UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JULIE ALLEMAN, JULIET CATRETT, and P. WELLNESS INSTITUTE, LLC	:	
Plaintiffs,	:	Case. No. 3:24-cv-00877
v.	:	Judge John deGravelles
SHANNAE N. HARNESS, *et al.*	:	Magistrate Judge Scott D. Johnson
Defendants.	:	

PLAINTIFFS' RENEWED MOTION FOR A PRELIMINARY INJUNCTION

Plaintiffs move for a preliminary injunction, pursuant to Fed. R. Civ. P. 65, pending final resolution of this matter enjoining defendants from taking any adverse action against them for (1) using the word "Psychological" in the name of the business that plaintiffs Alleman and Catrett own, (2) using the words "psychologist," "psychological," or "psychology" in any accurate description of services of theirs or their company, (3) using any terms that refer to their expert qualifications in areas of psychology, or (4) providing services to their clients, consistent with their professional training and code of ethics, that employ psychological principles, methods, and procedures for the purpose of eliminating symptomatic, maladaptive, or undesired behavior or otherwise aiding their clients in improving aspects of their lives.

In support of this motion, Plaintiffs rely upon the accompanying memorandum of law and the exhibits identified on the accompanying exhibit list.

Dated: June 4, 2025

s/ Michael E. Rosman

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PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR RENEWED MOTION FOR A PRELIMINARY INJUNCTION

Table of Contents

Table of Authorities

Cases

Constitutional Provisions, Statutes, and Rules

Other

Plaintiffs submit this memorandum, along with the accompanying statements of plaintiffs Julie Alleman and Juliet Catrett, in support of their renewed motion for a preliminary injunction, pursuant to Fed. R. Civ. P. 65, pending final resolution of this matter. Plaintiffs seek an order enjoining defendants, and any of their officers or agents, from taking any adverse action against them for (1) using the word "Psychological" in the name of the business that plaintiffs Alleman and Catrett own, (2) using the words "psychologist," "psychological," or "psychology" in any accurate description of services of theirs or their company, (3) using any terms that refer to their expertise in areas of psychology, or (4) providing services to their clients, consistent with their professional training and code of ethics, that employ psychological principles, methods, and procedures for the purpose of eliminating symptomatic, maladaptive, or undesired behavior or otherwise aiding their clients in improving aspects of their lives.

Factual Background

The individual plaintiffs are Julie Alleman, a Licensed Professional Counselor, Licensed Marriage and Family Therapist, and Licensed Addiction Counselor in Louisiana, and Juliet Catrett, a Licensed Social Worker in Louisiana. Plaintiff P. Wellness Institute LLC is the company they own together and through which they conduct their practice. Statement of Julie Alleman ("Alleman St.") ¶ 3; Statement of Juliet Catrett ("Catrett St.") ¶ 3. Defendants are the members of the Louisiana State Board of Examiners of Psychologists (the "Board Defendants") and the East Baton Rouge Parish District Attorney.

Each of Alleman and Catrett studied psychology and learned its theories and many of its principles in obtaining the licenses they currently have. Each learned to diagnose mental illness pursuant to the DSM. ("DSM" is the Diagnostic and Statistical Manual of Mental Disorders, a

standard reference for identifying psychological disorders published by the American Psychiatric Association.) Each of them has learned a number of psychological techniques that they use in their practice, which focuses on the treatment of mental and emotional disorders resulting from trauma, including general psychotherapy, hypnosis, stress management, addiction therapy, and psychoeducation. They also have studied, and are familiar with, psychological aspects of physical illness, accident, injury, or disability, and they use this knowledge of these areas in their diagnoses and treatments. Alleman St. ¶¶ 4, 6-13; Catrett St. ¶¶ 4-6, 8-14.

Many of the clients they have diagnosed and treated have had co-occurring, that is multiple, psychological disorders that manifested persistent and severely debilitating symptoms of psychosis, addiction, depression, and anxiety. Alleman St. ¶ 9; Catrett St. ¶¶ 6, 11.

Ultimately, using the psychological knowledge and techniques they have acquired over time, they offer their clients oral psychological assistance for improving their clients' lives. Alleman St. ¶ 14; Catrett St. ¶ 16.

They clearly identify the licenses they possess, and have never represented to the public or told their clients that they are licensed psychologists. Alleman St. ¶ 15; Catrett St. ¶ 17.

Alleman and Catrett observe and evaluate their clients by the application of psychological principles, methods, and procedures, for the purpose of aiding their clients to eliminate undesired behavior and improving interpersonal relationships. Using psychological principles, methods, and procedures, for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health is consistent with their professional training and code of ethics. They do, in fact, so use those principles, methods, and procedures. Alleman St. ¶ 17; Catrett St. ¶

20.

They do not engage in conduct inconsistent with their professional training and code of ethics. They have never been sanctioned or investigated for conduct purported to be outside their professional training or code of ethics. Alleman St. ¶ 19; Catrett St. ¶ 19.

In March 2023, a psychologist (Darlyne Nemeth) wrote to Alleman and Catrett alleging that their use of the word "psychological" in the name of their company violated Louisiana law. The letter stated that she was notifying the Louisiana State Board of Examiners of Psychologists. In January 2024, over nine months later, the Executive Counsel of the Board sent a letter, dated January 3, 2024. The letter stated that a complaint had been filed against Alleman and Catrett and their company, then known as Psychological Wellness Institute, LLC. The letter stated that they were "illegally representing themselves to the public as licensed psychologists." The letter said that "[a] preliminary investigation of this complaint has substantiated the allegations by confirming multiple violations of La. R.S. 37:2352(9)." A copy of this letter is Exhibit 1 to the amended complaint. Alleman St. ¶¶ 20-22 & Ex. 1 thereto; Catrett St. ¶ 21.

The letter further stated that the Board was "the regulatory authority charged with governing the practice of psychology in this state," that it "is mandated by law to take legal action against persons who engage in the unlicensed practice of psychology" and that the failure of plaintiffs to take corrective action "will result in the [Board] both filing for civil injunctive relief and making criminal referrals to the appropriate law enforcement agencies." Doc. 50 Ex. 1; Alleman St. ¶¶ 21-22.

In an email exchange, the Board's representative subsequently told them that the law prohibited them from using "Psy. Wellness Institute" for a name, despite the fact that their licenses

permit them to conduct psychotherapy and they use it in their practice. The email is Exhibit 2 to the amended complaint. Alleman St. ¶ 23; Catrett St. ¶ 22.

Since illegally representing oneself as a licensed psychologist is a crime (a misdemeanor) under Louisiana law, Alleman and Catrett changed the name of their business to "P. Wellness Institute, LLC." Subsequently, the Board dismissed the complaint against them; it has not charged them with any additional violations since. Alleman St. ¶¶ 24-25; Catrett St. ¶ 23.

Alleman and Catrett would like to change the name of their company back to Psychological Wellness Institute, LLC, and will do so if defendants are enjoined from taking any actions against them for doing so. As described in their accompanying statements, they have also modified the way they describe their services and identify their expert qualifications in areas of psychology, particularly the treatment of mental disorders related to trauma. Finally, they are concerned by the Board's position that, if their practice constitutes the "practice of psychology," they are precluded from doing so under Louisiana law even if their work is consistent with their professional training. Alleman St. ¶¶ 26-32; Catrett St. ¶¶ 24-30.

Louisiana's Licensing Scheme

Title 37 of Louisiana's Revised Statutes governs various professions. Notably, they permit a variety of different professionals to treat people for behavioral problems that are caused by mental, emotional, behavioral, or addictive disorders, including by psychotherapy and other techniques also used by psychologists.

A. Psychologists (Chapter 28)

Chapter 28 of Title 37 governs psychologists. The law at issue here is Section 37:2360, entitled "Violations and Penalties," which states that it "shall be a misdemeanor [f]or any person

not licensed in accordance with the provisions of this Chapter . . . to represent himself as a psychologist" or "to engage in the practice of psychology." La. R.S. § 37:2360(A)(1), (2).

The practice of psychology is defined in La. R.S. § 37:2352(7)

> as the observation, description, evaluation, interpretation, and modification of human behavior, by the application of psychological principles, methods, and procedures, for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes but is not limited to psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, stress management, biofeedback, behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and of the psychological aspects of physical illness, accident, injury, or disability; psycho educational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, institutions, organizations, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

La. R.S. § 37:2352(7).

Section 37:2352(9) sets forth what constitutes representing oneself as a psychologist:

> "Psychologist" means any person licensed as a psychologist under this Chapter. A person represents himself to be a psychologist by using any title or description of services incorporating the words "psychology," "psychological," or "psychologist," or by using any other terms which imply that he is qualified to practice psychology or that he possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Chapter.

La. R.S. § 37:2352(9).

Section 37:2365 provides that "[m]embers of other professions who are licensed or certified

in accordance with the laws of this state shall be permitted to render services consistent with their professional training and code of ethics if they do not represent themselves as psychologists or their work as psychological." La. R.S. § 37:2365(A). Similarly, "[d]uly ordained clergy and Christian Science practitioners shall be permitted to function in their ministerial capacity if they do not represent themselves as psychologists, or their work as psychological." La. R.S. § 37:2365(B). "University or college faculty holding an earned doctoral degree in psychology from a regionally accredited institution of higher education may use the title 'psychologist' in conjunction with their academic or research activities." La. R.S. § 37:2365(E).

