

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

<p>ADAM KISSEL,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MICHELLE H. SEAGULL, in her official capacity as Commissioner of the Connecticut Department of Consumer Protection,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No. 3:21-cv-00120-JAM</p> <p>Case Filed: January 28, 2021</p> <p>Oral Argument Requested</p>
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ADAM KISSEL’S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Adam Kissel seeks a preliminary injunction to protect his right to fundraise on behalf of charitable organizations in Connecticut without undue restraint.

Plaintiff seeks relief under the Free Speech Clause of the First Amendment to the United States Constitution (as incorporated through the Fourteenth Amendment). The Free Speech Clause protects an individual’s right to advocate for and raise money on behalf of charitable organizations. *Riley v. Nat’l Fed’n of the Blind of N. Carolina, Inc.*, 487 U.S. 781, 797 (1988); *Sec’y of State of Md. v. Joseph H. Munson Co.*, 467 U.S. 947 (1984). *Vill. of Schaumburg v. Citizens for a Better Env’t*, 444 U.S. 620, 100 S. Ct. 826, 63 L. Ed. 2d 73 (1980). But as further explained in the memorandum in support of preliminary injunction and in Mr. Kissel’s accompanying

declaration, Connecticut law imposes several severe restraints on Mr. Kissel's right to speak freely.

These restrictions irreparably harm Mr. Kissel by limiting and compelling his speech under penalty of criminal sanction. An injunction to vindicate Mr. Kissel's First Amendment rights would be in the public interest. Accordingly, Mr. Kissel is entitled to a preliminary injunction to ensure that he is able to speak freely and without unconstitutional limitations.

Plaintiff requests that the Court issue a preliminary injunction preventing the enforcement of the following provisions of Connecticut law which violate his First Amendment rights:

1. Conn. Gen. Stat. Ann. § 21a-190a(3) (application of the paid solicitor requirements to "indirect" solicitation)

2. Conn. Gen. Stat. Ann. § 21a-190f(c) (20-day advance notice requirement and the requirement that Mr. Kissel submit his scripts and promotional material to the Department)

3. Conn. Gen. Stat. Ann. § 21a-190f(e) (requirement that Mr. Kissel disclose his compensation agreement to prospective donors)

Conn. Gen. Stat. Ann. § 21a-190f(k) (requirement that Mr. Kissel keep and maintain the names and addresses of his donors).

This Court has discretion to waive the security requirements of Federal Rule of Civil Procedure 65(c) or require only a nominal bond. *Doctor's Assocs., Inc. v. Distajo*, 107 F.3d 126, 136 (2d Cir. 1997) ("Rule 65(c) gives the district court wide

discretion to set the amount of a bond, and even to dispense with the bond requirement where there has been no proof of likelihood of harm”). Where a preliminary injunction merely requires compliance with the Constitution, no bond is required. *See Pharm. Soc. of State of New York, Inc. v. New York State Dep’t of Soc. Servs.*, 50 F.3d 1168, 1174 (2d Cir. 1995) (noting that it was appropriate to waive a bond when “the nature of the rights being enforced” are “in the public interest”); *Baca v. Moreno*, 936 F. Supp. 719, 738 (C.D. Cal. 1996) (waiving bond because “to require a bond would have a negative impact on plaintiff’s constitutional rights, as well as the constitutional rights of other members of the public affected by the policy”).

DATED: February 8, 2021.

Respectfully submitted,

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/s/ Daniel M. Ortner

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**motions for pro hac vice granted*

