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* Motion for Admission Pro Hac Vice Forthcoming

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KIMBERLEY BROCK,

Plaintiff,

vs.

**CLARK COUNTY SCHOOL DISTRICT
and KIRSTEN SEARER, in her official
capacity as Chief Community Engagement
Officer for Clark County School District,**

Defendants.

Case No.: _____

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

1 Plaintiff, Kimberley Brock, by and through her undersigned counsel, hereby states the
2 following claims pursuant to 42 U.S.C. § 1983 against Defendants Clark County School District
3 (“CCSD” or the “District”) and Kirsten Searer, CCSD’s Chief Community Engagement Officer,
4 for declaratory and injunctive relief. In support thereof, Mrs. Brock alleges as follows:

5 **INTRODUCTION**

6 1. This case is about the government’s power to silence a mother’s voice regarding
7 what goes on in her children’s classrooms at school. Plaintiff Kimberley Brock is a mom,
8 volunteer, and community leader who has spent years supporting schools in the CCSD. But when
9 she dared to question the presence of a “Progress Pride” flag in her daughter’s classroom, CCSD
10 did what no public institution in America is allowed to do: it punished her for speaking up. CCSD
11 permanently blocked Mrs. Brock from posting on its official X (formerly Twitter) account—the
12 digital town square it uses to communicate with the community about issues relating to its
13 schools—because it did not like what she had to say.

14 2. The First Amendment forbids this kind of government retaliation against
15 individuals based on their viewpoint. When a public school creates a digital forum for expression
16 on the internet, the First Amendment’s protections apply no less than they do to school board
17 meetings, bulletin boards, or town halls in the physical world. In such forums, the right to free
18 speech means the government cannot muzzle parents who express disfavored opinions on matters
19 of public importance. And the Constitution protects all speech—especially speech that offends,
20 challenges, or contradicts those in power.

21 3. Mrs. Brock’s posts on CCSD’s X account were measured, lawful, and deeply
22 rooted in her moral and religious convictions. She voiced concerns shared by countless parents:
23 that public schools should not push ideological symbols or sexualized messaging on children. Her
24 comments were neither vulgar nor threatening; instead, they were political, civic, and heartfelt.
25 But CCSD chose censorship over dialogue by weaponizing its vague and selectively enforced
26 “Terms of Use” to silence her criticism by blocking her without even explaining why.

27 4. By blocking Mrs. Brock based on her viewpoint, CCSD has locked her out of the
28 principal online forum it uses to share news, make announcements, and interact with the public.

1 Pursuant to the block, CCSD's posts no longer appear on Mrs. Brock's X feed, she cannot
2 comment on or repost CCSD's posts, and she cannot "tag" CCSD in content she posts. In the 21st
3 century, being blocked on X is the equivalent to being barred from attending public meetings or
4 speaking at the town square.

5 5. The implications of CCSD's actions reach far beyond one mother or one school
6 district. If public officials can silence dissenting voices online that challenge officials' actions and
7 then hide behind vague "Terms of Use," the marketplace of ideas is reduced to an echo chamber
8 of government-approved speech. But free expression is not a privilege granted by bureaucrats—
9 it is a right guaranteed by the Constitution.

10 6. Mrs. Brock brings this suit to restore her rights and to ensure that viewpoint
11 discrimination and vague standards regulating speech have no place in a free society. She seeks a
12 declaration that CCSD's conduct violates the First and Fourteenth Amendments; an injunction
13 ordering CCSD to unblock her account and cease its unconstitutional censorship of her; and an
14 order striking down CCSD's vague and standardless "Terms of Use" that it hides behind to silence
15 the voices that challenge it.

16 **JURISDICTION AND VENUE**

17 7. This action arises under the First and Fourteenth Amendments to the United States
18 Constitution, 42 U.S.C. § 1983, and 28 U.S.C. §§ 2201 and 2202.

19 8. This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

20 9. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the
21 events giving rise to Mrs. Brock's claims are occurring within this judicial district.

22 **THE PARTIES**

23 10. Plaintiff Kimberley Brock is a citizen and resident of Las Vegas, Nevada.

24 11. Defendant Clark County School District is a school district located in Clark
25 County, Nevada. Pursuant to NRS 386.010(2), CCSD is a political subdivision of the State of
26 Nevada whose purpose is to administer the state system of public education.

27 12. Defendant Kirsten Searer is the Chief Community Engagement Officer for CCSD.
28 Defendant Searer is being sued in her official capacity.

