



herein.

2. Defendant Vaughn Flora is a resident of Shawnee County, Kansas, who was in Reno County on September 9, 2006, at which time the Defendant took the hostile actions alleged herein.

### **JURISDICTION AND VENUE**

3. The Court has subject matter jurisdiction over this controversy pursuant to Kansas Constitution, Article 3, K.S.A. 20-301.
4. The Court enjoys personal jurisdiction over the Defendant, once the same is properly served, pursuant to K.S.A. 60-203, 204 and 60-301.
5. This action is timely filed pursuant to K.S.A. 60-514(b).
6. Venue is proper in the Third Judicial District of Kansas pursuant to K.S.A. 60-603(1), as that Defendant resides in Shawnee County.

### **ALLEGATIONS COMMON TO ALL COUNTS**

7. All of the above and foregoing paragraphs are hereby incorporated by reference.
8. On September 9, 2006, Plaintiff and Defendant were present at the State Fair Grounds in Hutchinson, Kansas.
9. Both Plaintiff and Defendant attended the gubernatorial debate taking place on the State Fair Grounds on September, 9, 2006.
10. This debate took place on public property.
11. This debate was open to the public.
12. Plaintiff gave symbolic and actual voice to his political opinion by attending said event in attire designed to make a political statement while giving voice to his political beliefs.

13. Plaintiff was joined by a junior partner who engaged in similar political speech, both symbolic and verbal, as the Plaintiff.
14. Defendant also gave symbolic voice to his political opinion by attending said event in attire designed to communicate his political beliefs.
15. Plaintiff's attire was a cockroach suit covering most of his body and a mask of a statewide elected office holder covering his face.
16. Defendant's attire included a t-shirt and hat supporting the campaign of the currently serving Kansas governor, Kathleen Sebelius.
17. Plaintiff's political statements were intended to draw attention to the currently serving Kansas governor's veto of legislation designed to rectify unsanitary conditions at pregnancy-terminating outpatient clinics in Kansas.
18. Defendant was a duly elective Kansas representative seeking re-election on September 9, 2006.
19. In a previous term, Defendant had voted against the very clinic licensing legislation that Plaintiff petitioned the Governor and his fellow voters to address and acknowledge during the political debate on September 9, 2006.
20. Upon information and belief, Defendant was transported from Topeka to Hutchinson on September 9, 2006 by the Sebelius for Governor campaign.
21. Upon information and belief, Defendant was serving as an officer or agent of the Sebelius for Governor campaign on September 9, 2006.
22. Upon information and belief, Defendant identified himself as an elected Kansas representative to those attending the State Fair on September 9, 2006, both before and after the unauthorized contact with Plaintiff.
23. Plaintiff's political statement was satirical in nature, and was intended to

communicate that a majority of cockroaches, and in particular cockroaches residing at pregnancy termination clinics, supported the re-election of the currently serving Kansas governor so that they could live free from government licensing of their abortion clinic residences.

24. Such political satire is at the core of constitutional protections, and especially when undertaken in a location where redress of the government is appropriate.
25. Redress of the government is appropriate at a gubernatorial debate on public property.
26. Defendant's political statement appeared to be that he fully supported the re-election of the currently serving Kansas governor and her policies regarding abortion clinic cockroaches.
27. The gubernatorial debate was often punctuated with applause, cheering, jeering and other robust commentary of a political nature.
28. Plaintiff joined in such vocalization, satirically voicing his political support (as an abortion clinic dwelling cockroach) to the policies of the currently serving Kansas governor.
29. Plaintiff's vocalizations were made in tandem with his junior partner, and included the following content:

*"We are the official mascots of the Sebelius campaign"*

*"We love abortion clinics"*

*"We are abortion clinic cockroaches" "*

*"We love Sebelius!"*

*"Sebelius saved us from the Christian Right"*

30. These political statements were delivered in chant and song, and were

accompanied by dance moves intended to further reinforce the message that abortion clinic cockroaches owed their happy existence to the policies advanced by the currently serving governor of Kansas.

