

FILED/ENDORSED

OCT 26 2020

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Deputy Clerk

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6 PRO PER

7 **SUPERIOR COURT OF STATE OF CALIFORNIA**  
8 **COUNTY OF SACRAMENTO**

9 KASSOUNI LAW, TIMOTHY V.  
10 KASSOUNI,  
11 Plaintiffs,  
12 vs.  
13 DARRELL ARCHER, DOES 1-10,  
14 Defendants.

) Case No.: **34-2020-00283670**

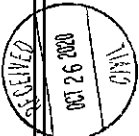
) **DEFENDANT OPPOSITION TO**  
) **PLAINTIFFS' S RESTRAINING ORDER**

) Date: Nov. 17, 2020  
) Time:  
) Dept: 54

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17 Plaintiffs complain of a defamatory website and further  
18 complain that the disturbing website is owned and maintained by  
19 Defendant and seek a permanent injunction and Order To Remove  
20 the website.

21 Defendant opposes Plaintiffs' Motion For Restraining Order  
22 on the following ground.

- 23  
24 1. Defendant has no ownership or control over the  
25 website in question.  
26 2. Defendant does not know who owns said website.  
27  
28



- 1           3.       Plaintiffs have researched and found Defendant has  
2                   no ownership or control of the website yet insist  
3                   on harassing him for malicious sport.  
4
- 5           4.       This Court issued a TRO at the last hearing on this  
6                   matter against Defendant and others knowing fully  
7                   well that in the USA the First Amendment to our  
8                   constitution guarantees each person or legal entity  
9                   the "Right TO Free Speech." This Court's order was  
10                  in clear violation of the US Constitution and such  
11                  action is despicable.  
12
- 13          5.       Plaintiffs claim to be harmed by the website in  
14                   question but have offered no evidence of such harm  
15                   and furthermore if Defendants walked the straight  
16                   and narrow as they should, then there more than  
17                   likely would be no website informing others of  
18                   their malicious and rotten behavior.  
19
- 20          6.       This Court issued a TRO against timothykassouni.com  
21                   and now Plaintiffs are trying to sneak in another  
22                   site called timothykassouni.net into the order, a  
23                   website which was never mentioned in the request  
24                   for TRO and was never ruled on.  
25
- 26          7.       Please see attached Exhibit "A".  
27  
28

1 Unless Plaintiffs can prove differently, this Court, to be  
2 in compliance with the US constitution and good conscience must  
3 deny Plaintiffs' request for Permanent Restraining Order.  
4

5 Dated: Oct. 20, 2020

6 By:

7   
8 Darrell Archer

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# EXHIBIT "A"

1  
2 Zac Morgan  
3 Thu, October 22, 2020, 6:30 AM EDT

4 Should the government be held to account when it violates a  
5 person's First Amendment rights, or should it be allowed to  
6 manipulate the legal system to avoid judgment?

7 This term, the Supreme Court will hear Uzuegbunam v.  
8 Preczewski, a case on precisely that question. Its ruling may  
9 dramatically change the way First Amendment litigation proceeds  
10 in this country.

11 Right now, it comes about in one of two ways. One is a  
12 "pre-enforcement challenge" where a person or group identifies a  
13 law it believes is unconstitutional and meticulously plans its  
14 case before filing a complaint in federal court. The other  
15 involves a person coming to court the old-fashioned way: by  
16 having the long arm of law come down on her.

17 In many ways, not least for the peace of mind of the  
18 litigant herself, the first way is easier - when it is  
19 available. For starters, the plaintiff does not have to endure  
20 the enforcement process, which is a form of punishment even when  
21 you win. But a second key advantage is that by planning their  
22 case ahead of time, plaintiffs can ensure that they satisfy a  
23 legal requirement called "standing."

24 - ADVERTISEMENT -

25 To prove standing in First Amendment litigation, a  
26 plaintiff must show a desire to speak and an ongoing fear of  
27 punishment. This second element is important; the threat of harm  
28 cannot be a relic of the past. This allows the government to  
manipulate prosecutions to moot lawsuits at the moment they seem  
most poised to succeed.