The Board also issues licenses for "psychological associates" who meet certain educational, training, examination, and other requirements. La. R.S. § 37:2356.4. A psychological associate can practice independently (*id.*, § 37:2356.4(B)) and his or her practice "includes rendering psychological services to individuals, groups, or families including diagnosis for the purpose of offering mental health counseling and psychotherapy services for treatment and prevention of mental, emotional, behavioral, and addiction disorders." *Id.*, § 37:2356.4(C). However, a psychological associate may not provide "[d]iagnoses of severe mental illness, major disorders, or mental disorders as defined by the board." *Id.*, § 37:2356.4(E)(2)(b).

Despite this limitation, since "psychological associates" are "licensed in accordance with the provisions of" Chapter 28, La. R.S. § 37:2360(A)(2) does not prohibit them from engaging in the "practice of psychology."

B. Professional Counselors / Marriage and Family Therapists (Chapter 13)

A licensed professional counselor ("Licensed PC") is someone who "offers to render professional mental health counseling services denoting a client-counselor relationship . . . and who

implies that he is licensed to practice mental health counseling pursuant to this Chapter."

La. R.S. § 37:1103(5). The practice of mental health counseling means

> rendering or offering prevention, assessment, diagnosis, and treatment, which includes psychotherapy, of mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public by a licensed professional counselor

La. R.S. § 37:1103(10). "Mental health counseling" involves "assisting an individual or group, through psychotherapy and the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan actions reflecting his or their interests, abilities, aptitudes, and needs." *Id.*, § 37:1103(10)(c).

Professional counseling licenses are issued by the Louisiana Licensed Professional Counselors Board of Examiners (La. R.S. §§ 37:1104, 37:1105(E), 37:1107(B)), which requires various educational and training requirements, including taking graduate courses in counseling/theories of personality and abnormal behavior. La. R.S. § 37:1107(A)(6)(b)(i), (iii).

"Marriage and family therapy practice" means:

> the professional application of psychotherapeutic and family systems theories and techniques in the prevention, diagnosis, assessment, and treatment of mental, emotional, and behavioral disorders in an individual and relational disorders in couples and families.

La. R.S. § 37:1103(6).

Licensed MFTs engaged in the diagnosis of individuals

> shall furnish satisfactory evidence to the board that he has completed the standard training in the professional application of psychotherapeutic and family systems theories and a minimum of six credit hours in diagnostic psychopathology, where students are taught to systematically collect and analyze data based on one or both of the two standard diagnostic systems employed, International Classification of Diseases, current revision, or the Diagnostic and

> Statistical Manual of Mental Disorders, current edition. However, licensed marriage and family therapists who have satisfied all other criteria for licensure as required by the board shall be allowed to diagnose individuals upon demonstration of competency through continuing education or other measures as defined by the board.

La. R.S. § 37:1116(E).

C. Social Workers (Chapter 35)

The Louisiana State Board of Social Work Examiners bestows licenses for social workers. La. R.S. §§ 37:2704(A), 37:2705(C)(2), 37:2713. Those licensed as clinical social workers

> may independently engage in advanced social work practice based on the application of social work theory, knowledge, ethics, and methods to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. The practice of clinical social work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of prevention, assessment, diagnosis, and treatment of mental, emotional, and behavioral and addiction disorders. Treatment methods include the provision of individual, marital, couple, family, and group psychotherapy.

La. R.S. § 37:2708(B).

D. Addiction Counselors (Chapter 50-A)

"Licensed addiction counseling" consists of "rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle." La. R.S. § 37:3387(A)(1). Such licenses are bestowed by the Board of the Addictive Disorder Regulatory Authority upon those who possess a masters degree in a human services or behavioral sciences discipline (or such other discipline as the ADRA Board recognizes), meets various other requirements, provides letters of recommendation, and passes a written examination. La. R.S. § 37:3387(E).

Procedural Background

Plaintiffs commenced this action on October 22, 2024 by the filing of the complaint. Defendants moved to dismiss this action, arguing that the Court lacked jurisdiction and that plaintiffs' challenge to the "Title Provision" (which included both the prohibition against using certain words in a title or using any terms that imply expert qualifications in any area of psychology) failed to state a claim. In a ruling and order on April 25, 2025 (Doc. No. 44), this Court rejected defendants' jurisdictional arguments and accordingly rejected defendants' motion to dismiss any claims other than the challenge to the "Title Provision." It granted the motion to dismiss the "Title Provision" with leave to replead it. This Court noted that "Plaintiffs fail to plead that the desired trade name is not actually or inherently misleading . . . [and] that, in the *Complaint*, the term 'inherent' is completely absent." Doc. 44 at 44. The Court also ruled that the Complaint's allegations regarding the plaintiffs' study of psychological principles were "conclusory" because the Complaint did not "describe what the relevant psychological 'principles, methods, and procedures' are or how they use them in their practice." Doc. 44 at 45. Accordingly, the Court concluded, the Complaint did not adequately explain how the word "'psychological' can mean many things in different contexts" and is not "limited to those professionals licensed by Louisiana to practice psychology." *Id.* (quoting *Express Oil Change, L.L.C. v. Mississippi Bd. Of Licensure for Professional Engineers & Surveyors*, 916 F.3d 483, 489 (5th Cir. 2019)) (cleaned up).

Plaintiffs also moved for a preliminary injunction on February 5, 2025. In its April 25 ruling and order, the Court denied that motion "without prejudice to Plaintiffs' right to refile after the *Complaint* is amended." Doc. 44 at 55.

Plaintiffs have now filed an amended complaint that explains why the term "psychological"

is neither inherently nor potentially misleading and further describes plaintiffs' training in, familiarity with, and use of psychological principles, methods, and procedures. This motion for a preliminary injunction now renews plaintiffs' request for interim relief pending resolution of this case.

Argument

Plaintiffs are entitled to the preliminary injunction they seek because they are likely to succeed on the merits and the equities support them.

A party seeking a preliminary injunction must establish four elements: (1) a substantial likelihood of success on the merits; (2) a substantial threat that they will suffer irreparable harm absent injunctive relief; (3) that the threatened injury outweighs any damage that the injunction might cause the defendant; and (4) that the injunction will not harm the public interest. *Nichols v. Alcatel USA, Inc.*, 532 F.3d 364, 372 (5th Cir. 2008). A movant "is not required to prove his case in full at a preliminary injunction hearing." *Fed. Sav. & Loan Ins. Corp. v. Dixon*, 835 F.2d 554, 558 (5th Cir. 1987) (quoting *Univ. of Tex. v. Comenisch*, 451 U.S. 390, 395 (1981)).

I. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS

The amended complaint in this action states four claims for relief: the first two allege that Section 37:2360(A)(2), which prohibits individuals not licensed as psychologists from engaging in the practice of psychology, is unconstitutional both as applied to plaintiffs and facially (because it is overbroad and vague). The third and fourth claims for relief assert that Section 37:2360(A)(1) is unconstitutional as applied to plaintiffs and Section 37:2360(A)(1) is overbroad and facially unconstitutional.

A. Plaintiffs' Challenges To Section 37:2360(A)(2) Are Likely To Succeed

Plaintiffs' challenge to Section 37:2360(A)(2) is likely to succeed because that statute prohibits plaintiffs – and anyone with knowledge of psychological principles other than licensed psychologists – from providing guidance to others through speech. As the Fifth Circuit noted in *Serafine v. Branaman*, 810 F.3d 354, 365 (5th Cir. 2016), "providing psychological services . . . is not commercial speech." Rather, it is fully-protected non-commercial speech. Section 37:2360(A)(2) is unconstitutional both as applied to plaintiffs' speech and facially (because of overbreadth).

Section 37:2360(A)(2) is a content regulation of non-commercial speech. To determine whether a violation has occurred, the government must examine the content of plaintiffs' (or others') speech to determine whether it is related to an effort to modify human behavior through application of specialized knowledge – *viz.*, psychological principles, methods, and procedures – for particular purposes. If it is, then it is prohibited; if not, then not. *Holder v. Humanitarian Law Project*, 561 U.S. 1, 27 (2010) (rejecting government's claim that statute prohibiting the provision of material support to terrorist organizations should be examined under intermediate scrutiny; the challenged statute "regulates speech on the basis of its content"; "If plaintiffs' speech to those groups . . . communicates advice derived from 'specialized knowledge' . . . then it is barred."). A law that prohibits speech only if it is too "psychological" is a content-based restriction.

Strict scrutiny "is a demanding standard. 'It is rare that a regulation restricting speech because of its content will ever be permissible.'" *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786, 799 (2011) (quoting *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 818 (2000)). It must be "justified by a compelling interest and . . . narrowly drawn to serve that interest." *Id.* The government bears the burden of meeting this high standard. *United States v. Playboy*

Entertainment Group, Inc., 529 U.S. 803, 816 (2000) ("[T]he Government bears the burden of proving the constitutionality of its actions.").

Louisiana claims that the regulation of psychology is necessary "to safeguard life, health, property, and the public welfare of this state, and in order to protect the people of this state against unauthorized, unqualified, and improper application of psychology." La. R.S. § 37:2351. But, in this context, plaintiffs only "apply" psychology by speaking to their clients; the state can no more protect people from the "improper application of psychology" than it can protect people from the "improper application of speech." Protecting people from the possible bad effects of speech is not a compelling governmental interest to justify a content discriminatory law. *Playboy Entertainment Group*, 529 U.S. at 815 ("We have made clear that the lesser scrutiny afforded regulations targeting the secondary effects of crime or declining property values has no application to content-based regulations targeting the primary effects of protected speech."); *American Booksellers Ass'n v. Hudnut*, 771 F.2d 323, 325 (7th Cir. 1985) (holding unconstitutional law prohibiting the production or distribution of "pornography" that government claimed would "play an important role in reducing the tendency of men to view women as sexual objects, a tendency that leads to both unacceptable attitudes and discrimination in the workplace and violence away from it").

