

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CAITLIN CHILDS,)	
CHRISTOPHER FREEMAN,)	
)	
Plaintiffs,)	CIVIL ACTION
)	FILE NO. _____
)	
vs.)	
)	
)	
DEKALB COUNTY, GEORGIA,)	
DETECTIVE D.A. GORMAN,)	
individually and in his official)	
capacity as a detective for the)	
Homeland Security Division of))	
Dekalb County, and)	
OFFICER K.A. MOFFIT,)	
individually and in his)	
official capacity as an officer of the)	
Dekalb County Police Department.)	
)	
Defendants.)	

VERIFIED COMPLAINT

COMES NOW Caitlin Childs and Christopher Freeman, the Plaintiffs, and bring this Complaint seeking damages for the violations of their First and Fourth Amendment rights under the United States Constitution and corollary rights under the Georgia Constitution, and for their false imprisonment, false arrest, and harassment by Dekalb County police during and after a lawful protest on public property. As shown more fully below, Plaintiffs were surreptitiously surveiled during

a peaceful protest, and then stopped and arrested for failing to turn over a piece of paper on which they had written the tag number of the Homeland Security officer who was spying on them.

JURISDICTION AND VENUE

1.

This action arises under the authority vested in this Court by virtue of 42 U.S.C. § 1983, 28 U.S.C. § 1331, 28 U.S.C. § 1343 (a)(3), the First, Fourth, and Fourteenth Amendments of the United States Constitution, and pendent jurisdiction pursuant to 28 U.S.C. § 1367 under Article I, § 1, ¶¶ V, VIII of the Georgia Constitution. The actions of defendants were under color of law. Venue is proper in this Court.

PARTIES

2.

Plaintiff Caitlin Childs (“Ms. Childs”) resides in Atlanta, Georgia and is a citizen of Fulton County.

3.

Plaintiff Christopher Freeman (“Mr. Freeman”) resides in Atlanta, Georgia and is a citizen of Fulton County.

4.

Defendant Dekalb County, Georgia, is a body corporate and politic and a political subdivision of the State of Georgia, duly established under its laws and Constitution. The Dekalb County Police Department is a division of Dekalb County.

5.

Defendant Detective D.A. Gorman is a detective with the Dekalb County Police Department’s Homeland Security Division. He is sued in his individual capacity and in his official capacity as a Dekalb County detective. Defendant was at all times pertinent hereto a detective acting under color of state law.

6.

Defendant Officer K.A. Moffit is an officer of the Dekalb County Police Department. He is sued individually and in his official capacity as a Dekalb County police officer. Defendant was at all times pertinent hereto an officer acting under color of state law.

FACTUAL ALLEGATIONS

7.

Ms. Childs and Mr. Freeman are vegans and are members of Viva! USA and the Animal Defense League, both of which are non-profit organizations advocating the humane treatment of animals. Ms. Childs and Mr. Freeman have been involved in numerous peaceful protests on behalf of these organizations.

8.

On December 20, 2003, Ms. Childs and Mr. Freeman participated in an animal cruelty protest on public property outside of a Honey Baked Ham Store located on Buford Highway in Dekalb County. Approximately ten people attended the protest.

9.

At least one officer from the Dekalb County Police Department was present at all times during the protest. The protestors were instructed by the police not to speak with any customers, even if they were spoken to first, chilling and restricting their speech.

10.

After the protest ended, two protestors (other than Plaintiffs) walked toward their car parked in a lot across the street. Those protestors were stopped by a police officer and cited for jaywalking. Ms. Childs and Mr. Freeman traveled across the