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ADAMS COUNTY  
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2023 APR 19 PM 2:13

IN THE COURT OF COMMON PLEAS  
FOR ADAMS COUNTY, OHIO  
CLERK

SHAWN D. COOLEY, et al.

Case No. 2023-0069

Plaintiffs,

Judge Jerry McBride

v.

JOSEPH EDGAR FOREMAN,  
A/K/A AFROMAN, et al.

Defendants.

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**MOTION OF AMERICAN CIVIL LIBERTIES UNION AND AMERICAN CIVIL  
LIBERTIES UNION OF OHIO FOUNDATION FOR LEAVE TO FILE AMICUS BRIEF  
INSTANTER IN SUPPORT OF DEFENDANTS**

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Amici curiae the American Civil Liberties Union ("ACLU") and American Civil Liberties Union of Ohio Foundation ("ACLU of Ohio"), through the undersigned counsel, seek leave to file an *amicus curiae* brief *instante* in support of Defendants Joseph Edgar Foreman and Hungry Hustler Records' Joint Motion to Dismiss and Motion to Strike Plaintiffs' Complaint (the "Motion to Dismiss").

The ACLU is a nationwide, non-partisan, non-profit organization dedicated to defending the principles of liberty and equality embodied in the Constitution and our nation's civil rights laws. The ACLU of Ohio is an affiliate of the ACLU. Both organizations have been at the forefront of efforts to protect the full array of civil rights and liberties, including the rights to free speech. The ACLU and/or the ACLU of Ohio appear routinely in state and federal courts, both as amicus

and as direct counsel, without bias or political partisanship, to defend the First Amendment right of people to speak on matters of public concern and to criticize government actors, including police officers. *See, e.g., Wood v. Eubanks*, 25 F.4th 414 (6th Cir. 2022), *Novak v. City of Parma*, 33 F.4th 296 (6th Cir. 2022); *Nieves v. Bartlett*, 139 S. Ct. 1715 (2019).

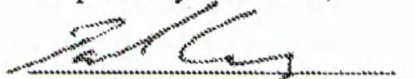
This case has broad ramifications for the First Amendment's free speech guarantee. As discussed in Amici's proposed brief, Plaintiffs' claims seek to impose liability on Mr. Foreman for his criticism of public officials—a subject that lies at the heart of First Amendment protections. The proposed brief, which is being filed contemporaneously with this motion, provides reasoning and analysis additional to what is contained in Defendants' Motion to Dismiss. In particular, the brief examines Plaintiffs' impermissibly broad interpretation of Ohio statutory and common law privacy torts, and demonstrates that Plaintiffs' claims exceed those torts' carefully-drawn limitations—thereby burdening protected speech. Amici respectfully submit that this analysis will be of aid to the Court.

Counsel for Defendants Joseph Edgar Foreman and Hungry Hustler Records have consented to this motion. Counsel for Plaintiffs does not consent.

Amici respectfully ask this Court to grant this motion and accept for filing their attached brief in support of the Motion to Dismiss.

Dated: April 19, 2023

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on April 19, 2023, the foregoing was filed with this Court via facsimile transmission and overnight mail. I further certify that a copy of the foregoing was served to the counsel below by regular and electronic mail.

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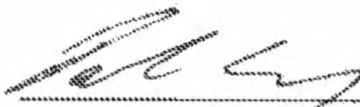
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