

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

AMANDA McGONIGLE,

Plaintiff,

v.

SEAN M. CURRAN, in his official capacity
as Director of the U.S. Secret Service, JOHN
HILLER, in his official capacity as Director of
Presidential Advance, EXECUTIVE OFFICE
OF THE PRESIDENT, and UNITED
STATES SECRET SERVICE,

Defendants.

Civil Case Number: 1:26-cv-00349-JCN

**PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION
AND INCORPORATED MEMORANDUM OF LAW**

REQUEST FOR IMMEDIATE RELIEF

Pursuant to Federal Rule of Civil Procedure 65, Plaintiff, Amanda McGonigle, respectfully moves for a preliminary injunction prohibiting Sean M. Curran, Director of the Secret Service, John Hiller, Director of Presidential Advance, the Executive Office of the President, and the United States Secret Service (collectively, “Defendants”), from excluding her from upcoming official vice-presidential events, such as an event in Brewer, Maine, on August 24, 2026, in retaliation for her protected speech or based on her viewpoint.¹

INTRODUCTION

Vice President JD Vance regularly holds official events across the country to publicize government policies. Members of the public are invited to attend such official events to hear the vice president’s remarks and to engage in audience expression, including cheering, booing, and wearing attire with political messages.

Ms. McGonigle operates social media accounts under the username “CatsOnACouch” and regularly posts messages critical of Vice President Vance. She has more than 2.1 million followers. Because of her high-profile speech, Ms. McGonigle is known to Defendants and their staff. While Ms. McGonigle was standing in line to enter a recent official vice-presidential event in Bangor, Maine, armed members of the Secret Service and other government officials singled her out, called her by her name (“Amanda”), and excluded her from the event, stating “we know where you stand.” Ms. McGonigle also registered to attend an official vice-presidential event in Des Moines, but unlike other registrants, never received details to attend the event.

Ms. McGonigle has registered to attend an upcoming official vice-presidential event in Brewer, Maine, on August 24, 2026, where she intends to listen to the vice president’s remarks,

¹ A copy of this motion was sent via electronic mail to attorneys with the U.S. Attorney’s Office for the District of Maine.

gather information to share with her followers, and express her views as an audience member by cheering, booing, and wearing attire with political messages. Ms. McGonigle also intends to attend future events in the coming weeks, during which Vice President Vance has a “packed” travel schedule.² Judicial relief is necessary to enjoin Defendants from excluding Ms. McGonigle from these upcoming events in retaliation for her protected speech and based on viewpoint discrimination, as they have done in the past—causing Ms. McGonigle irreparable harm.

Ms. McGonigle is likely to prevail on both her retaliation claim and her viewpoint discrimination claim. “[T]he law is settled that as a general matter the First Amendment prohibits government officials from subjecting an individual to retaliatory actions . . . for speaking out.” *Hartman v. Moore*, 547 U.S. 250, 256 (2006). Defendants’ exclusion of Ms. McGonigle from vice-presidential events that are otherwise open to the public unconstitutionally punishes her for her protected speech. Additionally, “[v]iewpoint discrimination” represents “an egregious form” of content regulation, from which the government must nearly always “abstain” when operating a limited public forum. *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). Defendants’ attempt to prevent Ms. McGonigle from participating as an audience member in vice-presidential events imposes an unconstitutional viewpoint-based restriction on access to a limited public forum. The balance of equities and public interest support the requested relief, which is narrowly tailored to prohibit retaliation and viewpoint discrimination. Accordingly, Ms. McGonigle respectfully requests a preliminary injunction preventing Defendants from excluding Ms. McGonigle from upcoming vice-presidential events in retaliation for her past speech or based on her viewpoint.

² See Henry J. Gomez, *Vance plans a hometown speech in Ohio as his midterm travel ramps up*, NBC (Aug. 18, 2026), <https://perma.cc/AC9V-83UX>.

BACKGROUND

I. Amanda McGonigle Operates a Satirical Cat Account on Social Media and Regularly Posts Political Messages Critical of Vice President Vance.

In 2021, now-Vice President Vance stated in an interview that the country was run by “a bunch of childless cat ladies who are miserable at their own lives and the choices that they’ve made and so they want to make the rest of the country miserable, too.”³

After this comment surfaced during the 2024 presidential campaign, Ms. McGonigle created CatsOnACouch “to make fun of the current administration and amass more followers than JD Vance.” McGonigle Decl. ¶ 3. The CatsOnACouch Instagram account has more than 2.1 million followers. *Id.* ¶ 5. Ms. McGonigle also operates a Facebook account with the same username, which has more than 1 million followers. *Id.* ¶ 6.

These accounts feature a combination of political commentary, criticism and mockery of Vice President Vance, silly cat images, and calls for community action. *Id.* ¶ 7.

