

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

<p>The Coalition to March on the RNC and Stop the War,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>The City of St. Paul, Minnesota, Mayor Chris Coleman, St. Paul Police Chief John M. Harrington, Assistant St. Paul Police Chief Matthew D. Bostrom</p> <p style="text-align: center;">Defendants.</p>	<p>Court File No. _____</p> <p style="text-align: center;">COMPLAINT</p> <p style="text-align: center;">JURY TRIAL DEMANDED</p>
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Plaintiff The Coalition to March on the RNC and Stop the War (the “Coalition”) alleges as follows:

SUMMARY OF ACTION

1. Beginning on September 1, the 2008 Republican National Convention (the “Convention”) will be held in Minnesota, located primarily at the Xcel Energy Center in downtown St. Paul. The Convention will attract worldwide media coverage and thousands of delegates, campaign workers, lobbyists, and supporters. The Convention also provides an opportunity for groups and individuals to voice their opinions directly to the political decision-makers within the Republican Party, the media gathered to cover the Convention, and to members of the public watching coverage of the Convention.
2. This complaint arises from Defendants’ refusal to meaningfully permit the Coalition to engage in constitutionally protected free speech activity on the first day of

the Convention. The Coalition has submitted a timely, sufficient application to obtain a permit for a parade demonstration (the “March”) on September 1, 2008, the first day of the Convention. Defendants acknowledge that the Coalition has submitted a timely and proper application and have “granted” the application. However, Defendants have *not* granted a permit that authorizes the March planned and requested by the Coalition. Defendants have not identified where or when the Coalition will be permitted to demonstrate. Defendants further claim that the Coalition has no right to appeal Defendants’ refusal to grant the permit as requested because the St. Paul Police Department has issued new rules governing permit applications during the Convention that provide for no review until, apparently, Defendants decide to permit it.

3. In light of the size and importance of the March, the Coalition brings this complaint to protect its members’ constitutional rights to engage in speech activity on September 1, 2008.

THE PARTIES

The Coalition

4. The Coalition is an unincorporated association of groups and individuals with a common interest in organizing and leading a parade demonstration within sight and sound of the Xcel Energy Center on the first day of the Convention. Among the groups leading the Coalition are: Anti-War Committee, AFSCME Local 3800, SDS—University of Minnesota, Twin Cities Peace Campaign, Welfare Rights Committee, and Women Against Military Madness. Based upon communications with groups around the country and the experiences of past conventions, the Coalition reasonably anticipates

that, if a permit is granted, its September 1, 2008 march will involve as many as 50,000 people. Numerous national groups, including United for Peace and Justice and Code Pink, have signed on to the Coalition's call for a demonstration and have agreed to help bring their members to St. Paul for the March.

5. The Coalition brings this complaint on behalf of its individual members. The Coalition has standing to bring this complaint since the members of the Coalition would otherwise have standing to sue in their own right, the interests the Coalition seeks to protect through this litigation are germane to the purpose of the Coalition, and neither the claims asserted here nor the relief requested requires the participation of individual members in the lawsuit.

The City

6. Defendant City of St. Paul, Minnesota is a municipality organized under the laws of the state of Minnesota. Under St. Paul's Legislative Code § 366A.10(a), applicants for parade permits have the right to appeal the denial of a parade, race or public assembly permit to the St. Paul City Council.

Mayor Coleman

7. Defendant Chris Coleman is the mayor of the City of St. Paul. In his capacity as mayor, Defendant Coleman exercises supervisory authority, under the color of state law, over the enforcement of the Legislative Code of St. Paul. Defendant Coleman also exercises supervisory authority, under the color of state law, over the St. Paul Police Department. Defendant Coleman is sued both in his individual and official capacities.

Chief Harrington

8. Defendant Harrington is the chief of the St. Paul Police Department. In his capacity as chief, Defendant Harrington exercises supervisory authority, under the color of state law, over the enforcement of the Legislative Code of St. Paul and over the St. Paul Police Department. Defendant Harrington is sued both in his individual and official capacities.

Assistant Chief Bostrom

9. Defendant Bostrom is an assistant chief of the St. Paul Police Department. Upon information and belief, Mr. Bostrom has been assigned principal authority over the St. Paul Police Department's management of the Convention. In his capacity as assistant chief, Defendant Bostrom exercises supervisory authority, under the color of state law, over the enforcement of the Legislative Code of St. Paul and over the St. Paul Police Department. Defendant Bostrom is sued both in his individual and official capacities.

10. The acts and omissions of all Defendants in depriving the Coalition and its members of their rights secured by the Constitution and laws of the United States have been taken under color of state law or ordinance and the individual Defendants acted within the scope of their employment.

JURISDICTION AND VENUE

11. This action arises under 42 U.S.C. § 1983 and the United States Constitution. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3)-(4).

12. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this District and because Defendants are subject to personal jurisdiction in this District.

FACTUAL BACKGROUND

13. The Anti-War Committee, one of the groups involved in organizing the Coalition, first applied for a permit to march during the Convention in 2006, shortly after it was announced that St. Paul would host the Convention. Despite the benefits to all parties of planning details of this large-scale event well in advance, the City of St. Paul refused to act on the permit application and stated that permits would not be accepted until 180 days prior to the Convention, citing St. Paul Legislative Code § 366A.04.

14. On November 1, 2007, the Coalition properly submitted an application to conduct a recurring march and demonstration in downtown St. Paul on a series of dates, the last of which is September 1, 2008. After negotiations, Defendants ultimately approved the material details of all of the dates other than September 1, 2008 (the March) and only that date is presently before the Court.

15. The purpose of the March is to provide members of the Coalition the opportunity to express opposition to the policies of the Republican Party, opposition to the military occupation of Iraq and to advocate in favor of money for human needs and not for war. The Coalition's speech activity is targeted to reach the audience of the Republican Party as well as the broader audience that can be reached through the worldwide media assembled to cover the Convention.

16. The Coalition's November 1, 2007 application for a series of events including the March was properly submitted pursuant to St. Paul Legislative Code § 366A.04(c).

17. The Coalition's application requested a permit for a march in which participants would assemble at the Minnesota State Capitol and march downhill, around the Xcel Energy Center, and then return to the Capitol. The Coalition specifically requested permits to march along John Ireland Boulevard to Kellogg Boulevard, around the Xcel Center on Washington Street and West 5th Street, then back on Kellogg Boulevard to the Capitol.

18. Because the March planned by the Coalition will both begin and end at the State Capitol, the Coalition also applied to the Plant Management Division of the Minnesota Department of Administration ("PMD"), which is responsible for issuing permits for events held on State Capitol grounds. PMD initially refused to either grant or deny the Coalition's permit application, stating that permits for the period of the Convention would only be issued on the same schedule the City of St. Paul chose to follow in considering permits.

19. The Coalition notified PMD that its refusal to consider the Coalition's permit application violated PMD's own policies. The Coalition met and negotiated with PMD and, after negotiation, PMD ultimately approved the Coalition's application on January 11, 2008. The Coalition has therefore secured both the starting and ending points for its September 1, 2008 March and only the streets upon which the March will be allowed to proceed remain at issue.

20. Beginning with its November 1, 2007 application and continuing for months, the Coalition met and negotiated with the St. Paul Police Department and City Attorney's Office. The Coalition answered questions and provided additional information about the March and expressed its interest – given the size and importance of this event and the complexities of organizing a march involving tens of thousands of people – in working out the details of the March with Defendants as far in advance as possible.

21. During a meeting between Coalition legal representatives and representatives of the St. Paul Police Department and City Attorney's Office on January 17, 2008, the parties discussed the Coalition's planned March route at length. Defendants represented that they could not yet approve the Coalition's entire requested route, but that it made sense to approve those portions of the route that could be granted at that time and that they could readily agree to grant "three sides of the square" – marching on the requested date, September 1, 2008, marching down to the Xcel Center from and returning to the State Capitol, and marching within sight and sound of the Xcel Center. Defendants represented that the only remaining issue was on which specific streets in the immediate vicinity of the Xcel Center the Coalition would be permitted to march.

22. Defendants and the Coalition's legal representatives agreed that the Coalition would submit a proposed agreement (the "Proposed Agreement") for the March, which would memorialize the three sides of the square upon which the parties agreed. On January 25, 2008, the Coalition provided Defendants with its Proposed Agreement.

23. Defendants did not, however, provide “three sides of the square.” On February 8, 2008, the City Attorney’s Office responded to the Coalition’s Proposed Agreement by providing a draft of “Guidelines Regarding Issuance of Permits to Conduct Parades Pursuant to Section 366A of the St. Paul Legislative Code in Certain Areas of the City of St. Paul, Minnesota on September 1, 2008” (the “Guidelines”). The Guidelines purport to provide that no permits for the “Parade Staging Area” and “Secondary Event Area” (defined terms collectively including all of the area surrounding the Xcel Center in which the March would pass) would be approved prior to March 1, 2008, and that specific parade routes in the immediate vicinity of the Xcel Center would not be approved until “no later than May 31, 2008.”

24. Attorneys for the Coalition expressed concern to Defendants that the Guidelines appeared to materially alter the agreement the Coalition believed it was reaching with Defendants. Defendants attempted to assuage those concerns by representing that, under the Guidelines, Defendants would provide the Coalition with some sort of document on or around March 1, 2008 which would secure the Coalition’s free speech rights by guaranteeing that the Coalition would be permitted to march from the Capitol to the Xcel Center on the first day of the Convention. Defendants made oral representations that this march route would be within sight and sound of the Xcel Center.