So, too, defendants cannot require a license to speak. *Riley v. Nat'l Federation of Blind*, 487 U.S. 781, 802 (1988) (holding that, although the rule is not absolute, "[g]enerally, speakers need not obtain a license to speak"). Here, the prohibition against unlicensed speakers is absolute. Among those with knowledge of psychology, only those with state-approved licenses can provide guidance using psychological principles. But, as the Fifth Circuit noted in *Serafine* in holding Texas's prohibition against the "practice of psychology" unconstitutional, "[t]he ability to provide guidance

about the common problems of life – marriage, children, alcohol, health – is a foundation of human interaction and society, whether this advice be found in an almanac, at the feet of grandparents, or in a circle of friends." *Serafine*, 810 F.3d at 369. People who want to use their knowledge of psychology to provide this advice cannot be required to get a license from the state to speak. This rule is particularly unwarranted as applied to plaintiffs, who have been trained in psychological principles and have licenses that permit them to engage in mental health counseling, and diagnosing and treating mental, emotional, behavioral, and addiction disorders.

Even if forbidding speech to safeguard the public welfare were consistent with the First Amendment, defendants must have strong evidence that the regulation is needed to do so. *Brown*, 564 U.S. at 800 ("ambiguous proof will not suffice"); *id.* (state's evidence that video games depicting violence had harmful effects on children was "not compelling"); *Playboy Entertainment Group*, 529 U.S. at 819 (rejecting government's evidence that law requiring a complete blackout of adult entertainment by cable operators or a limited time period in which it could be shown was needed: "There is little hard evidence of how widespread or how serious the problem of signal bleed is. . . The First Amendment requires a more careful assessment and characterization of an evil in order to justify a regulation as sweeping as this.").

Moreover, there must be strong evidence that the law is narrowly-tailored; it must be the least restrictive means of attaining the goal. *Playboy Entertainment Group*, 529 U.S. at 823-24 (affirming district court finding that law requiring either complete blocking or time-limited transmission was not narrowly-tailored because the government failed to demonstrate that a less restrictive means, voluntary blocking by subscribers, would not be effective). Here, to the extent that the law regulates speech in the context of a professional relationship, there are common-law rules

of malpractice and fraud that protect the public. Defendants cannot demonstrate why such laws would not be adequate to achieve the state's goal of protecting the public, and it is their burden to do so.

Even if Section 37:2360(A)(2) were valid as applied to plaintiffs, an injunction still would be appropriate because their facial challenge is likely to succeed. *Serafine* controls here. In that case, the Fifth Circuit held that the Texas prohibition on individuals engaging in the "practice of psychology" (as defined in Texas Occupations Code § 501.003(b)(2)) was overbroad and facially unconstitutional. If anything, the definition of "practice of psychology" in *Serafine* was narrower than the one in Section 37:2352(7). The Texas law was limited to using certain specified psychological techniques to evaluate and treat "mental or emotional disorders and disabilities" where such evaluation and treatment was based on "a systematic body of knowledge and principles acquired in an organized program of graduate study." *Serafine*, 810 F.3d at 367. In contrast, Louisiana's definition requires only the "observation, description, evaluation, interpretation, and modification of human behavior, by the application of psychological principles, methods, and procedures," for the purpose of eliminating "undesired behavior." La. R.S. § 37:2352(7). People can apply "psychological principles, methods and procedures" based only on undergraduate and/or individual study, and "mental or emotional disorders and disabilities" is a narrower set of human behavior than simple "undesired" behavior. *Serafine*, 810 F.3d at 367 (noting that limitation of disorders involved in practice of psychology eliminated golf coaches from the definition). *Cf.* Doc. 44 at 24 (referring to the "broad language of the Practices Provision").

But even the narrower definition in *Serafine* was too broad. It would include "leaders for [Alcoholics Anonymous], Weight-Watchers, or other self-help groups," those who have "written

a marriage-advice column or parenting blog," and "life coaches." *Id.* at 368-69. The Court found it problematic that the Texas "Board would get to decide in the first instance what advice constitutes the 'practice of psychology,' then enforce the law as it sees fit. Such unfettered discretion is untenable." *Id.* at 369. So, too, here. Anyone who uses psychological principles, methods, and procedures to affect someone's undesired behavior has engaged in conduct that defendants may conclude violates the law. Not only the groups and individuals mentioned in *Serafine*, but sports coaches, tutors, and parents who know psychology and use it to help their athletes, students, or children eliminate undesired behavior or improve interpersonal relationships are potentially subject to prosecution. Just as the Texas law in *Serafine* was overbroad in violation of the First Amendment, Section 37:2360(A)(2) is as well.

B. Plaintiffs' Challenges To Section 37:2360(A)(1) Are Likely To Succeed

Plaintiffs' challenges to Section 37:2360(A)(1) are also likely to succeed because (1) to the extent that section reaches commercial speech, defendants cannot meet their burden under *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n of New York*, 447 U.S. 557 (1980) and (2) to the extent that section reaches commercial speech, defendants cannot meet their burden of showing that the regulation meets strict scrutiny.[1]

1. The Title Provision. – According to defendants, the Title Provision states that an individual represents himself as a psychologist (and thus violates Section 37:2360(A)(1) if not

[1] Defendants and this Court divided La. R.S. § 37:2360(A)(1) into three provisions based upon the description of what constitutes representing oneself as a psychologist in § 37:2352(9): the Title Provision, the Services Provision, and the Practice Provision. While plaintiff disagrees with that division of the statute, it will employ defendants' definitions of the Title Provision and the Services Provision. (The Practice Provision is covered by Section 37:2360(A)(2), and that analysis will not be repeated in this section.)

a licensed psychologist) by using any title incorporating the words "psychology," "psychological," or "psychologist," or by using terms which imply that he is qualified to practice psychology or that he possesses expert qualification in any area of psychology. Doc. 22-1 at 2.

The "Title Provision," then, is somewhat of a misnomer. Section 37:2352(9) defines representing oneself to be a psychologist as including the use of three specific words (the "three prohibited words") from being used in a title *and* the use of *any* terms in *any* context that imply that the person is qualified to practice psychology *or* that the person possesses expert qualifications in any area of psychology. Under defendants' definition, then, the "Title Provision" covers more than just titles, and both commercial and non-commercial speech.

a. Commercial Speech. – The Title Provision precludes plaintiffs from using the preferred name of their company (Psychological Wellness Institute, LLC) and from stating their qualifications in areas of psychology. To the extent that this affects their commercial speech, defendants cannot meet their burden of showing that it is constitutional.

Under the test first set down in *Central Hudson*, to be protected under the First Amendment, commercial speech must concern lawful activity and not be misleading. If it is, then courts must ask whether the regulation of it directly serves a substantial interest and is not more extensive than is necessary to serve that interest. *Central Hudson*, 447 U.S. at 566. Even on a preliminary injunction motion, the government bears the burden of justifying any regulation. *Byrum v. Landreth*, 566 F.3d 442, 446 (5th Cir. 2009) (reversing district court and granting preliminary injunction against enforcement of law prohibiting unlicensed interior designers from using the words "interior design" or "interior designer"; "the State had the burden to prove *all* elements of the *Central Hudson* test. Although the plaintiffs bear the burden on the preliminary injunction factors, it is well established

that the party seeking to uphold a restriction on commercial speech carries the burden of justifying it.") (emphasis added). *Cf. Express Oil Change, L.L.C. v. Mississippi Bd. Of Licensure for Professional Engineers & Surveyors*, 916 F.3d 483, 487-88 (5th Cir. 2019) ("This burden is a heavy one . . . and may not be satisfied by mere speculation or conjecture") (cleaned up).

Plaintiff's use of the term "Psychological" in the title of their business concerns lawful activity – their therapy practice – and is not misleading. It is not misleading because they have studied psychology and use its principles and techniques in their practice. They do not refer to themselves as psychologists (licensed or otherwise).

Louisiana does not own words and cannot prevent people from using them in their normal, common-sense meaning. *E.g.*, *Express Oil Change*, 916 F.3d at 489-90 ("That this definition of 'engineer' does not meet the Board's preferred definition does not make its use inherently misleading."); *American Academy of Implant Dentistry v. Parker*, 860 F.3d 300, 308 (5th Cir. 2017) (same with respect to the word "specialist"); *Byrum*, 566 F.3d at 447 (rejecting argument that use of "interior designer" and "interior design" by unlicensed individuals was inherently misleading; "This argument . . . proves too much, as it would authorize legislatures to license speech and reduce its constitutional protection by means of the licensing alone."); *Gibson v. Texas Dept. of Insurance – Division of Workers' Compensation*, 700 F.3d 227, 237(5th Cir. 2012) (holding that attorney that used "Texas" and "Workers' Comp." in a domain name in violation of a state law prohibiting use of those words stated a claim under the First Amendment); *Abramson v. Gonzales*, 949 F.2d 1567, 1578 (11th Cir. 1992) (holding that law that precluded unlicensed psychologists, clinical social workers, and therapists from holding themselves out by any title or description incorporating (*inter alia*) the words "psychologist," "psychology," and "psychological" violated First Amendment);

Eckles v. Kulongoski, 1994 U.S. Dist. LEXIS 22111, at *31 (D. Oregon Apr. 26, 1994) (holding that statute prohibiting unlicensed individuals from using various terms associated with psychology violated the First Amendment).