For example, in April, Ms. McGonigle celebrated the outcome of Hungary’s recent parliamentary election with a post stating “Hungary ousted authoritarian and Trump/Russia’s favorite euro-strongman Viktor Orban yesterday, with a little help from JD Vance,” suggesting that Vice President Vance’s campaigning for Orban contributed to Orban’s loss. McGonigle Decl. ¶ 12. Ms. McGonigle concluded with a motivational message, stating “We can have that” (referring to ousting an autocratic leader) “[i]f we choose to work like hell and show up.” *Id.*

In a video post, Ms. McGonigle criticized the Vice President for using a picture of a Methodist church on the cover of his memoir about his conversion to Catholicism. *Id.* ¶ 18. She stated that it was like “putting a stock photo of a cat on the cover of a book about dog training,”

³ Rachel Treisman, *JD Vance Went Viral For ‘Cat Lady’ Comments. The Centuries-Old Trope has a Long Tail*, NPR (July 29, 2024), <https://perma.cc/M6C6-ZQDF>.

and called the Vice President a “walking talking cautionary tale of what happens when mediocrity gets a promotion.” *Id.* ¶ 18. Another post contains cats laughing at headlines from various news sources indicating that Vice President Vance’s approval ratings were dropping. *Id.* ¶ 11.

Ms. McGonigle also often criticizes Vice President Vance’s personality or demeanor. For example, her posts include: “If I had a nickel for every one of JD Vance’s redeeming qualities I’d have none nickels,” McGonigle Decl. ¶ 19, “JD Vance is a knob,” *id.*, and “Why does he always look like he YouTubed ‘how to walk,’” *id.* ¶ 14.

II. Vice President Vance Regularly Holds Official Government Events for the Public to Attend.

Vice President Vance regularly holds official events across the country to discuss government policy, publicize the work of the Trump Administration, and engage with the public. The public can register to attend the events using government links with official White House branding. McGonigle Decl. ¶¶ 29-32.

For example, Vice President Vance held official events on: (1) January 22, 2026, in Toledo, Ohio,⁴ (2) March 13, 2026, in Rocky Mount, North Carolina,⁵ (3) March 18, 2026, in Auburn Hills, Michigan,⁶ (4) May 5, 2026, in Des Moines, Iowa (the “Des Moines Event”),⁷ and (5) May

⁴ Vice President JD Vance Delivers Remarks in Toledo, Ohio, The White House (Jan. 22, 2026), <https://www.whitehouse.gov/videos/vice-president-jd-vance-delivers-remarks-in-toledo-ohio-jan-22-2026/>.

⁵ Vice President JD Vance Delivers Remarks in Rocky Mount, NC, The White House (Mar. 13, 2026), available at <https://www.whitehouse.gov/videos/vice-president-jd-vance-delivers-remarks-in-rocky-mount-nc/>.

⁶ Vice President JD Vance Delivers Remarks in Auburn Hills, MI, The White House (Mar. 18, 2026), available at <https://www.whitehouse.gov/videos/vice-president-jd-vance-delivers-remarks-in-auburn-hills-mi/> (highlighting the Trump Administration’s tax policy).

⁷ Vice President JD Vance Delivers Remarks in Des Moines, Iowa, The White House (May 5, 2026), available at <https://www.whitehouse.gov/videos/vice-president-jd-vance-delivers-remarks-in-des-moines-iowa/> (highlighting the theme of “Made in America”).

14, 2026, in Bangor, Maine (the “Bangor Event”).⁸ At these events, Vice President Vance touted Trump Administration policies on trade and tax, and promoted the work of an anti-fraud task force. In addition to the Vice President, some of the events also featured other government officials—including the Small Business Administration Administrator and the Acting Secretary of Labor. *See supra* nn.4-8. Government appropriations paid for travel expenses and publicity for these events⁹, and videos of the events were posted on the official White House website, confirming that these were official government events. *See supra* nn.3-7.

Audience participation is a key feature of these official vice-presidential events. Members of the public are invited to attend official vice-presidential events by registering through links provided by the Executive Office of the President and with White House branding. *See, e.g.*, McGonigle Decl. ¶¶ 23, 29-30 (describing the process for the public to register at the Des Moines and Bangor Events). Audience members at such events express their views by cheering, booing, shouting out messages, and wearing political attire. *See supra* nn.3-7. After the Bangor Event, Vice President Vance highlighted audience expression by sharing an article describing the “fired up crowd in Maine” on his official social media account.¹⁰

⁸ Vice President JD Vance Delivers Remarks in Bangor, Maine, The White House (May 14, 2026), <https://www.whitehouse.gov/videos/vice-president-jd-vance-delivers-remarks-in-bangor-maine/> (touting the Administration’s anti-fraud task force).

⁹ *See* 3 U.S.C. § 106(b)(1) (authorizing funds for travel expenses for official travel by the Vice President); 6 Op. O.L.C. 214 (1982) (providing that “[f]unds appropriated for the official functioning of the offices of the President and the Vice President may be used for travel expenses only if the travel is reasonably related to an official purpose”); *White House Communications Agency Expenses Incurred on Political or Personal Travel by the President*, 14 Op. O.L.C. 144 (1990) (“Appropriated funds may be expended to facilitate official, *but not political*, communication between the President and the press.”) (emphasis added).