31. Plaintiff's mask covered his face, rendering him anonymous to the crowd.
32. Plaintiff's junior associate was unmasked throughout the political demonstration.
33. Many who viewed Plaintiff's political protestations were supporters of the currently serving governor of Kansas.
34. Plaintiff intended to stay masked throughout the event so as to draw no attention to his identity and to rather focus attention upon his cause.
35. Defendant was seated in a chair alongside many who supported the re-election of the currently serving Kansas governor.
36. The seating section in which Defendant sat was reserved for supporters of the Sebelius re-election campaign.
37. As the gubernatorial debate neared completion, but before the debate was concluded, the Defendant rose from his seat and quickly approached the Plaintiff.
38. Plaintiff was at that very time making the satirical political statement that "We love Sebelius and abortion clinics" in the vicinity of the seated Sebelius supporters.
39. Defendant struck Plaintiff no less than twice about the head and face in full view of many attending the debate.
40. Defendant thus took part in the symbolic political protest, albeit at the physical displeasure of political opponent.
41. Defendant's striking of Plaintiff was intentional.
42. Plaintiff received this striking as unwanted and offensive contact.
43. Defendant's actions in striking Plaintiff were physically harmful and offensive to

Plaintiff.

44. Defendant's actions in striking Plaintiff were psychologically harmful and offensive to Plaintiff.
45. Defendant's actions in striking Plaintiff were symbolically harmful and offensive to robust political discourse in Kansas.
46. Defendant's actions in striking Plaintiff were politically harmful and offensive to robust political discourse in Kansas, as that said actions have the effect of chilling such First Amendment protected exercises for all persons in the body politic with similar deeply held, scientifically informed and religiously motivated opinions as Plaintiff.
47. Defendant's actions were intentional and calculated to suppress political discourse on the subject matter of the health and safety of women seeking abortions in outpatient settings that are completely unregulated as to sanitation and the presence or absence of cockroaches.
48. Defendant's actions in the legislature, and the actions of the candidate for the Office of Governor that Defendant vigorously supported on September 9, 2006, are among the proximate causes for the unsanitary status quo ante which Plaintiff protested on the very day that the Defendant violently reacted to Plaintiff's symbolic message.
49. Defendant's repeated public striking of Plaintiff during Plaintiff's display of robust political discourse was extreme, malicious, forcible, outrageous, oppressive and unlawful.
50. Defendant then unmasked Plaintiff by tearing the mask off Plaintiff's face.
51. Plaintiff received this unmasking as unwanted and offensive contact.
52. Defendant's actions in unmasking Plaintiff were physically harmful and offensive to

Plaintiff.

53. Defendant's actions in unmasking Plaintiff were symbolically harmful and offensive to robust political discourse in Kansas.
54. Defendant's unmasking of Plaintiff denied Plaintiff his constitutional right to petition his government for a redress of grievances anonymously.
55. Defendant's unmasking of Plaintiff during political discourse was extreme, malicious, forcible, outrageous, oppressive, outrageous and unlawful.
56. Defendant's physical actions in publicly striking and unmasking Plaintiff subjected him to humiliation and emotional distress before a crowd.
57. Most in the crowd had no idea who the Plaintiff was prior to the Defendant's attack and unmasking of the Plaintiff.
58. Defendant then angrily raised his voice at Plaintiff while standing in close proximity to Plaintiff.
59. Plaintiff reasonably feared the Defendant was planning to publicly strike him once again.
60. Plaintiff reasonably feared that a subsequent striking would visit potentially grave bodily harm upon Plaintiff.
61. Plaintiff reasonably feared that Defendant was attempting to lead an angry mob to take hostile action adverse to his person.
62. Plaintiff was treated at the scene of the unwanted physical contact for a bleeding, two-inch facial laceration.
63. This wound was the direct result of Defendant's tearing of Plaintiff's mask off of his face.
64. This wound remains evident on Plaintiff's face as scar tissue.