Americans who find themselves in court fighting a charge  
instead of a test case are easy victims for this sort of  
manipulation. Chike Uzuegbunam was one. As a student at Georgia  
Gwinnett College in 2016, his efforts to preach the Gospel were  
functionally prohibited by school policy, a straightforward  
violation of the First Amendment if there ever was one. (The  
college is a public university). Faced with the ban, Mr.  
Uzuegbunam and a fellow student sued. After trying to defend its  
indefensible position in court - but before a judge could issue

1 a final ruling – the college changed its rules and Mr.  
2 Uzuegbunam graduated.

3 Seemingly on the cusp of a binding federal court order  
4 prohibiting the college from violating students' First Amendment  
5 right to speak about the Gospel, the case was instead dismissed  
6 as moot. Georgia Gwinnett's actions are not an aberration. New  
7 York City did the same thing last year after the Supreme Court  
8 signaled that it would take up a challenge to a municipal gun-  
9 control measure. The city repealed the law, even though it had  
10 been upheld by the Second Circuit, out of fear that the Court  
11 would reverse the decision. In doing so, it eliminated the  
12 standing of the groups suing the city.

13  
14 When defeat looks certain, government uses these tactics to  
15 turn away those meddling kids and their lawsuits – and preserve  
16 its ability to re-enact a contested law in the future. People  
17 whose rights have been violated, such as Chike Uzuegbunam, are  
18 sent home empty-handed with no guarantee that the government  
19 won't resurrect its unconstitutional rules.

20  
21 One exception to this rule, however, is if the suit  
22 requests money in the form of "nominal damages." These damages  
23 are symbolic: Usually a court orders the transfer of \$1 between  
24 the parties. But by putting this dollar in the dock, a case can  
25 stay alive and the government can be forced to concede  
26 wrongdoing. To do so, it must pay the dollar and enter a  
27 judicially-enforced agreement not to enforce its old code.

28  
29 Unfortunately for Mr. Uzuegbunam, and in contradiction to  
30 most of the federal courts of appeal, the Eleventh Circuit held  
31 that nominal damages cannot preserve standing. If the Supreme  
32 Court affirms, it will incentivize governments to manipulate the  
33 judicial system just as Georgia Gwinnett College did, leaving  
34 the vindication of constitutional rights to those with the good  
35 fortune and time to carefully build a case in advance of a  
36 government's decision to enforce its policies. Enforcement  
37 actions won't go away, but lawsuits such as Mr. Uzuegbunam's  
38 will. The government will take the opportunity to claw back laws  
39 just before it appears they will be ruled unconstitutional.

40  
41 Other times, the government will achieve victory simply by  
42 running out the clock. That is because the threat of punishment  
43 disappears if the event the speaker wishes to talk about – such  
44 as an election or a vote on legislation – occurs before courts  
45 can rule. If the Eleventh Circuit's decision is upheld, those

1 Americans who only wish to involve themselves in a specific  
2 election or a specific issue will have little hope of  
3 vindicating their rights.

4 Students graduate from colleges with speech codes. Election  
5 days come and go. Governments, meanwhile, are eternal. A claim  
6 for nominal damages, then, is not really "nominal" at all.  
7 Sometimes it may be the only way to preserve incalculable  
8 freedoms in court.

9 The Supreme Court has suggested that even a nanosecond  
10 deprivation of a First Amendment right is "irreparable." First  
11 Amendment rights are, literally, priceless.

12 The Court should recognize that nominal damages ensure  
13 justice for damages that are anything but nominal. The  
14 alternative is letting governments get away with infringing on  
15 our rights, so long as they take it back at the last second,  
16 without so much as a binding promise to respect the Constitution  
17 next time.

1 PROOF OF SERVICE

2 I am employed in the County of Solano, State of California.  
3 I am over the age of 18 and am not a party to the within  
4 action; my business address is:

5 226 Texas St. Vallejo, CA 94590

6 On Oct. 23, 2020 I served the foregoing documents described  
7 as: Case No.: 34-2020-00283670

8 Opposition to Permanent Injunction  
9 on the interested parties in this action by e-mail to  
10 timothy@kassounilaw.com

11 ( ) (BY MAIL) I caused such envelope with postage thereon  
12 fully prepaid to be placed in the United States Mail at Vallejo,  
13 California on said date.

14 (X) (STATE) I declare under penalty of perjury under the  
15 laws of the State of California that the above is true and  
16 correct.

17 EXECUTED at:  
18 Vallejo, California on Oct.23, 2020.

19   
20 \_\_\_\_\_  
21 Derick Martin