entitled to a declaration of rights with respect to this controversy. Without such a declaration, Mr. Ledonne will be uncertain of his rights and responsibilities under the law.

INJUNCTIVE RELIEF

76. Plaintiff Ledonne is entitled to injunctive relief.

77. Defendants have enforced, and threaten to continue to enforce, the challenged No Trespass Order in the manner described in this Complaint.

78. Defendants have acted and are threatening to act under color of state law to deprive Plaintiff of his constitutional rights.

79. Plaintiff Ledonne is suffering irreparable injury and will continue to suffer a real and immediate threat of irreparable injury as a result of the existence, operation, and enforcement of the challenged No Trespass Order.

80. Plaintiff has no plain, adequate, or speedy remedy at law.

FIRST CLAIM FOR RELIEF
(§ 42 U.S.C. 1983; Deprivation of Procedural Due Process)

81. The allegations of the preceding paragraphs are incorporated as though fully set forth herein.

82. Defendants deprived Mr. Ledonne of constitutionally-protected property and liberty interests without providing the procedural protections required by the Due Process Clause of the Fourteenth Amendment. Thus, Defendants acted without providing notice or a hearing, and without providing Mr. Ledonne with a meaningful opportunity to deny, rebut, or contest the allegations or the banishment from the University campus. Because Defendants made false stigmatizing statements to members of the public in connection with issuing the No Trespass Order, Mr. Ledonne should have been entitled to a meaningful hearing that would allow him to clear his name in a public forum. A name-clearing hearing compliant with due process would have given Mr. Ledonne the opportunity to hear and answer firsthand any stigmatizing charges, clearing his name of any false statements made about him and curing the injury to his reputation.

Colorado Protects the Public's Right to Enter a Public Campus

83. Many Adams State University-sponsored functions held outside University classrooms are of educational, cultural, and professional benefit, not only to students enrolled at the University, but also to attending members of the public at-large.

84. The Adams State University campus is a focal point in Alamosa for the discussion of public questions, cultural events, recreational activities, and general educative functions. The Adams State University campus is open to the public at-large.

85. As a matter of Colorado state policy, as declared by the Colorado Supreme Court, a non-student's right to access Colorado public university functions and facilities which are otherwise open to the public at-large, is a valuable property or liberty interest entitled to

constitutional protection. *See Watson v. Regents of University of Colorado*, 512 P.2d 1162, 1165 (Colo. 1973).

86. As such, the right to access a Colorado public university functions and facilities cannot be permanently denied without due process of law under the Fourteenth Amendment to the United States Constitution. *Id.*

Plaintiff's Right to be Free of False Government Stigmatization

87. Plaintiff has a liberty interest in being free from false governmental stigmatization, when such harm arises in conjunction with the deprivation of his right to appear on a public university campus in Colorado on the same terms as other members of the public.

88. As described above, Defendants disseminated false public statements about Mr. Ledonne that are sufficiently stigmatizing and derogatory to injure his reputation and good name in the Alamosa community. The false statements and accusations have in fact injured Mr. Ledonne's reputation and good name in the Alamosa community.

89. Defendants made the false stigmatizing statements in connection with altering Mr. Ledonne's status as a matter of state law. Members of the public may freely attend functions and events on the Adams State University campus, but Defendants have now barred Mr. Ledonne from the campus, and Defendants threaten to arrest him for trespass if he enters the campus.

90. This combination of publicly-disseminated stigmatizing statements in connection with the alteration of Mr. Ledonne's legal status creates a liberty interest that is protected by the Due Process Clause of the Fourteenth Amendment. *Gwinn v. Awmiller*, 354 F.3d 1211, 1216 (10th Cir. 2004).

91. Mr. Ledonne was deprived of his right to a meaningful name-clearing hearing to contest the unfounded and false accusations that injure and threaten to injure his reputation.

Plaintiff's Right to Receive Information and Ideas

92. Plaintiff has a First Amendment right to receive information and ideas. *See Island Trees*, 457 U.S. at 867.

93. Adams State University and entities in Alamosa generally, frequently hold educational, cultural, artistic and intellectual programs during which information and ideas are distributed to attendees, both students and non-students alike.

94. Without due process of law, Defendants have deprived Plaintiff of his right to receive information and ideas by issuing the No Trespass Order.

Violations of Procedural Due Process

95. Without providing notice or a fair opportunity to be heard, Defendants deprived Mr. Ledonne of liberty and property interests protected by the Due Process Clause.

96. They banished Mr. Ledonne from Adams State University property, functions, and facilities, which are otherwise open to the public at-large. In explaining their conduct, they publicly disseminated false stigmatizing statements that seriously injured Mr. Ledonne's reputation.

97. Mr. Ledonne was deprived of his right to a name-clearing hearing to contest the unfounded and false accusations that injure and threaten to injure his reputation. The No Trespass Order was issued without any of the protections afforded by due process of law. These include, but are not limited to, the following:

- No exigent or emergency circumstances here merited the issuance of the No Trespass Order against Mr. Ledonne without a pre-deprivation hearing.
- Before the Order was issued, Mr. Ledonne was not given meaningful notice of the conduct or behavior that allegedly prompted the Order.

- Before the Order was issued, Mr. Ledonne was not given any forum or opportunity, such as a hearing before a neutral party, to contest or challenge the allegations against him.

- Before the Order was issued, Mr. Ledonne was not provided any opportunity to confront any of the witnesses against him.

- Even after the No Trespass Order was issued, despite requests, Mr. Ledonne was not given any specific notice of, or details about the behavior that he was alleged to have engaged in that prompted the Order.

- Defendants failed to provide Mr. Ledonne with the basis for its adverse action, thus foreclosing any opportunity for a meaningful appeal.