FACTUAL ALLEGATIONS**Mrs. Brock's Involvement in the CCSD Community**

13. Mrs. Brock is a longtime resident of Las Vegas, Nevada, where she has raised her four children.

14. All of Mrs. Brock's children attended CCSD schools, and her youngest daughter still does. While her children were attending CCSD schools, Mrs. Brock began volunteering and advocating on local issues impacting the school district.

15. In 2020, Mrs. Brock began serving as a member of the Nevada Youth Soccer Association Disciplinary Committee, a position she still holds. In 2021, she was recognized as the Nevada Youth Soccer Association and U.S. Soccer Volunteer of the Year.

16. During the statewide shutdown of youth sports in 2020–2021, Mrs. Brock led efforts to reopen youth sports in Nevada and to restore basketball nets to public parks. The Clark County Commissioners recognized Mrs. Brock in 2021 for these efforts.

17. At the start of the 2021–2022 school year, Mrs. Brock organized and coordinated a live question-and-answer session with representatives from CCSD Health Services, the Southern Nevada Health District, the Nevada Interscholastic Activities Association, and the Clark County Commissioners to help parents and students navigate COVID-19 restrictions.

18. In 2022, Mrs. Brock was appointed by CCSD Trustee Danielle Ford to serve on the CCSD Attendance Zone Advisory Committee.

19. During the 2022–2023 school year, Mrs. Brock served as Vice President of her children's high school's Booster Club in its inaugural year.

20. Since 2023, Mrs. Brock has served as a member of her children's high school Athletics Hall of Fame Committee, having been appointed by the athletic director to a five-year term. In both 2023 and 2024, she was also a candidate for community member participation on the committee.

21. Mrs. Brock also supports CCSD schools through volunteer work. She regularly creates balloon decorations for school events, including media events, senior awards ceremonies, athletic events, and Athletics Hall of Fame celebrations.

Mrs. Brock Objects to the Progress Pride Flag

22. While Mrs. Brock supports CCSD, she, like many parents, does not agree with all its policies or actions. Specifically, Mrs. Brock strongly opposes CCSD's efforts to push a "LGBTQ+" agenda in schools. In Mrs. Brock's opinion, this "LGBTQ+" agenda inappropriately introduces sexualized content to minor children and indoctrinates them into certain ideologies that she opposes.

23. In September 2023, while attending an open house for her daughter's high school, Mrs. Brock noticed a large "Progress Pride" flag displayed in a math classroom.¹ Troubled by the presence of this ideological flag, on September 24, 2023, Mrs. Brock submitted a question to the CCSD online Q&A portal asking why CCSD was allowing teachers to push an ideology that encourages minor children to explore their sexuality. In her submission, Mrs. Brock also noted that there were no American flags hanging in the classroom.

24. CCSD did not directly respond to Mrs. Brock's submission. Instead, CCSD referred the submission to the school Principal.

25. On September 28, 2023, Mrs. Brock and her husband met with the Principal. At the meeting, Mrs. Brock and her husband expressed their opposition to their daughter being exposed to ideologies that aim to sexualize children, like the Progress Pride flag does. In response, the Principal told the Brocks that he would ask the Regional Superintendent about CCSD's policy regarding Progress Pride flags being displayed in school classrooms. The Principal also asked Mrs. Brock not to post anything on social media about her disagreement with the flag being displayed in classrooms.

26. On October 5, 2023, the Principal followed up with Mrs. Brock, informing her that the Regional Superintendent had said the CCSD allowed teachers to display Progress Pride flags in their classrooms.

¹ The Progress Pride Flag is a 2018 redesign of the traditional Pride rainbow flag that adds stripes representing transgender-identifying individuals and people of color. It has become a broader emblem of modern LGBTQ+ activism and related political movements. Critics of the flag say that it represents "an ideology, a political statement of indoctrinating kids and trans kids and pushing kids to sterilize and mutilate themselves." Kerry Byrne, *White House flew controversial new transgender flag that troubles some critics in the gay community*, Fox News (June 14, 2023), attached as **Exhibit 1** and available online at <http://bit.ly/42z2U4Y>. A reproduction of the Progress Pride flag is set forth in paragraph 35, *infra*.

Mrs. Brock Engages with CCSD's X account to Express her Viewpoint

27. Mrs. Brock maintains an X account using the name “Kimberley” and with the handle “@kimberley_brock.” Mrs. Brock regularly uses her X account to engage in expression by posting her opinions on various issues she finds important.

