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IN THE FOURTH JUDICIAL DISTRICT COURT

UTAH COUNTY, STATE OF UTAH

BAM FRANCHISING, INC., a Delaware corporation; AMMON MCNEFF, an individual; MATTHEW MCNEFF, an individual; JOSH JOHNSON, an individual; BRANDON BEST, an individual; BAKER BRICKS, LLC, a Utah limited liability company, and dba SALEM-BAKER BRICKS INC., an Oregon corporation,

Plaintiffs,

vs.

BENJAMIN PAUL SCHNEIDER, an individual, dba and aka "RECKLESS BEN"; RECKLESS BEN LLC, a California limited liability company; BRYAN MANSELL, an individual; VICTOR NGUYEN, an individual; and DOES 1-15,

Defendants.

**MOTION TO INTERVENE FOR
LIMITED PURPOSE AND TO
PARTIALLY VACATE TEMPORARY
RESTRAINING ORDER
REQUEST FOR EXPEDITED HEARING**

Case No.: 260402353

Judge Tony F. Graf, Jr.

Proposed non-party Intervenor Gregory C. Belmont respectfully moves under Utah Rule of Civil Procedure 24, Utah Rule of Civil Procedure 65A, the First Amendment to the United States Constitution, Article I, Section 15 of the Utah Constitution, and the Court's inherent authority to intervene for the limited purpose of challenging the extraordinary speech-restrictive and takedown provisions of the Temporary Restraining Order originally entered May 28, 2026 [Doc. 23] and subsequently entered June 9, 2026 [Doc. 55] which infringe, without any

deference to or acknowledgement, on the free speech rights of a) multiple named and unnamed speakers and b) a multitude of subscribers, viewers, consumers, recipients, and other non-parties similarly situated to Movant.

Movant seeks vacatur, dissolution, or modification of those provisions on expedited review because the TRO and requested preliminary injunction directly burden or chill his independent rights of speech, publication, distribution, reporting, and receipt of protected expression, and because the existing parties cannot adequately represent those independent constitutional interests. Movant takes no position in this motion on the ultimate truth or falsity of all statements made by any party, and does not seek discovery, delay, or participation in all merits issues. He seeks only to have this memorandum considered, and to be heard if the Court permits, before or at the impending injunction proceedings.

Movant appears as a paid subscriber to the named publications at issue, a LEGO consumer with a direct interest in the underlying marketplace controversy, a commentator on legal issues of public interest, and a member of the public whose ability to receive, evaluate, discuss, and comment upon competing accounts is impaired by the TRO's publication restrictions. Limited intervention will not prejudice or delay adjudication of the parties' underlying claims. It will instead allow the Court to consider the independent First Amendment interests of recipients, subscribers, consumers, commentators, and other non-parties practically affected by a speech-restrictive order entered in a dispute that has become the subject of substantial public attention.

This motion presents a narrow but fundamental First Amendment question: whether a court may, before any final adjudication of falsity, liability, or entitlement to permanent relief, order the removal of publications concerning a matter of substantial public controversy and thereby deprive willing listeners of speech they wish to receive. The constitutional defect is not

abstract. The TRO suppresses entire lengthy online videos published not only at four specific URLs, but seemingly entire categories of existing online publications and communications, without identifying their URLs, timestamps, statements, speakers, concrete criteria, or adjudicated falsehoods. It also restrains future speech of named and unnamed parties using broad and indeterminate terms such as “misleading,” “harassing,” and “interfering.”

The Supreme Court has long recognized that the First Amendment protects not only speakers, but also the public’s right to receive information from willing speakers. In *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976), consumers were permitted to challenge restraints on the dissemination of commercial information because, where speech is willing to be communicated, “the protection afforded is to the communication, to its source and to its recipients both.” The Supreme Court has likewise recognized that the right to receive information is a necessary corollary of the right to speak. *Stanley v. Georgia*, 394 U.S. 557, 564 (1969). Consistent with those principles, the Tenth Circuit has recognized that non-parties whose access to information is impaired by judicial speech restrictions may seek relief from such orders. *Journal Publ’g Co. v. Mechem*, 801 F.2d 1233, 1235–37 (10th Cir. 1986).

Against these recipient and speaker rights stands one of the most disfavored exercises of judicial power known to constitutional law: a prior restraint. Prior restraints carry a “heavy presumption” against constitutional validity, *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963), and are regarded as “the most serious and the least tolerable infringement on First Amendment rights.” *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976). That presumption is especially important where speech is restrained *ex parte*, before adversary testing, and where the order removes existing source materials from public view rather than merely regulating unlawful conduct.

The need for adversary testing is underscored by corporate plaintiff’s own post-TRO public statements which acknowledge a real consignment dispute, gross negligence, store-transition problems, inventory controversy, disputed sales records, and other unresolved factual questions. Those matters are precisely the kind of contested public issues for which the First Amendment favors counterspeech, correction, disclosure, and statement-specific adjudication— not wholesale removal of publications before the truth or falsity of particular statements has been adjudicated.

Expedited consideration is warranted because the injury is occurring now. The TRO restrains speech during an active public controversy that has attracted immense national attention¹, generated substantial public support for enjoined Defendants², and become the subject of extensive consumer discussion, legal commentary, and scrutiny of the Court’s speech-restrictive order itself³. The Supreme Court has recognized that even brief loss of First Amendment freedoms constitutes irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373–74 (1976). It has also treated prior restraints as requiring urgent judicial scrutiny, including by resolving the Pentagon Papers restraint within days, vacating the stays, and directing judgment to issue “forthwith,” while reiterating that prior restraints carry a heavy presumption against constitutional validity. *New York Times Co. v. United States*, 403 U.S. 713, 714 (1971). The same

¹ As of June 10th, three of the enjoined video Publications have received more than 12,000,000 views on YouTube alone and at least as many views as derivative clips in third party videos.

² Prior to and since a ~12-18 hour disappearance June 9th to 10th of a webpage on Gofundme.com, the controversy stimulated a fundraiser exceeding \$440,000 in potential donations from the public for the stated benefit of paying for some or all of the Defendants’ ability to exercise their due process right to mount a defense in the instant and related legal actions.

