

**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-JAW

**PLAINTIFF'S REPLY IN SUPPORT OF
MOTION FOR PRELIMINARY INJUNCTION**

Defendants’ opposition raises more questions than answers: they now assert that Ms. McGonigle may attend Monday’s event subject to the same rules as anyone else, and yet they strenuously object to this Court putting anything in writing requiring them to do exactly that. In their opposition to Ms. McGonigle’s preliminary injunction motion, Defendants¹ do not dispute most of the factual and legal arguments made by Ms. McGonigle. *See* Defendants’ Opp. to Mot. for Prelim. Inj. at 1, ECF No. 11 (“Defs. Br.”). For example, Defendants do not dispute that the First Amendment prohibits excluding Ms. McGonigle from official vice-presidential events because of the content and viewpoint of her social media posts. *See Hartman v. Moore*, 547 U.S. 250, 256 (2006); *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). Nor, at this stage, do Defendants dispute that they excluded Ms. McGonigle from two prior events in Bangor, Maine, and Des Moines, Iowa, based on her criticism of the Vice President. *See* Defs. Br. at 3 (reserving the right to respond to those points in the future). Indeed, when Ms. McGonigle previously attempted to attend the Bangor event for which she had registered, Defendants’ staff singled her out by name and excluded her from the event, stating “we know where you stand.” McGonigle Decl. ¶¶ 35, 39. Ms. McGonigle plans to register for and attend upcoming official vice-presidential events that are announced to the public mere days before the event. *See id.* ¶ 65. Based on these facts—which are undisputed at this stage—Ms. McGonigle has proved entitlement to preliminary injunctive relief.

Defendants’ representation regarding Ms. McGonigle’s ability to attend tomorrow’s event in Brewer, Maine (the “Brewer event”), while appreciated, does not vitiate Ms. McGonigle’s showing of irreparable harm. Defendants’ representation is “difficult to square,” *see Smith v.*

¹ Defendants are 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.

Trump, 791 F. Supp. 3d 90, 99 (D. Me. 2025), with Defendants’ recent retaliation against Ms. McGonigle under almost identical circumstances and their asserted concern regarding a “chill” of the Secret Service. Nor do Defendants make any representation regarding other official vice-presidential events in the coming weeks that will be open to registration by the public on a tight two-day timeframe. *See* McGonigle Decl. ¶ 65. Thus, Defendants’ limited concession does not undermine Ms. McGonigle’s entitlement to preliminary injunctive relief.

Plaintiff does not object to allowing Defendants until September 11, 2026, to submit a further response to the motion for preliminary injunction. If the Court allows such supplemental briefing, Ms. McGonigle respectfully requests the standard 14 days to reply, and a preliminary injunction covering the time period until the Court rules on the supplemental briefing.

I. Defendants’ Representation Does Not Vitate Ms. McGonigle’s Showing of Irreparable Harm.

“As the Supreme Court has explained, ‘the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.’” *Smith*, 791 F. Supp. 3d at 99 (citing *Elrod v. Burns*, 427 U.S. 347, 373 (1976)) (other citations omitted). Because Ms. McGonigle has shown a likelihood of exclusion from one or more upcoming official vice-presidential events in violation of the First Amendment, the irreparable injury prong is met.

Defendants argue that Ms. McGonigle’s exclusion from future official vice-presidential events is “speculation,” and that she has not established a “‘real and immediate threat’ that the alleged violation will recur.” Defs. Br. at 1, 3 (quoting *City of Los Angeles v. Lyons*, 461 U.S. 95, 105 (1983)). But this case is readily distinguishable from *Lyons*, where the Supreme Court held that being placed in a chokehold by police on one occasion did not suffice to show that the plaintiff was likely to suffer future injury. 461 U.S. at 107-10 (1983). By contrast, “[a] recurring-injury case . . . is not speculative when actual repeated incidents are documented.” *Goyette v. City of*

Minn., No. 20-cv-1302 (WMW/DTS), 2021 WL 3222495, at *5 (D. Minn. July 29, 2021) (citing *Index Newspapers LLC v. U.S. Marshals Serv.*, 977 F.3d 817, 826 (9th Cir. 2020)).