¹⁰ Vice President JD Vance, FACEBOOK (May 14, 2026), <https://www.facebook.com/VicePresident/videos/vp-vance-speaks-to-a-fired-up-crowd-in-maine-for-the-first-time-in-a-very-long-ti/1349638550406835/>.

III. Defendants Exclude Ms. McGonigle from Official Vice-Presidential Events in Retaliation for Her Past Speech and Based on Her Viewpoint.

The Office of Presidential Advance, part of the Executive Office of the President, organizes official vice-presidential events and collaborates with the U.S. Secret Service on security and the structure of activities.¹¹

Government officials overseeing vice-presidential events are aware of Ms. McGonigle and her critical viewpoint of Vice President Vance. *See* McGonigle Decl. ¶¶ 21, 35. In fact, at a protest of a campaign event in 2025, a Secret Service officer told Ms. McGonigle that “of course” they knew about CatsOnACouch. *Id.* ¶ 21.

Defendants have excluded Ms. McGonigle from prior official vice-presidential events because of her past speech critical of Vice President Vance. In May 2026, Ms. McGonigle registered to attend the Bangor Event, received guest guidance and details to attend the event, and complied with all guest guidance and attendance details. McGonigle Decl. ¶¶ 29-34. However, while Ms. McGonigle was standing in line with a friend, a group of five officials—including two armed Secret Service officers—approached them, singled out Ms. McGonigle by name (calling her “Amanda”), and excluded her from the event, saying “we know where you stand.” *Id.* ¶¶ 35, 39. Two officials accompanying the Secret Service officers wore “S” pins, *id.* ¶ 36, reflecting their

¹¹ *See Presidential Departments*, The White House, <https://www.whitehouse.gov/internships/presidential-departments/>. The U.S. Secret Service and U.S. Secret Service Uniformed Division are responsible for protecting the Vice President, including on official travel. 18 U.S.C. §§ 3056(a)(1), 3056A; *see also* 18 U.S.C. § 1752 (making it a crime to “knowingly enter[] or remain[] in any restricted building or grounds without lawful authority to do so,” and defining “restricted” area to include building or grounds where the Vice President “is or will be temporarily visiting”); 18 U.S.C. §§ 3056(c)(1), 3056A(b)(1) (authorizing warrantless arrest for any offense against the United States committed in their presence).

status as government “Staff.”¹² The third official wore a suit with a pin including an official seal. McGonigle Decl. ¶ 37.

Ms. McGonigle responded that “it is a cat account; this is silly.” *Id.* ¶ 40. The officials attempted to justify the decision by incorrectly telling Ms. McGonigle that the event was “private,” even though it was an official government event that the general public could register to attend. *Id.* ¶ 41. Ms. McGonigle requested confirmation, asking: “To be clear, it’s a private event and even though I received my registration via email, I can’t attend.” *Id.* ¶ 42. An official responded, “that is correct.” *Id.* ¶ 43.

Officials also ejected Ms. McGonigle’s friend who was standing with her in line. They provided no reason for excluding Ms. McGonigle’s friend other than his association with Ms. McGonigle. *See id.* ¶¶ 44-46.

The Bangor Event was not the first time that Ms. McGonigle was excluded from an official Vice President event. Ms. McGonigle also registered to attend another official vice-presidential event in Des Moines, Iowa, on May 5, 2026. Event organizers sent emails with guest guidance and attendance details to other registrants, but they did not send such information to attend the event to Ms. McGonigle. McGonigle Decl. ¶¶ 23-26.

IV. Ms. McGonigle Plans to Attend Upcoming Official Events.

Ms. McGonigle has registered to attend an official vice-presidential event in Brewer, Maine on August 24, 2026, where she intends to listen to the vice president’s remarks, express her views by cheering, booing, and wearing attire with political messages, and gather information to share with her millions of followers. McGonigle Decl. ¶ 61-64, 66. Ms.

¹² United States Secret Service: An Agency in Crisis at 43, Committee on Oversight and Government Reform, United States House of Representatives (Dec. 9, 2015), <https://perma.cc/PXF5-UYG4>.

McGonigle received confirmation of her registration for the event. *Id.* ¶ 63. She also intends to register for and attend future vice-presidential events located anywhere in the country. *Id.* ¶ 65. Such events are likely to occur in the coming weeks given Vice President Vance’s upcoming “packed” travel schedule. *See supra* n.2. Registration for such events is typically available only two business days before the event. McGonigle Decl. ¶ 65. Absent judicial relief, Defendants will likely continue to exclude Ms. McGonigle from official vice-presidential events in retaliation for her speech and discriminate against her based upon her viewpoint, irreparably harming Ms. McGonigle.

ARGUMENT

The Court should issue a preliminary injunction to protect Ms. McGonigle’s First Amendment rights. Preliminary injunctive relief is warranted when the movant shows that she is likely to succeed on the merits, that she will suffer irreparable harm absent relief, that the balance of the equities favors relief, and that relief is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008). “In the First Amendment context, the likelihood of success on the merits is the linchpin of the preliminary injunction analysis.” *Sindicato Puertorriqueño de Trabajadores v. Fortuño*, 699 F.3d 1, 10 (1st Cir. 2012); *see also Cent. Me. Power Co. v. Me. Comm’n on Governmental Ethics & Election Pracs.*, 721 F. Supp. 3d 31, 55 (D. Me. 2024). Here, Ms. McGonigle is likely to prevail on her First Amendment claims, and the remaining equitable factors likewise weigh heavily in favor of preliminary injunctive relief.