Here, the common meanings of "psychological" are not limited to things that relate to people licensed by the Board as psychologists. Rather, its meaning is much broader. *See* https://www.merriam-webster.com/dictionary/ psychological (giving the following three definitions for "psychological": "of or relating to psychology," "of, relating to, or occurring in the mind," and "directed toward, influencing, or acting on the mind especially in relation to an individual's willpower or behavioral motivation"). *See also* Doc. 50 (Amended Complaint) ¶ 67 ("psychology"). People other than licensed psychologists have studied psychology, are familiar with it, and use it to affect others' behavior. Plaintiffs Alleman and Catrett are two such people. They diagnose and treat people with mental, emotional, behavioral, and addiction disorders, often using psychotherapy and various other psychological techniques.

Serafine is instructive here. Serafine had no degree in psychology and was not licensed by Texas as a psychologist, but she had studied and taught psychology. Nonetheless, the Court held that Serafine had "a 'strong argument' that calling herself a psychologist on her campaign website was not misleading." *Serafine*, 810 F.3d at 362. And, while it is true that *Serafine* involved political speech, the Fifth Circuit cited *Byrum*, a commercial speech case involving interior designers to support its conclusion. *Id.* ("Serafine did not engage in a bald-faced lie. This case is much closer to *Byrum v. Landreth*, . . ., in which we noted the 'strong argument' that calling oneself an interior designer in contravention of a state law which required a license in order to do so was 'neither actually nor potentially misleading' . . . Although she may not be able to practice as a psychologist

under Texas law, that does not bear on whether she is a psychologist by reputation or training.").

In some ways, this is an *a fortiori* case compared to *Serafine* because plaintiffs do not call themselves "psychologists." Rather, they only wish to characterize their work as "psychological," which can mean anything related to the mind or involving a person's willpower or behavioral motivation, in the name of their business. "Mental health counseling" (La. R.S. §§ 37:1103(5), 37:1103(10)(c)) and the "treatment of mental . . . disorders" (La. R.S. § 37:2708(B)) involve activity "related to the mind."

Defendants also cannot meet their heavy burden of showing that the prohibition directly advances any interest in consumer protection and is no more extensive than necessary. Whatever benefit consumers might receive from precluding unlicensed individuals from stating that they are licensed, the statute here does not directly advance that interest. Most obviously, Louisiana allows *some* individuals who are not licensed as psychologists to use various forms of the word "psychology" in titles and descriptions of service. *Rubin v. Coors Brewing Co.*, 514 U.S. 476, 488 (1995) (holding that law prohibiting disclosure of alcohol content on beer labels did not directly advance government's interest in diminishing "strength wars" because, *inter alia*, disclosure of alcohol content in advertising was permitted in many states). For example, it permits the Board to give licenses to "psychological associates." Those individuals perform services that look quite similar to the services that plaintiffs perform. *Compare* La. R.S. § 37:2356.4(C) ("psychological services. . . includ[e] diagnosis for the purpose of offering mental health counseling and psychotherapy services for treatment and prevention of mental, emotional, behavioral, and addiction disorders") *with* La. R.S. § 37:1103(7) (mental health counseling performed by licensed professional counselors involves diagnosis and treatment of "mental, emotional, behavioral, and addiction

disorders" and can include psychotherapy). Indeed, although the word "psychological" is in their title, they are more *limited* in their practice than Licensed Professional Counselors and Licensed Clinical Social Workers. "Psychological associates" cannot provide "[d]iagnoses of severe mental illness, major disorders, or mental disorders as defined by the board." *Id.*, § 37:2356.4(E)(2)(b). Plaintiffs here can and do diagnose and treat severe mental illness, major disorders, and mental disorders. *See also* La. R.S. § 37:2352(6) (the Board can license "specialists in school psychology"); La. R.S. § 17:8.6 ("school psychologists"); La. R.S. § 37:2365(E) (unlicensed university and college faculty with advanced psychology degrees may use the term "psychologist" in certain contexts). *See* Doc. 50 (Amended Complaint) ¶¶ 81-86.

Moreover, the prohibition is not narrowly-tailored. It extends far beyond merely precluding persons not licensed by the Board as psychologists from calling themselves licensed psychologists or using words that imply that. The terms "psychology" and "psychological" can be used in titles without implying that the person is a licensed psychologist. The prohibition of any terms that imply expertise in any *area* of psychology similarly lacks any plausible connection to consumer protection. Not every expert in psychopathology is (or, under Louisiana law, must be) a licensed psychologist. *E.g.*, La. R.S. § 37:1116(E) (requirement of study in psychopathology for certain licensed marriage and family counselors). And even if using one of the three prohibited words were as fraught with danger as defendants contend, one can describe expert qualifications in an area of psychology without using them.

b. Non-Commercial Speech. – The Title Provision also reaches plaintiffs' non-commercial speech because it precludes them from communicating anything that implies expert qualifications in any area of psychology.

Commercial speech is a fairly narrow category of speech that relates *solely* to a person's economic interests or does no more than propose a commercial transaction. *Bd. of Trustees v. Fox*, 492 U.S. 469, 473-74 (1989) (whether speech "'propose[s] a commercial transaction' . . . is the test for identifying commercial speech."); *Ocheesee Creamery LLC v. Putman*, 851 F.3d 1228, 1234 n.6 (11th Cir. 2017) ("narrow category"). Although each plaintiff has an expertise in diagnosing and treating mental disorders resulting from trauma, any mention of that expertise to anyone, *regardless of context*, and regardless of whether they use any of the prohibited words, constitutes a "representation" that she is a licensed psychologist. Thus, the Title Provision chills plaintiffs' non-commercial speech based on its content. Accordingly, it must meet strict scrutiny. That is, defendants must show that it is narrowly-tailored to meet a compelling governmental interest.

As with the Section 37:2360(A)(2) (the Practice Provision), defendants cannot meet that burden. Assuming *arguendo* that such speech would actually mislead anyone into believing that plaintiffs were licensed psychologists, "any interest the Board might claim in preventing the misleading belief that [they were] licensed by the state as . . . psychologist[s] is neither compelling nor narrowly tailored." *Serafine v. Branaman*, 810 F.3d 354, 361 (5th Cir. 2016). *Cf. Rosemond v. Markham*, 135 F. Supp. 3d 574, 585 (E.D. Ky. 2015) (holding that tagline as a "family psychologist" of a columnist who offered parenting advice was protected by the First Amendment and that effort of Kentucky Board of Examiners of Psychologists to regulate his self-description was a content-based restriction on speech that had to meet strict scrutiny); *id.* at 587 (holding that state's interest in protecting public health and safety because columnist "might potentially confuse readers into believing that he is a Kentucky-licensed psychologist and that protecting these readers from potential confusion . . . does not fall into one of the few categories where the law allows content-

based regulation of speech."). Moreover, the prohibition against words that imply expert qualifications in any area of psychology is hardly narrowly-tailored to protect the public. The prohibition is not limited to efforts to induce business and many people who are not licensed by the Board do have expert qualifications in areas of psychology.

c. Overbreadth. – The Title Provision is also overbroad and thus facially invalid. As just shown, it reaches both commercial and non-commercial speech, and thus overbreadth analysis is appropriate. *Fox*, 492 U.S. at 483. Not only may people truthfully use words that imply that they have expert qualifications in *any* area of psychology in a non-commercial context (*e.g.*, a lecture or a journal paper), but all sorts of businesses and people can use titles with the three prohibited words without implying that they are licensed psychologists. Barnes and Noble can have a Psychology section of a bookstore, an author can write a book with the word "psychologist" in the title (*e.g.*, Courtland O.K. Smith, *The One Behind The Psychologist*), and a magazine publisher can use *Psychology Today* as a title without implying that they are licensed psychologists. Industrial and organizational psychologists are in a separate area of psychology that does not involve treating clients. The breadth and sweep of non-commercial, unproblematic speech covered by the Title Provision outweighs any legitimate purpose it might have in regulating people misleading the public into believing that they are licensed psychologists.

2. The Services Provision. – According to defendants, the Services Provision precludes people from using any of the three prohibited words in a "description of services." Doc. 22-1 at 2. It is unconstitutional, both as applied and facially, under the same precedents, and for the same reasons, that the Title Provision is unconstitutional.

Specifically, the Services Provision precludes plaintiffs from using truthful commercial

speech as part of a description of services ("I work with psychologists on occasion and make referrals"). Louisiana law does not directly advance a substantial governmental interest because it does not prevent other individuals (*e.g.*, psychological associates) who are not licensed psychologists and have *less* freedom to employ psychology with their clients from using one of the three prohibited words in a description of services. It is not narrowly-tailored under *Central Hudson* because it sweeps in far more speech than necessary to achieve any goal of protecting the public.

The Services Provision also reaches non-commercial speech because a person can describe their services to individuals who are not potential clients (such as colleagues, students, individuals at a conference). For the same reasons that the Title Provision's reach to non-commercial speech is unconstitutional, so, too, the Services Provision cannot meet strict scrutiny. There is no compelling governmental interest in precluding plaintiffs from describing their services to those with whom they are not proposing any business transaction at all. Finally, because the Services Provision reaches so much protected non-commercial speech, it is facially overbroad.

II. THE OTHER FACTORS ALSO FAVOR PLAINTIFFS

An irreparable injury is one for which there is no adequate remedy at law.

