

No. \_\_\_\_\_

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**In The  
Supreme Court of the United States**

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WADE STEVEN GARDNER, Mary Joyce Stevens, Randy Whittaker, Individually and on behalf of Southern War Cry, Amy Strickland on behalf of Veterans Monuments of America, Inc., Phil Walters, on behalf of Judah P. Benjamin Camp #2210 Sons of Confederate Veterans, and Ken Daniel, on behalf of Save Southern Heritage, Inc.,

*Petitioners,*

v.

WILLIAM MUTZ IN HIS CAPACITY AS MAYOR OF THE CITY OF LAKELAND, FLORIDA, Tony Delgado in his Capacity as Administrator of the City of Lakeland, Florida, Don Selvege, Individually and in his Capacity as City of Lakeland, Florida Commissioner, Justin Troller, Individually and in his Capacity as City of Lakeland, Florida Commissioner, Phillip Walker, Individually and in his Capacity as City of Lakeland, Florida Commissioner, Antonio Padilla in his Capacity as President of Energy Services & Products Corp., Kenneth Detzner in his Capacity as Secretary of State of the State of Florida,

*Respondents.*

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**On Petition For Writ Of Certiorari  
To The United States Court Of Appeals  
For The Eleventh Circuit**

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**PETITION FOR WRIT OF CERTIORARI**

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DAVID RHODES MCCALLISTER  
13742 17th Street  
Dade City, Florida 33525  
Telephone: 813-973-4319  
Facsimile: 352-260-0157  
DavidMcCallister@hotmail.com  
*Attorney for Petitioners*

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WWW.COCKLELEGALBRIEFS.COM

**QUESTION PRESENTED**

Should the government speech doctrine as recognized in *Pleasant Grove City, Utah v. Summum* be modified in cases involving legacy monuments already in place in public forums?

## **PARTIES TO THE PROCEEDING**

In case No. 20-13980, Petitioners Wade Steven Gardner, Mary Joyce Stevens, Randy Whittaker Individually and on behalf of Southern War Cry, Andy Strickland on behalf of Veterans Monuments of America, Inc., Phil Walters on behalf of Judah P. Benjamin Camp #2210 Sons of Confederate Veterans, and Ken Daniel on behalf of Save Southern Heritage, Inc. were the plaintiffs in the district court proceedings and the appellants in the court of appeals proceedings.

Respondents William Mutz, in his capacity as Mayor of Lakeland, Florida, Tony Delgado in his Capacity as Administrator of the City of Lakeland, Florida, Don Selvege, Individually and in his Capacity as City of Lakeland, Florida Commissioner, Justin Troller, Individually and in his as City of Lakeland, Florida Commissioner, Phillip Walker, Individually and in his Capacity as City of Lakeland, Florida Commissioner, Antonio Padilla in his Capacity as President of Energy Services & Products Corp., Kenneth Detzner in his Capacity as Secretary of State of the State of Florida, were the defendants in the district court proceedings and the appellees in the court of appeals proceedings.

## **CORPORATE DISCLOSURE STATEMENT**

Save Southern Heritage, Inc. and Veterans Monuments of America, Inc. are the only corporate petitioners. There are no parent corporations or publicly held companies owning 10% or more of the Veterans Monuments of America, Inc. or Save Southern Heritage, Inc.'s stock.

### **DIRECTLY RELATED CASES**

- *Gardner v. Mutz*, No. 8:18-CV-2843-T-33JSS, 2018 WL 6061447, at \*1 (M.D. Fla. Nov. 20, 2018) the district court denied Petitioners' request for a temporary restraining order. Order entered on November 20, 2018.
- *Gardner v. Mutz*, No. 8:18-cv-2843-T-33JSS, 360 F. Supp. 3d 1269 (M.D. Fla. 2019) the district court dismissed Petitioners' First Amendment constitutional claim with prejudice and due process constitutional and state law claims without prejudice. Order entered January 28, 2019.
- *Gardner v. Mutz*, No. 19-10461, 962, F.3d 1329, 1334 (11th Cir. 2020), the Eleventh Circuit Court of Appeals affirmed in part and vacated in part, remanded the district court's dismissal of Petitioners' claims. Judgment entered June 22, 2020.

**DIRECTLY RELATED CASES – Continued**

- *Gardner v. Mutz*, No. 8:18-cv-2843-T-33JSS, 488 F. Supp. 3d 1204, 1206 (M.D. Fla. 2020), *aff'd*, 857 F. App'x 633 (11th Cir. 2021), the district court dismissed the First Amendment claim without prejudice for lack of standing and denied Petitioners' motion to amend complaint. Judgment entered September 22, 2020.
- *Gardner v. Mutz*, No. 20-13980, 857 F. App'x 633, 634 (11th Cir. 2021), the Eleventh Circuit affirmed the district court's dismissal. Judgment entered May 24, 2021.

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