Defendants recently excluded Ms. McGonigle from official vice-presidential events in Des Moines and Bangor because of her protected speech. *See* McGonigle Decl. ¶¶ 23-26 (Des Moines event); *id.* at 29-46 (Bangor event). Unlike in *Lyons* where the underlying event itself (Mr. Lyons’ arrest) was unlikely to recur, here the underlying event (Ms. McGonigle’s registration for an upcoming official vice-presidential event) is virtually certain to recur. *Id.* ¶ 65 (stating that Ms. McGonigle plans to attend upcoming official vice-presidential events). Moreover, the likelihood of recurring injury is particularly strong because Defendants know Ms. McGonigle by appearance and by name, as illustrated by their conduct in singling her out at the Bangor event and calling her “Amanda.” *Id.* ¶¶ 35, 39. Defendants also know about Ms. McGonigle’s viewpoint and past criticism of Vice President Vance—which has not changed since the Des Moines and Bangor events. *See* McGonigle Decl. ¶¶ 35, 39 (quoting government officials as stating “we know where you stand”). Further, the exclusion from the Bangor event occurred under circumstances that, thus far, are “nearly identical” to the upcoming Brewer event. *See 303 Creative LLC v. Elenis*, 600 U.S. 570, 583 (2023) (agreeing plaintiff had established “credible threat” of enforcement where state had “a history of past enforcement against nearly identical conduct”).

Defendants represent that Ms. McGonigle may attend tomorrow’s event like any other member of the public and claim that this representation prevents Ms. McGonigle from demonstrating irreparable harm. Defs. Br. at 1-2. They are incorrect, for two reasons.

First, Defendants’ representations are limited to retaliation and viewpoint-based discrimination at the Brewer event and, thus, fail to address the full scope of irreparable harm Ms. McGonigle will suffer absent a preliminary injunction. *Compare* Pl. Mot. at 18, ECF No. 7

(discussing the harm Ms. McGonigle will suffer from exclusion at future vice-presidential events) *with* Defs. Br. at 1 (“Plaintiff will be able to attend *Monday’s event* subject to the same rules as anybody else”) (emphasis added). Ms. McGonigle has demonstrated a likelihood of retaliation and viewpoint discrimination at future upcoming official vice-presidential events, which are often announced only two business days in advance. *See* McGonigle Decl. ¶ 65. Ms. McGonigle plans to attend future official vice-presidential events that are open to the public for registration, *see id.* at ¶ 65, at least some of which are likely to arise during the Vice President’s upcoming “packed” travel schedule, and before the Court has the opportunity to rule on any supplemental briefing.² Defendants have provided no reason to believe that the retaliation and viewpoint discrimination Ms. McGonigle suffered at past events will not recur at vice-presidential events after Monday.

Indeed, Defendants’ declarations leave open the possibility that attendance eligibility may generally be decided by the event organizer—here, the Office of Advance—based on protected speech. *See* Comorosky Decl. ¶ 6 (stating that decisions about “attendance eligibility . . . are generally made by the event organizer”); Cain Decl. ¶ 4 (stating only that attendees *at the Brewer Event* will not be screened “based on protected expression or speech”—without stating whether that is normally the case). The declarations also leave open the possibility that the Secret Service is responsible for *implementing* attendance eligibility decisions made by the Office of Advance as part of its protective protocols. *See* Comorosky Decl. ¶ 1, 5 (discussing “protective protocols”). That would explain the Secret Service agents’ roles in excluding Ms. McGonigle from the Bangor event and would likely lead to future exclusion from vice-presidential events based on Ms.

² 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>; *Vance campaigns at the Ohio steel plant where his grandfather worked*, Orlando Sentinel (Aug. 21, 2026), <https://www.orlandosentinel.com/2026/08/21/vance-ohio-steel-plant/>.

