



KATHLEEN JENNINGS
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DEPARTMENT OF JUSTICE
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Mrs. Kendra McDole Ray
911 S. Broom St.
Wilmington, DE 19805

September 5, 2021

Dear Mrs. McDole Ray:

This office has been clear that we will not prosecute peaceful protestors who are lawfully exercising their First Amendment rights. The right to peaceful protest is a fundamental tenet of our democracy and it's something I've engaged in countless times in my life, including last summer in Wilmington. Recently, however, your behavior has gone beyond the limits of protected speech, and has become a safety concern to our employee's family. Verbal threats, videotaping children, trespassing on private property, and targeting employees and their families at their private homes is not speech. This office stands to protect the rights of *all* Delawareans, and we will pursue through legal means those who attempt to mask criminal conduct as legitimate protest.

You have engaged in a sustained and ongoing course of conduct intended to intimidate public servants, their children, and their family members. You have specifically and repeatedly targeted them in their homes. You indiscriminately impact others in your periphery, including the neighbors of your targets who have absolutely no connection to the purpose of your protest. Rather than focusing your action on reform, you have chosen to do harm and injury to those dedicated to act in the public interest—including the one prosecutor who has done more than nearly anyone else to hold police accountable. The First Amendment does not protect illegal conduct, specifically conduct which is admittedly intended to intimidate, harass, and cause alarm to those within their residences.

You are hereby placed on notice of the Department of Justice's intent to institute litigation. We are requesting a telephonic hearing in the Court of Chancery at 10 a.m. on Tuesday, September 7, 2021. At that time, please dial 877-643-6951 and enter participant code 28473998. You are free to seek legal counsel to participate in this telephone conference on your behalf.

If you continue to harass our employees and their families, the Department of Justice will seek the award of attorneys fees against each of you. This letter is not exclusive of other actions and responses to similar conduct.

Finally, your actions are now delaying the resolution of the Moses case. The target of your harassment has not been involved in the decision-making of this case for some time. He will



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remain uninvolved, which means the distress you are causing to a prosecutor's family has served no legitimate purpose. We have informed the Moses family of the reason for delay.

As I have said on countless occasions, both in our private meetings and publicly, I grieve for you. I grieve for the Moses family. We must change our laws—which we did, just this summer—and change the conversation in our communities. The answer does not lie in criminal conduct against DOJ employees—the very employees who are working every day to make our justice system more fair and equal.

Sincerely,

Kathleen Jennings

cc: Emeka Igwe, Esq.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

KATHY JENNINGS,

Plaintiff,

v.

KEANDRA RAY, KRISTINA KELLY,
and their unknown associates with them
on August 29 and September 3, 2021

Defendants.

C.A. No.

**THE ATTORNEY GENERAL FOR THE STATE OF DELAWARE'S
MOTION TO EXPEDITE**

Plaintiff, Kathy Jennings, Attorney General for the State of Delaware, by and through her undersigned attorney, respectfully requests this Court enter the attached proposed form of order granting Plaintiff's Motion to Expedite this action. The grounds for this Motion are set forth in Plaintiff's Brief in Support of Her Motion for Expedited Proceedings and Temporary Restraining Order filed contemporaneously herewith.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Patricia A. Davis
Patricia A. Davis (#3857)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
PatriciaA.Davis@delaware.gov

DATED: September 5, 2021

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

KATHY JENNINGS,

Plaintiff,

v.

KEANDRA RAY, KRISTINA KELLY,
and their unknown associates with them
on August 29 and September 3, 2021

Defendants.

C.A. No.

**THE ATTORNEY GENERAL FOR THE STATE OF DELAWARE'S
BRIEF IN SUPPORT OF HER MOTION FOR EXPEDITED
PROCEEDINGS AND A TEMPORARY RESTRAINING ORDER**

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

Patricia A. Davis (#3857)
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DATED: September 5, 2021

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PRELIMINARY STATEMENT

The Plaintiff, Kathy Jennings, the Attorney General for the State of Delaware, is statutorily charged with “investigat[ing] matters involving the public peace, safety and justice” and granted the solemn responsibility “to have charge of all criminal proceedings . . .” in the state of Delaware. 29 *Del. C.* § 2504(4), (6).

The Defendants, Mrs. Keandra Ray, Ms. Kristina Kelly, and their as yet unidentified associates, have regularly appeared outside of Plaintiff’s personal residence and recently began appearing outside of the home of one of Plaintiff’s employees, Mr. Mark Denney. On September 4, 2021, Defendants indicated that they had located the private residence of Mr. Denney’s parents, and planned to appear outside of Mr. Denney’s parents’ home.

Since George Floyd’s murder on May 25, 2020, millions of Americans have protested across the country. In Delaware, while most protests occurred during the summer of 2020, some smaller protests continue to occur on occasion. Those protests took place almost exclusively in public locations—Market Street in Wilmington; Main Street in Newark; the Green and Route 13 in Dover; the Circle in Georgetown. Defendants have protested regularly in 2021, almost always in residential neighborhoods and outside the homes of elected officials, including Plaintiff, Governor John Carney, and Wilmington Mayor Mike Purzycki. All three elected officials have expressed sympathy for Defendants’ losses; marched during

the 2020 protests in public places alongside them; and, despite complaints from their neighbors, have not taken legal action to prevent Defendants from assembling in their residential neighborhoods.

