

FACTS

4. On August 12, 2017, Morgan Hopkins was part of a protest against society's differing treatment of men's and women's bodies, specifically the way the law and society treat men's and women's breasts.
5. Ms. Hopkins was on the Charlottesville downtown pedestrian mall with other protesters, both men and women. Some of them, both men and women, had their upper body exposed.
6. Ms. Hopkins, as part of the protest, took off her shirt and played guitar.
7. At no time did Ms. Hopkins engage in any obscene conduct or appeal to the prurient interest.
8. Nonetheless, Defendants Handy and John Doe arrested Morgan Hopkins and charged her with indecent exposure in violation of Virginia Code § 18.2-387.
9. Virginia Code § 18.2-387 provides, in relevant part, that "[e]very person who intentionally makes an obscene display or exposure of his person, or the private parts thereof . . . shall be guilty of a Class 1 misdemeanor."
10. Virginia Code § 18.2-372 provides, in pertinent part, that "[t]he word 'obscene' . . . shall mean that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory function or products thereof or sadomasochistic abuse, . . . and which, taken as a whole, does not have serious literary, artistic, political or scientific value."
11. The law is well established in Virginia that mere nudity does not violate the aforesaid statute.
12. Although there were men with bare chests in the same location as Plaintiff, none were

arrested.

13. The charges against Plaintiff were dismissed on the motion of the commonwealth attorney.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Fourth Amendment - Lack of Probable Cause)

14. By arresting Morgan Hopkins without probable cause to believe that she violated Virginia Code § 18.2-387, Defendants deprived Plaintiff of her right to be free from unlawful seizure guaranteed by the Fourth Amendment to the United States Constitution.

15. As a direct and proximate result of being falsely arrested, Morgan Hopkins suffered emotional distress.

SECOND CAUSE OF ACTION

(Fourteenth Amendment Equal Protection)

16. Since the statute makes no distinction between men and women, by arresting Plaintiff for the same conduct as several males in the immediate vicinity, Defendants violated Plaintiff's right to equal protection of the law.

17. As a direct and proximate cause of being arrested in violation of the Fourteenth Amendment, Morgan Hopkins suffered emotional distress.

THIRD CAUSE OF ACTION

(First Amendment)

18. By arresting Plaintiff for engaging in expressive activity, Defendants violated the First Amendment to the United States Constitution.

19. As a direct and proximate cause of being falsely arrested, Megan Hopkins suffered

emotional distress.

REQUEST FOR RELIEF

WHEREFORE, Morgan Hopkins seeks against the Defendants, severally and jointly, where appropriate, the following relief:

- a. Reasonable compensatory damages to be determined by a jury;
- b. Reasonable attorneys fees and costs against Defendants pursuant to 42 U.S.C. § 1988; and,
- c. Such other and further relief as appears reasonable and just.

JURY DEMAND

Plaintiff demands a trial by jury for all issues so triable.

s/Jeffrey E. Fogel
Jeffrey E. Fogel

Respectfully submitted,
Morgan Hopkins
By Counsel

s/Jeffrey E. Fogel
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