25. On February 14, 2008, Attorneys for the Coalition sent a letter setting out their understanding of the City’s representations in an effort to memorialize their conversations. The letter also stated that the Coalition’s comments on the Draft Guidelines would be forthcoming. The City responded to the letter on February 19,

2008. On February 29, Defendants finalized and issued Guidelines before receiving comments from the Coalition.

26. The Guidelines issued by the St. Paul Police Department materially contradict St. Paul's Legislative Code. For example, under Legislative Code § 366A.08(a) the St. Paul Chief of Police must "act promptly upon a timely filed application" and "Applications filed more than sixty (60) days in advance of the proposed event shall be processed within twenty-one days." However, under the Guidelines, no applications were processed prior to March 1, 2008, including the Coalition's permit application which had been timely filed on November 1, 2007. In addition, under the Guidelines, the St. Paul Police Department has given itself (apparently) free rein to choose the specific march route the Coalition will be granted and has until May 31, 2008 to do so. Moreover, the Guidelines specify that details, including the May 31, 2008 date for providing additional information, are subject to change at the whim of the St. Paul Police Chief when the St. Paul Police Department subjectively determines it is "necessary." The Legislative Code § 366.09(a) also allows the provision of alternate routes, but states that such alternate routes may be approved "in denying an application for a parade, race or public assembly permit" and provides for an applicant's right to either accept or challenge the alternate route.

27. On March 1, 2008, the St. Paul Police Department issued a "Conditional Alternative Permit" to the Coalition, permit number 08-032. The Conditional Alternative Permit grants a permit for the Coalition to conduct an event involving between 3 and 100,000 persons on September 1, 2008, but provides no march route at all. The

Conditional Alternative Permit does not even provide a “dispersal location” for the March, even though the Coalition already has a permit and will be staging an all-day rally at the State Capitol and has plainly requested a permit to march to and from the Capitol.

28. The Coalition recognized that the Alternative Permit fails to provide “three sides of the square” and that Defendants have failed to grant the March route the Coalition requested in its permit application. On March 6, 2008, the Coalition filed Notice of Appeal to the St. Paul City Council pursuant to Legislative Code § 366A.10(a):

Any applicant shall have the right to appeal the denial of a parade, race or public assembly permit to the city council. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the chief of police and a copy of the notice with the city clerk. The city council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

29. Although the Coalition complied with Legislative Code § 366A.10(a), Defendants refused to acknowledge the Coalition’s appeal and the City Counsel failed to consider the Coalition’s appeal at its next meeting. St. Paul City Attorney John J. Choi sent a letter to the Coalition dated March 7, 2008, stating that “your appeal is premature and therefore will not be considered by the City Council at this time.” Mr. Choi explained this refusal to provide appellate review of Defendants’ decision by stating that “The Conditional Alternative Permit is not intended to serve as an actual or final permit as contemplated under, and typically issued pursuant to, Section 366A of the Code.” Mr. Choi further stated that “[T]he Conditional Alternative Permit is not a denial of the Coalition’s permit application submitted to the SPPD on November 1, 2007. . .” Based on this logic – that the Conditional Alternative Permit was neither a “permit” nor a

“denial,” Mr. Choi reasoned that “As there was no denial of the Permit Application, the Coalition has improperly attempted to bring an appeal before the City Council at this time.”

30. The Coalition does not accept the notion that its permit application has not been granted (at least not as an “actual” permit according to Mr. Choi), has not been denied, and that the Coalition has no right to appeal. The Coalition furthermore challenges the constitutionality of the Guidelines upon which Defendants have relied in failing to act upon the Coalition’s application for four months, then acting without providing any march route, time, or certainty that the Coalition will be permitted to stage the March.

31. The Coalition has no adequate remedy at law because denial of the Coalition’s fundamental constitutional rights protected by the First and Fourteenth Amendments to the United States Constitution cannot be remedied by legal relief. Unless enjoined by the Court, Defendants will continue to refuse to grant the Coalition a permit to conduct its properly-requested free speech activity.

32. The Coalition’s planning activities have been prejudiced by the City’s actions and inactions. Defendants’ failure to meaningfully guarantee that the Coalition will be permitted to exercise its free speech rights has made the task of planning and paying for the costs associated with the March substantially more difficult.

COUNT I

(Violation of Freedom of Speech – U.S. Constitution, First Amendment)

33. Plaintiff restates and realleges all prior paragraphs in this Complaint as though fully set forth herein.

34. Defendants' refusal to meaningfully grant or deny a permit for the Coalition's March constitutes a violation of the rights to free speech, petition, and assembly guaranteed by the First Amendment to the United States Constitution.

35. The permitting system employed by Defendants confers unbridled discretion upon the St. Paul Police Department and it is not narrowly tailored to serve a significant government interest.