McGonigle’s protected speech.

Second, Defendants’ representation regarding Ms. McGonigle’s attendance at the Brewer event is difficult to square with the stated concern that an enforceable injunction “could chill the Secret Service in the exercise of” its duties. Defs. Br. at 3. In another recent case, the Court rejected a similar contention that injunctive relief was “unnecessary” based on the Government’s claim that it did “not intend to enforce” the challenged Executive Order against the plaintiffs “at all.” *Smith v. Trump*, 791 F. Supp. 3d 90, 99 (D. Me. 2025).³ The Court reasoned that it was “hard to square that position with the Government’s assertion that an injunction would impede national security and foreign policy interests.” *Id.* In this case, similarly, Defendants’ concern that enjoining them from retaliating against Ms. McGonigle will chill the Secret Service is hard to square with Defendants’ representation that no retaliation will occur. Because any contempt sanction would apply only to “knowing” violations of a clear and unambiguous order (among other requirements), *Hawkins v. Dep’t of Health & Human Services for New Hampshire*, 665 F.3d 25, 31 (1st Cir. 2012), the concern that potential contempt liability could “chill” the Secret Service raises yet more questions about the scope of Defendants’ representation that no retaliation will occur at the Brewer event. That representation does not vitiate Ms. McGonigle’s strong showing of irreparable harm.

II. The Requested Relief Is Appropriately Tailored.

Plaintiff’s proposed injunction “describe[s] in reasonable detail . . . the act or acts to be

³ Courts have often held that such unenforceable representations of voluntary cessation do not eliminate entitlement to preliminary injunctive relief. *See, e.g., Washington v. HUD*, 171 F.4th 473, 485 (1st Cir. 2026) (denying stay pending appeal of preliminary injunction granted despite HUD’s representation that challenged program was abrogated by subsequent appropriations law); *Du v. DHS*, 2025 WL 1549098, at *4, *6 (D. Conn. May 31, 2025), *appeal withdrawn*, 2026 WL 214317 (2d Cir. Jan. 13, 2026) (granting preliminary injunction enjoining termination of student visa records despite government’s representation that records were reinstated); *Index Newspapers LLC v. City of Portland*, 480 F. Supp. 3d 1120, 1126, 1150–52 (D. Or. 2020) (granting preliminary injunction despite government’s stated voluntary cessation of certain enforcement tactics).

restrained.” Fed. R. Civ. P. 65(d)(1)(C). Ms. McGonigle requests a preliminary injunction preventing Defendants from excluding her from attending future vice-presidential events in retaliation for her protected speech or based on her viewpoint.⁴

Defendants erroneously claim that the requested relief is an improper “follow the law” injunction and that it is “impossibl[e]” to fashion “workable injunctive relief,” Defs. Br. at 4 (citation omitted). An order enjoining Defendants from excluding Ms. McGonigle from official vice-presidential events in retaliation for her protected speech or based on her viewpoint is not similar to “an injunction to ‘obey the statute,’ which the Supreme Court rejected as too broad in *N.L.R.B. v. Express Publishing Co.*, 312 U.S. 426, (1941).” *Brown v. Trustees of Boston Univ.*, 891 F.2d 337, 361 (1st Cir. 1989). Instead, the proposed injunction is specific to Ms. McGonigle and applies only to a particular type of event from which Ms. McGonigle has recently been repeatedly excluded because of her protected speech or based on her viewpoint.

CONCLUSION

For these reasons, Ms. McGonigle respectfully requests a preliminary injunction prohibiting Defendants from excluding her from official vice-presidential events for which she has registered and that are accessible to the public, including tomorrow’s event in Brewer, Maine, and other similar events, in retaliation for her protected speech or based on her viewpoint.

⁴ Plaintiff agrees that the only official vice-presidential events at issue are those for which the public has been invited to register or otherwise attend. *See* Defs. Br. at 6.

Date: August 23, 2026

Respectfully submitted,

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