- The "appeal" process proposed by Adams State University was a sham. Since Mr. Ledonne had no notice of any specific allegations against him, he could not mount a meaningful appeal. A meaningful appeal was impossible as Defendants did not provide Mr. Ledonne with the basis for their adverse action or an explanation of the evidence against him.

- Defendants failed to follow the University's written policy, which requires reasonable notice of specific allegations and a pre-deprivation hearing before a nonstudent can be barred from campus.

- Because of the numerous false stigmatizing statements made to the public at-large in connection with the No Trespass Order, due process required that Mr. Ledonne be entitled to a hearing in a public forum so as to be able to clear his name publicly.

98. Defendants deprived Mr. Ledonne of his rights to liberty and property arbitrarily, so as to offend fundamental notions of fairness and due process, in violation of the Fourteenth Amendment.

99. Reasonable officials in Defendants' positions would have known that their actions violated clearly-established constitutional rights to procedural due process.

100. Defendants' unlawful deprivation of Mr. Ledonne's right to visit a public university campus, coupled with Defendants' repeated public false accusations that Mr. Ledonne is, among other things, a "terrorist," harasser, and threat to public safety, has stigmatized Mr. Ledonne in the eyes of the Alamosa community.

101. Wherefore, Mr. Ledonne is entitled to a declaratory judgment that the No Trespass Order violated his constitutional right to due process; interim and permanent injunctive relief forbidding Defendants to enforce the No Trespass Order; an award of nominal damages; and such other relief as the Court deems just.

SECOND CLAIM FOR RELIEF
(§ 42 U.S.C. 1983; Retaliation for Exercise of First Amendment Rights)

102. The allegations of the preceding paragraphs are incorporated as though fully set forth herein.

103. In creating the website WatchingAdams.org, publishing articles critical of Adams State University administration, and criticizing the University's hiring practices, Mr. Ledonne was engaged in expression that is protected by the First Amendment of the United States Constitution.

104. By bringing complaints over Adams State University's hiring practices, Mr. Ledonne was engaged in petitioning activity and expression that is protected by the First Amendment.

105. Mr. Ledonne never expressed any opinions or made any statements that could be considered physically threatening or violent toward anyone or anything at Adams State University.

106. Defendant Grohowski acknowledges that Mr. Ledonne has violated no law.

107. As a result of and in retaliation for Mr. Ledonne's peaceful public expressions of opinion and disagreement with the Adams State University's hiring and other practices, as well as his complaints about his own treatment, he was publicly stigmatized, falsely branded a security threat, and barred and denied access to an otherwise public area—the campus of Adams State University.

108. The actions of the Defendants here would deter or chill a person of ordinary firmness from engaging in protected speech in the future.

109. Defendants acted intentionally, knowingly, willfully, wantonly, and in reckless disregard for Mr. Ledonne's federally-protected constitutional rights, and without regard to the significant emotional and reputational damage such actions would cause.

110. Reasonable officials in Defendants' positions would have known that their actions violated clearly-established constitutional rights.

111. Without intervention from this Court, employees and students at Adams State University, and members of the Alamosa community at-large, will be deterred or chilled from expressing opinions critical of Adams State University or its administration for fear that they will be unceremoniously banned from campus on the pretext that their conduct is "disruptive," makes people "uncomfortable," or represents "a threat" to the campus or its students.

112. Wherefore, Plaintiff is entitled to a declaratory judgment that the No Trespass Order was issued in retaliation for protected First Amendment activities, in violation of the First Amendment; interim and permanent injunctive relief; nominal damages; and such other relief as the Court deems just.

REQUEST FOR RELIEF

Plaintiff respectfully requests the following relief:

1. An award of nominal damages.

2. A declaratory judgment holding that by issuing the No Trespass Order without affording Mr. Ledonne due process of law and in retaliation for Mr. Ledonne's exercise of speech protected by the First Amendment, Defendants violated Mr. Ledonne's constitutional rights.

3. A preliminary injunction and permanent injunction prohibiting Defendants from enforcing the No Trespass Order and rendering the No Trespass Order null and void.

4. An award of Plaintiff's costs and reasonable attorneys' fees pursuant to § 42 U.S.C. 1988.

5. Such other relief as this Court may deem just and proper.

Dated: February 10, 2016.

Respectfully submitted,

s/ N. Reid Neureiter

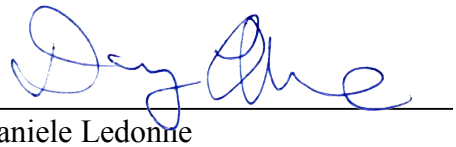
N. Reid Neureiter
Kayla Scroggins
Wheeler Trigg O'Donnell LLP
370 Seventeenth Street, Suite 4500
Denver, CO 80202-5647
Telephone: 303.244.1800
Facsimile: 303.244.1879
Email: neureiter@wtotrial.com
scroggins@wtotrial.com
AS COOPERATING ATTORNEYS FOR THE ACLU FOUNDATION OF COLORADO

Mark Silverstein
Sara R. Neel
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF COLORADO
303 E. 17th Avenue, Suite 350
Denver, CO 80203
Telephone: 720.402.3114
Email: msilverstein@aclu-co.org
sneel@aclu-co.org

Attorneys for Plaintiff Daniele Ledonne

DECLARATION PURSUANT TO 28 U.S.C. §1746

I, Daniele Ledonne, swear under penalty of perjury under the laws of the United States, that I am the Plaintiff in the within action; that I have read the foregoing Verified Complaint, and reviewed the attached exhibits. I swear under penalty of perjury under the laws of the United States that the factual information set forth in the Verified Complaint is true and correct, and the attached exhibits are true and correct copies of what they are described to be in the Verified Complaint.



Daniele Ledonne

This 9th day of February, 2016