36. The "Guidelines" issued by the St. Paul Police Department are unconstitutional on their face and as applied to the Coalition, in violation of the First Amendment.

37. The Coalition has the right to seek redress for violation of its First Amendment rights under 42 U.S.C. § 1983.

COUNT II

(Violation of Due Process – U.S. Constitution, Fourteenth Amendment)

38. Plaintiffs restate and reallege all prior paragraphs in this Complaint as though fully set forth herein.

39. Defendants' refusal to meaningfully grant or deny a permit for the Coalition's March and the St. Paul Police Department's promulgation of Guidelines that will defer any meaningful decision on the Coalition's application until May 31, 2008 or

later effectively denies the Coalition the ability to seek judicial review of Defendants' ultimate decision about the specific elements of the March, in violation of the Due Process clause of the Fourteenth Amendment.

40. The Guidelines were promulgated without proper authority. The Guidelines conflict with the St. Paul Legislative Code and will impose additional burdens on speech activities not authorized by the St. Paul Legislative Code, in violation of the Due Process clause of the Fourteenth Amendment.

41. The Coalition has the right to seek redress for violation of its due process rights under 42 U.S.C. § 1983.

WHEREFORE, the Coalition requests judgment in its favor and against Defendants and that the Court:

- a. Issue a declaratory judgment that the Defendants have violated the rights of the Coalition under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983;
- b. Issue an injunction ordering Defendants to alter their permitting "Guidelines" for the period of the Convention such that permit applications are timely granted or denied and that timely review is available where permit applications are denied;
- c. Issue an injunction enjoining enforcement of the Guidelines to the extent such enforcement is inconsistent with the Legislative Code of St. Paul or the United States Constitution;

- d. Issue an injunction ordering Defendants to grant the Coalition's permit application.
- e. Order Defendants to pay the Coalition its reasonable costs and attorney fees pursuant to 42 U.S.C. § 1988; and
- f. Grant such other relief as the Court deems just and equitable.

JURY TRIAL DEMANDED

Plaintiff demands trial by jury under Fed. R. Civ. P. 38 on all issues so triable.

Dated: March 24, 2008.

OPPENHEIMER WOLFF & DONNELLY LLP

By: s:/ David B. Potter

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Telephone: (651) 645-4097

269736

**ATTORNEYS FOR PLAINTIFF
COALITION TO MARCH ON THE RNC
AND STOP THE WAR**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE SIDE OF THE FORM.)

I. (a) PLAINTIFFS

The Coalition to March on the RNC and Stop the War

(b) COUNTY OF RESIDENCE FIRST LISTED PLAINTIFF NUMEROUS (ASSOCIATION)
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)
Oppenheimer Wolff & Donnelly LLP, 3300 Plaza VII Building, 45 South Seventh Street, Minneapolis, MN 55402; Telephone 612-607-7000; DeLeon & Nestor, 3547 Cedar Avenue South, Minneapolis, MN 55407; Telephone 612-659-9019; ACLU of Minnesota, 45 North Syndicate Street, Suite 230, St. Paul, MN 55104; Telephone 651-645-4097

DEFENDANTS

The City of St. Paul, Minnesota; Mayor Chris Coleman; St. Paul Police Chief John M. Harrington; Assistant St. Paul Police Chief Matthew D. Bostrom

(b) COUNTY OF RESIDENCE FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

ATTORNEYS (IF KNOWN)
John J. Choi, John Kelly, St. Paul City Attorney's Office, 400 City Hall, 15 West Kellogg Blvd., St. Paul, MN 55102; Telephone 651-266-8710

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 3 Federal Question U.S. Government Not A Party
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

(PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

IV. NATURE OF SUIT (PLACE AN 'X' IN ONE BOX ONLY)

CONTRACTS	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury – Med. Malpractice <input type="checkbox"/> 365 Personal Injury – Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R. R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 442 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW/405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS – Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 990 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 145 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housings Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motion to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING. (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

42 U.S.C. § 1983

BRIEF DESCRIPTION OF CAUSE: **Plaintiff brings this complaint to protect its rights under the First and Fourteenth Amendments to conduct a large-scale march on the first day of the 2008 Republican National Convention.**

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$
Injunctive relief requested

CHECK YES only if demanded in Complaint
JURY DEMAND: YES NO

VIII. RELATED CASE(S) (See instructions) IF ANY

JUDGE _____

DOCKET NUMBER _____

DATE SIGNATURE OF ATTORNEY OF RECORD

MARCH 24, 2008

S/ DAVID B. POTTER

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs — Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment)”.

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above.

Mark this section for each principal party.

IV. Nature of Suit. Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an “X” in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge’s decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**

Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an “X” in this box if you are filing a class action under Rule 23, F.R.Civ.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS—44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.