I. Ms. McGonigle Is Likely to Succeed on the Merits of Her First Amendment Claims.

Ms. McGonigle is likely to succeed in showing that Defendants violate her First Amendment rights by excluding her from official vice-presidential events in retaliation for her protected speech. Ms. McGonigle is also likely to succeed in showing that Defendants violate the

First Amendment by excluding her from limited public fora based on her viewpoint. A likelihood of success on either claim is sufficient to support the requested relief.

A. Excluding Ms. McGonigle from Official Vice-Presidential Events Because of Her Past Speech Violates the First Amendment.

“[T]he First Amendment prohibits government officials from subjecting an individual to retaliatory actions . . . for speaking out.” *McGunigle v. City of Quincy*, 835 F.3d 192, 202 (1st Cir. 2016) (quoting *Mercado–Berrios v. Cancel–Alegría*, 611 F.3d 18, 25 (1st Cir. 2010); *Hartman v. Moore*, 547 U.S. 250, 256 (2006)). Such conduct is “actionable because retaliatory actions may tend to chill individuals’ exercise of constitutional rights.” *Barton v. Clancy*, 632 F.3d 9, 23 (1st Cir. 2011) (quoting *Powell v. Alexander*, 391 F.3d 1, 16–17 (1st Cir. 2004)).

To prevail on a First Amendment retaliation claim, a plaintiff must prove that (1) she “engaged in constitutionally protected conduct,” (2) she “was subjected to an adverse action by the defendant,” and (3) “the protected conduct was a substantial or motivating factor in the adverse action.” *D.B. ex rel. Elizabeth B. v. Esposito*, 675 F.3d 26, 43 (1st Cir. 2012); *see also President & Fellows of Harvard Coll. v. United States Dep’t of Health & Hum. Servs.*, 798 F. Supp. 3d 77, 118 (D. Mass. 2025). As discussed below, Ms. McGonigle is likely to succeed in establishing each of the elements of her First Amendment retaliation claim.

1. Ms. McGonigle Engages in Core Political Speech.

First, Ms. McGonigle engages in constitutionally protected speech and expression on her social media account when she posts satirical and political criticism of Vice President Vance and the manner in which he wields his wide-ranging governmental authority. *See* McGonigle Decl. ¶¶ 7-19. “[L]awful political speech” is “at the core of what the First Amendment is designed to protect.” *Virginia v. Black*, 538 U.S. 343, 365 (2003). A “major purpose” of the First Amendment is to “protect the free discussion of governmental affairs.” *McIntyre v. Ohio Elections Comm’n*,

514 U.S. 334, 346–47 (1995) (citing *Mills v. Alabama*, 384 U.S. 214, 218 (1966)). Ms. McGonigle’s criticism of the Vice President of the United States is squarely protected by the First Amendment.

In the leadup to the Des Moines and Bangor Events, Ms. McGonigle posted numerous messages critical of Vice President Vance and his work in the Trump administration. For example, before the Bangor Event at which Vice President Vance touted the work of the anti-fraud task force, Ms. McGonigle posted that she would “like to report some waste, fraud, and abuse” about a “government official” (JD Vance), stating “[t]he fraud call is coming from inside the [white] house[.]” McGonigle Decl. ¶ 15.

Ms. McGonigle’s high-profile criticism of Vice President Vance qualifies not only as protected expression, but as core First Amendment speech on public issues, which “occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.” *Snyder v. Phelps*, 562 U.S. 443, 452 (2011). Although Defendants and the Vice President disfavor Ms. McGonigle’s political criticism, “[t]he First Amendment affords the broadest protection to such political expression in order ‘to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people.’” *McIntyre*, 514 U.S. at 346–47 (quoting *Roth v. United States*, 354 U.S. 476, 484 (1957)).

2. Defendants Retaliate Against Ms. McGonigle by Excluding Her from Official Vice-Presidential Events.

Second, exclusion from official vice-presidential events because of past speech qualifies as an adverse action for purposes of a retaliation claim. Government action is “adverse” if it would chill “a person of ordinary firmness” from continuing to exercise their constitutional rights, *Barton*, 632 F.3d at 29, or if the action would “adversely affect[] the plaintiff’s . . . protected speech,” taking into account things like the relationship between speaker and retaliator and the nature of the

government action in question.” *Houston Cmty. Coll. Sys. v. Wilson*, 595 U.S. 468, 477–78 (2022) (quoting *Suarez Corp. Indus. v. McGraw*, 202 F.3d 676, 686 (4th Cir. 2000)) (listing “various approaches” taken by lower courts to assess material adverse actions). “[E]ven relatively minor events” can qualify as an adverse action for purposes of a First Amendment retaliation claim. *Rivera-Jimenez v. Pierluisi*, 362 F.3d 87, 94 (1st Cir. 2004) (citation omitted). The First Amendment protects “even an act of retaliation as trivial as failing to hold a birthday party for a public employee . . . when intended to punish her for exercising her free speech rights.” *Rutan v. Republican Party of Illinois*, 497 U.S. 62, 76 n.8 (1990) (internal citation omitted).