The Department of Justice has met with two of the Defendants; had several conversations with counsel purportedly associated with the Defendants; and spoken with various associates of the Defendants to convey a message of support for the message and sympathy for their losses while also informing Defendants that protests in residential neighborhoods implicate residents' personal privacy rights in a way that cannot continue.

FACTUAL BACKGROUND

On Sunday, August 29, 2021, Defendants and several associates assembled outside the home of Mark Denney, a Department of Justice employee who resides with his family on Peirce Road in Wilmington. The group of approximately ten people arrived around 11:30 AM, while Mr. Denney and his two young daughters (each under ten years old) were at home. Defendants and others videotaped their actions, uploading them to the internet (“livestreaming”),¹ while outside Mr. Denney’s home. The video content included footage of Mr. Denney’s young daughters, his vehicle and license plate number, and comments made by Defendants concerning Mr. Denney’s ex-wife. Defendant Kelly posted a picture of Mr. Denney’s house and included his address.² The Defendants left Mr. Denney’s home in the early afternoon. At approximately 4:45 PM the same day, Defendant Ray and Defendant Kelly and their associates returned to Mr. Denney’s home. They parked their vehicles on both sides of the street and stood outside his home. At approximately 5:30 PM, other associates also returned to Peirce Road and drove past the employee’s home.

¹ Facebook Live is a live broadcast via a Facebook feed that also captures video that may be viewed later on the social media site, if not removed.

² Several of these posts were on Facebook for a number of days before being removed.

On the afternoon of Friday, September 3, 2021, the Defendants returned to Mr. Denney's home. The Defendants again livestreamed their activities. The Defendants used a bullhorn and a siren and shouted repeatedly for the employee to "do your job." On this occasion they trespassed up onto Mr. Denney's front and side yard, placing signs and taking photos of themselves. The Defendants livestreamed their activities. As expressed by Defendants on their livestream video, their behaviors caused distress amongst Mr. Denney's neighbors.

In a video posted on Saturday, September 4, 2021, Defendant Ray repeated that she received messages from various intermediaries imploring her to stop going to Mr. Denney's house and that she refused to heed those requests. She said, "Mark Denney, we're coming for you," Defendant Kelly commented, "His mama right in Hockessin, too; Pops got a business" after which Defendant Ray said they might next go to Mr. Denney's parents' house.

Such targeting of Department of Justice employees at their homes—particularly broadcasting their addresses, family status, etc.—has a chilling effect on those women and men. Every day, our employees fight for victims and those jobs, by definition, place them in adversarial positions to others in our State. Indeed, the Defendants' actions have now disrupted the course of the investigation they claim to want to affect. The victim of their harassment can no longer continue on the case.

The Attorney General has filed a Verified Complaint against Defendants and respectfully now moves for expedited proceedings and an order preventing Defendants from further putting the citizens of the State of Delaware at risk by continuing to trespass, harass, and intimidate private citizens, as detailed below.

ARGUMENT

I. THE ATTORNEY GENERAL IS ENTITLED TO A TEMPORARY RESTRAINING ORDER

Pursuant to Court of Chancery Rule 65, this Court is authorized to grant injunctive relief in the form of a temporary restraining order. Ct. Ch. R. 65. To obtain a temporary restraining order the movant must show: (1) the existence of a colorable claim; (2) irreparable injury if injunctive relief is denied; and (3) a balance of hardships tipping in the movant's favor. *CNL-AB LLC v. E. Prop. Fund I SPE (MS Ref) LLC*, 2011 WL 353529, at *7 (Del. Ch. Jan. 28, 2011); *CBOT Holdings, Inc. v. Chicago Bd. Options Exch., Inc.*, 2007 WL 2296356, at *3 (Del. Ch. Aug. 3, 2007); *Stirling Inv. Hldgs., Inc. v. Glenoit Universal, Ltd.*, 1997 WL 74659, at *2 (Del. Ch. Feb. 12, 1997). Here, the Attorney General has shown a colorable claim on behalf of her employee and his family, that they will suffer irreparable injury if immediate injunctive relief is denied, and that the balance of equities weighs in its favor. The Attorney General is entitled to a temporary restraining order based upon Defendants' continuous, flagrant, threatening, harassing targeted behavior that inherently and offensively interferes with residential privacy.

A. The Attorney General Has a Colorable Claim.

On an application for a temporary restraining order, "the plaintiff need only state a colorable claim for relief, which is essentially a non-frivolous cause of

action.” *Reserves Dev. Corp. v. Wilmington Trust Co.*, 2008 WL 4951057, at *2 (Del. Ch. Nov. 7, 2008).

Here, Plaintiff seeks an injunction, not based on the content of Defendants’ speech, but rather to protect the Denney family from “targeted picketing that inherently and offensively interfere[s] with their residential privacy.” *See Murray v. Lawson*, 649 A.2d 1253, 1263 (N.J. 1994) (upholding on remand from SCOTUS a similar order limiting anti-abortion protestors outside of a doctors’ private residence).