"As the Supreme Court declared, a 'loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.' *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 2690, 49 L. Ed. 2d 547, 565 (1976)." *Defense Distributed v. Bruck*, 30 F.4th 414, 421 n.1 (5th Cir. 2022). *See also Texans for Free Enter. v. Tex. Ethics Comm'n*, 732 F.3d 535, 539 (5th Cir. 2013) ("We have repeatedly held, however, that the loss of First Amendment freedoms for even minimal periods of time constitutes irreparable injury justifying the grant of a preliminary injunction.") (cleaned up). Indeed, when free speech rights are at issue, there is usually "no dispute

over the [plaintiffs'] entitlement to [a preliminary injunction] under the other criteria if their First Amendment rights were violated." *Byrum*, 566 F.3d at 445 (5th Cir. 2009).

Defendants claim that plaintiffs waited too long to sue, and then to move for a preliminary injunction. This misconstrues the law. Each day that passes with the loss of First Amendment rights is a form of irreparable harm. Delay must involve substantial prejudice to the defendants to overcome the irreparable harm associated with the loss of constitutional rights. *See, e.g.*, *Fish v. Kobach*, 840 F.3d 710, 753 (10th Cir. 2016) (rejecting argument that delay alone "undercuts a finding of irreparable harm. [Defendant] argues only the length of the delay and fails to show how that delay prejudiced him."). Indeed, in *Byrum*, several of the plaintiffs had been interior decorators for *years* before filing suit. *See* Complaint in *Byrum v. Landreth*, W.D. Tex. Civ. No. A-07-CA-344-LY (accompanying as Exhibit 1). *See also* Doc. 40-2 (Alleman Reply Statement).[2]

The court's decision in *Keyoni Enterprises v. County of Maui*, 2015 U.S. Dist. LEXIS 40740 (D. Hawaii March 30, 2015) cannot be reconciled with Fifth Circuit cases holding that an injunction against state regulatory boards was appropriate relief based on the plaintiffs' inability to use preferred terms of commercial speech. *E.g.*, *Byrum*, 566 F.3d at 451; *Parker*, 860 F.3d at 304, 305-06. In any event, *Keyoni* is obviously distinguishable on two additional grounds. First, the movants there did not meet the burden of showing a likelihood of success. Second, the *Keyoni* court's conclusion that financial or economic injury cannot constitute irreparable harm is inapplicable here

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[2] Defendants' argument would lead to the counterintuitive conclusion that any delay in seeking relief for a First Amendment violation would preclude any injunctive relief at all even after a final finding that the law or practice at issue was unconstitutional. The requirement of irreparable harm for a permanent injunction in a final judgment is the same as the requirement for a preliminary injunction. *Amoco Production Co. v. Village of Gambell*, 480 U.S. 531, 546 n.12 (1987).

where the defendants have sovereign immunity for any claim for damages. *Portée v. Morath*, 683 F. Supp. 3d 628, 636 (W.D. Tex. 2023) ("sovereign immunity . . . makes [plaintiff's] harm irreparable for purposes of seeking preliminary injunctive relief").

When the government is the defendant, the last two factors (balance of the equities and the public interest) merge. *Book People, Inc. v. Wong*, 91 F.4th 318, 341 (5th Cir. 2024). "Because Plaintiffs are likely to succeed on the merits of the First Amendment claim, the State and the public won't be injured by an injunction of a statute that likely violates the First Amendment." *Id.* The balance of equities here should also take into account that defendants sat on a complaint regarding plaintiffs' violation for over nine months before even *beginning* an investigation. That undermines any purported concern defendants have with public welfare.

Conclusion

For the foregoing reasons, and those set forth in the accompanying statements, plaintiffs' motion for a preliminary injunction should be granted.

Dated: June 4, 2025

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EXHIBIT 1 to MEMO OF LAW: COMPLAINT IN *BYRUM V. LANDRETH*

FILED

2007 MAY -9 AM 9:41

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____ DEPUTY

IN THE UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

VICKEE BYRUM; JOEL MOZERSKY; VERONICA KOLTUNIAK; and NANCY PELL,	§	
Plaintiffs,	§	
v.	§	**Civil Action No.** A07CA344 LY
GORDON E. LANDRETH, in his official capacity as Chairman of the Texas Board of Architectural Examiners; ALFRED VIDAURRI, JR, in his official capacity as Vice-Chair of the Texas Board of Architectural Examiners; ROSEMARY A. GAMMON, in her official capacity as Treasurer of the Texas Board of Architectural Examiners; and ROBERT KYLE GARDENER, JANET PARNELL, PETER L. PFEIFFER, DIANE STEINBRUECK, PEGGY LEWENE VASSBERG, and JAMES S. WALKER, II, in their official capacities as members of the Texas Board of Architectural Examiners,	§	
Defendants.	§	

PLAINTIFFS' ORIGINAL COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF

TO THE HONORABLE JUDGE OF SAID COURT:

This civil rights lawsuit seeks to vindicate the right of Plaintiffs Vickee Byrum, Joel Mozersky, Veronica Koltuniak, and Nancy Pell to earn an honest living and communicate truthfully about the interior design services they provide.

1. In Texas, anyone may work as an interior designer regardless of their qualifications or credentials, and no license is required to perform such work. But only people

holding special state-issued licenses are permitted to use the specific terms "interior designer" and "interior design" to describe their work. Thus, Texas prohibits non-licensees from calling themselves "interior designers" or referring to their work as "interior design," even when those terms accurately describe the services they lawfully provide. Because censorship of truthful commercial speech is repugnant to the Constitution, Texas' attempt to license use of the terms "interior design" and "interior designer" cannot stand.

Jurisdiction and Venue

2. Plaintiffs bring this civil rights lawsuit pursuant to the First and Fourteenth Amendments to the United States Constitution; the Civil Rights Act of 1871, 42 U.S.C. § 1983; and the Declaratory Judgments Act, 28 U.S.C. §§ 2201 & 2202. Plaintiffs seek injunctive and declaratory relief against the enforcement of the "titling" provisions of Texas' Interior Designers Registration Law, Tex. Occ. Code § 1051.001(3) and § 1053.151, as well as 22 Tex. Admin. Code § 5.133(c), that facially and as-applied interfere with Plaintiffs' First Amendment right to accurately describe to the public the services they lawfully provide as interior designers.

3. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1343.

4. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b).

Parties

5. Plaintiff Vickee Byrum is an adult resident of Travis County, Texas. Byrum is the owner and sole proprietor of *Yellow Door Design*, through which she offers interior design services in Travis County and elsewhere within the State of Texas, and other states.

6. Plaintiff Joel Mozersky is an adult resident of Travis County, Texas. Mozersky is the owner and sole proprietor of *One Eleven Design*, through which he offers interior design services throughout Travis County and elsewhere within the State of Texas.

7. Plaintiff Veronica Koltuniak is an adult resident of Travis County, Texas. Koltuniak is the owner and sole proprietor of *Veronica Koltuniak Designs*, through which she offers interior design services throughout Travis County and elsewhere within the State of Texas and other states.

8. Plaintiff Nancy Pell is an adult resident of Galveston County, Texas. Pell and her husband, Arnold, together own *Beautiful Things*, a design center through which Pell sells accessories and offers interior design services throughout Galveston County and elsewhere within the State of Texas.

9. Defendant Gordon E. Landreth is the President of the Texas Board of Architectural Examiners ("TBAE"), the state agency responsible for enforcing Texas' Interior Designers Registration Law. Defendant Landreth is sued in his official capacity.

10. Defendant Alfred Vidaurri, Jr. is the Vice-Chair of the TBAE and is sued in his official capacity.

11. Defendant Rosemary A. Gammon is the Treasurer of the TBAE and is sued in her official capacity.

12. Defendants Kyle Garner, Janet Parnell, Peter L. Pfeiffer, Diane Steinbrueck, Peggy Lewene Vassberg, and James S. Walker are the remaining members of the TBAE and are sued in their official capacities.

Statement of Facts

13. Chapter 1053 of the Texas Occupations Code sets forth the Interior Designers' Registration Law ("Registration Law"). The Registration Law establishes a licensing scheme whereby anyone may *practice* interior design in Texas, but only people with a state-issued license may use the terms "interior design" and "interior designer" to describe what they do. *See*

Tex. Occ. Code § 1053.151 (providing that "A person other than an interior designer may not: (1) represent that the person is an 'interior designer' by using that title; or (2) represent, by using the term 'interior design,' a service the person offers or performs."); Tex. Occ. Code § 1051.604 ("This article does not: (1) limit the practice of interior design . . . .").

14. The Act thus imposes a complete ban on commercial speech that is both truthful and non-misleading because it forbids people who lawfully provide "interior design" services from using the term "interior design" to describe what they do. *See* Tex. Occ. Code § 1053.151 and 22 Tex. Admin. Code § 5.133 (both provisions forbidding unlicensed persons from using the term "interior design" or "interior designer").

15. Any person who violates Texas' interior design title restriction is guilty of a Class C misdemeanor punishable by up to a $500 criminal penalty, or an administrative penalty up to $5,000. Tex. Occ. Code §§ 1053.351, 1051.451-52. As a result, Texas criminalizes the communication of truthful, non-misleading speech regarding the lawful provision of interior design services by persons who are not licensed by the State to use the terms "interior design" or "interior designer."