³ Plaintiff Ex Parte Motion Regarding Alternative Service [Doc. 30] acknowledges that “the existence and content of the Initial Pleadings and the TRO have been widely published” and that the information therein has been incorporated in viral content of “podcasts, broadcasts, chat rooms, interviews, news articles, television news reports and/or through a flood of social media posts and activities”.

urgency applies where speech is restrained ex parte before adversary testing. *Carroll v. President & Comm'rs of Princess Anne*, 393 U.S. 175, 180–85 (1968), set aside a ten-day ex parte restraint on expressive activity because First Amendment orders ordinarily require notice and an adversary opportunity to be heard. And in this circuit, overbroad judicial restraints on access to willing speakers have been corrected by extraordinary relief. *Journal Publ'g Co. v. Mechem*, 801 F.2d 1233, 1235–37 (10th Cir. 1986).

The Court therefore need not await the ordinary preliminary injunction hearing—scheduled 32 days after issuance and 20 days after formal service on Schneider—to consider Movant’s limited request. Permitting an ex parte prior restraint to remain in effect longer than necessary risks not only suppression of protected speech, but also avoidable public injury to confidence in the judicial process. Prompt review would serve Movant’s First Amendment interests and the judiciary’s institutional interest in ensuring that emergency equitable relief is not perceived as a mechanism for suppressing public criticism of powerful litigants in a matter of public concern—and is itself part of the constitutional protection against allowing an ex parte restraint to suppress time-sensitive public discourse longer than necessary.

RELEVANT FACTS

Interests of the Movant. Movant Gregory Belmont is a resident of New York State, is a Premium YouTube subscriber to Benjamin Schneider’s (“Schneider”) YouTube channel, a paid subscriber to Schneider’s Patreon channel, has published commentary and news related to legal issues of public interest on YouTube⁴ and other online platforms in connection with legal publishing and artificial intelligence software enterprises, is an occasional LEGO consumer with a direct interest in the underlying marketplace controversy, and a member of the public whose

⁴ “No Thank-You Note, but Several Lawsuits for a Pepper-Spraying Inspector”, Sept 29, 2012, New York Times, <https://nyti.ms/442vfAQ>, crediting the initial popularization of a mass social movement to an analytic video of police misconduct produced and published by Movant.

ability to receive information has been impacted by the TRO. Movant has watched videos concerning the Reckless Ben / Bricks & Minifigs dispute, the LEGO collection controversy, and related events and subscribed to Schneider's channels because Movant wishes to receive Schneider's reporting, investigation, criticism, interviews, recordings, commentary, and updates concerning the dispute. Movant has an ongoing interest in viewing existing videos, receiving future videos, discussing those videos, and evaluating the competing claims made by Plaintiffs, Defendants, and third parties.

The TRO Requires Removal of Existing Publications, Enjoins Future Publication,

and Enjoins Content Creation by Certain Parties. TRO paragraph 5(j) and paragraph 5(k) read together with Verified Complaint paragraph 66(e), impose a series of overlapping and difficult-to-parse speech restrictions. Those restrictions reach, variously, existing publications, future publications, online streaming platforms, other unspecified publication channels, parties, persons acting in concert with parties, and at least one non-party. Each category implicates distinct First Amendment interests and requires its own constitutional justification. Each of the following speech restrictions so created implicate restraints ranging from suppression of specifically identified existing speech, to removal of broad categories of speech from common publication platforms, to prospective restraints on undefined future speech, to a prohibition on speech creation itself.

- a. **Removal of Four Existing Online Publications.** TRO paragraph 5(k) restrains Defendants and persons acting in concert with them from maintaining the four specific video "Publications" as defined in the Verified Complaint, which is not attached to the TRO and is not expressly incorporated into it.
- b. **Unbounded Removal of Unidentified Publications on Streaming Platforms, Whether Related to This Matter or Not.** TRO paragraph 5(k) also appears to restrain Defendants and persons acting in concert with them from maintaining "any other video, audio or other form of publication posted on any online streaming platform by Co-Defendants, directly or indirectly." Read literally, that language is not limited to publications concerning Plaintiffs, this dispute, the alleged LEGO consignment controversy, or any

adjudicated defamatory statement.

- c. **Removal of Amorphously Defined Communications.** TRO paragraph 5(k) further requires removal of “any such other communications” published by Co-Defendants or anyone acting in concert with them, whether “on any online streaming platform or otherwise published,” if those communications “in any way relate to the private legal dispute underlying this matter between Bryan and Chrystal and the assertions of wrongdoing as described in this Verified Complaint.” That formulation depends on a Verified Complaint not attached to the TRO, reaches communications beyond streaming platforms, and does not identify the particular statements or publications to be removed.
- d. **Removal of Content by Parties and a Non-Party Concerning Plaintiffs or BAM Franchisees.** TRO paragraph 5(k), read in conjunction with Verified Complaint paragraph 66(e), appears to require removal of publications by Schneider, Mansell, and non-party Chrystal Law that “relate to, reference, or concern McNeffs, Josh, Brandon, Baker Salem, BAM or any BAM franchisees, whether or not specifically identified” in the TRO.
- e. **Prospective Restraint on Future Publications by Parties and a Non-Party Concerning Plaintiffs or BAM Franchisees.** TRO paragraph 5(k), read in conjunction with Verified Complaint paragraph 66(e), also appears to prohibit Co-Defendants and anyone acting in concert with them from future publication of content by Schneider, Mansell, and non-party Chrystal Law that “relate[s] to, reference[s], or concern[s] McNeffs, Josh, Brandon, Baker Salem, BAM or any BAM franchisees, whether or not specifically identified” in the TRO.
- f. **Prospective Restraint on Publishing Images or Content.** TRO paragraph 5(j) restrains Co-Defendants and anyone acting in concert with them from “posting, publishing and disseminating (or any republication thereof) any false, misleading, harassing, interfering, defamatory or unlawful images or content, respecting Plaintiffs.” This provision is not limited to specific adjudicated statements and instead places Defendants at risk of contempt for future speech later alleged to be false, misleading, harassing, interfering, defamatory, or unlawful.
- g. **Restraint on Creating Images or Content.** TRO paragraph 5(j) goes still further by restraining Co-Defendants and anyone acting in concert with them from “creating” any “false, misleading, harassing, interfering, defamatory or unlawful images or content, respecting Plaintiffs.” A prohibition on creation, as distinct from publication or republication, reaches pre-publication expression, investigation, drafting, editing, and other speech-producing activity before any dissemination occurs.

