

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

REFORM AMERICA (d/b/a Created  
Equal); and MARK HARRINGTON,

Plaintiffs,

v.

CITY OF DETROIT; DARIN SZILAGY,  
individually and in his official capacity as  
a Police Commander, City of Detroit  
Police Department; KURT WORBOYS,  
individually and in his official capacity as  
a Police Captain, City of Detroit Police  
Department; and R. LACH, individually  
and in his official capacity as a police  
officer, City of Detroit Police Department,

Defendants.

No.

**COMPLAINT**

[Civil Rights Action under 42  
U.S.C. § 1983]

Plaintiffs Reform America (d/b/a Created Equal) and Mark Harrington (collectively referred to as “Plaintiffs”), by and through undersigned counsel, bring this Complaint against Defendants City of Detroit, Darin Szilagy, Kurt Worboys, and R. Lach, (collectively referred to as “Defendants”), and in support thereof allege the following upon information and belief:

**INTRODUCTION**

1. This case seeks to protect and vindicate fundamental rights. It is a civil rights action brought under the First, Fourth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

2. Plaintiffs seek a declaration that Defendants violated their clearly established rights as set forth in this Complaint; a permanent injunction enjoining the enforcement of the City's "speech restrictions" as set forth in this Complaint; and a judgment awarding nominal damages against Defendants for the past loss of Plaintiffs' constitutional rights. Plaintiffs also seek an award of their reasonable costs of litigation, including attorneys' fees and expenses.

### **JURISDICTION AND VENUE**

3. This action arises under the Constitution and laws of the United States. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1343.

4. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this Court.

5. Plaintiffs' claim for nominal damages is authorized under 42 U.S.C. § 1983 and by the general legal and equitable powers of this Court.

6. Plaintiffs' claim for an award of their reasonable costs of litigation, including attorneys' fees and expenses, is authorized by 42 U.S.C. § 1988, and other applicable law.

7. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this district.

## PLAINTIFFS

8. Plaintiff Reform America (d/b/a Created Equal) (hereinafter referred to as “Created Equal”) is a nonprofit corporation incorporated under the laws of Ohio. It is recognized by the IRS as a 501(c)(3) organization.

9. Created Equal is a pro-life organization that engages in First Amendment activity in an effort to expose the horrific truth about abortion. This First Amendment activity includes, *inter alia*, displaying signs, handing out pro-life literature, and engaging in civil discussions with those who support abortion.

10. In support of its mission, Created Equal uses abortion imagery because the atrocity of abortion is inexpressibly evil, and the imagery depicting aborted babies exposes that portion of the facts, the truth, that cannot be expressed through the written and spoken word.

11. Plaintiff Mark Harrington is the President/Founder of Created Equal.

12. Plaintiff Harrington and those who associate with Created Equal, including the pro-lifers referenced in this Complaint, exercise their First Amendment rights through the activities of Created Equal.

13. As part of its activities, Created Equal, and those who associate with Created Equal, including Plaintiff Harrington, engage in free speech activity to protest politicians and political candidates who support abortion.

## DEFENDANTS

14. Defendant City of Detroit (hereinafter “City”) is a municipal entity organized and existing under the laws of the State of Michigan. It is a municipal corporation with the right to sue and be sued.

15. The City and its officials are responsible for creating, adopting, approving, ratifying, and enforcing the policies, practices, customs, and/or procedures of the City, including the challenged “speech restrictions” as set forth in this Complaint.

16. The City, through its police officers, including Defendants Darin Szilagy, Kurt Worboys, and R. Lach (Badge No. 3603), enforces the challenged “speech restrictions” as set forth in this Complaint.

17. The City’s policies, practices, customs, and/or procedures were the moving force behind the constitutional violations set forth in this Complaint.

18. At all relevant times, the City trained, supervised, and employed its police officers, including Defendants Szilagy, Worboys, and Lach.

19. The City’s deficient training and supervision of Defendants Szilagy, Worboys, and Lach were done with deliberate indifference as to their known or obvious consequences and were a moving force behind the actions that deprived Plaintiffs of their fundamental rights as set forth in this Complaint.

20. At all relevant times, Defendant Szilagy was a Commander with the

City Police Department, Defendant Worboys was a Captain with the City Police Department, and Defendant Lach was a police officer with the City Police Department.