16. Becoming licensed to use the term "interior designer" in Texas requires substantial time, effort, and expense. State law provides that people must obtain certain prescribed levels of education and/or experience, and that they must pass a private licensing examination administered by the National Council for Interior Design Qualification ("NCIDQ"). Tex. Occ. Code Ann. §§ 1053.154-55; 22 Tex. Admin. Code §§ 5.31, 5.51.

17. The NCIDQ exam takes two days and costs approximately $1000 to complete all three of its sections, which are mandatory for licensure in Texas.

18. None of the four Plaintiffs is a registered interior designer with the State of Texas, and therefore none of them may lawfully refer to themselves as an "interior designer" or describe their services as "interior design," even though they can and do lawfully perform "interior design" services in Texas.

19. After working for an established interior designer, and learning how to apply her natural skills through on-the-job training, Plaintiff Vickee Byrum opened her own interior design business, *Yellow Door Design*. Byrum has operated a successful business providing interior design services for more than a decade, and she has developed considerable knowledge, experience, and ability in that field.

20. Despite her talent and experience as an interior designer, Byrum does not hold (nor does she wish to hold) a degree in interior design. Accordingly, she is ineligible to sit for the state-mandated licensing exam. Tex. Occ. Code Ann. §§ 1053.155(b)(1); 22 Tex. Admin. Code § 5.31. Thus, Byrum cannot obtain a license from the state to call herself an interior designer, even though that is an accurate description of what she does.

21. Plaintiff Joel Mozersky first began working as an interior designer in 1998 and has been working full-time since 2000. Mozersky has since opened his own interior design firm, *One Eleven Design*, and he has become one of Austin's most prominent interior designers. He designed the interior of the home for MTV's "Real World: Austin" television show as well as Austin's restaurant Uchi and other notable spaces. Citysearch named Mozersky the best interior designer in Austin in both 2006 and 2007, and he has received accolades for his work in such publications such as *Newsweek*, *USA Today*, *New York Times, American Salon*, *Austin-American Statesman*, and *Austin Monthly*.

22. While Mozersky has a degree in Art History and an MBA, he neither possesses nor wishes to posses a degree in interior design from an accredited institution, as required for licensure under state law. Despite his many accomplishments and accolades, and despite having been named Austin's top interior designer by Citysearch website, it is illegal for Mozersky to refer to himself as an "interior designer" in Texas due to the challenged restrictions.

23. Like Byrum and Mozersky, Plaintiff Veronica Koltuniak is an accomplished interior designer whose knowledge and skills come from experience rather than formal interior design education. Koltuniak first worked in set decoration and design for television shows in Los Angeles before beginning work as a full time interior designer there in 1990. She initially spent four years working with an architect and then continued to work on her own as an interior designer, developing a client list that included celebrities such as Madonna, Courtney Cox, and David Arquette.

24. After moving her family to Austin, Texas, in 2000, Koltuniak continued providing interior design services through *Veronica Koltuniak Designs.* When her design work with Courtney Cox on the television show "Mix it Up" received local media attention—and the media referred accurately to Koltuniak as an interior designer—Koltuniak received a letter from the Texas Board of Architectural Examiners in 2004 threatening to take legal action against her because she is not registered as an interior designer in Texas.

25. Koltuniak made attempts to register as an interior designer, but her applications were rejected because, like Plaintiffs Byrum and Mozersky, she neither possesses nor wishes to possess a degree in interior design from an accredited institution and is therefore not eligible for licensure in Texas.

26. Plaintiff Nancy Pell has spent more than thirty years working in the interior design field in a variety of capacities. In 1994, Pell and her husband Arnold jointly opened *Beautiful Things*, a design center in League City, Texas offering accessories and providing clientele the opportunity to arrange for Nancy Pell's interior design services. When Pell's husband placed an advertisement accurately describing his wife's services as "interior design" services, the TBAE sent her a letter in 2004 threatening legal action if the Pells did not immediately cease and desist their truthful advertising.

27. Pell earned an associates degree in interior design from San Jacinto College in Houston, Texas, in 1998. Despite this degree and her more than thirty years of experience, Pell is still not eligible for licensure in Texas because she has not fulfilled (and does not wish to fulfill) the necessary educational prerequisites to sit for the state-mandated licensing exam.

28. Absent Texas' interior design "title" law, all four Plaintiffs could and would advertise their businesses accurately as providing "interior design" services. The reason they do not do so today is because they fear criminal and administrative penalties should they accurately refer to themselves as "interior designers" or accurately describe their work as "interior design."

29. Because Plaintiffs are not registered as interior designers in Texas, they are subject to the speech restrictions set forth in Tex. Occ. Code § 1053.151 and 22 Tex. Admin. Code § 5.133, and they are subject to criminal prosecution for using the accurate—but forbidden—terms "interior design" or "interior designer" to describe themselves or their services.

30. The TBAE vigorously enforces those speech restrictions. Since July 1, 2004, the TBAE has sent more than 70 letters to unlicensed persons stating that is unlawful for them to use

or be identified by the terms "interior designer" or "interior design" because they have not registered with the TBAE to use those terms.

Injury to Plaintiffs

31. Texas' censorship of Plaintiffs' truthful speech about themselves and their businesses injures Plaintiffs in a number of ways.

32. Because Plaintiffs cannot advertise their services accurately they are instead required to use terms like "decorator" or "consultant," which signal to competitors and potential customers a lower level of skill and ability than they actually possess.

33. All four Plaintiffs are marginalized and degraded by Texas' interior design laws, which allow them to provide "interior design" services but not to use that term in describing what they do, reserving that privilege instead for those who have been licensed by the State to use it.

34. Texas' speech ban, both on its face and as applied to Plaintiffs, has caused and will continue to cause irreparable harm to Plaintiffs by forbidding them from truthfully describing themselves and the services they provide.

Count One

(First Amendment—Freedom of Speech)

35. Plaintiffs incorporate and reallege each and every allegation contained in paragraphs 1 through 34 above as though fully set forth herein.

36. The First Amendment to the U.S. Constitution guarantees Plaintiffs the right to free speech and specifically to speak truthfully about their businesses and the services they provide.

37. Sections 1051.001(3) and 1053.151 of the Texas Occupations Code, and Title 22, § 5.133 of the of the Texas Administrative Code prohibit the use of the words "interior design" or "interior designer" by unlicensed persons even when those persons can and do lawfully perform interior design services.

38. By prohibiting Plaintiffs from accurately and truthfully advertising their services through the use of the words "interior design" and "interior designer," Defendants and their agents and employees, acting under color of state law, violate Plaintiffs' right to free speech as guaranteed by the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

39. As a direct and proximate result of the speech restrictions set forth in section 1053.151 of the Texas Occupations Code and Title 22, § 5.133 of the of the Texas Administrative Code and the enforcement of those provisions by the Texas Board of Architectural Examiners, Plaintiffs have no adequate legal, administrative, or other remedy by which to prevent or minimize the continuing irreparable harm to their constitutional rights.

40. Unless Defendants are permanently enjoined from committing the above-described constitutional violations of the First Amendment to the United States Constitution, Plaintiffs will continue to suffer great and irreparable harm.

Request for Relief

Wherefore, Plaintiffs respectfully request the following relief:

A. A declaratory judgment by the Court that, facially and as applied to Plaintiffs, section 1053.151 of the Texas Occupations Code and Title 22, § 5.133 of the of the Texas Administrative Code, which relate to the regulation of interior designers, violate the First Amendment to the United States Constitution;

B. A permanent injunction prohibiting Defendants or their agents from enforcing section 1053.151 of the Texas Occupations Code and Title 22, § 5.133 of the of the Texas Administrative Code, which relate to the regulation of interior designers;

C. An award of attorneys' fees, costs, and expenses in this action pursuant to 42 U.S.C. § 1988; and

D. Any other legal and equitable relief to which the Plaintiffs may show themselves to be justly entitled.

DATED this 9th day of May, 2007

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*Motion for Admission *Pro Hac Vice* Pending

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JULIE ALLEMAN, JULIET CATRETT, and P. WELLNESS INSTITUTE, LLC	:	
Plaintiffs,	:	Case. No. 3:24-cv-00877
v.	:	Judge John deGravelles
SHANNAE N. HARNESS, *et al.*	:	Magistrate Judge Scott D. Johnson
Defendants.	:	

EXHIBIT LIST FOR PLAINTIFFS' RENEWED MOTION FOR A PRELIMINARY INJUNCTION

Exhibit	Description
Ex. 1 to memo	Complaint in *Byrum v. Landreth*
Ex. A	Statement of Julie Allemon
Ex. 1 to Ex. A (Allemon St.)	letter from Dr. Darlyne Nemeth dated March 28, 2023
Ex. B	Statement of Juliet Catrett

Dated: June 4, 2025

s/ Michael E. Rosman
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EXHIBIT A: ALLEMAN STATEMENT

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JULIE ALLEMAN, JULIET CATRETT, and P. WELLNESS INSTITUTE, LLC	
Plaintiffs,	Case. No. 3:24-cv-00877
v.	Judge John deGravelles
SHANNAE N. HARTNESS, *et al.*	Magistrate Judge Scott D. Johnson
Defendants.	**ALLEMAN STATEMENT**

Julie Alleman states:

1. I am one of the plaintiffs in this action. I submit this statement in support of plaintiffs' renewed motion for a preliminary injunction. I have personal knowledge of the matters set forth herein.

2. I have reviewed the amended complaint in this action. The statements related to me and my business are true.

3. I am a Licensed Professional Counselor, a Licensed Marriage and Family Therapist, and a Licensed Addiction Counselor under the laws of Louisiana. Together with my co-plaintiff Juliet Catrett, I own co-plaintiff P. Wellness Institute, LLC. I have studied principles, methods, and procedures of psychology and use those principles in my work at P. Wellness Institute for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health.