The TRO Affects Movant’s Receipt of Speech. If enforced according to its plain language— and as seen by Schneider June 8th Statement— the TRO deprives Movant and other YouTube and Patreon subscribers of access to videos and other publications that a willing

speaker would like to make available online. Movant is not a plaintiff, defendant, employee, agent, co-conspirator, or representative of any party. Movant has not been accused of or in fact threatened anyone, trespassed anywhere, impersonated anyone, doxxed anyone, or interfered with any business. Movant merely seeks to receive, evaluate, and discuss speech concerning a matter that has become the subject of public debate.

Schneider Withheld Willing Publication. Since at least the publication of the widely popular second episode on May 30, 2026, Schneider had been promoting to his YouTube and Patreon subscribers the impending publication of a third episode of his video series reporting on the LEGO collection controversy which he claimed would reveal significant new information, but on the morning of June 9th he suddenly declared in a video published to YouTube titled “My final message”⁵ and which has been viewed nearly 4,000,000 times as of the following day that “Episode 3 is finally finished.. but I can’t post it,” ascribing the inability to receipt of service of the TRO pursuant to this Court’s order permitting Plaintiffs to serve electronically [Doc. 51].

Interruption of GoFundMe Fundraising Page. An internet page⁶ promoting and operationalizing a fundraiser organized by Schneider titled “Help Bryan Recover His Stolen LEGO Collection” which indicates \$465,847 has been raised from approximately 17.1 thousand individual donors as of the afternoon of June 10th “to help Bryan and his father recover their collection or the value of it and cover legal costs” (referring to Defendant Bryan Mansell, hereafter “Mansell”) disappeared at some time on June 9th for approximately 12-18 hours (replaced by a “Fundraiser not found” message), purportedly due to review presumed by many commenters to be responsive to pressure applied by Plaintiff to GoFundMe website publisher.

⁵ <https://youtu.be/sISjfdueTYg>

⁶ <https://www.gofundme.com/f/help-bryan-recover-his-lego-collection>, archived on June 8th at <https://web.archive.org/web/20260608012210/https://www.gofundme.com/f/help-bryan-recover-his-lego-collection>

Non-party Creator Expresses Fear of Being Silenced. Sheldon Norcross, a YouTube and Patreon creator who was detained but not charged by American Fork Police Department while engaged in activities shown in the enjoined video Publications, posted a video monolog on June 10th⁷ expressing fear his channels will be “silenced” for expressing opinions about this court proceeding:

“I’ve got a video on Ben’s gag order coming tomorrow.. I’m not under it yet... I’ll be served eventually, so this will probably be my last Bricks and Minifigs video tomorrow... I’m just waiting on the thumbnail. Brian’s GoFundMe has been taken down, which is pretty devastating... I don’t understand how or why... I feel like it’s super unfair... the whole internet rallied behind this and it was cool seeing everyone come together and it was cool that like my sacrifices led to something... Soon I’ll be silenced as well... I’m pretty scared... If it weren’t for [my Patreon supporters], I’d be homeless right now.. I think tomorrow will probably be my last time I can ever post. I’ve got a thumbnail I paid to be made for that one.. It’s the video about Ben being silenced and my thoughts on it... I spent a lot on that thumbnail to get it done in time... I’ll talk about my thoughts and everything on Ben being silenced... After that, I’ll probably be silenced, too... Might even have wasted my food money on a thumbnail cuz they’re probably going to, you know, get me served... Probably my channel’s coming down next if the GoFundMe got taken down.”

Norcross also makes the following comments that could conceivably be taken to refer to certain Plaintiffs as “incompetent”, mentions “I’ve never heard of a company taking down a GoFundMe to pay back someone that they stole from”, and alludes to one of the Plaintiff’s as “evil mustache twisting guy just uses fancy money and his fancy lawyers. And I just don’t know how this is going to solve anything.”

He also expresses his distrust of uncaring corporations and shares his creative motivation, “You know, these corporations can just silence us and win. This is why I want to do content.”

Patreon Received and Refused Plaintiffs’ Takedown Request. On June 2, Patreon CEO and co-founder Jack Conte (“Conte”) published a widely viewed YouTube video⁸ in which he indicated Patron received from Plaintiffs on May 29th– three days prior to the first

⁷ Sheldon Norcross, “June 9, 2026”, <https://youtu.be/o4bdTuqzGQo>

⁸ “Take Down Notification: Reckless Ben’s Patreon Account”, <https://youtu.be/36jxNeV5L1Q>

amendment of TRO to include preliminary injunction hearing date and twelve days before entry of the mostly recently amended TRO– a “Request for Immediate Content Removal Pursuant to TRO... for media and accounts related to Defendant Schneider and an ongoing dispute regarding a local lego consignment issue”. (Conte’s video mentions possession of the Motion for TRO, but does not make clear whether Patreon was in receipt of any version of TRO bearing the Court’s seal or other evidence of the received documents’ effectiveness.)

CEO of Plaintiff BAM Franchising, Inc. (“BAM” or “Corporate Plaintiff”)

Provided Live Online Video Interviews. BAM CEO Ammon McNeff participated in at least two live interviews (“McNeff Interviews”) pertaining to the instant litigation published on YouTube on May 29th and June 4th⁹ which have received over 9,000 and 205,000 views respectively as of midnight of June 10th, parts of which have been clipped and commented upon in numerous other online videos and social media posts.