As the Supreme Court of the United States has noted in the labor-picketing context, “a State, in enforcing some public policy, . . . whether announced by its legislature or its courts, could constitutionally enjoin peaceful picketing aimed at preventing effectuation of that policy.” *International Bhd. of Teamsters v. Vogt, Inc.*, 354 U.S. 284, 293 *reh’g denied*, 354 U.S. 945 (1957). Here, the public policy favoring protection of residential privacy is sufficiently strong to implicate a significant government interest. *See Murray v. Lawson*, 642 A.2d 338, *cert. granted, judgment vacated and remanded*, 513 U.S. 802 (1994). Indeed, the SCOTUS confirmed that protection of residential privacy is a significant government interest. *Madsen v. Women’s Health Ctr., Inc.*, 512 U.S. 753, 775 (1994) (stating that “[t]he State’s interest in protecting the well-being, tranquility, and privacy of the home is

certainly of the highest order.”” (quoting *Frisby*, *supra*, 487 U.S. at 484 (quoting *Carey v. Brown*, 447 U.S. 455, 471 (1980))).

This Court should be confident that the injunction sought is in no way an attempt to limit speech based on its content. *See Madsen*, 512 U.S. at 765, (“In short, the fact that the injunction covered people with a particular viewpoint does not itself render the injunction content or viewpoint based.”). Rather, as the New Jersey court explained in *Murray*, “the [c]ourt is assessing whether defendants have intruded into plaintiffs’ privacy, not whether plaintiffs are disgruntled by what defendants are expressing.” 649 A.2d 1253, 1263 (1994). And as the Supreme Court of the United States explained, “[o]ne important aspect of residential privacy is protection of the unwilling listener. Although in many locations, we expect individuals simply to avoid speech they do not want to hear . . . the home is different.” *Frisby v. Schultz*, 487 U.S. 474, 484 (1988).

Simply stated, Plaintiff is not seeking an injunction that is in any way a pre-publication restraint or the result of a discriminatory licensing or regulatory system, characteristics of cases invalidated under prior-restraint doctrine; nor will the injunction forbid defendants from expressing their message or restrict their activities merely because of the position that their message articulates. Accordingly, the injunction is not a “prior restraint.” Even if that were not the case, however, this injunction would fall within at least one “established exception to the doctrine of

prior restraint,” in that it would be permissible to protect a “captive audience.” *Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546, 555-556 (1975). As the SCOTUS noted in *Frisby*, targeted residential picketing can make residents captive listeners within their homes, and therefore “protection of the unwilling listener” is an important component of residential privacy. 487 U.S. at 484; *see also Hazel A. Landwehr, Note, Unfriendly Persuasion: Enjoining Residential Picketing*, 43 Duke L.J. 148, 158 (1993) (noting that State’s “ability to control the flow of ideas into the home is based not only on a concern for preserving the sanctity of the home but also on a recognition that homeowners present a captive audience for speakers”).

Based on the facts alleged in her Verified Complaint, including clear references to Defendants continuous, flagrant, threatening and harassing behavior, the Attorney General has shown a colorable claim that is likely to prevail on the merits against Defendants.

B. Department of Justice Employees and Their Families Will Suffer Irreparable Harm if a Temporary Restraining Order is Not Granted

Mr. Denney and his small children have already suffered harm from Defendants’ conduct, described above, and will continue to suffer that harm since the harmful conduct is continuous and ongoing, and the Defendants have indicated they plan to continue their harassment and direct it toward Mr. Denney’s elderly

parents. That harm is not redressable as money damages alone, and indeed is categorically irreparable harm.

“Harm is irreparable unless ‘alternative legal redress [is] clearly available and [is] as practical and efficient to the ends of justice and its prompt administration as the remedy in equity.’” *Pell v. Kill*, 135 A.3d 764, 793 (Del. Ch. 2016), quoting *T. Rowe Price Recovery Fund, L.P. v. Rubin*, 770 A.2d 536, 557 (Del. Ch. 2000) (quotation marks and citations omitted).

It is not necessary that the injury be beyond the possibility of repair by money compensation but it must be of such a nature that no fair and reasonable redress may be had in a court of law and that to refuse the injunction would be a denial of justice. ... To be a substantial legal injury for irreparable harm purposes, it is not even necessary that the pecuniary damage be shown to be great.”

State v. Delaware State Educ. Ass’n, 326 A.2d 868, 875 (Del. Ch. 1974) (internal citation omitted).

Here, Defendants actions are harassing and targeted. As Defendants have continued to harass Mr. Denney despite acknowledging they have been repeatedly warned, and Defendants have indicated they plan to target Mr. Denney and his elderly parents, they have demonstrated through their behavior that only a temporary restraining order will stop Defendants’ activities.

C. The Harm to Mr. Denney and His Family if an Injunction is Not Granted Outweighs Any Harm Defendants Will Incur if an Injunction is Granted

Without a temporary restraining order, the ongoing harm to Mr. Denney and his family will continue; with an injunction, Defendants will merely be prevented from doing something that causes alarm to private citizens—Mr. Denney, his young children, his elderly parents, his neighbors—but puts them in the same position as all other similarly situated persons who engage in legal, constitutionally protected protests. The balance of the equities weighs in the Plaintiff's favor:

[A] court must be cautious that its injunctive order does not threaten more harm than good. That is, a court in exercising its discretion to issue or deny such a ... remedy must consider all of the foreseeable consequences of its order and balance them. It cannot, in equity, risk greater harm to defendants, the public or other identified interests, in granting the injunction, than it seeks to prevent.