4. I obtained a Bachelor of Science degree with a double major in Psychology and

Sociology. After obtaining my undergraduate degree, I studied at Southeastern Louisiana University, where I received a Masters of Education in Community Counseling. At SLU, I took a wide variety of courses related to psychological topics, including classes that taught about diagnosing psychological disorders using the DSM. ("DSM" is the Diagnostic and Statistical Manual of Mental Disorders, a standard reference for identifying psychological disorders published by the American Psychiatric Association.)

5. After obtaining my Licensed Addiction Counselor credential, I began working in private practice at Baton Rouge Christian Counseling Center. In my practice there, I conducted individual, family, and group psychotherapy. While there, I completed my internship requirements and examination for both my Professional Counselor and Marriage and Family licenses.

6. I have studied the history of psychology and the different theories of psychology (*e.g.*, those of Jung or Freud).

7. I also studied and learned Erikson's stages of psychosocial development. Dr. Erickson maintained that there were eight stages of psychosocial development, from infancy to adulthood. According to this theory, during each stage, an individual undergoes a psychosocial crisis as his or her psychological needs conflict with the needs of society.

8. I also know how to make diagnoses of different mental and emotional disorders, pursuant to the DSM. In addition, I learned to identify individuals with more than one psychological disorder, and to use differing psychological treatments and interventions.

9. In my current practice, I diagnose and treat severe mental illness, major disorders, and mental disorders, including individuals with complex clinical presentations including co-occuring (that is, more than one) disorders. I specialize in psychological disorders resulting from

trauma. I am qualified and able to use (*inter alia*) EMDR (Eye Movement Desensitization and Reprocessing) or Brainspotting for PTSD (Post Traumatic Stress Disorder) and other serious disorders.

10. EMDR therapy was developed in the late 1980s by psychologist Francine Shapiro. It is a structured psychotherapy that primarily focuses on treating individuals who have experienced distressing, traumatic events. The idea behind EMDR is that those traumatic memories, when unprocessed, can become "stuck" in the brain, leading to a wide array of emotional and psychological difficulties. I use speech to change the way the memory is stored in the brain.

11. Brainspotting therapy was developed in the early 2000s by a psychotherapist, David Grand. In Brainspotting, the therapist uses talk therapy to find a spot in the client's field of vision that is associated with a painful memory. This makes therapy, again using speech, addressing the painful memory more effective.

12. I am also familiar with, and utilize, a whole host of other psychological methods, including more general psychotherapy, hypnosis, stress management, addiction therapy, and psychoeducation. I have studied, and are familiar with, psychological aspects of physical illness, accident, injury, or disability, and I use my knowledge of these areas in my diagnoses and treatments.

13. Psychoeducation is the process of educating a client about his or her diagnosis, symptoms, and methods of treatment. In many cases, such educating leads to better adherence to treatment protocols and improved outcomes.

14. Ultimately, using the psychological knowledge and techniques I have acquired over time, I offer my clients (oral) psychological assistance for improving their lives.

15. I clearly identify the licenses I possess. I have never represented to the public or told my clients that I am a licensed psychologist.

16. I observe and evaluate my clients' behavior by the application of psychological principles, methods, and procedures, for the purpose of aiding my clients to eliminate undesired behavior and of improving interpersonal relationships.

17. Using psychological principles, methods, and procedures, for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health is consistent with my professional training and code of ethics as a Licensed Professional Counselor and a Licensed Marriage and Family Counselor. I do, in fact, so use those principles, methods, and procedures.

18. Using psychological principles, methods, and procedures, for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health is consistent with my professional training and code of ethics as a Licensed Addiction Counselor. I do, in fact, so use those principles, methods, and procedures.

19. I do not engage in conduct inconsistent with my professional training and code of ethics. The boards responsible for licensing Professional Counselors, Marriage and Family Therapists, and Addiction Counselors have never investigated or sanctioned me for conduct with clients inconsistent with my professional training or code of ethics.

20. Prior to 2024, P. Wellness Institute was known as Psychological Wellness Institute, LLC.

21. In March 2023, a psychologist (Darlyne Nemeth) wrote to me and Ms. Catrett alleging that our use of the word "psychological" in our name violated Louisiana law. The letter stated that she was "notifying" the Louisiana State Board of Examiners of Psychologists (the "Board") of our "advertisement in the hope that a speedy resolution may occur." A copy of this letter accompanies this statement as Exhibit 1.

22. Over nine months later, in January 2024, a representative of the Board sent a letter to Ms. Catrett and me stating that a complaint had been filed alleging that we were in violation of Louisiana law by "illegally representing [our]selves to the public as licensed psychologists." The letter further stated that a preliminary investigation had substantiated the allegations of the complaint by confirming multiple violations of Louisiana law. Exhibit 1 to the amended complaint is a copy of this letter. The letter also stated that the Board was "the regulatory authority charged with governing the practice of psychology in this state," that it "is mandated by law to take legal action against persons who engage in the unlicensed practice of psychology" and that the failure of plaintiffs to take corrective action "will result in the [Board] both filing for civil injunctive relief and making criminal referrals to the appropriate law enforcement agencies."

23. In an email exchange, the Board's representative also told us that the law prohibited us from using "Psy. Wellness Institute" for a name, despite the fact our licenses permit us to conduct psychotherapy and use it in our practice. The email exchange is Exhibit 2 to the amended complaint.

24. To comply with the Board's understanding of Louisiana law, we changed the name of their company to P. Wellness Institute.

25. The Board subsequently dismissed the complaint against us. The Board has not charged us with any additional violations since.

26. The term "Psychological" accurately describes the services that we provide to our clients since both Ms. Catrett and I use our expertise in psychology and familiarity with psychological methods and procedures to treat our clients. Accordingly, we both would like to change the name of our company back to Psychological Wellness Institute, LLC, and will do so if defendants are enjoined from taking any actions against us for doing so.

27. Since I received notice of the complaint against us from the Board, I am aware that the same Louisiana law also prohibits the words "psychologist," "psychology" and "psychological" from being used to describe the services I provide.

28. Avoiding the words "psychologist," "psychology" and "psychological" in describing my services is difficult and awkward. For example, part of my services might be referring a client to a psychologist for psychological testing. It is difficult to do so without using the proscribed words.

29. I would like to use the prohibited words in describing my services to my clients, colleagues, other therapists, psychologists, and others without concern that defendants will take any actions against me for doing so.

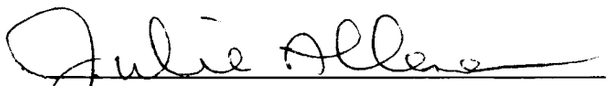
30. The law also precludes me from using any terms (in any context) that imply that I have some expertise in an "area of psychology." Since I do have expertise in at least one area of psychology, the treatment of trauma-induced psychological disorders, I am concerned that any references to my expertise in that area or the treatments that I use (like EMDR or Brainspotting) – whether to colleagues or clients or people at a meeting or convention – will violate the law.

31. I would like to use words or phrases like those listed in the last paragraph without concern that defendants will take action against me for doing so.

32. Finally, I am concerned that defendants take the position that, if my practice

constitutes the "practice of psychology," that I am precluded from doing so under Louisiana law even if my work is consistent with my professional training. I would like to continue my practice without the concern that defendants could take action against me for regular interactions with my clients.

I state under penalties of perjury that the foregoing is true and correct. Executed on June 4, 2025.



Julie Alleman

EXHIBIT 1 to EXHIBIT A: LETTER FROM DARLYNE NEMETH dated MARCH 28, 2023

NCLA
The Neuropsychology Center of Louisiana, L.L.C.
A Professional Corporation
Darlyne G. Nemeth, Ph.D., M.P., M.P.A.P.
Clinical, Medical, and Neuropsychologist
Evaluation Intervention Rehabilitation
Rev. 3/8/14
4611 Bluebonnet Blvd., Ste. B • Baton Rouge, Louisiana 70809 • Phone 225-926-7500 • Fax 225-924-0188 • www.louisiananeuropsych.com

Facsimile Cover Sheet

DATE: 3/28/23

TO: Psychological Wellness Center

FAX #: 225-208-1574

FROM: Darlyne G Nemeth, PhD., M.P., M.P.A.P

Patient: [redacted]

DOB: [redacted]

WARNING: THIS FAX CONTAINS CONFIDENTIAL PSYCHOLOGICAL INFORMATION

The psychological information in this fax message is confidential and privileged. It is unlawful for unauthorized persons to review, copy, disclose, or disseminate confidential psychological information. If the reader of this warning is not the intended fax recipient or the intended recipient's agent, you are hereby notified that you have received this fax message in error and that review of further disclosure of the information contained therein is strictly prohibited. If you have received this fax message in error, please notify us immediately at (225) 926-7500 and return the original message to us by mail.

Total number of pages including cover page: 2

Please call Arrel at (225) 926-7500 if all pages are not received.