Plaintiff BAM Franchising Acknowledges Gross Negligence, Operational Gaps, Other Unacceptable Conduct, Settlement Offer to a Defendant, and Separation of Two Co-Plaintiffs from Certain Business Relationships. On June 4th, Plaintiff BAM published a press release blog titled “Bricks & Minifigs Parts Ways with Salem, Oregon Franchise Owners Brandon Best and Joshua Johnson”¹⁰ (“June 4th Press Release”) acknowledging evidence of “gross negligence” in the operation of the Salem, Oregon store (the store at the heart of the instant controversy); “operational gaps” during transition and document recovery; an unauthorized private consignment arrangement involving Defendant Mansell’s LEGO collection; delayed/inadequate documentation and due diligence; incoming franchisees ill-preparedness to

⁹ <https://www.youtube.com/live/9dmR3Flk49k> and https://youtu.be/_01kgM7xSVc

¹⁰ <https://bricksandminifigs.com/blog/blog/2026/06/04/bricks-and-minifigs-salem-joshua-johnson-brandon-best-resignation>

assume forensic-accounting responsibilities; that an ex-franchisee retained company-marked data through a personal email account; that the situation should have been made explicit much sooner and was “not acceptable”; that POS data showed more than \$52,000 sold from the disputed collection, more than prior owners reported; that BAM would offer remaining physical inventory and compensate Mansell for unaccounted items; and that BAM had permanently closed the Salem store and parted ways with Co-Plaintiffs Brandon Best and Joshua Johnson. Together, these admissions lend credence to allegations contained in the Schneider video documentaries subject to the TRO takedown and appear to contradict some of the allegations of falsity against Schneider alleged in the Verified Complaint.

Publication of Unredacted American Fork Police Department Videos. On or about June 3, 2026 a publicly accessible video archive¹¹ sourced to a clerical error by the American Fork Police Department (“AFPD”) appeared online containing dozens of unredacted body and dash cam videos of police personnel involved in many of the events described in the Verified Complaint and documented by the enjoined Publications– including arrests and interrogation of Schneider– providing the public with unedited perspective of these events and spawning significant public commentary by attorneys, law enforcement experts, civil rights auditors, and others of police and prosecutorial conduct, some of which is highly critical and speculates on the depiction of serious civil rights violations and contradictions with explanations sympathetic to Plaintiffs and government provided by AFPD Chief in a video released May 29th¹². Schneider also published a video challenging the Chief’s statement of events and providing his own reactions to events depicted in the archive, including events depicting Plaintiff Joshua Johnson¹³

¹¹ <https://archive.org/details/american-fork-bodycam-unredacted>

¹² AFPD Chief Cameron Paul statement, May 29, 2026, <https://youtu.be/IcVmSQpIPRY>

¹³ “My response to the Police”, June 1, 2026, <https://youtu.be/2YEzhDn0jY8> and “All the footage is released!”, June 4, 2026, <https://youtu.be/Ih2XwNN0aVY> (incorrectly attributing video archive to a “hacker”)

making criminal complaints against Schneider which led to his arrest on misdemeanor charges he is still facing.

Indicators Defendant Schneider May Not be Adequately or Timely Represented by Counsel. In several videos Schneider indicated he is not inclined to participate in legal proceedings, has indicated he has limited economic means with which to retain paid counsel, and has taken actions in his videos which reflect a limited understanding of legal process. Further, it has been reported¹⁴ that at the last hearing in a Utah criminal matter related to the LEGO consignment controversy, Schneider was granted permission to represent himself which indicates it is possible he may have similar intentions in the instant litigation.

In similar time period Schneider has participated in video interviews with experienced attorneys¹⁵ who have indicated a desire to introduce Schneider to competent counsel.

ARGUMENT

I. THE COURT SHOULD PERMIT LIMITED INTERVENTION UNDER RULE 24.

A. Movant has an independent First Amendment interest in receiving the speech restricted by the TRO. Utah Rule of Civil Procedure 24(a)(2) requires intervention when a timely movant claims an interest relating to the transaction that is the subject of the action and is so situated that disposition may impair or impede the movant's ability to protect that interest, unless existing parties adequately represent it.

Movant's interest is not derivative of Schneider's or other Defendant's litigation position. Movant asserts a distinct audience-side First Amendment interest. The Supreme Court has long

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<https://www.ksl.com/article/51505848/viral-videos-allege-pricey-lego-theft-heres-how-utah-police-entered-the-conversation> accessed June 2, 2026 and attributed to Emily Ashcraft "a reporter for KSL [who] covers issues in state courts, health and religion" and <https://wsvn.com/news/us-world/viral-videos-allege-pricey-lego-theft-heres-how-utah-police-entered-the-conversation/> published June 5, 2026 and attributed to Associated Press.

¹⁵ "The Civil Rights Lawyer" John H. Bryan, Esq., June 2, 2026. <https://youtu.be/Hs3bElrHKUE>

recognized that the First Amendment protects the right to receive information and ideas from willing speakers. See, e.g., *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 756–57 (1976); *Stanley v. Georgia*, 394 U.S. 557, 564 (1969); *Lamont v. Postmaster Gen.*, 381 U.S. 301 (1965).

The TRO does not merely regulate conduct by defendants. It removes content from the public. The practical effect is to block Movant from receiving speech Movant wishes to and/or has paid to receive. That is a concrete and legally protected interest sufficient to support limited intervention.

B. Requested Intervention Is Distinct From The Media Intervention Denied In Utah v. Robinson. The proposed intervention is distinct from the intervention request this Court previously denied in *Utah v. Robinson*, No. 251403576 (Utah Dist. Ct. 2025), Docket No. 267. This motion does not seek access to court records or pertain to a criminal matter. It seeks limited participation to address a civil injunction restraining non-court publications, including subscriber-only content Proposed Intervenor paid to receive. That relief and this means of request is properly sought through the prescriptions specified by Rule 24 for purposes of Rule 65A modification, clarification, or dissolution.

C. Disposition of the TRO and preliminary injunction proceedings may impair Movant's interest. If the TRO remains in effect or is converted into a preliminary injunction, the speech may remain unavailable during critical periods when public discussion is most active. Online speech has temporal value. News, commentary, investigation, and public debate are time-sensitive. Delayed access is often equivalent to denied access. This is especially true of YouTube videos concerning a fast-moving public controversy. Even if Movant could theoretically obtain access later, suppression during the period of public debate impairs the First Amendment interest in contemporaneous receipt of information.