Courts across the country have held that exclusion from government events because of protected speech qualifies as an adverse action. In one case, for example, the court held that the plaintiff’s retaliation claim could proceed where he alleged that the Chairman of the Airport Authority of Washoe County’s Board of Trustees ejected him from a public meeting in retaliation for expressing critical views. *Dehne v. Hill*, 74 F. App’x 794, 796 (9th Cir. 2003).

In another case, the court held that a plaintiff sufficiently alleged First Amendment retaliation when a state representative had the plaintiff temporarily ejected from a hearing presented by the Pennsylvania House of Urban Affairs Committee, based on a false claim that a restraining order had been issued against the plaintiff. *Suter v. Petrone*, 2006 WL 1453099, at *2, *6 (W.D. Pa. Mar. 14, 2006). The court concluded that “Defendant’s attempt to bar Plaintiff’s entrance into the House Urban Affairs Committee Hearing and subsequent lie regarding the restraining order could be found to be adverse and retaliatory behavior” sufficient to assert a claim for First Amendment retaliation. *Id.* at *6.

Another court held that being barred “from attending and speaking at library events” could give rise to a retaliation claim. *Spiehs v. Bd. of Directors of Free Pub. Libr. of City of Lawrence*,

No. 24-4016-JAR-BGS, 2024 WL 2260853, at *8 (D. Kan. May 15, 2024). As the court explained, “Plaintiff has alleged sufficient facts to support his retaliation claim in that he contends he was treated differently or adversely because of his point of view.” *Id.*

In this case, likewise, Defendants’ exclusion of Ms. McGonigle from vice-presidential events—whether by withholding attendance details or physically removing her from the line to get in—qualifies as an adverse action for purposes of her retaliation claim. Defendants’ exclusion of Ms. McGonigle from vice-presidential events would chill a person of ordinary firmness from engaging in further speech that is critical of the vice president. *See Barton*, 632 F.3d at 29. At the Bangor Event, five government officials, including two armed Secret Service officers, targeted Ms. McGonigle and removed her and her friend from line, addressed her by her name (“Amanda”) and indicated that she was not allowed into the event because of her prior speech (“we know where you stand”).¹³ McGonigle Decl. ¶¶ 34-47. This followed the Des Moines Event, in which officials withheld guest guidance and attendance details from Ms. McGonigle, despite sending such details to others who registered for the event. *Id.* ¶¶ 23-26. Exclusion from government events and targeted action by armed officials because of past speech would chill a person of ordinary firmness from continuing to exercise their constitutional rights. *See Barton*, 632 F.3d at 29-30.

The “chill” standard is an objective one. *Id.* (focusing on a person of reasonable or ordinary firmness). Thus, regardless of whether Ms. McGonigle was chilled, the question is whether a reasonable person in her position would be. *Arizona Students’ Ass’n v. Arizona Bd. of Regents*, 824 F.3d 858, 868 (9th Cir. 2016) (articulating an “objective” standard) (citations omitted). The

¹³ This enforcement carried the threat of a criminal penalty; remaining in a restricted area of a building or grounds where a Secret Service protectee (the Vice President) “is or will be temporarily visiting” could subject Ms. McGonigle to criminal penalties 18 U.S.C. §§ 1752(a), (c)(1)(B); 3056(a)(1).

answer in this case is plainly yes: exclusion by armed officers from a vice-presidential event for which a person had registered would cause a reasonable person to think twice before engaging in further speech that is critical of the Vice President.

Accordingly, the exclusion of Ms. McGonigle from official vice-presidential events because of her past speech qualifies as an adverse action.

3. Ms. McGonigle’s Protected Speech Was the Motivating Factor in the Adverse Action.

Finally, Ms. McGonigle is likely to succeed in showing that her exclusion from the Bangor Event was substantially motivated by her protected speech critical of Vice President Vance. *See D.B.*, 675 F.3d at 43. In excluding Ms. McGonigle from the Bangor Event, officials addressed her by her name and stated “we know where you stand,” referencing her high-profile criticism of Vice President Vance. *See McGonigle Decl.* ¶¶ 35, 39. This exchange showed that officials: (1) knew Ms. McGonigle’s identity—given that they targeted her individually while she was standing with many other people in line and called her “Amanda,” (2) knew about Ms. McGonigle’s past protected speech through the CatsOnACouch account, and (3) excluded her because of her protected speech.

Indeed, prior incidents confirm that Defendants’ staff know about Ms. McGonigle’s social media accounts and criticism of Vice President Vance. At one protest, for example, a Secret Service officer stated that “of course” they knew about Ms. McGonigle’s social media accounts. *Id.* ¶ 21. The selective withholding of guest guidance to Ms. McGonigle for the Des Moines Event similarly reflects an effort to exclude Ms. McGonigle because of her speech. *Id.* ¶¶ 23-26.