NCLA
The Neuropsychology Center of Louisiana, L.L.C.
A Professional Corporation
Darlyne G. Nemeth, Ph.D., M.P., M.P.A.P.
Clinical, Medical, and Neuropsychologist
Evaluation Intervention Rehabilitation
4611 Bluebonnet Blvd., Ste. B • Baton Rouge, Louisiana 70809 • Phone 225-926-7500 • Fax 225-924-0188 • www.louisiananeuropsych.com

March 28, 2023

Julie Alleman, M.Ed., LPC, LMFT, LAC
Juliet Catrett, MSW, LCSW
Psychological Wellness Institute
4451 Bluebonnet Blvd., Suite G
Baton Rouge, LA 70809
(P): (225) 223-6731
(F): (225) 208-1574

RE: Psychological Wellness Institute

Dear Ms. Alleman & Ms. Catrett,

Congratulations on the opening of your new practice, Psychological Wellness Institute at, 4451 Bluebonnet, Blvd., Suite G. Please be advised that the term "psychological" is restricted by Statute (Louisiana Law Title 37: Chapter 28, 2352 Definition of terms (6)) to those individuals representing themselves as psychologists. Specifically, an individual using any title or description using the word "psychological" must be licensed by the Louisiana State Board of Examiners of Psychologists (LSBEP) to practice psychology. By using the term "psychological" in the title of your practice, you are implying that you are offering psychological services to the public, therefore, practicing psychology without a license.

It is unlikely that when you opened your practice, you understood that the term "psychological" was restricted by Louisiana Statute. It is my hope that you will correct this error as quickly as possible. In order to assist you in doing so, via a copy of this letter, I am notifying LSBEP of your advertisement in the hope that a speedy resolution may occur.

Most Sincerely,

Darlyne G. Nemeth, Ph.D., M.P., M.P.A.P.
Clinical, Medical, & Neuropsychologist
Licensed Psychologist LSBEP #237
National Register #18, 375
M.S.C.P., Clinical Psychopharmacology
LSBME License # MP.000237
LSBME License # MPAP.000024

CC: Jamie Monic, Executive Director,
LSBEP - admin.lsbep@la.gov

EXHIBIT B: CATRETT STATEMENT

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JULIE ALLEMAN, JULIET CATRETT, and P. WELLNESS INSTITUTE, LLC	
Plaintiffs,	Case. No. 3:24-cv-00877
v.	Judge John deGravelles
SHANNAE N. HARNESS, *et al.*	Magistrate Judge Scott D. Johnson
Defendants.	**CATRETT STATEMENT**

Juliet Catrett states:

1. I am one of the plaintiffs in this action. I submit this statement in support of plaintiffs' renewed motion for a preliminary injunction. I have personal knowledge of the matters set forth herein.

2. I have reviewed the amended complaint in this action. The statements related to me and my business are true.

3. I am a Licensed Clinical Social Worker in Louisiana. Together with my co-plaintiff Julie Alleman, I own co-plaintiff P. Wellness Institute, LLC. I have studied principles, methods, and procedures of psychology and use those principles in my work at P. Wellness Institute for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health.

4. I studied at Tulane University, where I received a Masters of Social Work degree. At Tulane, I took a wide variety of courses related to psychological topics, including

"Psychodynamic Psychotherapy/DSM." ("DSM" is the Diagnostic and Statistical Manual of Mental Disorders, a standard reference for identifying psychological disorders published by the American Psychiatric Association.)

5. At Tulane, I learned to diagnose pursuant to the DSM, to identify individuals with more than one psychological disorder, and to use appropriate treatments and interventions for each disorder.

6. As part of the program at Tulane, I had a field placement at Jefferson Parish Human Services Authority in New Orleans. My fieldwork with the Adult Mental Health Program there provided an opportunity to apply my Psychodynamic Psychotherapy/DSM coursework in the diagnosing and treatment of adults whose chief complaints were the unremitting symptoms of a psychological disorder. The majority of the clients I diagnosed and treated had co-occurring, that is multiple, psychological disorders that manifested persistent and severely debilitating symptoms of psychosis, addiction, depression, and anxiety.

7. I completed 3000 hours postgraduate social work experience under supervision of a board approved clinical supervisor and 96 face-to-face hours of supervision.

8. I have studied the history of psychology and the different theories of psychology (*e.g.*, those of Jung or Freud).

9. I also studied and learned Erikson's stages of psychosocial development. Dr. Erickson maintained that there were eight stages of psychosocial development, from infancy to adulthood. According to this theory, during each stage, an individual undergoes a psychosocial crisis as his or her psychological needs conflict with the needs of society.

10. I also know how to make diagnoses of different mental and emotional disorders,

pursuant to the DSM. In addition, I learned to identify individuals with more than one psychological disorder, and to use differing psychological treatments and interventions.

11. In my current practice, I diagnose and treat severe mental illness, major disorders, and mental disorders, including individuals with complex clinical presentations including co-occuring (that is, more than one) disorders. I specialize in psychological disorders resulting from trauma. For my clients, I often perform "MID" (multi disciplinary inventory for dissociation), which involves testing, diagnosis (interpreting scores on tests) and treatment. I am qualified and able to use EMDR (Eye Movement Desensitization and Reprocessing) or Brainspotting for PTSD (Post Traumatic Stress Disorder) and other serious disorders.

12. EMDR therapy was developed in the late 1980s by psychologist Francine Shapiro. It is a structured psychotherapy that primarily focuses on treating individuals who have experienced distressing, traumatic events. The idea behind EMDR is that those traumatic memories, when unprocessed, can become "stuck" in the brain, leading to a wide array of emotional and psychological difficulties. I use speech to change the way the memory is stored in the brain.

13. Brainspotting therapy was developed in the early 2000s by a psychotherapist, David Grand. In Brainspotting, the therapist uses talk therapy to find a spot in the client's field of vision that is associated with a painful memory. This makes therapy, again using speech, addressing the painful memory more effective.

14. I am also familiar with, and utilize, a whole host of other psychological methods, including more general psychotherapy, hypnosis, stress management, addiction therapy, and psychoeducation. I have studied, and are familiar with, psychological aspects of physical illness, accident, injury, or disability, and I use my knowledge of these areas in my diagnoses and

treatments.

15. Psychoeducation is the process of educating a client about his or her diagnosis, symptoms, and methods of treatment. In many cases, such educating leads to better adherence to treatment protocols and improved outcomes.

16. Ultimately, using the psychological knowledge and techniques I have acquired over time, I offer my clients oral psychological assistance for improving their clients' lives.

17. I clearly identify the licenses I possess. I have never represented to the public or told my clients that I am a licensed psychologist.

18. I observe and evaluate my clients by the application of psychological principles, methods, and procedures, for the purpose of aiding my clients to eliminate undesired behavior and of improving interpersonal relationships.

19. I do not engage in conduct inconsistent with my professional training and code of ethics. The licensing board for social workers (the Louisiana State Board of Social Work Examiners) has never investigated or sanctioned me for conduct with clients inconsistent with my professional training or code of ethics.

20. Using psychological principles, methods, and procedures, for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health is consistent with my professional training and code of ethics as a Licensed Social Worker. I do, in fact, so use those principles, methods, and procedures.

21. In January 2024, I received a letter, dated January 3, 2024, from Jonathon Wagner, who at the time was the Executive Counsel of the Louisiana Board of Examiners of Psychologists.

The letter stated that a complaint had been filed against the company that I owned with co-plaintiff Julie Alleman, Psychological Wellness Institute, LLC, and against me and Ms. Alleman personally, charging that we were "illegally representing [ourselves] to the public as licensed psychologists." The letter said that "[a] preliminary investigation of this complaint has substantiated the allegations by confirming multiple violations of La. R.S. 37:2352(9)." A copy of this letter is Exhibit 1 to the amended complaint.

22. In an email exchange, the Board's representative also told us that the law prohibited us from using "Psy. Wellness Institute" for a name, despite the fact our licenses permit us to conduct psychotherapy and we use it in our practice. The email exchange is Exhibit 2 to the amended complaint.

23. Since illegally representing oneself as a licensed psychologist is a crime (a misdemeanor) under Louisiana law, Ms. Alleman and I changed the name of our business to "P. Wellness Institute, LLC." Subsequently, the Board dismissed the complaint against us. The Board has not charged us with any additional violations since.

24. The term "Psychological" accurately describes the services that we provide to our clients since both Ms. Alleman and I use our expertise in psychology and familiarity with psychological methods and procedures to treat our clients. Accordingly, we both would like to change the name of our company back to Psychological Wellness Institute, LLC, and will do so if defendants are enjoined from taking any actions against us for doing so.

25. Since I received notice of the complaint against us from the Board, I am aware that the same Louisiana law also prohibits the words "psychologist," "psychology" and "psychological" from being used to describe the services I provide.

26. Avoiding the words "psychologist," "psychology" and "psychological" in describing my services is difficult and awkward. For example, part of my services might be referring a client to a psychologist for psychological testing. It is difficult to do so without using the proscribed words.

27. I would like to use the prohibited words in describing my services to clients, colleagues, other therapists, psychologists, and others without concern that defendants will take any actions against me for doing so.

28. The law also precludes me from using any terms (in any context) that imply that I have some expertise in an "area of psychology." Since I do have expertise in at least one area of psychology, the treatment of trauma-induced psychological disorders, I am concerned that any references to my expertise in that area or the treatments that I use (like EMDR or Brainspotting) – whether to colleagues or clients or people at a meeting or convention – will violate the law.

29. I would like to use words or phrases like those listed in the last paragraph without concern that defendants will take action against me for doing so.

30. Finally, I am concerned that defendants take the position that, if my practice constitutes the "practice of psychology," that I am precluded from doing so under Louisiana law even if my work is consistent with my professional training. I would like to continue my practice without the concern that defendants could take action against me for regular interactions with my clients.

I state under penalties of perjury that the forgoing is true and correct. Executed on June 4, 2025.

Juliet Catrett