Pell, 135 A.3d at 793-94, quoting *Lennane v. ASK Computer Sys., Inc.*, 1990 WL 154150, at *6 (Del. Ch. Oct. 11, 1990).

To deny a temporary restraining order would be to grant Defendants free reign to continue to engage in targeted, threatening, harassing behavior. DDOJ employees and their families would continue to suffer irreparable harm.

On the other hand, the burden of a temporary restraining order on Defendants is minimal to non-existent. Defendants need to refrain from harassment. Defendants may argue that these restrictions unduly burden their constitutional rights; however,

the Plaintiff seeks only reasonable time, place, and manner restrictions that have been upheld in similar contexts by the Supreme Court of the United States.

II. THE ATTORNEY GENERAL IS ENTITLED TO EXPEDITED PROCEEDINGS

The Court will expedite proceedings where the movant has “articulated a sufficiently colorable claim and shown a sufficient possibility of a threatened irreparable injury.” *Giammargo v. Snapple Beverage Corp.*, 1994 WL 672698, at *2 (Del. Ch. Nov. 15, 1994). In applying this standard, the Court “traditionally has acted with a certain solicitude for plaintiffs” and “has followed the practice of erring on the side of more [expedited proceedings] rather than fewer.” *Id.* As held by the Delaware Supreme Court, “Delaware courts are always receptive to expediting any type of litigation in the interests of affording justice to the parties.” *Box v. Box*, 697 A.2d 395, 399 (Del. 1997).

Here, justice and equitable considerations weigh in favor of expedition to prevent further harassment and invasions of privacy. Defendants have made clear that they will continue in the absence of a court order, and DDOJ employees and their families will suffer immediate harm each day that Defendants continue to do so.

For the reasons set forth above, the Attorney General has alleged a sufficiently colorable claim and demonstrated a sufficient possibility of a threatened irreparable

injury. Accordingly, this Court should grant Plaintiff's motion for expedited proceedings.

III. NO SECURITY SHOULD BE REQUIRED

The form and amount of security required to obtain a temporary restraining order rests in the discretion of the Court. Ct. Ch. R. 65(c). The Court may use its discretion to set nominal bond where equitable considerations show that the potential harm from an improvidently granted injunction is not likely to be great. *See, e.g., Solar Cells, Inc. v. True N. Partners, LLC*, 2002 WL 749163, at *8 (Del. Ch. Apr. 25, 2002) (requiring only a secured bond in the amount of \$2,500); *ODS Techs., L.P. v. Marshall*, 832 A.2d 1254, 1264 (Del. Ch. 2003) (requiring a secured bond in the amount of \$5,000). Here, Plaintiff seeks only reasonable time, place, and manner restrictions on Defendants' activities, limited to the residences of the Denney family. The temporary restraining order sought is for a short duration and the potential harm flowing from the order is *de minimis*. It is respectfully requested that the Attorney General should not be forced to post security as a condition to preventing further harassment by the Defendants.

CONCLUSION

Based on the above, because a DDOJ employee and his family has suffered and continues to suffer irreparable harm that outweighs any potential harm to

Defendants, and is likely to prevail on the merits of its claims against Defendants, the Attorney General respectfully requests entry of the following orders:

- 1) A temporary restraining order that Defendants and their associates:
 - a) are prohibited at all times and on all days from picketing in any form within 300 feet of the property line of any home owned or occupied by Mr. Denney or any member of his family; and
 - b) must notify the New Castle County Police Department at least twenty-four hours prior to any intended instance of picketing outside of Mr. Denney's home as to the number of picketers and of the time and duration of the intended picketing.
- 2) An order expediting proceedings in advance of a preliminary injunction hearing to take place in roughly ninety (90) days.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Patricia A. Davis

Patricia A. Davis (#3857)
Deputy Attorney General
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DATED: September 5, 2021

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

KATHY JENNINGS,

Plaintiff,

v.

KEANDRA RAY, KRISTINA KELLY,
and their unknown associates with them
on August 29 and September 3, 2021

Defendants.

C.A. No. _____

VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF

Kathy Jennings, Attorney General for the State of Delaware, by her undersigned counsel, files this Verified Complaint against Defendants Keandra Ray, Kristina Kelly, and their associates (jointly “Defendants”) as follows:

Introduction

1. The Attorney General brings this Verified Amended Complaint seeking preliminary and permanent injunctive relief against Defendants.

The Parties

2. Plaintiff is the chief legal officer of the Delaware Department of Justice. The Delaware Department of Justice, created pursuant to 29 *Del. C.* § 2501, *et seq.*, is located at 820 N. French Street, Wilmington, Delaware.
3. Upon information and belief Keandra Ray, Kristina Kelly, and their associates are citizens of the state of Delaware.