28. CCSD maintains an X account using the username “CCSD” and with the handle “@ClarkCountySch,” as shown below (attached as **Exhibit 2**)²:



29. CCSD regularly posts matters of public interest to its X account, including posts publicizing CCSD services and events, including but not limited to financial aid services, counseling services, and wellness events; highlighting student, faculty, staff, and school accomplishments, including but not limited to sporting achievements; soliciting input on CCSD policies; and generally interacting with members of the CCSD community.

30. The CCSD X account is open to the public, and page visitors may freely interact with the page, its content, and fellow page visitors by commenting on, “liking,” and sharing CCSD posts. In addition, users may “tag” CCSD in their own posts.³

31. As a mother with children in CCSD schools and an active participant in the CCSD community, Mrs. Brock regularly interacted with the CCSD X account, including commenting on CCSD posts and tagging the CCSD account in response to posts by other X account holders.

32. Although the Principal asked Mrs. Brock to remain silent on social media regarding the Progress Pride flag, Mrs. Brock continued to use her X account to express her

² This Exhibit is also available at <https://x.com/ClarkCountySch>.

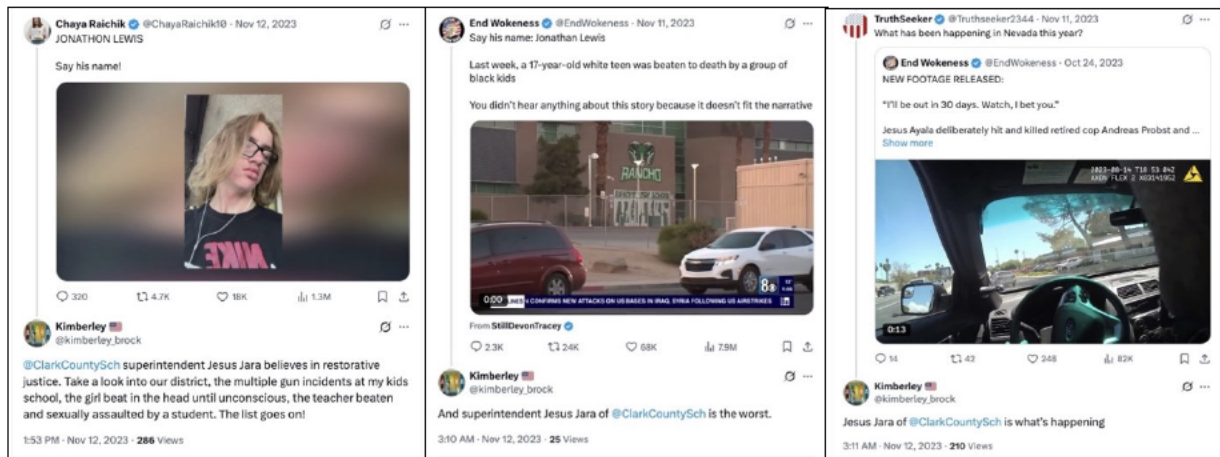
³ “Tagging” refers to one user mentioning another by their username by typing the “@” symbol followed by the tagged user’s handle (e.g., @username). See Sebastian Cardozo, *How to Tag Someone on Twitter/X* (Mar. 21, 2025), attached as **Exhibit 3** and available online at <https://owlead.com/how-to-tag-someone-on-twitter-x/>. Tagging creates a clickable link to the tagged user’s profile page and sends them a notification that they have been tagged. *Id.* Tagging also creates the potential for increased visibility of the post to the tagged user’s followers. *Id.*

opinion on issues relevant to CCSD,⁴ including the use of Progress Pride flags in classrooms.

33. On November 11, 2023, Mrs. Brock responded to a CCSD post on its X account regarding Veterans Day in which she criticized CCSD's policies regarding allowing the display of flags in the classroom as follows (attached as **Exhibit 5**)⁵:



34. On November 12, 2023, after the death of a CCSD student, Mrs. Brock responded to three other users' posts on X, tagged CCSD, and criticized Superintendent Jesus Jara's leadership in three separate posts as follows (attached as **Exhibits 6, 7, and 8**)⁶:



⁴ In addition to the posts identified in the text, Mrs. Brock made one additional post on CCSD's account from September 2023 to April 2024, but that post did not express a viewpoint that is relevant to this lawsuit. The post, which Mrs. Brock made on October 20, 2023, was in response to a CCSD post about school closures. See *Kimberley Brock X Post* (Oct. 20, 2023), attached as **Exhibit 4** and available online at https://x.com/kimberley_brock/status/1715510688742085003. Mrs. Brock responded: "Would have been helpful to have this information earlier than 6:34am, especially for HS students who take the bus." *Id.*

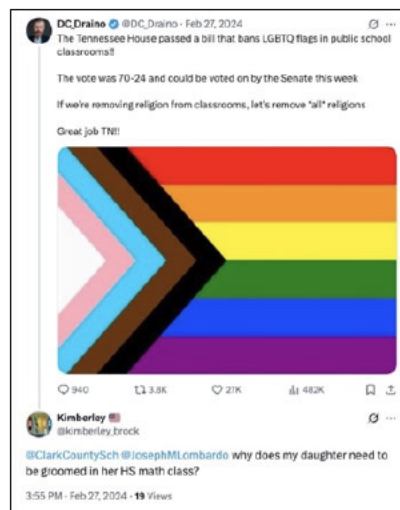
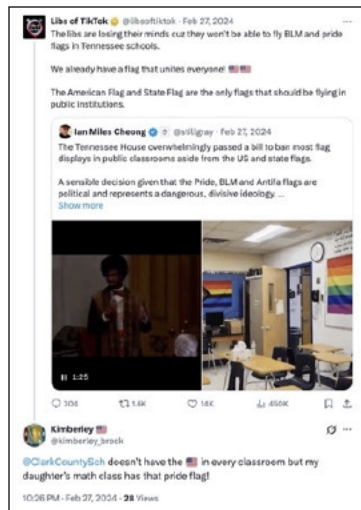
⁵ This Exhibit is also available at <http://bit.ly/3J64u7U>.

⁶ These Exhibits are also available at <http://bit.ly/48r9ka5> (Exh. 6), <http://bit.ly/491A0yj> (Exh. 7), and <http://bit.ly/3J11AUw> (Exh. 8).

35. On January 27, 2024, Mrs. Brock responded to another user's post on X, tagged CCSD, and asked why the Progress Pride flag was displayed in her daughter's classroom as follows (attached as **Exhibit 9**)⁷:



36. On February 27, 2024, Mrs. Brock responded to three other users' posts on X, tagged CCSD, and again expressed her opinion on the propriety of Progress Pride flags in school classrooms as follows (attached as **Exhibits 10, 11, and 12**)⁸:



⁷ This Exhibit is also available at <http://bit.ly/4nVYu0K>.

⁸ These Exhibits are also available at <http://bit.ly/4n34Xp9> (Exh. 10), <http://bit.ly/47rpj6X> (Exh. 11), and <http://bit.ly/4qhuMF8> (Exh. 12).

37. On March 9, 2024, Mrs. Brock responded to another user's post on X, tagged CCSD, and expressed her opinion on the propriety of Progress Pride flags in school classrooms as follows (attached as **Exhibit 13**)⁹:



38. On April 27, 2024, Mrs. Brock responded to Representative Dina Titus's now-deleted X post that tagged CCSD and discussed a Nevada System of Higher Education Board of Regent who had questioned the propriety of having a biological male volleyball player on a woman's team as follows (attached as **Exhibit 14**)¹⁰:



39. On April 29, 2024, Mrs. Brock responded to another post by Representative Dina Titus that had tagged CCSD as follows (attached as **Exhibit 15**)¹¹:



⁹ This Exhibit is also available at <http://bit.ly/3JesAgG>.

¹⁰ This Exhibit is also available at <http://bit.ly/496WVIx>.

¹¹ This Exhibit is also available at <http://bit.ly/42KtY1k>.

40. On April 30, 2024, Mrs. Brock responded to another user's post on X, tagged CCSD, and discussed the propriety of Progress Pride flags in school classrooms as follows (attached as **Exhibit 16**)¹²:



CCSD Punishes Mrs. Brock for Expressing her Viewpoint

41. After Mrs. Brock's post on April 30, 2024, CCSD "blocked" her account without warning. Pursuant to the block, CCSD's posts no longer appear on Mrs. Brock's X feed. Instead, Mrs. Brock must continually visit CCSD's X page if she wants to stay updated on CCSD events and announcements. Mrs. Brock is also unable to comment on CCSD's posts, repost CCSD's posts, tag CCSD, or otherwise interact with CCSD's account.