21. At all relevant times, Defendants Szilagy, Worboys, and Lach were agents, servants, and/or employees of the City, acting under color of state law. Defendants Szilagy, Worboys, and Lach are sued individually and in their official capacities.

### **STATEMENT OF FACTS**

22. On July 30, 2019, and again on July 31, 2019, Democrat presidential candidates engaged in televised debates at the Fox Theatre located at 2211 Woodward Avenue in the City.

23. The debates were televised nationally by CNN.

24. All of the Democrat presidential candidates support abortion, including late term abortions.

25. On July 30, 2019, and again on July 31, 2019, Plaintiffs went to the public forums adjacent to and located near the Fox Theatre in the City with pro-life signs and messages to protest the pro-abortion policies and positions of the Democrat presidential candidates.

26. A true and accurate photograph of some of the signs used by Plaintiffs during the debates appears below:



27. Plaintiffs wanted to use their pro-life message to influence the candidates, and they wanted to influence those who attended the debates and support the pro-abortion positions and policies of the candidates.

28. In particular, Plaintiffs wanted to influence the candidates and their supporters with their signs depicting abortion imagery. These signs convey the powerful message that abortion causes the violent death of an innocent human life and that any policy or position that supports this barbaric practice is intrinsically evil and immoral.

29. Location was important for Plaintiffs for three primary reasons. First, Plaintiffs' *physical* presence at the Fox Theatre, particularly with their signs, presented a lasting and strong visual image of their opposition to the pro-abortion policies and positions of the candidates and those who support the candidates. This visual image was an essential part of Plaintiffs' message. Second, Plaintiffs wanted

to be in aural and visual range of the Fox Theatre in order to express their pro-life message to the candidates and to those persons who attended the debates and support the pro-abortion positions and policies of the candidates. And third, Plaintiffs wanted access to the candidates and attendees of the debates to show them their signs, to converse with them, and to distribute to them their pro-life literature.

30. As set forth in this Complaint, Defendants' "speech restrictions" prohibited Plaintiffs from expressing their message to their intended audience. The restrictions operated to marginalize and thus silence Plaintiffs' message.

31. Defendants' "speech restrictions" had the intended effect of sanitizing and cleansing the Fox Theatre image for the national media, and thus for those viewers across the country who tuned in to watch the debates, particularly through CNN. More specifically, the "speech restrictions" had the intended effect of sanitizing and cleansing the areas immediately in front of and adjacent to the Fox Theatre of any messages that were critical of the Democrat presidential candidates and the positions and policies they supported. In particular, Defendants' "speech restrictions" ensured that Plaintiffs' message, specifically including their signs, would be hidden from the CNN camera shots, the viewers of the debates, the candidates, and those who attended the Fox Theatre for the debates.

32. The right to freedom of speech enshrined in the First Amendment is not a right to catharsis. It is a right to meaningfully express one's message in order to

influence public opinion and to affect public policy. The challenged “speech restrictions” set forth in this Complaint violated Plaintiffs’ rights protected by the First and Fourteenth Amendments.

33. On July 30, 2019 and July 31, 2019, Plaintiff Harrington and several other members of Created Equal went to the public forums adjacent to Fox Theatre to engage in their First Amendment activity.

34. As set forth above, Plaintiffs carried pro-life signs that they wanted to display in these forums. Additionally, Plaintiffs carried pro-life literature that they wanted to distribute.

35. On day 1 (July 30, 2019), Plaintiffs arrived at a drop off location along Fisher Service Drive in the City. They arrived at approximately 6 pm, which was two hours before the debate was scheduled to commence.

36. Upon arriving at the drop off location, Plaintiffs tried to go directly to the Fox Theatre via the public sidewalk along Woodward Avenue but were stopped by City police officers, including Officer J. Everitt, who informed Plaintiffs that they could not enter the “restricted area.”

37. The “restricted area” was marked by barricades and manned at various locations by armed City police officers.

38. Upon information and belief, the “restricted area” incorporated boundaries along the following streets: Fisher Service Drive, Woodward Avenue,



Montcalm Street, Witherell Street, Adams Avenue, and Park Avenue. Each of these streets and accompanying sidewalks are traditional public forums. A map depicting the “restricted area” boundary is attached as Exhibit A.