D. Existing parties do not adequately represent Movant’s audience-side interest.

Existing parties do not adequately represent Proposed Intervenor’s distinct interests or, for that matter, the public audience’s independent interest in receiving the disputed publications. Plaintiffs plainly do not represent Movant’s interest because they seek removal of the speech. Although Schneider’s interest as speaker may partially overlap with Proposed Intervenor’s interest as a paying subscriber and intended recipient, that overlap is not enough. Schneider has not yet appeared by counsel in this civil case, has proceeded pro se in related criminal matters, and has acknowledged financial constraints and the potentially extraordinary cost of defending the civil action. Those facts create a substantial risk that Schneider will be unable, unwilling, or practically constrained from fully litigating the distinct recipient-rights, subscriber-access, public-interest, overbreadth, and narrow-tailoring objections that Proposed Intervenor seeks to raise. Schneider or other Defendants may settle, narrow their objections, remove content in their control to avoid unlawful coercion, or prioritize defenses unrelated to Movant’s independent right to receive information. Limited intervention is therefore warranted to ensure that the Court hears from an affected recipient before adjudicating restraints that impair access to paid-for speech.

E. Alternatively, permissive intervention is warranted. Rule 24(b) permits intervention when the movant has a claim or defense that shares common questions of law or fact with the main action. Movant’s challenge shares common questions with the TRO and preliminary-injunction proceedings: whether the challenged publications are protected speech, whether plaintiffs have shown entitlement to speech-suppressive injunctive relief, whether the order is sufficiently narrow, and whether the order complies with constitutional requirements.

F. Movant’s proposed intervention is highly limited. Movant does not seek to intervene generally in the underlying commercial dispute. Movant seeks only limited

intervention to protect Movant's independent First Amendment interest as a subscriber, viewer, and intended recipient of speech published on Benjamin Schneider's YouTube channel and related online platforms. Movant takes no position in this motion on the ultimate truth or falsity of all statements made by any party. Movant's position is narrower: the current TRO operates as a sweeping prior restraint and takedown order directed at existing and future online speech before any final adjudication of falsity, defamation, liability, or entitlement to permanent injunctive relief.

II. THE TRO'S TAKEDOWN PROVISION IS A PRIOR RESTRAINT BEARING A HEAVY PRESUMPTION OF UNCONSTITUTIONALITY.

A. Paragraph 5(k) suppresses existing speech before final adjudication. TRO

Paragraph 5(k) requires removal of online videos, audio, and publications concerning the dispute. Paragraph 5(k) functions as a prior restraint insofar as it prohibits continued availability, reposting, and future publication, and is at minimum a mandatory content-based speech-suppression order entered before final adjudication.

Prior restraints are among the most disfavored forms of speech restriction. See *Near v. Minnesota*, 283 U.S. 697 (1931); *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963); *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976); *Organization for a Better Austin v. Keefe*, 402 U.S. 415 (1971). In *Keefe*, the Supreme Court reversed an injunction prohibiting distribution of leaflets criticizing a real estate broker, rejecting the argument that the speech was coercive, reputationally harmful, or invasive of privacy. 402 U.S. at 419–20. The Court held that the party seeking a prior restraint bears a heavy burden. *Id.*

This case presents similar concerns. Plaintiffs allege reputational harm, harassment, interference, and injury to business goodwill. Those interests may support claims for damages or narrowly tailored conduct restrictions. They do not justify a broad ex parte takedown order

removing videos and publications from public platforms before adjudication of falsity or liability.

B. The TRO suppresses speech about a matter of public concern. The dispute is not confined to a private contract file. It involves a national franchise system, alleged treatment of a franchisee or store operator, alleged handling of a valuable LEGO collection, alleged repossession or transition of a retail store, law-enforcement interactions, litigation filings, and online criticism of business practices. Those matters have generated public commentary and concern. Speech concerning business practices, consumer disputes, franchise operations, litigation, alleged misconduct, and law-enforcement encounters can constitute speech on matters of public concern. Such speech is entitled to strong constitutional protection.

C. Alleged defamation ordinarily does not justify a pretrial speech injunction. Plaintiffs allege defamation, trade disparagement, false light, injurious falsehood, and related torts. But until specific statements are finally adjudicated false and unprotected, the Court should not suppress entire publications. Defamation law provides remedies after publication. It also imposes constitutional limits, including falsity, fault, and, where applicable, actual malice. See *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964); *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974). An injunction that removes speech before adjudication risks suppressing true statements, opinion, commentary, rhetorical hyperbole, protected criticism, and documentary material. If any injunctive relief is permissible in a defamation case, it must be limited to specific statements finally adjudicated defamatory after adversary proceedings. The TRO here does not meet that standard.

III. THE EX PARTE NATURE OF THE TRO MAKES THE SPEECH RESTRICTION ESPECIALLY DEFECTIVE.

The Supreme Court has been particularly skeptical of ex parte orders restraining speech. In *Carroll v. President & Commissioners of Princess Anne*, 393 U.S. 175 (1968), the Court set aside an ex parte restraining order against public rallies, holding that where First Amendment rights are involved, there is generally no place for an ex parte order absent a showing that notice and adversary process were impossible. Here, the TRO restricting online publications and videos has been entered ex parte. The order does not reflect an adversary adjudication of the truth or falsity of the challenged speech. Nor does it show that less restrictive remedies were inadequate. The ex parte process is especially problematic because the order reaches third-party audience interests. The Court heard from plaintiffs, but not from defendants and not from affected platforms, subscribers, viewers, journalists, commentators, or other recipients of the speech, none of whom have been named as parties to this action.

IV. THE TRO IS OVERBROAD AND NOT NARROWLY TAILORED.

A. The TRO reaches entire categories of publications rather than specific unlawful statements. Paragraph 5(k) covers “the Publications” and “any other video, audio or other form of publication” posted on “any online streaming platform” that relates to the dispute. That language potentially reaches entire videos and channels of commentary, including lawful speech. It may cover: true statements, opinions, interviews, documentary footage, court-record reporting, commentary about litigation, criticism of businesses, responses to plaintiffs’ public statements, discussion of law-enforcement encounters, satire or parody, third-party reposting or discussion, and/or efforts to raise money for legal defense in order to exercise fifth amendment due process rights. A lawful injunction must be specific and narrowly tailored. This one is not.