42. Pursuant to the block, when Mrs. Brock visits CCSD's X account, she can view CCSD's feed, but she is unable to use any interactive functions. In addition, Mrs. Brock now sees the following at the top of CCSD's X page (attached as **Exhibit 17**):



43. On May 28, 2024, Mrs. Brock sent an email to CCSD's Media Relations Department explaining that she had been blocked from CCSD's X account and asking to be unblocked.

¹² This Exhibit is also available at <http://bit.ly/4q89FFb>.

1 44. On May 29, 2024, the Media Relations Department responded to Mrs. Brock's
2 email, stating: "Please reference our Terms of Use . . . , as social media users violating the Terms
3 are removed, and then blocked after repeated violations."

4 45. That same day, Mrs. Brock replied to the Media Relations Department's email,
5 asking for information regarding how she had allegedly violated the Terms of Use.

6 46. Mrs. Brock did not receive a response to her request.

7 47. CCSD's Chief Community Engagement Officer oversees CCSD's Media
8 Relations Department.¹³

9 48. On information and belief, CCSD's Chief Community Engagement Officer is
10 responsible for operating/moderating CCSD's X account.¹⁴ Mrs. Brock makes this allegation on
11 information and belief because, while she does not have first-hand information regarding CCSD's
12 operation/moderation of its X account, the job description of the Chief Community Engagement
13 Officer includes "[m]anag[ing] media relations," which includes "utiliz[ing] effective
14 communication methods and tools to ensure internal and external stakeholders are not only
15 informed but also engaged in the [CCSD] mission, strategic goals, objectives, priorities, and
16 outcomes." In addition, the Chief Community Engagement Officer "[s]erves as the spokesperson
17 for CCSD through all appropriate channels, including community outreach, broadcast media, the
18 internet, and social networks such as the use of X."

19 49. At the time CCSD blocked Mrs. Brock, Tod Story was CCSD's Chief Community
20 Engagement Officer.

21 50. Defendant Searer replaced Mr. Story as CCSD's Chief Community Engagement
22 Officer in July 2025.

23 51. At all relevant times, Mr. Story and Defendant Searer were acting within the
24 course and scope of their employment with CCSD.

25 52. On information and belief, for the same reasons set forth in Paragraph 48,
26 Defendant Searer has the power to unblock Mrs. Brock.

27
28 ¹³ See *CCSD Organizational Chart*, attached as **Exhibit 18** and available online at <https://perma.cc/57Z5-ZUFB>.

¹⁴ See *Chief Community Engagement Officer Job Description*, attached as **Exhibit 19** and available online at <https://perma.cc/QJM8-9MBN>.

CCSD's Terms of Use

53. CCSD's "Terms of Use" is an official CCSD policy that governs every X user who interacts with CCSD's X account. *See CCSD Terms of Use* (**Exhibit 20** and available online at <https://perma.cc/FV2B-J3M8>). The Terms of Use begin with the following statement:

Our social media sites were created to share information about the school district with the general public. To promote appropriate information exchange with our families and community, the Clark County School District (CCSD) welcomes comments related to the specific content posted on our accounts.

54. The Terms of Use also state that "CCSD reserves the right to hide or remove inappropriate comments containing the following: (1) Comments not topically related to the post for which they are made . . . ; (2) Abusive, vulgar, or obscene language or content; (3) Content that promotes, fosters, or perpetuates discrimination based on race, color, national origin, ancestry, age, religion, sex, sexual orientation, gender identity or expression, marital status, status with regard to public assistance, or physical or mental disability; (4) Sexual content; (5) Solicitations of commerce; (6) Content that encourages, promotes, or incites criminal or illegal activity or comments that otherwise incite imminent lawless action; (7) Information that may tend to compromise the safety or security of the public or public systems; (8) Content that violates a legal ownership interest of any other party; or (9) Apparent spam or trolling."

55. The Terms of Use also provide that the "[f]ailure to comply with these terms could lead to the user being blocked or banned."

56. The Terms of Use do not state that users may not tag CCSD, nor has CCSD disabled the tagging function on its account.

57. CCSD does not apply its Terms of Use uniformly. Instead, CCSD discriminated against Mrs. Brock by blocking her based on the viewpoint she expressed in her posts.

58. In addition, the Terms of Use define prohibited activity in such a vague and ambiguous way that they fail to give notice of what is permitted and what is prohibited and give the CCSD near-absolute discretion to make that determination. Although the Media Relations Department cited the Terms of Use as the basis for blocking Mrs. Brock, there is no clear standard for how the Terms of Use are applied.