39. Defendants’ “restricted area” denied Plaintiffs access to traditional public forums for their free speech activity.

40. All that was required to enter the “restricted area” was a ticket to the debate. There were no designated entry points into the “restricted area” for the ticket holders. The City police officers did not require those entering the “restricted area” to undergo a magnetometer-based security screening. Indeed, there was no screening done.

41. After being turned away by Officer Everitt, Plaintiffs proceeded along Fisher Service Drive to the other side of Woodward Avenue and were again stopped by City police officers. More specifically, Plaintiffs were stopped by Defendant Worboys, who warned Plaintiffs that they would be “ticketed and arrested” if they attempted to enter the “restricted area.” Defendant Worboys told the pro-lifers that they “can stand outside the barriers and talk all day,” pointing to several remote areas where Plaintiffs could go. Plaintiffs protested, noting that there was no one in those areas for Plaintiffs to talk to. Defendant Worboys told Plaintiff Harrington that “talking to a person is not a right.” He proceeded to warn Plaintiffs that if they did not follow his orders, he would arrest them for disorderly conduct and disobeying a

lawful order of a police officer.

42. Plaintiffs did not want to be arrested so they departed the area and continued to walk along the perimeter of the “restricted area” to try and find a location that was within aural and visual range of the Fox Theatre.

43. Plaintiffs proceeded along Fisher Service Drive and turned right onto Witherell Street. They entered the parking lot of St. John’s Episcopal Church and followed it to an area that was outside of the “restricted area” but as close to the Fox Theatre as they could get without breaching the “restricted area.” This area was at the corner of Montcalm Street and Woodward Avenue.

44. At this location, Plaintiff Harrington noticed that the perimeter of the “restricted area” was outside the steel fence surrounding the church. Plaintiff Harrington also noticed several vehicles in the church parking lot, including a radio station vehicle, several other media vehicles (ABC, FOX, Comcast), and a video billboard truck running political ads for Democrat presidential candidate Bill Deblasio. A news reporter was also standing in the parking lot near the fence with his cameraman shooting a video.

45. Upon arriving at this location, Defendant Worboys told Plaintiffs that they could not stand at this location either. Defendant Worboys said that it was private property, and that “they [the church] don’t want you here.” However, no one from the church, including any occupant or agent of the church, was present.

Consequently, Plaintiffs did not enter the land or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant.

46. When Plaintiff Harrington protested, pointing out the news media and others who were engaging in speech activity on this property, Defendant Worboys claimed that “they were allowed to be here.” Plaintiff Harrington asked to see proof, and Defendant Worboys responded, “I don’t need to show you anything.”

47. Defendant Szilagy, who claimed to be the commander on the scene and who said that Defendant Worboys answers to him, stepped in and said that Plaintiffs have to leave this area and go to the public areas.

48. In response to Defendant Szilagy, Plaintiff Harrington pointed to the public sidewalk directly in front of him as a public area, but Defendant Szilagy insisted that Plaintiffs must go to where the “rest of the protestors are. . . . There is no one [here] doing any type of protesting.”

49. Plaintiff Harrington responded to Defendant Szilagy by pointing to an individual holding a political sign on the sidewalk right next to them, prompting Defendant Szilagy to assert that he “doesn’t have time [for this].”

50. Below is a true and accurate photograph of City police officers, including Defendant Worboys, rejecting Plaintiff Harrington’s request to be on the public sidewalk right in front of him and telling Plaintiff Harrington that he and his

fellow pro-lifers must move to the “free speech area” at Grand Circus Park, thus denying Plaintiffs access to the public sidewalk closest to the Fox Theatre.



51. Because he “[didn’t] have time for [this],” Defendant Szilagy directed his officers to arrest Plaintiff Harrington.

52. A City police officer grabbed Plaintiff Harrington’s wrist, pulled his arms behind his back, and proceeded to place him in handcuffs. True and accurate photographs of City police officers seizing Plaintiff Harrington appear below:





53. After being seized and handcuffed, Plaintiff Harrington acquiesced to Defendant Szilagy's demand that he and his fellow pro-lifers leave the area. If Plaintiff Harrington and his companions did not obey the officers' command, the pro-lifers would have been formally arrested.

54. Upon his release from police custody, Plaintiff Harrington, along with the other members of Created Equal, proceeded to the "free speech area" located at Grand Circus Park, per the direction of the City police officers.

