

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION**

**REBECKA VIRDEN, et al,**

**PLAINTIFFS**

**v.**

**Case No. 2:23-cv-02071-PKH**

**CRAWFORD COUNTY, ARKANSAS, et al,**

**DEFENDANTS**

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

1. A religious group pressured the Crawford County Quorum Court to remove “LGBT books” from the children’s section of the Library. The Quorum Court told the Library to address the issue or be defunded. After the Library pleaded with the QC not to close the Library, they reached a compromise: the books would be moved to the adult section, out of children’s sight. The Library did this and also put stigmatizing labels on the books. These actions infringed on Plaintiffs’ ability to receive information. After multiple, unsuccessful attempts to undo the compromise, the Plaintiffs sued.

2. The First Amendment protects the right to access information. *See Virden v. Crawford County*, 2:23-cv-02071 (W.D. Ark) at Doc. 36, p. 10, *citing Stanley v. Georgia*, 394 U.S. 557, 564 (1969) (“It is now well established that the Constitution protects the right to receive information and ideas.”) (collecting cases); *see also Griswold v. Connecticut*, 381 U.S. 479, 482 (1965) (“The right of

freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read . . . .”).

3. The material facts this case are the same as those in *Sund v. City of Wichita Falls, Tex.*, 121 F. Supp. 2d 530 (N.D. Tex. 2000): a public library; a vocal religious group targeting the LGBTQ community; and the sequestering of books so that children cannot find them. Plaintiffs ask that *Sund* and the precedents supporting it guide this Court’s decision in the case at bar.

4. The parties completed discovery, taking about twenty depositions and exchanging hundreds of documents, including audio and video files. Plaintiffs retained an expert witness to further support their case.

5. As shown in the Statement of Facts and its exhibits, there are no disputes of material facts. For the reasons stated in the accompanying brief, Plaintiffs ask for judgment in their favor as specified in their complaints or such other relief as allowed in law or equity.

Respectfully submitted, REBECKA VIRDEN, et al, PLAINTIFFS

/s/ Terrence Cain

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