Officials provided no plausible nonretaliatory reason for the exclusion. Instead, they attempted to justify their speech-based exclusion by incorrectly claiming that the event was “private.” *See id.* ¶ 38. But every fact belies that excuse. The Bangor Event was open to the public

for registration; Ms. McGonigle registered for the event as a member of the public; Ms. McGonigle received confirmation that she could attend the event; the event was publicized on the official White House website; the event was paid for with government appropriations; and other members of the public in the same line as Ms. McGonigle were allowed into the event. *See id.* at ¶¶ 30-50. The fact that the officials’ proffered excuse is “unworthy of credence” provides further evidence “probative of intentional discrimination.” *See Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133, 147 (2000) (citing *St. Mary’s Honor Ctr. v. Hicks*, 509 U.S. 502, 517 (1993)) (“Proof that the defendant’s explanation is unworthy of credence is simply one form of circumstantial evidence that is probative of intentional discrimination, and it may be quite persuasive”).

In sum, Ms. McGonigle’s speech on social media is *the* motivating factor in the exclusion of Ms. McGonigle from official vice-presidential events, and Ms. McGonigle is likely to succeed on her retaliation claim.

B. Defendants Have Impermissibly Imposed a Viewpoint-Based Restriction on Access to a Limited Public Forum.

Ms. McGonigle is also likely to succeed in proving that excluding her from vice-presidential events constitutes impermissible viewpoint discrimination in a limited public forum.

When the government creates a “limited” public forum for private speech—whether in “a literal or ‘metaphysical’ sense”—some content- and speaker-based restrictions may be allowed, but “viewpoint discrimination” is forbidden. *Matal v. Tam*, 582 U.S. 218, 243 (2017) (citations omitted). “[V]iewpoint discrimination . . . is presumed impermissible when directed against speech otherwise within the forum’s limitations.” *Rosenberger*, 515 U.S. at 829-30. Even in a nonpublic forum, any regulation of speech must be “reasonable and not an effort to suppress expression merely because public officials oppose the speaker’s view.” *Perry Educ. Ass’n v. Perry Loc. Educators’ Ass’n*, 460 U.S. 37, 46 (1983) (citation omitted).

Ms. McGonigle is likely to prove that Defendants, through staff, created a limited public forum for audience participation at official vice-presidential events and impermissibly excluded Ms. McGonigle from the forum based on her viewpoint.

1. Defendants Create Limited Public Fora for Audience Expression.

The “hallmark” of the limited public forum “is that the government has made the space available . . . for ‘expressive public conduct’ or ‘expressive activity,’ and the space is compatible with such activity.” *Davison v. Randall*, 912 F.3d 666, 681–82 (4th Cir. 2019), *as amended* (Jan. 9, 2019) (citations omitted). Examples of limited public fora include public university facilities that are open to use by registered student organizations, *Christian Legal Soc. Chapter of the Univ. of California, Hastings Coll. of the L. v. Martinez*, 561 U.S. 661, 683 (2010), a state fair put on to exhibit a state’s products and resources, *Heffron v. Int’l Soc. for Krishna Consciousness, Inc.*, 452 U.S. 640, 655 (1981), and public comment periods at school board meetings, *McBreairty v. Sch. Bd. of RSU 22*, 616 F. Supp. 3d 79, 92-93 (D. Me. 2022).

Defendants Hiller and the Executive Office of the President regularly organize official government events featuring Vice President Vance and invite the public to register as audience members. Audience members at such events engage in protected expression, such as cheering or booing to show their support or opposition to an idea. *See supra* nn.4-8. Such expression is “sufficiently imbued with elements of communication to fall within the scope of the First and Fourteenth Amendments.” *Texas v. Johnson*, 491 U.S. 397, 404 (1989) (citing *Spence v. Washington*, 491 U.S. 397, 404 (1974)). For example, by cheering, audience members clearly communicate support for the message being shared by the speaker, and by booing, they communicate opposition. By wearing attire with a political message, audience members engage in speech through the written word. *See Bd. of Airport Comm’rs of City of Los Angeles v. Jews*

for Jesus, Inc., 482 U.S. 569, 576 (1987) (referring to “the wearing of a T-shirt or button that contains a political message” as “nondisruptive speech” permitted even in a nonpublic forum (citing *Cohen v. California*, 403 U.S. 15 (1971))); *Minnesota Voters Alliance v. Mansky*, 585 U.S. 1, 11, 17 (2018) (holding unconstitutional a statute banning wearing a “political badge, political button, or other political insignia” in a polling place because the law was not a reasonable regulation in light of the purpose served by the forum).

Such audience expression at an official government event is wholly consistent with the purposes of the forum. Audience members at official vice-presidential events routinely cheer and boo to express their views, and the Vice President leaves pauses in his speeches in order to accommodate—or even encourage—such expression. *See supra* nn.4-8. Indeed, after the Bangor Event, Vice President Vance highlighted the importance of audience expression at these events by sharing an article describing the “fired up crowd in Maine” on his official social media accounts. *See supra* n.10.