55. The "free speech area" created by Defendants was located at Grand Circus Park, which was outside of the "restricted area." *See* Exhibit A.

56. The entire "free speech area" is a traditional public forum.

57. Plaintiffs arrived at the "free speech area" and briefly stopped in the area marked as "free speech area 1" (hereinafter "area 1") on the map attached to this Complaint as Exhibit A. After their brief stop, Plaintiffs crossed the street and went to the area marked as "free speech area 2" (hereinafter "area 2") on the map at Exhibit A.

58. Realizing that “area 1” was a more advantageous area to express their message, Plaintiffs decided to cross the street and return to “area 1.” As they were crossing the street, Plaintiffs were stopped by City police officers. More specifically, Defendant R. Lach, accompanied by other officers, stopped Plaintiffs and told them that they could not cross the street and join the other protestors.

59. In response, one of the pro-lifers asked Defendant Lach if the area they were being denied access to had been reserved, and Defendant Lach told them, “No . . . we just don’t want any issues,” referring to the fact that Plaintiffs’ message was pro-life and would therefore not agree with the viewpoints expressed by the other protestors located in that section of the “free speech area.”

60. Defendant Lach told Plaintiffs that he was giving them a “legal order” to move. One of the pro-lifers commented that the order was unconstitutional, and Defendant Lach responded, “let it be unconstitutional then.”

61. Defendant Lach was enforcing a City policy which empowered City police officers, including Defendant Lach, to make a subjective determination based on the content and viewpoint of the speaker’s message as to whether the speaker would be permitted to enter “area 1”—the area designated for speakers expressing a view that was in accord with the political views of the Democrat party and its candidates—or whether the speaker would be relegated to “area 2”—the area designated for speakers expressing a view that was not in accord with the political



views of the Democrat party and its candidates. As noted previously, these areas are identified on the map attached as Exhibit A. Defendants' subjective speech restriction was content and viewpoint based.

62. Plaintiffs complied with Defendant Lach's unlawful order because they did not want to get arrested.

63. The City's policy with regard to its designated "free speech area" was the moving force behind the violation of Plaintiffs' rights.

64. As noted, it was a City policy that required Defendants to divide the "free speech area" based on the perceived viewpoint of the speaker. If you expressed a viewpoint that was in accord with the political views of the Democrat party based on the perception of the City police officers charged with enforcing the City's subjective restriction, you were permitted to go to the William Cotter Maybury Monument area of Grand Circus Park ("area 1"). And if you expressed a viewpoint that was not in accord with the political views of the Democrat party based on the perception of the City police officers charged with enforcing the City's subjective restriction, you had to proceed to the area of Grand Circus Park that was southwest of Woodward Area ("area 2"). *See* Exhibit A.

65. "Area 1" was the preferred location because it was visible from the Fox Theatre and it was closer to the area designated for the media, which was the parking lot area directly in front of the Fox Theatre, thus affording the protestors in "area 1"

a better location from which to express their views.

66. At one point on July 30, 2019, Defendants permitted protestors, including Plaintiffs, to briefly enter the “restricted area” and walk past the Fox Theatre. Defendants permitted this “march” only after everyone participating in or attending the debate was inside and unable to view the marchers.

67. Defendants permitted this “march” without inspecting each protestor or searching their persons and property for bombs or other criminal contraband.

68. During this brief “march,” City police officers escorted and ushered Plaintiffs past the theatre, admonishing them at one point for briefly stopping in front of the Fox Theatre to take a quick picture.

69. At one point, Plaintiffs tried stopping in front of the media area to sing, “CNN Sucks,” but the City police officers, including Defendants, wouldn’t allow them to stay and forced them to keep moving.

70. This “march” lasted less than 5 minutes, and it was inconsequential because Defendants ensured that the timing of it was such that all of the candidates and debate attendees were inside the Fox Theatre, and the national media, including CNN, were able to turn their cameras and attention away from the theatre for this brief interlude or were already broadcasting from inside so that the media coverage would not be impacted by Plaintiffs’ pro-life message.

71. This “march” along Woodward Avenue occurred at the furthest



distance from the Fox Theatre in order to further minimize its effect.

