

IN THE SUPERIOR COURT OF RICHMOND COUNTY,
STATE OF GEORGIA

THE AUGUSTA PRESS,)	CIVIL ACTION FILE
)	NO. _____
Plaintiff,)	
)	
v.)	
)	
RICHARD ROUNDTREE, individually)	
and as SHERIFF OF RICHMOND)	
COUNTY, GEORGIA,)	
)	
Defendant.)	

COMPLAINT

NOW COMES Plaintiff and for its Complaint shows as follows:

I. PARTIES AND VENUE

1. *The Augusta Press, Inc.* is an online newspaper and podcast publisher of news and commentary which began publishing on January 11, 2021. It publishes an online daily edition of its electronic newspaper, and also disseminates podcasts with news and commentary. Its principal place of business is in Richmond County, Georgia.

2. The Defendant, Richard Roundtree, is the current Sheriff of Richmond County, Georgia, and resides in Richmond County, Georgia.

3. Jurisdiction and venue in this case against the Defendant is properly in the Superior Court of Richmond County, Georgia.

II. FACTUAL BACKGROUND

4. After *The Augusta Press* began publishing, it requested of the office of the Defendant that *The Augusta Press* receive information distributed by that office to local media.

5. When it became apparent to *The Augusta Press* that it was not receiving information from the office of the Defendant that was being sent to other media, it reiterated to Defendant's office that it wished to receive such information.

6. Inquiry was made of Defendant's Chief Deputy Patrick Clayton as to why *The Augusta Press* was not receiving information and access provided to other media. Chief Deputy Clayton responded that it was because *The Augusta Press* had an opinion columnist, radio commentator Austin Rhodes, that the Sheriff did not like.

7. On July 22, 2021, the Defendant's office circulated an invitation to local media to join the Sheriff and Georgia Governor Brian Kemp for a media conference at the Sheriff's offices, South Precinct, to be held on July 23rd. The invitation was circulated to a number of Augusta media entities but not to *The Augusta Press*.

8. On November 12, 2021, Defendant's office circulated a media release concerning the arrest of a deputy. This media information was not sent to *The Augusta Press*, but it was sent by Defendant's office to TV, radio and print media in Richmond County and McDuffie County, Georgia, and in Aiken County, South Carolina.

9. On November 2, 2021, *The Augusta Press* learned of a planned meeting by the Defendant with local media to take place on November 16, 2021. In an email that day, *The Augusta Press* notified the Defendant's office that its Publisher and a reporter wished to be included in the attendees at this "Annual Media Conference." That same day *The Augusta Press* received a response from Defendant's office that the meeting was for invited guests only, and that the request to attend of *The Augusta Press* was not confirmed.

10. Through an open records request, *The Augusta Press* obtained a list of the attendees at the Annual Media Conference. The attendees included two print media and three electronic media from Augusta, but not *The Augusta Press*.

11. In an attempt to persuade the Defendant from continuing to exclude *The Augusta Press* from media releases and conferences from the office of the Sheriff, Plaintiff had its counsel send a letter to the Defendant, members of his office, and a copy to his attorney on November 15, 2021. No response to that letter request has been received.

12. *The Augusta Press* desires to receive media releases from the Defendant and his office, and to attend meetings hosted by the Defendant or members of his staff open to other media, in order to obtain newsworthy information to be used in articles and broadcasts to inform members of the public of newsworthy information.

III. CAUSES OF ACTION

13. Under the First Amendment of the United States Constitution, the Plaintiff has the right to gather information about what public officials do and say on public property and a right to make a record of matters of public interest.

14. The First Amendment also prohibits a government official from subjecting a person or company to retaliatory actions for the exercise of First Amendment rights to speak and publish on matters of public interest.

15. Electronic media, such as the Plaintiff, are entitled to the same First Amendment protections as any other form of media.

16. A government entity or official is prohibited by the First Amendment from discrimination against a publisher based on the content or viewpoint of a publisher.

17. In the circumstances alleged in this Complaint, the Defendant has engaged in discrimination against *The Augusta Press* based on the viewpoint or content of *The Augusta Press*' publications or broadcasts.

18. The Defendant has denied *The Augusta Press* Equal Protection required by the Fourteenth Amendment of the United States Constitution by denying to *The Augusta Press* access to news and events that the Defendant shares with other media, and Defendant has done so without a valid reason for doing so.

19. The First Amendment and Equal Protection violations by the Defendant against *The Augusta Press* have been in violation of clearly established law.

20. The conduct of the Defendant alleged herein is actionable pursuant to 28 U.S.C. § 1983, over which the courts of this State have concurrent jurisdiction with federal courts for any such violation.

21. The conduct of the Defendant alleged herein has denied Plaintiff its First Amendment rights and the right to Equal Protection under the Constitution of the United States.

WHEREFORE, Plaintiff prays as follows:

- a) That this Court enjoin the Defendant and those acting pursuant to his authority from any future violation of the First Amendment rights of Plaintiff to access information and attendance afforded by Defendant to other media, and that Defendant be enjoined from treating the Plaintiff different than Defendant treats other media in terms of access to information and events; and

- b) That Plaintiff be awarded attorney's fees and expenses as provided in
41 U.S.C. § 1988.

This 1st day of December, 2021.

s/s David E. Hudson
DAVID E. HUDSON
Georgia Bar No. 374450

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ATTORNEY FOR PLAINTIFF

STATE OF GEORGIA)
)
COUNTY OF RICHMOND)

VERIFICATION

The undersigned is Publisher of *The Augusta Press* and hereby verifies that the factual allegations in the foregoing Complaint are true and correct.

SWORN to before me this 1st)
day of December, 2021.)

NOTARY PUBLIC, Richmond)
County, Georgia)

My Commission Expires:)
2/17/24)



JOE EDGE