By inviting members of the public to register to attend official vice-presidential events and by allowing audience expression at such events, Defendants create a limited public forum for audience expression.

2. Defendants Exclude Ms. McGonigle from Limited Public Fora Based on Her Viewpoint.

Ms. McGonigle is likely to prevail in showing that Defendants have impermissibly excluded her from limited public fora based on her viewpoint. As already discussed, officials at the Bangor Event clearly conveyed the reason for excluding Ms. McGonigle, stating “we know where you stand.” McGonigle Decl. ¶¶ 39. In other words, Defendants denied Ms. McGonigle access to a government event paid for by, and open to, the public because she is a prominent critic of the vice president.

“[V]iewpoint discrimination . . . is presumed impermissible when directed against speech otherwise within the forum’s limitations.” *Rosenberger*, 515 U.S. at 829-30 (citation omitted). Audience members at official vice-presidential events may engage in speech and other expressive conduct within the limitations of the public forum for audience expression, including booing, cheering, and wearing attire with political messages. Had Ms. McGonigle been permitted to attend the event, she would have engaged in speech consistent with the forum. *See* McGonigle Decl. ¶¶ 51-54. Indeed, Ms. McGonigle had complied with all the limitations of the forum by registering for the event and following all guest guidance provided by event organizers. *Id.* ¶ 33-34.

Officials allowed people supportive of Vice President Vance to attend the event, including people who would cheer, boo, and wear political attire supportive of the Trump Administration. *See* McGonigle Decl. ¶¶ 46, 50; *see also supra* nn.4-8. Ms. McGonigle wished to attend the event and engage in protected, nondisruptive expression criticizing JD Vance, such as by wearing a t-shirt stating that “jd vance cured my imposter syndrome.” McGonigle Decl. ¶¶ 51-53. But she was denied access to the forum because Defendants disapproved of her views. That is the essence of viewpoint discrimination.

By excluding Ms. McGonigle from official vice-presidential events, Defendants engage in unconstitutional viewpoint discrimination.

II. Absent Preliminary Injunctive Relief, Ms. McGonigle Will Suffer Irreparable Harm from the Loss of First Amendment Freedoms.

Ms. McGonigle will suffer irreparable harm absent preliminary injunctive relief. “Where a plaintiff stands to suffer a substantial injury that cannot adequately be compensated by an end-of-case award of money damages, irreparable harm exists.” *Rosario-Urdaz v. Rivera-Hernandez*, 350 F.3d 219, 222 (1st Cir. 2003) (citation omitted). Ms. McGonigle seeks to register for and

attend official vice-presidential events in the same way that every other member of the public can. Ms. McGonigle has registered to attend an upcoming vice-presidential event in Brewer, Maine, on August 24, 2026, where she intends to express her views by cheering, booing, and wearing attire with political messages, and to gather information to share with her millions of followers. Ms. McGonigle also intends to register for and attend future vice-presidential events to do the same. Such events arise on a short timeline, with registration available only approximately two business days before the events. McGonigle Decl. ¶ 65.

However, Defendants and their staff still “know where [Ms. McGonigle] stand[s]” regarding criticism of Vice President Vance and, absent judicial relief, Defendants will likely continue to exclude Ms. McGonigle from future official vice-presidential events in retaliation for her speech. *See* McGonigle Decl. ¶ 39. This means Ms. McGonigle will travel long distances to attend official vice-presidential events—only to be prevented from entering because of her disfavored political speech.

“As the Supreme Court has explained, ‘the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.’” *Smith v. Trump*, 791 F. Supp. 3d 90, 99 (D. Me. 2025) (citing *Sindicato Puertorriqueno de Trabajadores v. Fortuno*, 699 F.3d 1, 11 (1st Cir. 2012)); *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Absent immediate judicial relief, Defendants will likely exclude Ms. McGonigle from upcoming official vice-presidential events, including the Brewer event on August 24, 2026, again punishing her for her speech and depriving her of the opportunity to engage in protected expression as an audience member. This exclusion also deprives Ms. McGonigle of her First Amendment right to receive information during future events and from disseminating that information to her followers. *See, e.g.*, McGonigle Decl. ¶¶ 54, 66; *see also Sorrell v. IMS Health Inc.*, 564 U.S. 552, 570 (2011)

(explaining that “the creation and dissemination of information are speech within the meaning of the First Amendment”); *Va. State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 756–57 (1976) (citation omitted) (recognizing the First Amendment right to “receive information and ideas”)

Because Ms. McGonigle is likely to succeed on her First Amendment claims, her “irreparable injury is presumed.” *Smith*, 791 F. Supp. 3d at 99 (citation omitted).