65. Defendant pled no contest to the criminal charges arising out of this series of alleged batteries and assaults.
66. Defendant was found guilty by the Reno County District Court for having made contact with Plaintiff in a “rude, insulting and angry manner.”

**CLAIM I**  
**Common Law Battery**

67. All of the forgoing paragraphs are hereby incorporated by reference.
68. Defendant’s repeated public striking of Plaintiff was unprivileged, intentional, harmful and offensive.
69. Plaintiff suffered a battery for which actual and exemplary penalties should be imposed.

**CLAIM II**  
**Common Law Battery**

70. All of the forgoing paragraphs are hereby incorporated by reference.
71. Defendant’s unmasking of Plaintiff was unprivileged, intentional, harmful and offensive.
72. Plaintiff suffered a battery for which actual and exemplary penalties should be imposed.

**CLAIM III**  
**Common Law Assault**

73. All of the forgoing paragraphs are hereby incorporated by reference.
74. Defendant’s shouting at Plaintiff after the initial battery caused Plaintiff to reasonably fear that immediate bodily harm was about to follow.
75. Plaintiff suffered an assault for which actual and exemplary penalties should be imposed.

## **CLAIM IV**

### **Exemplary and Punitive Damages**

76. All of the forgoing paragraphs are hereby incorporated by reference.
77. Defendant's actions adverse to Plaintiff were born out of hostility based upon Plaintiff's political speech.
78. Defendant is a duly elected member of the Kansas House of Representative, and as such should model the highest regard for the constitutional and statutory laws protecting speech directed against incumbent politicians by citizens of Kansas.
79. Defendant attended the gubernatorial debate as a favored guest of the Governor, and as such should model the highest regard for the constitutional and statutory laws protecting speech directed against incumbent politicians by citizens of Kansas.
80. Upon information and belief, Defendant fully participated in, and even gave managerial direction to, the campaign to re-elect Governor Sebelius to a second term, and as such should model the highest regard for the constitutional and statutory laws protecting speech directed against incumbent politicians by citizens of Kansas.
81. Defendant's hostile, malicious and unlawful conduct in publicly attacking Plaintiff constitutes action which is and socially outrageous, politically oppressive and beyond the bounds of decency which a civilized society should tolerate in any citizens, but especially among its ruling elite.
82. Defendant's hostile, malicious and unlawful conduct in publicly attacking Plaintiff has visited insecurity and fear for his safety upon Plaintiff, and fear for the safety of others upon Plaintiff in his capacity as a leader of social forces adverse to the currently reigning Kansas elite.

83. Defendant's hostile, malicious and unlawful conduct in publicly attacking Plaintiff constituted action which deprived Plaintiff of his constitutional right to engage in satirical political commentary, as best symbolized by the mask Plaintiff wore.
84. Defendant's hostile, malicious and unlawful conduct in publicly attacking Plaintiff constituted action which deprived Plaintiff of his constitutionally-guaranteed right to redress the government in an anonymous fashion, which was one of the goals that the mask advanced, and which constitutes action routinely done on the web, over the telephone and elsewhere in our society.
85. Plaintiff is thus suffering from self-censorship as to the robust exercise of his constitutional rights as a result of Defendant's actions. This harm should be redressed through the awarding of punitive and exemplary penalties.
86. The Defendant, as a member of the currently reigning Kansas elite, thus visited upon Plaintiff a serious and substantial breach of the absolute right of personal security for which punitive and exemplary penalties should be imposed.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment as follows:

- A. Defendant pays all costs.
- B. Defendant pay actual damages in an amount to be determined at trial.
- C. Defendant pay exemplary damages in an amount exceeding \$75,000.00, said actual amount to be determined at trial.
- D. Any additional term or award that the Court determines just and protective of the common good and public trust under the circumstances at bar, including, but not limited to, orders that Defendant attend political dissent sensitivity training, anger management counseling and/or diversity appreciation seminars, as found applicable and/or remedial by the Court.

Respectfully submitted,

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Attorney for Plaintiff