59. One example of CCSD's exercise of this discretion is found at CCSD's X post on September 16, 2025. *See CCSD X Post on Sep 16, 2025 at 12:30PM CT*, attached as **Exhibit 21** and available online at <https://x.com/clarkcountysch/status/1968004516978061512?s=46>. In its post, CCSD announced the details of a meeting being held by the CCSD Bond Oversight Committee later that day. The vast majority of the approximately 166 responses, however, did not relate to CCSD's post. Instead, users left comments expressing their disappointment that CCSD had not fired a teacher who had expressed support for the assassination of Charlie Kirk on September 10, 2025. CCSD "hid" only two of the replies to its post, allowing the rest of the replies to remain visible despite the fact the replies were "not topically related to the post for which they are made" in violation of the Terms of Use.¹⁵

60. The same types of comments were left on a different post CCSD made the same day regarding mental health resources CCSD offers. *See CCSD X Post on Sep 16, 2025 at 8:39PM CT*, attached as **Exhibit 22** and available online at <https://x.com/ClarkCountySch/status/1968127538514763972>. For this post, CCSD hid only six out of approximately 117 responses that users posted advocating for the teacher's firing.

61. CCSD interpreted the vague terms of the Terms of Use to allow it to discriminate on the basis of Mrs. Brock's viewpoint in blocking her X account.

CCSD's Suppression of Mrs. Brock's Speech Causes her Harm

62. When an X user blocks another user's account, the blocked user may view the blocking user's public posts by visiting the blocking user's home page, but the blocked user is prevented from following the blocking user; tagging the blocking user; or replying, liking, reposting, or otherwise engaging with the blocking user's posts.¹⁶

63. By blocking Mrs. Brock, CCSD has prevented her from following it; tagging it; or replying, liking, reposting, or otherwise engaging in any of CCSD's posts. This prevents Mrs. Brock from interacting with CCSD and other X users in the CCSD X community.

64. Mrs. Brock is the parent of a child who attends school in CCSD and an active

¹⁵ An X account holder can "hide" posts on its account, which keeps the post from being visible to other users unless the user seeks out "hidden" posts.

¹⁶ *See Blocking on X*, attached as **Exhibit 23** and available online at <http://help.x.com/en/using-x/blocking-and-unblocking-accounts>.

1 member of the CCSD community, as she has been for the past 17 years. Mrs. Brock uses X to
 2 express her views regarding issues relevant to CCSD. CCSD's actions as alleged herein infringe
 3 her right to express her views.

4 65. Social media in general—and X in particular—is a powerful and effective tool for
 5 Mrs. Brock to engage with the CCSD community and bring attention to issues impacting her
 6 daughter and CCSD community and engage with others who are similarly affected. By being
 7 blocked from CCSD's X page, Mrs. Brock has been prevented from using that tool to engage in
 8 constitutionally protected speech.

9 66. While Mrs. Brock wants to continue advocating for protecting her daughter and
 10 other CCSD students from harmful ideologies, CCSD's decision to block Mrs. Brock has chilled
 11 her from speaking out, including speaking out against CCSD's flag policy, both on X and
 12 elsewhere. Specifically, Mrs. Brock fears that expressing her view to CCSD in other ways will
 13 cause CCSD to retaliate against her again. Having already lost her ability to speak on CCSD's X
 14 page, Mrs. Brock does not want to lose her opportunities to volunteer or participate in the CCSD
 15 community in the physical world or other online forums.

16 67. Despite Mrs. Brock's efforts, CCSD is continuing to block her on X. Without
 17 intervention from the Court, Mrs. Brock will continue to endure punishment, including continuing
 18 to be blocked by CCSD on X, indefinitely.

19 **CLAIMS FOR RELIEF**

20 **FIRST CLAIM FOR RELIEF** 21 **42 U.S.C. § 1983—First Amendment** 22 **(Right to Free Speech and to Petition)**

23 68. Mrs. Brock hereby incorporates by reference all other paragraphs of this
 24 Complaint as though fully set forth herein.

25 69. Mrs. Brock's postings on X as alleged herein constitute speech and petitioning for
 26 the redress of grievances protected by the First Amendment, made applicable to the states by the
 27 Fourteenth Amendment.

28 70. CCSD's actions in moderating the interactive portions of its official X page—
 including but not limited to its decision to block users—constitutes state action.