Jurisdiction and Venue

4. The Court has subject matter jurisdiction under 10 *Del. C.* §§ 341 and 342, including without limitation that Plaintiff lacks an adequate remedy at law under Chapter 65 of Title 10 of the Delaware Code.
5. The Court has personal jurisdiction over Defendants as they are citizens of Delaware and reside within the geographic jurisdiction of this Court, and personally engaged in the actions alleged herein are prohibited within the State of Delaware.

Facts

6. On August 29, 2021 at approximately 11:30 AM, Defendants Keandra McDole Ray, Kristina Kelly, along with at least two of their associates, were outside the residence of Mr. Mark Denney, Deputy Attorney General, yelling and honking their vehicles' horns. Exhibit A (Police Report of August 29, 2021).
7. The New Castle County Police Department reported to Mr. Denney's home on this date, shortly after they were contacted. *Id.*
8. Upon arrival, New Castle County Police vehicles were positioned at either end of the street where Mr. Denney resides, and the Defendants were observed yelling and utilizing a bull horn.
9. Defendants advised law enforcement on August 29, 2021 that they intended to "harass neighbors in an attempt to cause as much of a disturbance" as

possible. *Id.*

10. Law enforcement officers observed Defendants operating their vehicles while appearing to use their phones to video Mr. Denney's residence. *Id.*
11. Once police vehicles were in place at either end of his street, Mr. Denney was able to leave his home with his children, and the Defendants soon dispersed. *Id.*
12. At approximately 4:45 PM that same day, Defendants McDole Ray and Kelly returned to Mr. Denney's home with an associate. *Id.*
13. At the time of the second gathering, the Defendants and their associates parked their vehicles in front of Mr. Denney's home, on both sides of the street, and were gathered directly in front of his home. *Id.*
14. At approximately 5:30 PM that day, one of the Defendants was observed by officers as driving by Mr. Denney's home. *Id.*
15. On the afternoon of Friday, September 3, 2021, the Defendants returned to Mr. Denney's home.¹
16. On September 3, 2021, the Defendants again livestreamed their activities.
17. On the September 3, 2021 livestream video, the Defendants may be observed using a bullhorn, a siren, and shouting repeatedly toward Mr. Denney's home "we're back, Mark "do your job!" They are further observed noting they are

¹ <https://www.facebook.com/kristina.kelly.142/videos/3838294019605787> [last accessed by undersigned counsel September 5, 2021]

scaring Mr. Denney's neighbors, and discussing an elected official who called them and politely requested they abstain from engaging in this behavior at Mr. Denney's house.

18. On this occasion the Defendants walked up onto Mr. Denney's front yard, placing signs and taking photographs of themselves. Exhibit B.
19. Defendants have acknowledged, on livestreamed video, that they have been contacted by several intermediaries, including elected officials and attorneys, urging them to cease this harassing behavior in front of Mr. Denney's home.

The Attorney General is Entitled to Injunctive Relief Imposing Reasonable Time, Place, and Manner Restrictions on Protests Outside Deputy Attorney General Personal Residences

20. The Attorney General incorporates the foregoing allegations by reference as if set forth fully herein.
21. Despite the efforts of the Plaintiff and others, Defendants have persisted in their targeted harassment of Mr. Denney at his home, and have indicated their intent to harass Mr. Denney's elderly parents at their home.
22. Monetary damages are insufficient, leaving Plaintiff with no other adequate remedy at law. *See McCambridge v. Bishop*, 2009 WL 3068915, at *3 (Del. Super. Sept. 23, 2009), at *3 (citing *Harris v. Hopkins*, Del.Super., C.A. No. 06C-08-031 (RFS), *8 (Order of December 8, 2006) (although a criminal statute outlaws harassment, that statute does not provide a basis for a civil

damages.)

23. This matter is ripe for judicial determination.

WHEREFORE, the Attorney General respectfully requests judgment be entered against Defendants as follows:

- 1) The entry of a temporary restraining order that Defendants:
 - a) are prohibited at all times and on all days from picketing in any form within 300 feet of the property line of any home owned or occupied by Mr. Denney or any member of his family; and
 - b) must notify the New Castle County Police Department at least twenty-four hours prior to any intended instance of picketing outside of Mr. Denney's home as to the number of picketers and of the time and duration of the intended picketing;
- 2) The entry of a permanent injunction with these same restrictions;
- 3) An order expediting proceedings in advance of a preliminary injunction hearing to take place in roughly ninety days.
- 4) Awarding Plaintiff attorneys' fees and associated costs; and
- 5) Awarding Plaintiff such other and further relief as the Court deems appropriate.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Patricia A. Davis

Patricia A. Davis (#3857)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
PatriciaA.Davis@delaware.gov

DATED: September 5, 2021

VERIFICATION

Pursuant to 10 *Del. C.* § 3927, I, Kathleen Jennings, declare under penalty of perjury under the laws of Delaware that:

- 1) I am the named Plaintiff in the attached Verified Complaint.
- 2) I have reviewed the Verified Complaint for Injunctive Relief in this cause of action.
- 3) To the extent the allegations in the Verified Complaint concern the actions of my office or my employees, the factual allegations made therein are true and correct.
- 4) To the extent the allegations of the Complaint concern the actions of others, I believe the allegations to be true and correct.