72. City police officers also divided the protestors for this “march” based on the content and viewpoint of their message, permitting those with pro-Democrat party messages, as perceived by the officers, to “march” first. Once they were finished, the City police officers then allowed those with anti-Democrat party messages, as perceived by the officers, to begin their “march.” Defendants required Plaintiffs to “march” with the second (anti-Democrat party message) group.

73. This brief, en masse “march” did not permit Plaintiffs to express their message in any meaningful way because the officers quickly ushered the protestors past the Fox Theatre. While this action (*i.e.*, permitting the brief “march”) did nothing to protect or promote free speech, it undermined Defendants’ safety concerns for erecting the “restricted area” in the first instance by allowing protestors access to the traditional public forums directly in front of the Fox Theatre without requiring any special security screening or inspections.

74. Shortly after this brief “march,” Plaintiffs departed the area, frustrated by the “speech restrictions” imposed upon them by Defendants.

75. Plaintiffs returned to the Fox Theatre area on July 31, 2019 (day 2) for the second debate. Plaintiffs proceeded directly to the “free speech area” at Grand Circus Park. There were considerably less protestors on day 2. As a result, Plaintiffs went to “area 1” because it was the preferred location within the “free speech area.”

76. Plaintiffs occupied “area 1” for approximately 40 minutes without incident. One of the pro-lifers with Plaintiffs began using a bullhorn. Bullhorns were permitted on day 1. In fact, a rock band was allowed to perform on day 1 in the “free speech area,” and its music was much louder than Plaintiffs’ bullhorn.

77. Shortly after Plaintiffs began using the bullhorn, City police officers approached and ordered them to stop, telling Plaintiffs that “the option is to go over there (referring to “area 2”) or come with us,” meaning that Plaintiffs had to move to “area 2” or they would be arrested. The officers were enforcing the City’s content- and viewpoint-based restriction.

78. Rather than face arrest, Plaintiff Harrington told the officers that they would move, and they did. Shortly thereafter, Plaintiffs departed the area for good, having been harassed by City police officers at nearly every turn.

79. Throughout the two days of the debates, Defendants enforced “speech restrictions” that deprived Plaintiffs of their right to engage in their free speech activity. As discussed above and summarized here, these restrictions included the following:

a. Defendants created and enforced an overbroad and unreasonable “restricted area” that prevented Plaintiffs from engaging in free speech activity in traditional public forums. The restriction was not narrowly tailored to serve a significant government interest, and it did not leave open ample alternative channels

of communications to permit Plaintiffs to reach their intended audiences with their message. Moreover, the one permitted exception (*i.e.*, the brief “march” past the Fox Theatre) undermined Defendants’ rationale for the “restricted area” in the first instance.

b. Defendants enforced the City’s unlawful speech restriction by (1) dividing protestors based on the content and viewpoint of their message, (2) designating the areas that speakers were permitted to engage in their free speech activity based on the content and viewpoint of their message, and (3) giving a favorable location (“area 1”) to those speakers who supported the views of the Democrat presidential candidates and an unfavorable location (“area 2”) to those, including Plaintiffs, who opposed the views of the candidates.

80. Defendants had no reasonably specific security-based justification for the challenged “speech restrictions.”

81. The protestors on all sides of the issues were peaceful throughout the two debate days. Plaintiffs neither engaged in any violence nor did they witness any other protestors engaging in any violence.

82. In addition to enforcing the unlawful “speech restrictions,” Defendant Szilagy directed the unlawful seizure of Plaintiff Harrington. This seizure was retaliatory.

83. Michigan is an important battleground state for the upcoming primary

and general elections.

84. Because of the importance of Michigan, the presidential candidates will make frequent visits to Michigan, specifically including visits to Detroit, which is the largest city in the state.

85. Defendants will enforce similar “speech restrictions” when the presidential candidates visit the City in the future.

### **FIRST CLAIM FOR RELIEF**

#### **(Freedom of Speech—First Amendment)**

86. Plaintiffs hereby incorporate by reference all stated paragraphs.

87. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiffs of their right to freedom of speech in violation of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

88. Defendants’ enforcement of the City’s “speech restrictions” as set forth in this Complaint violates the First Amendment.