B. The terms “misleading,” “harassing,” and “interfering” are constitutionally vague as applied to speech. Paragraph 5(j) prohibits “false, misleading, harassing, interfering, defamatory or unlawful images or content.” Several of those terms are not self-defining when applied to public commentary. “Misleading” can describe protected argument, selective framing, opinion, or incomplete reporting. “Harassing” can be used to characterize persistent criticism. “Interfering” can describe public advocacy that affects a business’s reputation or customer relations. Without narrow definitions and specific findings, these terms chill protected speech.

C. The order is not limited to true threats, incitement, doxxing, trespass, impersonation, or other unprotected conduct. Movant does not challenge provisions prohibiting true threats, trespass, impersonation, evidence destruction, or physical interference to the extent those provisions are lawfully entered and specifically applied. The problem is the speech takedown provision. The Court can protect plaintiffs from threats, trespass, stalking, impersonation, and evidence spoliation without suppressing public videos and commentary concerning the dispute.

V. THE PUBLIC INTEREST FAVORS VACATUR OR MODIFICATION OF THE TRO’S SPEECH-SUPPRESSIVE PROVISIONS

The TRO states that the public interest is served by preventing extortion, harassment, defamation, nuisance, interference, trespass, stalking, intimidation, and other unlawful conduct. Movant does not dispute that courts may restrain true threats, unlawful doxxing, trespass, impersonation, destruction of evidence, physical interference, or other unlawful conduct when restrictions are lawful, specific, evidence-supported, and narrowly tailored.

But Paragraphs 5(j) and 5(k) go beyond conduct-based relief. Paragraph 5(k) requires removal of existing “video, audio or other form of publication” posted on online streaming platforms concerning the dispute. Paragraph 5(j) restrains future publication of broad categories of content,

including speech characterized as “false,” “misleading,” “harassing,” “interfering,” “defamatory,” or “unlawful.” The public-interest analysis materially changes when an order removes speech from public view before specific statements have been adjudicated false, unlawful, or unprotected.

A. Consumers, Subscribers, And The Public Have A Legitimate Interest In Receiving Information About This Controversy. Movant is a subscriber to Benjamin Schneider’s YouTube channel, a LEGO consumer, and a member of the consumer community affected by this controversy. The challenged speech concerns a national retail franchise system that buys, sells, trades, and displays LEGO products to the public. It therefore concerns marketplace information of practical importance to consumers, collectors, consignors, franchisees, prospective franchisees, parents, and LEGO enthusiasts who participate in the resale market.

Those audiences have a legitimate interest in information concerning how Bricks & Minifigs stores handle valuable collections; whether stores accept consigned property; whether franchise agreements permit or restrict such consignments; how inventory is tracked; what occurs when a franchisee defaults; whether a franchisor or successor operator may take possession of inventory; how customer or consignor property is protected during store transitions; whether corporate policies are adequate to prevent loss, confusion, or misappropriation; and how the franchisor responds when a consumer or consignor alleges that valuable property has not been returned or paid for.

These issues bear directly on whether consumers should buy from Bricks & Minifigs locations, sell valuable sets to those locations, consign or leave property with a franchisee, rely on store-level representations, distinguish franchisee conduct from franchisor responsibility, trust corporate policies after a store transition, or participate in the Bricks & Minifigs resale

ecosystem. Speech about alleged failures in a resale or consignment transaction is economically useful information. If Plaintiffs contend that particular statements are false, the public interest favors statement-specific adjudication through adversary process, not pretrial suppression of a broad category of marketplace criticism.

B. The TRO Distorts Public Debate By Suppressing One Side Of A Public

Controversy. This dispute has already become a public controversy. BAM has issued public statements, timelines, and explanations. Defendants and commentators have published videos and commentary. News outlets, legal commentators, LEGO consumers, franchise observers, and viewers have discussed the dispute. That is the ordinary process by which public debate tests disputed claims.

The TRO distorts that process by leaving Plaintiffs' narrative publicly available while compelling removal of Defendants' videos and publications. That is not a neutral preservation of the status quo. It alters the speech environment by suppressing one side of an ongoing public controversy. The public interest does not favor an information regime in which a national franchisor may publish press releases and timelines while opposing commentary, criticism, investigation, and video evidence are removed before trial.

Plaintiffs' own public statements confirm why debate should remain open. BAM has acknowledged a factually complex dispute involving a consignment agreement, public promotion through a Bricks & Minifigs-branded store, inconsistent sales records, alleged underreporting, a claimed security interest, a store transition, discovery of potentially related sets, and continuing efforts to review records. That is not an accusation disconnected from any real event. It is a live controversy over a valuable consumer collection, a franchise store, and a franchisor's response. Public understanding is improved by access to competing evidence, criticism, and response—not by removal of one side's source material.

Nor do later commentary or inflammatory rhetoric justify wholesale takedown. Schneider's videos have become source material for broader consumer and legal analysis concerning the TRO, defamation, prior restraint, process service, contempt risk, franchise-default remedies, and the distinction between civil property disputes and criminal theft allegations. Viewers, consumers, journalists, lawyers, and commentators need access to the original publications to evaluate Schneider's claims, Plaintiffs' responses, and later commentary about both. The better remedy is counterspeech, correction, contextualization, and adversary testing—not removal of the underlying publications.

C. The Public Interest Disfavors Ex Parte Prior Restraints In Civil Business And Reputational Disputes. The challenged speech concerns a civil business and property dispute. Plaintiffs allege reputational and economic injury, but reputational injury is the ordinary subject of defamation litigation. It does not ordinarily justify pretrial removal of speech, particularly through an ex parte order entered before the affected speakers or interested recipients have been heard.