Executed this 5th day of September, 2021.

 /s/ Kathleen Jennigs
Kathleen Jennings
Attorney General, State of Delaware

Page 001 Report Date 08/29/2021

Agency NEW CASTLE COUNTY PD

Complaint Number 32-21-066535

Reported Date and Time Sun 08/29/2021 1119

Field Service Report

Occurred

Sun 08/29/2021 1118

Location: Peirce Rd, Deerhurst, Wilmington, DE 19803
0.02 Miles West of York Rd

Grid 110 - 368 Sector 12 County New Castle Domestic Related Yes No Gen Broadcast Sent? Yes No Gang Related? Yes No Gun Related? Yes No

Officer Weapon Involved: Yes No Officer Weapon Type: Officer Weapon Use: Emergency Order Related: Yes No Hero Help Referral: Yes No

Suspect/Defendant Information

Sequence 001 Type Suspect SBI Number 00550832

Name MCDOLE, KEANDRA Nick Name

Sex Female Race Black/African American Ethnic Origin Not Hispanic/Latino Age 33 D.O.B 07/24/1988 Height 5' 7" Weight 125 Skin Tone Eye Color Brown

Hair Color Black Hair Length Hair Style Facial Hair Voice Speech Teeth Build Glasses

Disguise Disguise Color(s) Resident Status Full-Time Resident Unusual Characteristics Armed With Unarmed

911 S Broom St
Wilmington, DE 19805 Home Telephone Cell Phone

Arrest Number Arrest Type Suspect's Clothing Description

Suspect Vehicle	Vehicle Type		Year	Make and Model or Brand		
	Passenger Car			General Motors Corporation ACA		
	State	License	Exp. Year	Body Style	Colors	
	DE	JEREMY	2022	UT	Black	
Other Description						
Identifying Characteristics						

Sequence 002 Type Suspect SBI Number 00512240

Name TAYLOR, JERAN Nick Name

Sex Male Race Black/African American Ethnic Origin Not Hispanic/Latino Age 30 D.O.B 08/01/1991 Height 5' 8" Weight 175 Skin Tone Eye Color Brown

Hair Color Brown Hair Length Hair Style Facial Hair Voice Speech Teeth Build Glasses

Disguise Disguise Color(s) Resident Status Full-Time Resident Unusual Characteristics Armed With Unarmed

7 Kimberton Dr
Apt. M
Newark, DE 19713 Home Telephone Cell Phone

Arrest Number Arrest Type Suspect's Clothing Description

Suspect Vehicle	Vehicle Type		Year	Make and Model or Brand		
	Passenger Car			Dodge GRA		
	State	License	Exp. Year	Body Style	Colors	
	DE	PC219676	2023	PV	Purple	
Other Description						
Identifying Characteristics						

Reporting Officer OFC MIDDENDORF - 02899 0

Supervisor Approval James D Allison 4 OJNCJDA 08/30/2021

Sequence 003 Type Suspect SBI Number 00529555

Name KELLY, KRISTINA M Nick Name

Sex Female Race White Ethnic Origin Not Hispanic/Latino Age 34 D.O.B 03/15/1987 Height 5' 2" Weight 125 Skin Tone Eye Color Blue

Hair Color Brown Hair Length Hair Style Facial Hair Voice Speech Teeth Build Glasses

Disguise Disguise Color(s) Resident Status Full-Time Resident Unusual Characteristics Armed With Unarmed

1112 Powderhorn Dr Home Telephone Cell Phone
Newark, DE 19713

Arrest Number Arrest Type Suspect's Clothing Description

Sequence 004 Type Suspect SBI Number 00667187

Name SPENCE, AMANDA P Nick Name

Sex Female Race Black/African American Ethnic Origin Not Hispanic/Latino Age 31 D.O.B 03/26/1990 Height 5' 4" Weight 115 Skin Tone Eye Color Brown

Hair Color Black Hair Length Hair Style Facial Hair Voice Speech Teeth Build Glasses

Disguise Disguise Color(s) Resident Status Full-Time Resident Unusual Characteristics Armed With Unarmed

651 Walden Ct Home Telephone Cell Phone
Bear, DE 19701

Arrest Number Arrest Type Suspect's Clothing Description

Suspect Vehicle	Vehicle Type		Year	Make and Model or Brand	
	Passenger Car			Jeep PAT	
	State	License	Exp. Year	Body Style	Colors
	DE	PC277154	2023	UT	Red
Other Description					
Identifying Characteristics					

Crimes and Associated Information

Victim Number 000 Crime Seq 001 Statute Crime Description

Location of Offense Status Involvement Alcohol Drugs Computer General Offense

Suspected Hate/Bias Crime Code Yes No - N/A F031 - Large Crowd

Investigative Narrative

On October 29, 2021 at approximately 1130 hours, Off. White, Off. Banks, Cpl. Frye, Sgt. Allison, M/Cpl. Mously, Off. Poblarp and myself responded to the area of Pierce Rd/York Rd in the community of Deer Hurst reference a disorderly group.