III. The Balance of the Equities and Public Interest Favor Injunctive Relief.

Finally, the balance of the equities and public interest favor the requested preliminary injunction. The scope of the proposed relief narrowly targets unlawful retaliation and viewpoint-based discrimination. Without such relief, Ms. McGonigle would suffer irreparable harm from the loss of First Amendment freedoms, including her right to free expression, to receive information and ideas, and to create and disseminate information. By contrast, Defendants have no legitimate interest in excluding an audience member from official vice-presidential events in retaliation for protected speech or based on that person’s viewpoint. Thus, the balance of the equities favors Ms. McGonigle.

“The public interest is served by protecting First Amendment rights from likely unconstitutional infringement.” *Comcast of Me./N.H., Inc. v. Mills*, 435 F.Supp.3d 228, 250 (D. Me. 2019), *aff’d*, 988 F.3d 607 (1st Cir. 2021). There is a “substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *Smith*, 791 F. Supp. 3d at 99–100 (citing *Luokung Tech. Corp. v. Dep’t of Def.*, 538 F. Supp. 3d 174, 195 (D.D.C. 2021)). Indeed, “it is always in the public interest to prevent the violation of a party’s constitutional rights.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citations omitted). That is especially true of violations of the First Amendment, which “guarantees the

‘public interest in having free and unhindered debate on matters of public importance.’” *Rosaura Bldg. Corp. v. Mun. of Mayagüez*, 778 F.3d 55, 66 (1st Cir. 2015) (quoting *Pickering v. Bd. of Educ. of Twp. High Sch. Dist. 205*, 391 U.S. 563, 573 (1968)).

Accordingly, all factors support the issuance of the requested preliminary injunction.¹⁴

CONCLUSION

For these reasons, Ms. McGonigle respectfully requests that the Court grant a preliminary injunction enjoining Defendants from excluding her from future vice-presidential events in retaliation for her protected speech or based on her viewpoint.

¹⁴ Pursuant to Federal Rule of Civil Procedure 65(c), “[t]he court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” Fed. R. Civ. P. 65(c). “[T]here is ample authority for the proposition that the provisions of Rule 65(c) are not mandatory,” *Int’l Ass’n of Machinists & Aerospace Workers v. E. Airlines, Inc.*, 925 F.2d 6, 9 (1st Cir. 1991), and the court may exercise discretion to require only nominal security or to dispense with the security requirement. *See, e.g., Crowley v. Local No. 82, Furniture & Piano Moving*, 679 F.2d 978, 999-1000 (1st Cir. 1982) (collecting cases), *rev’d on other grounds*, 467 U.S. 526 (1984); *Maine v. United States Dep’t of Agric.*, 778 F. Supp. 3d 200, 237 (D. Me. 2025) (citing, *e.g., Sanchez v. Esso Standard Oil Co.*, 2010 WL 500408, at *8, 2010 U.S. Dist. LEXIS 9942, at *36-37 (Feb. 5, 2010)) (other citations omitted). In deciding whether to require a bond in noncommercial cases, courts should consider “the possible loss to the enjoined party together with the hardship that a bond requirement would impose on the applicant.” *Crowley*, 679 F.2d at 1000.

In this case, Defendants will suffer no monetary costs from an injunction prohibiting violations of the First Amendment. *See Deep S. Today v. Murrill*, 779 F. Supp. 3d 782, 830 (M.D. La. 2025) (finding “that there is a lack of any real harm to Defendants by being unable to enforce an unconstitutional law”); *United Food & Com. Workers Loc. 99 v. Brewer*, 817 F. Supp. 2d 1118, 1128 (D. Ariz. 2011) (finding “no realistic likelihood that Defendants will be harmed by being enjoined from enforcing a law that constitutes viewpoint discrimination in violation of the First Amendment on its face” and requiring no bond). Conversely, requiring anything more than a nominal bond would impose a hardship on Ms. McGonigle and chill her exercise of First Amendment rights. Accordingly, Ms. McGonigle respectfully requests that the Court exercise discretion to dispense with the bond requirement or to require only nominal security of no more than \$100.00.

Date: August 21, 2026

Respectfully submitted,

AMANDA MCGONIGLE.

By her attorneys:

Anahita Sotoohi
ACLU of Maine Foundation
PO Box 7860
Portland, Maine 04112
(207) 619-8687
asotoohi@aclumaine.org

Carol Garvan (Bar No. 4448)
ACLU of Maine Foundation
PO Box 7860
Portland, Maine 04112
(207) 619-8687
cgarvan@aclumaine.org

Zachary L. Heiden (Bar No. 9476)
ACLU of Maine Foundation
PO Box 7860
Portland, Maine 04112
(207) 619-8687
zheiden@aclumaine.org

/s/ Emma E. Bond
Emma E. Bond (Bar No. 05211)
ACLU of Maine Foundation
PO Box 7860
Portland, Maine 04112
(207) 619-8687
ebond@aclumaine.org

Laura Moraff*
American Civil Liberties Union Foundation
125 Broad Street
New York, New York 10004
(212) 549-2500
lauramoraff@aclu.org

Brian Hauss*
American Civil Liberties Union Foundation
125 Broad Street
New York, New York 10004
(212) 549-2500
bhauss@aclu.org

*Admitted *pro hac vice*

Counsel for Plaintiff