If businesses could obtain ex parte takedown orders whenever public criticism allegedly injured goodwill, customers, franchise relationships, or reputation, consumer speech would be chilled. Such a rule would threaten reviewers, customers, journalists, creators, whistleblowers, former franchisees, franchise observers, and consumers who criticize public-facing business practices. Courts should not become emergency takedown mechanisms for business reputational disputes absent the most exacting showing.

That interest is especially strong here because the challenged publications concern a national franchise system, alleged mishandling or loss of valuable consumer property, a disputed store transition, and the franchisor's public response to the controversy. The public interest is served by access to information, adversary testing, correction, response, disclosure,

counterspeech, and statement-specific adjudication. It is not served by an ex parte takedown order requiring removal of videos and publications before the truth or falsity of specific statements has been determined.

Accordingly, the public interest favors vacatur or, at minimum, modification of the TRO's speech-suppressive provisions while preserving any lawful, specific, evidence-supported restrictions directed at true threats, trespass, unlawful doxxing, unlawful impersonation, obstruction, destruction of evidence, or other unlawful conduct.

VI. PLAINTIFFS HAVE NOT SHOWN A CLEAR LIKELIHOOD OF SUCCESS SUFFICIENT TO JUSTIFY A PRIOR RESTRAINT AND MANDATORY TAKEDOWN ORDER.

Plaintiffs obtained an ex parte TRO based in part on a preliminary finding that they were substantially likely to prevail on claims including Utah RICO, defamation per se, civil stalking, trespass, civil conspiracy, tortious interference, intentional infliction of emotional distress, injurious falsehood, trade disparagement, false light, and nuisance. Movant does not ask the Court to adjudicate the merits of those claims on this motion. The narrower point is that Plaintiffs' showing does not justify the TRO's extraordinary speech-suppressive provisions.

Plaintiffs' TRO Motion characterizes the challenged publications as false accusations that BAM, Baker Salem, their corporate owners, store personnel, and police committed theft, criminal conduct, corruption, and a cover-up. Plaintiffs also asserted that the underlying issue was merely a private consignment dispute between Chrystal Law/Gorman and Bryan Mansell, that Plaintiffs were not parties to and had no knowledge or involvement in that arrangement, and that Bryan and Chrystal fabricated or contrived the "stolen" inventory claim to blame Plaintiffs for a private problem. Those assertions may ultimately be litigated. But they do not support pretrial removal of entire publications where Plaintiffs' own later public account acknowledges a real and unresolved property, franchise, inventory, and payment dispute.

A. BAM's Own Account Confirms That the Controversy Was Real, Not Fabricated.

BAM's post-TRO public statements acknowledge the central factual premise of the challenged publications: a valuable Mansell LEGO collection was placed with the Bricks & Minifigs Salem/Keizer store under a consignment arrangement with Chrystal Law/Gorman. BAM further acknowledges that the collection was publicly promoted through the Bricks & Minifigs-branded store, that the \$200,000 figure was used in that public promotion, that a Bricks & Minifigs store email address was used for press contact, and that members of the Mansell family participated in a public display event at the store. Those facts materially undercut any clear showing that the publications addressed a fictitious controversy or a wholly invented claim of missing property.

BAM may contend that the consignment arrangement was unauthorized, undisclosed, or outside the franchise model. But that contention does not resolve the First Amendment question presented here. A public-facing Bricks & Minifigs-branded store promoted, displayed, sold, or handled the collection, and the later dispute concerned what happened to that collection, its proceeds, and remaining inventory during and after a store transition. Whether BAM corporate, Baker Salem, Best, Johnson, or others bear legal responsibility for those events is a disputed merits question. It is not a basis for an ex parte order removing entire publications before statement-specific adjudication.

B. BAM's Admissions Create Substantial Disputes Concerning Falsity, Gist, Fault, and Substantial Truth. Plaintiffs' TRO Motion treats the publications as categorically false because no court or law-enforcement agency had found that Plaintiffs stole property or participated in a cover-up. But defamation and related speech claims require more than disagreement with inflammatory characterizations. They require statement-specific analysis of falsity, fault, context, opinion, substantial truth, and protected commentary.

BAM's own account confirms enough of the factual framework underlying the

publications to make those issues unsuitable for ex parte takedown. BAM acknowledges that Mansell and Law/Gorman entered into a consignment arrangement; that Bryan received some payment over time; that records and sales data were incomplete or disputed; that BAM's review identified materially different sales figures; that POS data showed substantial sales from the collection; that BAM believed Law/Gorman significantly underreported sales to Mansell; that the Salem store transition occurred while the dispute remained unresolved; that Mansell appeared at the store with a contract and inventory list; that police were called; that some Star Wars sets were later found at the store; and that BAM offered to return remaining Star Wars LEGO items and explore compensation for unaccounted-for items.

Those acknowledgments do not establish that Schneider's every statement was true. They do establish that the challenged publications concerned a real factual dispute involving consigned property, sales proceeds, disputed records, store control, franchise authority, and competing responsibility. That is enough to defeat any clear entitlement to wholesale pretrial suppression of the publications as if they were wholly fabricated, knowingly false, or categorically unprotected.

C. The Proper Remedy Is Statement-Specific Adjudication, Not Wholesale Removal of Videos. Plaintiffs may ultimately prove that particular statements are false, defamatory, or otherwise actionable. If so, the proper course is to identify those statements, establish falsity and the applicable fault standard through adversary process, and seek narrowly tailored relief. Plaintiffs' own later public account confirms why that statement-specific process is essential here.

The challenged videos also contain protected factual reporting, interviews, documentary material, commentary, opinion, criticism, and discussion of a genuine consumer, franchise, and property dispute. Plaintiffs' claims for defamation, trade disparagement, false light, tortious interference, nuisance, civil conspiracy, or related theories cannot justify suppressing entire

videos and broad categories of future speech merely because Plaintiffs dispute some accusations or object to the speakers' rhetoric. To the extent Plaintiffs allege true threats, trespass, impersonation, doxxing, obstruction, or evidence destruction, the Court may address those categories through specific conduct-based relief. But Plaintiffs' own admissions show that the speech provisions of the TRO sweep far beyond any such conduct and should be vacated or substantially narrowed.