Prior to our arrival, the reporting person, advised that several black females were outside of a residence yelling and honking their vehicle horns. It was then advised that the group was protesting at DAG Denney's residence located at [REDACTED] due to the shooting of Lymond Moses. DAG Denney is the head of the DCRPT unit with the Attorney General's Office. Officials from the Attorney General's office advised this group is using the "protesting" tactic to intimidate officials of the Attorney General's office to prosecute the NCCPD officers involved in the shooting of Lymond.

Reporting Officer OFC MIDDENDORF - 02899 0

Supervisor Approval James D Allison 4 OJNCJDA 08/30/2021

Units then positioned there fully-marked patrol vehicles at either end of the street while members of the group were yelling and utilizing a bull horn. They also advised they would harass neighbors in an attempt to cause as much of a disturbance. DAG Denney then left with his family and a short time later the group began to disperse.

The vehicle's that were present on scene were DE 394315: Registered owner- Shaurema Jones, DE Jeremy: Registered owner- Keandra McDole, DE 453362: Registered owner- Octavius Reeves, DE PC277154: Registered owner- Amanda Spence, DE PC219676: Lakeisha Nix (Jeran Taylor B/M/NH DOB: 08/01/1991, was acting disorderly with a phone holder, possibly live streaming and driving this vehicle), DE PC603988: Doris Kelly (Kristina Kelly W/F/NH DOB: 03/15/1987, was acting disorderly and driving this vehicle) and DE 483287: Jacqueline Charlton. The subjects were all identified through several computer inquires.

Special Investigator Caruso of the Attorney General's office advised this group protests at AG Jennings' residence every weekend in the city of Wilmington.

The subjects eventually left and no further incidents arose.

DAG Denney was then sent an email on our findings.

At 1646 hours, another reporting person contacted RECOM to advised the protestors were back at the residence. The second time, Keandra McDole B/F/NH DOB: 0/24/1988 (S1), Kristina Kelly W/F/NH DOB: 03/15/1987 (S3) and Amanda Spence B/F/NH DOB: 03/26/1990 (S4) were observed. A black female wearing red pants, a black tee shirt and a black mask was observed along with another black female wearing blue jeans and a white tee shirt. All subjects were standing in front of DAG Denney's residence as all vehicles were parked on different sides of the street. The black 2010 MKS bearing DE IAMART was being operated by Keandra and parked directly in front of DAG Denney's residence and the subjects were standing around the vehicle.

The vehicles present on scene were DE PC603988 (Kristina), DE 101216, DE IAMART (Keandra), PC277154 (Amanda).

At approximately 1732 hours, DE PC219676: Lakeisha Nix operated possibly by Jeran Taylor B/M/NH DOB: 08/01/1991 responded back to the neighborhood but only drove by the residence and it appeared that the vehicle just drove by.

We proceeded with no further action.

Reporting Officer
OFC MIDDENDORF - 02899 0

Supervisor Approval
James D Allison 4 OJNCJDA 08/30/2021

Detective Notified

Referred To

- Solvability Witness M.O. Trace Stolen Property Suspect Named
- Suspect Located Suspect Described Suspect Identified Suspect Vehicle Identified

Status
Closed

Page 001	Report Date 08/29/2021	Agency NEW CASTLE COUNTY PD	Complaint Number 32-21-066535
Reported Date and Time Sun 08/29/2021 1119		Field Service Report	
Location: Peirce Rd, Deerhurst, Wilmington, DE 19803 0.02 Miles West of York Rd			
Grid 110 - 368	Sector 12	County New Castle	Domestic Related <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Officer Weapon Involved: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Officer Weapon Type:	Officer Weapon Use:
Gen Broadcast Sent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Gang Related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Gun Related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Emergency Order Related: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Hero Help Referral: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Suspect/Defendant Information

Sequence 001	Type Suspect	SBI Number 00550832
Name MCDOLE, KEANDRA		Nick Name
Sex Female	Race Black/African American	Ethnic Origin Not Hispanic/Latino
Age 33	D.O.B 07/24/1988	Height 5' 7"
Weight 125	Skin Tone	Eye Color Brown
Hair Color Black	Hair Length	Hair Style
Facial Hair	Voice Speech	Teeth
Build	Glasses	
Disguise	Disguise Color(s)	Resident Status Full-Time Resident
Unusual Characteristics		Armed With Unarmed
911 S Broom St Wilmington, DE 19805		Home Telephone
Cell Phone		
Arrest Number	Arrest Type	Suspect's Clothing Description

Suspect Vehicle	Vehicle Type Passenger Car	Year	Make and Model or Brand General Motors Corporation ACA	
	State DE	License JEREMY	Exp. Year 2022	Body Style UT
	Colors Black			
	Other Description			
Identifying Characteristics				

Sequence 002	Type Suspect	SBI Number 00512240
Name TAYLOR, JERAN		Nick Name
Sex Male	Race Black/African American	Ethnic Origin Not Hispanic/Latino
Age 30	D.O.B 08/01/1991	Height 5' 8"
Weight 175	Skin Tone	Eye Color Brown
Hair Color Brown	Hair Length	Hair Style
Facial Hair	Voice Speech	Teeth
Build	Glasses	
Disguise	Disguise Color(s)	Resident Status Full-Time Resident
Unusual Characteristics		Armed With Unarmed
7 Kimberton Dr Apt. M Newark, DE 19713		Home Telephone
Cell Phone		
Arrest Number	Arrest Type	Suspect's Clothing Description