89. Defendants’ actions, as set forth in this Complaint, injured Plaintiffs in a way likely to chill a person of ordinary firmness from further participation in his free speech activity. Plaintiffs’ constitutionally protected activity motivated

Defendants' adverse actions. Thus, Defendants acted with a retaliatory intent or motive.

90. The City's "speech restrictions" lacked objective criteria for enforcement and permitted subjective application in violation of the First Amendment.

91. The City's "restricted area" prevented Plaintiffs from engaging in free speech activity in traditional public forums, it was overbroad and unreasonable, it was not narrowly tailored to serve a significant government interest, and it did not leave open ample alternative channels of communications to permit Plaintiffs to reach their intended audience with their message, in violation of the First Amendment.

92. Defendants will seek to enforce similar "speech restrictions" against Plaintiffs' expressive activity in the future.

93. The City's "speech restrictions" were each a moving force behind the violation of Plaintiffs' rights protected by the First Amendment as set forth in this Complaint.

94. As a direct and proximate result of Defendants' violation of the First Amendment, as set forth in this Complaint, Plaintiffs have suffered irreparable harm, including the loss of their fundamental constitutional rights, entitling them to declaratory and injunctive relief and nominal damages.

## **SECOND CLAIM FOR RELIEF**

### **(Equal Protection—Fourteenth Amendment)**

95. Plaintiffs hereby incorporate by reference all stated paragraphs.

96. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiffs of the equal protection of the law guaranteed under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

97. Defendants' enforcement of the City's "speech restrictions" as set forth in this Complaint violates the Equal Protection Clause of the Fourteenth Amendment.

98. By denying Plaintiffs access to public forums to engage in their speech activity based the content and viewpoint of their speech, which Defendants disfavor, Defendants have deprived Plaintiffs of the equal protection of the law.

99. The City's "speech restrictions" were each a moving force behind the violation of Plaintiffs' rights protected by the Fourteenth Amendment as set forth in this Complaint.

100. As a direct and proximate result of Defendants' violation of the Equal Protection Clause, Plaintiffs have suffered irreparable harm, including the loss of

their fundamental constitutional rights, entitling them to declaratory and injunctive relief and nominal damages.

### **THIRD CLAIM FOR RELIEF**

#### **(Unlawful Seizure—Fourth Amendment)**

101. Plaintiffs hereby incorporate by reference all stated paragraphs.

102. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants City and Szilagy deprived Plaintiff Harrington of his right to be free from unreasonable seizures protected by the Fourth Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

103. By seizing Plaintiff Harrington without probable cause or any other lawful authority, as set forth in this Complaint, Defendants City and Szilagy violated Plaintiff Harrington's rights protected by the Fourth Amendment.

104. There was no probable cause to believe that Plaintiff Harrington committed or was about to commit a criminal offense.

105. The City's "speech restrictions," which permitted Defendant Szilagy to direct the seizure of Plaintiff Harrington, were the moving force behind the violation of Plaintiff Harrington's rights protected by the Fourth Amendment as set forth in this Complaint.

106. As a direct and proximate result of Defendants' violation of the Fourth Amendment, Plaintiff Harrington has suffered irreparable harm, including the loss of his fundamental constitutional rights, entitling him to declaratory and injunctive relief and nominal damages.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs ask this Court:

A) to declare that Defendants violated Plaintiffs' fundamental constitutional rights as set forth in this Complaint;

B) to declare the City's "speech restrictions" unconstitutional as set forth in this Complaint;

C) to declare the City's enforcement of its "speech restrictions" as applied to Plaintiffs' expressive activity violated Plaintiffs' fundamental constitutional rights as set forth in this Complaint;

D) to permanently enjoin the City's "speech restrictions" as set forth in this Complaint;

E) to award Plaintiffs nominal damages;

F) to award Plaintiffs their reasonable attorney fees, costs, and expenses pursuant to 42 U.S.C. § 1988 and other applicable law;

G) to grant such other and further relief as this Court should find just and proper.