VII. THE TRO FAILS TO COMPLY WITH RULE 65A'S TEMPORARY AND EXPEDITED NATURE AND SPECIFICITY REQUIREMENT.

A. Timing Deficit. Utah Rule of Civil Procedure 65A requires a TRO to be temporary and promptly followed by a preliminary-injunction hearing. A TRO must expire within the time fixed by the Court, not to exceed 14 days, unless extended for good cause or by consent of the party against whom it is directed. If a TRO is granted, the motion for preliminary injunction must be scheduled for hearing at the earliest possible time. The TRO here states that it remains in effect until the Court enters its ruling on plaintiffs' motion for preliminary injunction. That formulation risks converting an emergency ex parte TRO into an indefinite speech injunction. The order also sets the preliminary-injunction hearing date after acknowledged service upon Schneider, the publisher of the specified publication URLs. At minimum, the Court should clarify that the TRO expires no later than Rule 65A permits unless properly extended on the record, after notice and an opportunity to be heard.

B. Specificity Deficit. The TRO independently fails Rule 65A(e)'s specificity requirement. Rule 65A(e) requires every restraining order and injunction to set forth the reasons for issuance, to be specific in terms, and to describe in reasonable detail—and not by reference to the complaint or other document—the acts restrained. Here, paragraph 5(k) depends on “Publications” as defined in the Verified Complaint and on assertions “as described in this

Verified Complaint.” That structure leaves restrained parties, nonparties, platforms, subscribers, and viewers to infer the scope of prohibited speech from another pleading rather than from the order itself. Whatever relief may be available after notice and adversary testing, Rule 65A does not permit a speech-restrictive TRO to define prohibited publications by incorporation, implication, or cross-reference.

VIII. PLAINTIFFS HAVE ADEQUATE LESS RESTRICTIVE REMEDIES.

Plaintiffs have numerous available remedies that do not require suppressing public speech before adjudication. They may seek: damages for defamation or trade disparagement, damages for tortious interference, damages for trespass or nuisance, narrowly tailored no-contact or no-trespass relief, preservation orders, discovery sanctions if evidence is destroyed, relief against true threats or doxxing, correction or retraction remedies where available, and/or expedited proceedings on specifically identified allegedly defamatory statements. The existence of less restrictive alternatives weighs strongly against maintaining the takedown provisions.

IX. THE COURT SHOULD AT LEAST MODIFY THE TRO TO PROTECT LAWFUL SPEECH AND NON-PARTY VIEWERS.

If the Court declines to vacate the speech provisions outright, it should modify them as follows:

- A. Modify paragraph 5(k) to the extent it requires existing publications to be removed, taken down, disabled, or no longer maintained.
- B. Modify paragraphs 5(j) and 5(k) to the extent they prohibit the creation, posting, publication, republication, dissemination, or maintenance of future publications not specifically identified in the TRO.
- C. Limit any publication restriction to specific statements that the Court identifies after adversary hearing and are found to be false, defamatory, made with the required fault, and not otherwise protected.
- D. Clarify that the TRO does not restrict publication of: court filings, fair reports of judicial proceedings, true statements, opinions, commentary, criticism of Plaintiffs, interviews, documentary footage, discussion of law-enforcement encounters or actions, requests for

public information, or criticism of franchise practices.

- E. Clarify that non-party subscribers, viewers, journalists, commentators, and platforms are not bound by any continuing speech restrictions unless they are found by the Court to be acting in concert with a Party to violate a valid court order after actual notice.
- F. Preserve provisions addressing true threats, trespass, unlawful doxxing, unlawful impersonation, and evidence preservation if the Court finds those provisions otherwise lawful and properly supported.

RELIEF REQUESTED

Proposed Intervenor respectfully requests expedited consideration of his Motion for Limited Intervention and accompanying Motion to Modify, Clarify, or Dissolve the TRO. Because the challenged order presently restrains access to speech Proposed Intervenor paid to receive, ordinary motion timing would itself compound the injury. Proposed Intervenor therefore asks the Court to set an expedited briefing schedule and hear intervention at or before the preliminary-injunction hearing, and, if intervention is granted, to immediately consider the requested Rule 65A relief.

Movant respectfully asks the Court to enter an order:

1. Granting Movant leave to intervene for the limited purpose of challenging the TRO's speech-restrictive provisions;
2. Vacating or dissolving paragraph 5(k) of the TRO to the extent it requires removal, takedown, non-maintenance, or suppression of YouTube videos, online videos, audio recordings, posts, commentary, or other publications concerning the dispute;
3. Vacating or dissolving paragraph 5(j) to the extent it prohibits future "false," "misleading," "harassing," "interfering," "defamatory," or "unlawful" images or content without identifying specific adjudicated false statements or unprotected categories of speech;
4. Alternatively, modifying paragraphs 5(j) and 5(k) to prohibit only speech or conduct that is categorically unprotected and specifically identified, such as true threats, incitement, unlawful doxxing, or speech already finally adjudicated to be defamatory after adversary process;
5. Confirming that the TRO does not require YouTube, Patreon, GoFundMe, or other platforms to remove or restrict access to content at the request of Plaintiffs absent further court order directed to those platforms after notice and opportunity to be heard;
6. Confirming that the TRO does not prohibit Movant or other non-party subscribers from viewing, discussing, linking to, quoting, clipping, criticizing, commenting on, or otherwise receiving publicly available information about the dispute;

7. If the Court denies intervention, Proposed Intervenor requests leave to file the accompanying memorandum as a nonparty amicus curiae brief and asks the Court to clarify that the TRO does not bind independent nonparties, platforms, journalists, commentators, viewers, or publishers absent proof of active concert within Rule 65A;
8. Setting an expedited hearing on this motion.

CONCLUSION

Movant respectfully requests that the Court grant limited intervention and vacate, dissolve, or modify the June 9, 2029 Temporary Restraining Order [Doc. 55] and all earlier such orders to eliminate the unconstitutional takedown and speech-restrictive provisions.

DATED this 10th day of June, 2026.

Respectfully submitted,

GREGORY C. BELMONT

By: /s/ Gregory C. Belmont
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Non-Party Movant, Pro Se