1 71. The Terms of Use are an official policy, practice, custom, or usage of CCSD, and
2 CCSD banned Mrs. Brock pursuant to the Terms of Use.

3 72. CCSD has created the @ClarkCountySch's X account to engage with the public
4 and to solicit feedback regarding the operation of its schools. Its purpose is to interact with the
5 public and to foster exchange.

6 73. The interactive portions CCSD's official X page—including but not limited to the
7 functions that allow users to comment on, like, or re-post CCSD posts and to tag CCSD in separate
8 posts—constitute a designated public forum where state actors may impose only viewpoint
9 neutral time, place, and manner restrictions that are narrowly drawn.

10 74. In the alternative, the interactive portions CCSD's official X page—including but
11 not limited to the functions that allow users to comment on, like, or re-post CCSD posts and to
12 tag CCSD in separate posts—constitute a limited public forum for the purpose of discussing issues
13 pertinent to CCSD's operation of its schools, where state actors may only impose restrictions that
14 are viewpoint neutral and reasonable in light of the purposes of the forum.

15 75. While the Terms of Use state that CCSD's page is "not a public forum," CCSD
16 operates/moderates its page in such a manner that it is.

17 76. Mrs. Brock is a person to whom the forum was opened.

18 77. Mrs. Brock's postings as alleged herein contained speech that fell within the
19 limitations of the forum.

20 78. CCSD's act in blocking Mrs. Brock from interacting with CCSD's X account
21 constitutes unconstitutional censorship of her speech and an impermissible exclusion from the
22 forum.

23 79. Blocking Mrs. Brock constitutes discrimination based on viewpoint.

24 80. Blocking Mrs. Brock was not narrowly tailored to any important state interest.

25 81. Blocking Mrs. Brock was not reasonable in light of the forum's purpose.

26 82. Upon information and belief, Mr. Story was either personally involved in the
27 decision to block Mrs. Brock or delegated that authority to someone who acted upon that
28 authorization.

83. Upon information and belief, Searer has the authority to unblock Mrs. Brock.

84. Defendant Searer, Tod Story, and those acting pursuant to their delegated authority were and are state actors acting in the course and scope of their employment when they blocked and continue to block Mrs. Brock from the CCSD X account.

85. CCSD's actions in blocking Mrs. Brock infringes her First Amendment rights to speak and to petition the government for redress of grievances, which includes allowing citizens to express their ideas, hopes, and concerns to their government as well as disagree with government policies.

86. Mrs. Brock was damaged by being blocked, which has prevented her from engaging in the protected First Amendment activities of speaking and petitioning to the same extent permitted to those whose accounts were not blocked.

87. CCSD's policies, practices, customs, and usages as described herein are unconstitutional on their face and/or as applied.

88. Mrs. Brock is entitled to declaratory and permanent injunctive relief invalidating and restraining CCSD from ongoing violations of her constitutional rights as set forth herein.

89. Mrs. Brock is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

SECOND CLAIM FOR RELIEF
42 U.S.C. § 1983—First Amendment
(Retaliation)

90. Mrs. Brock hereby incorporates by reference all other paragraphs of this Complaint as though fully set forth herein.

91. Mrs. Brock's criticism of CCSD's policies, petitioning CCSD to change its policies, and other activities as alleged herein constitutes protected speech and petitioning.

92. Mrs. Brock's speech and petitioning was a substantial or motivating factor in CCSD's decision to block her X account. CCSD retaliated against Mrs. Brock for her protected speech and petitioning because that speech and petitioning challenged and did not comport with CCSD's ideological preferences.

93. CCSD's actions would deter a person of ordinary firmness from continuing to speak in the ways at issue in this case in the future.

1 94. CCSD’s actions have deterred Mrs. Brock from continuing to speak in the ways at
2 issue in this case in the future.

3 95. CCSD’s actions in blocking Mrs. Brock constituted unlawful retaliation against
4 her based on her speech and petitioning.

5 96. CCSD’s policies, practices, customs, and usages as described herein are
6 unconstitutional on their face and/or as applied.

7 97. Mrs. Brock has no adequate remedy at law for these deprivations and will suffer
8 serious and irreparable harm to her constitutional rights unless CCSD is enjoined.

9 98. Mrs. Brock is entitled to declaratory relief and permanent injunctive relief
10 invalidating and restraining CCSD from ongoing violations of her constitutional rights.