Respectfully submitted,

AMERICAN FREEDOM LAW CENTER

/s/ Robert J. Muise

Robert J. Muise, Esq. (P62849)

PO Box 131098

Ann Arbor, Michigan 48113

Tel: (734) 635-3756

Fax: (801) 760-3901

rmuise@americanfreedomlawcenter.org

/s/ David Yerushalmi

David Yerushalmi, Esq. (Ariz. Bar No. 009616;

DC Bar No. 978179; Cal. Bar No. 132011;

NY Bar No. 4632568)

2020 Pennsylvania Avenue NW, Suite 189

Washington, D.C. 20006

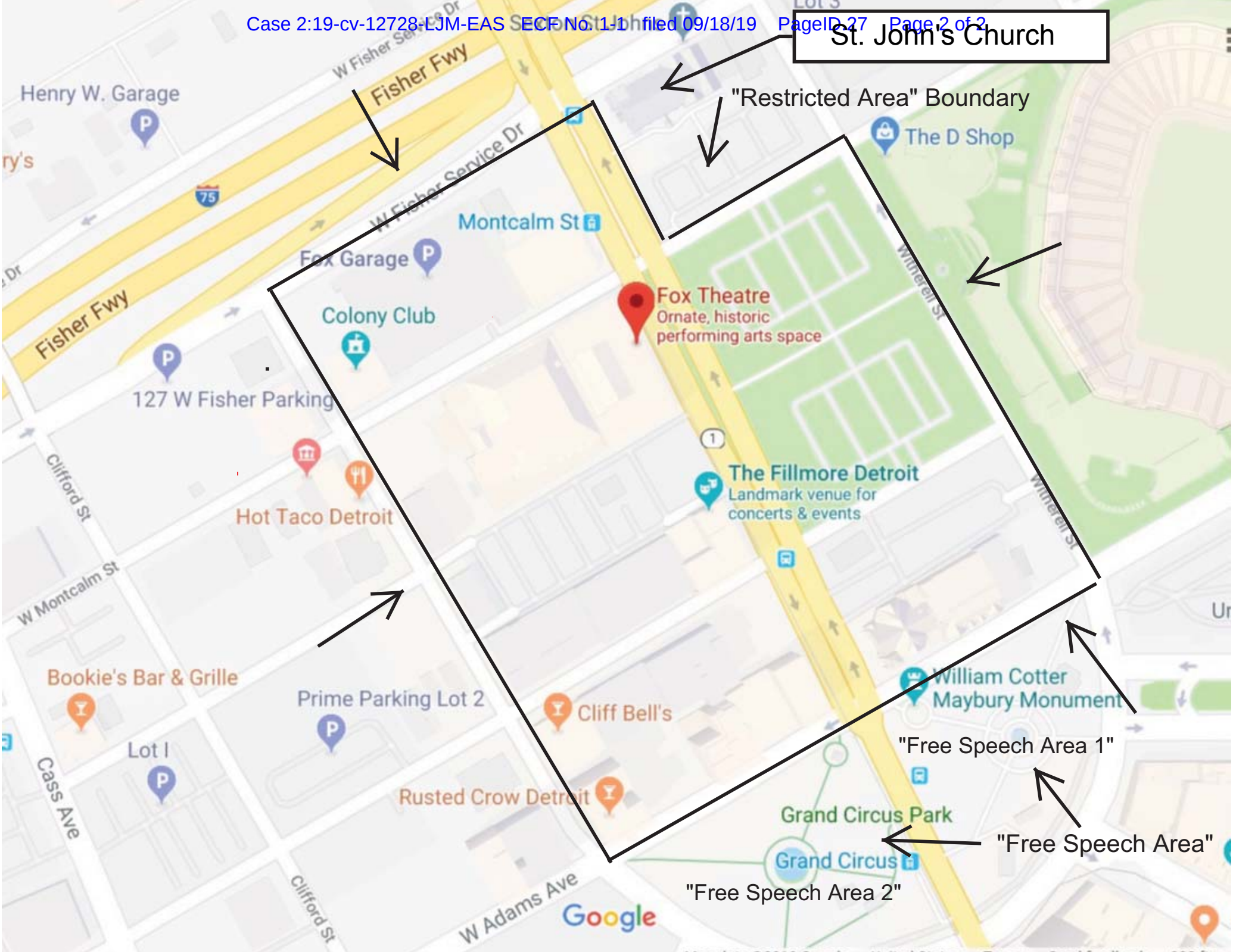
Tel: (646) 262-0500

dyerushalmi@americanfreedomlawcenter.org

# EXHIBIT A

St. John's Church

"Restricted Area" Boundary



"Free Speech Area 1"

"Free Speech Area"

"Free Speech Area 2"