Suspect Vehicle	Vehicle Type Passenger Car	Year	Make and Model or Brand Dodge GRA	
	State DE	License PC219676	Exp. Year 2023	Body Style PV
	Colors Purple			
	Other Description			
Identifying Characteristics				

Reporting Officer OFC MIDDENDORF - 02899 0	Supervisor Approval James D Allison 4 OJNCJDA 08/30/2021
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Page 002	Report Date 08/29/2021	Agency NEW CASTLE COUNTY PD	Complaint Number 32-21-066535
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Sequence 003	Type Suspect	SBI Number 00529555
Name KELLY, KRISTINA M		Nick Name
Sex Female	Race White	Ethnic Origin Not Hispanic/Latino
Age 34	D.O.B 03/15/1987	Height 5' 2"
Weight 125	Skin Tone	Eye Color Blue
Hair Color Brown	Hair Length	Hair Style
Facial Hair	Voice Speech	Teeth
Build	Glasses	
Disguise	Disguise Color(s)	Resident Status Full-Time Resident
Unusual Characteristics	Armed With Unarmed	
1112 Powderhorn Dr Newark, DE 19713		Home Telephone
		Cell Phone
Arrest Number	Arrest Type	Suspect's Clothing Description

Sequence 004	Type Suspect	SBI Number 00667187
Name SPENCE, AMANDA P		Nick Name
Sex Female	Race Black/African American	Ethnic Origin Not Hispanic/Latino
Age 31	D.O.B 03/26/1990	Height 5' 4"
Weight 115	Skin Tone	Eye Color Brown
Hair Color Black	Hair Length	Hair Style
Facial Hair	Voice Speech	Teeth
Build	Glasses	
Disguise	Disguise Color(s)	Resident Status Full-Time Resident
Unusual Characteristics	Armed With Unarmed	
651 Walden Ct Bear, DE 19701		Home Telephone
		Cell Phone
Arrest Number	Arrest Type	Suspect's Clothing Description

Suspect Vehicle	Vehicle Type Passenger Car	Year	Make and Model or Brand Jeep PAT
	State DE	License PC277154	Exp. Year 2023
		Body Style UT	Colors Red
	Other Description		
Identifying Characteristics			

Crimes and Associated Information

Victim Number 000	Crime Seq 001	Statute	Crime Description
Location of Offense		Status	Involvement <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer
General Offense			
Suspected Hate/Bias <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - N/A		Crime Code F031 - Large Crowd	

Investigative Narrative

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Reporting Officer OFC MIDDENDORF - 02899 0	Supervisor Approval James D Allison 4 OJNCJDA 08/30/2021
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We proceeded with no further action.

Reporting Officer OFC MIDDENDORF - 02899 0	Supervisor Approval James D Allison 4 OJNCJDA 08/30/2021
Detective Notified	Referred To
Solvability <input type="checkbox"/> Witness <input type="checkbox"/> Suspect Located <input type="checkbox"/> M.O. <input type="checkbox"/> Suspect Described	<input type="checkbox"/> Trace Stolen Property <input type="checkbox"/> Suspect Identified <input type="checkbox"/> Suspect Named <input type="checkbox"/> Suspect Vehicle Identified
Status Closed	



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused to be delivered to an employee of the Department of Justice copies of the Attorney General's Verified Complaint, Opening Brief, Motion for Temporary Restraining Order, and Motion to Expedite to be served as follows on the following on September 6, 2021:

BY HAND DELIVERY:

Mrs. Kendra McDole Ray
911 S. Broom St.
Wilmington, DE 19805

Mrs. Kristina Kelly
1112 Powderhorn Dr.
Newark, DE 19713

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Patricia A. Davis

Patricia A. Davis (#3857)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
PatriciaA.Davis@delaware.gov

STATEMENT OF GOOD CAUSE

This action involves unlawful and ongoing harassment of a Delaware Department of Justice employee and his family. The Attorney General is the chief law enforcement officer charged with overseeing the public safety and welfare. Despite acknowledging that they have been asked by intermediaries to leave Mr. Denney's residence in peace, Defendants continue their harassment and have indicated their intent to target the elderly parents of Mr. Denney next. The ongoing harassment results in continuous harm. As described in the Verified Complaint for damages and injunctive relief, Plaintiff seeks an immediate temporary restraining order to prevent further harm resulting from the Defendants' actions. Because of these circumstances and the nature of the relief sought, Plaintiff respectfully submits that this matter should proceed directly before the Chancellor or a Vice Chancellor of this Court.

STATE OF DELAWARE DEPARTMENT OF JUSTICE

/s/ Patricia A. Davis

Patricia A. Davis (#3857)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
PatriciaA.Davis@delaware.gov

DATED: September 5, 2021

their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise.

Plaintiffs shall not be required to post a bond in connection with this Order.

This Order shall remain in full force and effect until such time as this Court specifically orders otherwise.

This ____ day of September, 2021.

The Honorable