11 99. Mrs. Brock is also entitled to an award of attorneys’ fees and costs pursuant to 42
12 U.S.C. § 1988.

13 **THIRD CLAIM FOR RELIEF**
14 **42 U.S.C. § 1983—First and Fourteenth Amendment**
15 **(Vagueness)**

16 100. Mrs. Brock hereby incorporates by reference all other paragraphs of this
17 Complaint as though fully set forth herein.

18 101. The First and Fourteenth Amendments prohibit the enforcement of vague laws and
19 practices regulating speech and laws and practices that, however valid their application may be
20 in some instances, are so indeterminate as to chill protected speech.

21 102. CCSD’s Terms of Use and practices applying them are unconstitutionally vague
22 because they fail to set forth objective, workable standards to govern moderation decisions.
23 Among other things, the Terms of Use’s prohibitions on (1) language that is not “topically related”
24 to the original post, (2) “abusive . . . language or content,” (3) “[c]ontent that promotes, fosters,
25 or perpetuates discrimination,” and (4) “apparent spam or trolling” are unduly vague. There is no
26 indication in the Terms of Use what type of content qualifies as “topically related,” “abusive,”
27 discriminatory, or “apparent spam or trolling.”

28 103. CCSD’s interpretations of these vague terms are not readily apparent, and, in
practice, CCSD’s X page contains numerous replies and interactions from other X users who,

1 despite apparently violating the Terms of Use as reasonably understood, do not appear to be
2 suffering any adverse action for doing so.

3 104. These vague criteria do not provide adequate notice, which denies a person of
4 ordinary intelligence the reasonable opportunity to know what conduct or speech is prohibited,
5 so that she may act accordingly.

6 105. These vague criteria also provide CCSD with overly broad discretion within which
7 it can block X account users it dislikes and grant access to the users it prefers.

8 106. CCSD's policies, practices, customs, and usages as described herein are
9 unconstitutionally vague on their face and/or as applied.

10 107. Mrs. Brock is entitled to declaratory relief and permanent injunctive relief
11 invalidating and restraining CCSD from ongoing violations of her constitutional rights.

12 108. Mrs. Brock is also entitled to attorneys' fees and costs per 42 U.S.C. § 1988.

13 **FOURTH CLAIM FOR RELIEF**
14 **42 U.S.C. § 1983—Fourteenth Amendment**
15 **(Procedural Due Process)**

16 109. Mrs. Brock hereby incorporates by reference all other paragraphs of this
17 Complaint as though fully set forth herein.

18 110. The right to be free from restrictions on speech is a liberty interest protected by the
19 procedural component of the Due Process Clause of the Fourteenth Amendment.

20 111. CCSD's decision to block Mrs. Brock implicates this liberty interest, thus entitling
21 her to the procedural protections of the Due Process Clause.

22 112. The Due Process Clause requires the government to give individuals procedural
23 protections when taking actions that implicate their liberty interests, including but not limited to
24 notice and an opportunity to be heard prior to the deprivation.

25 113. CCSD did not provide Mrs. Brock notice or an opportunity to be heard prior to
26 blocking her from its X account.

27 114. CCSD's decision to block Mrs. Brock denied her adequate procedural protections.

28 115. CCSD's policies, practices, customs, and usages as described herein are
unconstitutional on their face and/or as applied.

116. Mrs. Brock has no adequate remedy at law for these deprivations and will suffer serious and irreparable harm to her constitutional rights unless Defendants are enjoined as set forth herein.

117. Mrs. Brock is entitled to declaratory relief and permanent injunctive relief invalidating and restraining Defendants from ongoing violations of her constitutional rights as set forth herein.

118. Mrs. Brock is entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

PRAYER FOR RELIEF

WHEREFORE, Mrs. Brock requests the following relief:

1. Declare unconstitutional Defendants' viewpoint-based and retaliatory exclusion and censorship of Mrs. Brock by virtue of its ongoing block of Mrs. Brock's X account;
2. Declare unconstitutional CCSD's Terms of Use;
3. Enjoin Defendants from maintaining the block on Mrs. Brock's X account and order them to unblock her account;
4. Enjoin Defendants from enforcing CCSD's Terms of Use;
5. Costs and attorney's fees pursuant to 42 U.S.C. § 1988;
6. All other relief this Court deems just and proper; and
7. That this Court retain jurisdiction of this matter for the purpose of enforcing this Court's orders.

Dated: October 16, 2025.

Respectfully submitted,

/s/ Marc J. Randazza

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