

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CITIZENS FOR TRUMP,)
NORTHEAST OHIO COALITION)
FOR THE HOMELESS, and)
ORGANIZE OHIO,)

Plaintiffs,)

v.)

CITY OF CLEVELAND, and)
MAYOR FRANK G. JACKSON,)
in his official capacity,)

Defendants.)

Civil Action No. 1:16-CV-01465-JG
Judge Gwin

**PLAINTIFFS’ REPLY TO IN SUPPORT OF THEIR MOTION FOR A
PRELIMINARY INJUNCTION AND TRO AND IN OPPOSITION TO
DEFENDANTS’ MOTION TO DISMISS**

All parties agree that Plaintiffs seek to exercise their Constitutionally-protected rights to express their views on political issues in traditional public fora, the arena in which the First Amendment provides the greatest level of protection. All parties further agree that the City’s restrictions impose substantial burdens on the Plaintiffs’ speech and expressive rights.

Rather than meet its burden of proving that its sweeping restrictions on Plaintiffs’ speech is narrowly tailored to serve a significant government interest, the City instead points to the few opportunities for speech that its Regulations leave intact, such as the single, isolated parade route it will dole out in 50 minute increments. Defendants’ “it could be worse” defense is nowhere recognized in First Amendment jurisprudence. And, rather than grapple with the inadequacy of its limited parade routes and park space, the City disingenuously impugns Plaintiffs’ challenge to its Regulations as a demand “to exercise their rights in precisely the manner they wish and to the

exclusion of others.” Defendants’ Memorandum in Support of Motion to Dismiss at (Def. Br.) at 20. In fact, