

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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<hr/>		No. 18-CV-8080-PCT-DGC
J'aime L. Morgaine, <i>et al.</i>)	
)	
Plaintiffs,)	
)	Declaration of Thomas Van Flein
v.)	
)	
Paul A. Gosar,)	
United States Congressman,)	
)	
Defendant.)	
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I, Thomas Van Flein, declare as follows:

1. I am currently and have been since October 2011, Chief of Staff, and since January 2011, General Counsel, for Paul Gosar, U.S. Representative for the Fourth Congressional District of Arizona.

2. I am submitting this declaration in my capacity as Chief of Staff. As Chief of Staff, I assist Congressman Gosar on all aspects of managing the office. I have firsthand, personal knowledge of the facts set forth in this declaration.

3. Congressman Gosar operates the Facebook page, "Rep. Paul Gosar," which Plaintiffs refer to as "Congressman Paul Gosar D.D.S."

4. In February 2018, Congressman Gosar adopted the following new Facebook policy:

The purpose of this page is for Rep. Gosar to communicate with the citizens and constituents of the 4th Congressional District regarding matters of federal policy. We welcome your comments, but please note that this is a

1 moderated online discussion site and not a public forum.

2 Comments posted to this page will be monitored and must comply with
3 Facebook policy and these terms of use. Comments that (i) are unrelated to
4 the purpose of this page or are not topically related to the specifics of the
5 posting, (ii) contain fighting words, graphic or gratuitous violence, vulgar
6 language, profanity, nudity, obscene or indecent language or sexual content,
7 or false representations of fact, (iii) promote or incite illegal or fraudulent
8 transactions or activities, (iv) threaten, intimidate, harass, or defame any
9 person or organization, (v) constitute “spam,” such as content that appears to
10 be from internet bots or repetitive, copy-paste statements, (vi) are
11 commercial in nature, such as advertising, promotion, or endorsement of
12 services or products, or solicitation of funds, (vii) contain personally
13 identifiable information about another individual, (viii) misrepresent the
14 commenter’s identity or affiliation, (ix) contain links to any site and/or (x)
15 constitute campaign-related communications, electioneering, or fundraising
16 efforts will be removed.

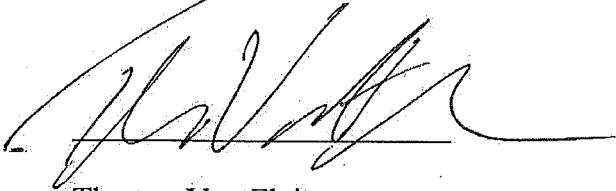
17 Repeated violations of this policy may result in the inability of the author to
18 comment on future posts. Your respectful opinions are welcome. Hate
19 speech, false statements and spam are not welcome.

20 5. In accordance with this new policy as it is construed by the office of
21 Congressman Gosar, Congressman Gosar and his staff do not hide or delete comments or
22 block users based on viewpoint, and they do not block users for isolated violations of the
23 policy. The staff members who are responsible for managing Congressman Gosar’s
24 Facebook page have been instructed that in implementing this policy they must do so in a
25 viewpoint-neutral, non-discriminatory manner, and that users may be blocked only for
26 repeated violations, and only for a limited period of time.

27 6. No individual is presently blocked from viewing Congressman Gosar’s
28 Facebook page.

1 I declare under penalty of perjury that the foregoing is true and correct to the best
2 of my knowledge and belief.

3 Executed on June 11 2018, in Washington, D.C.

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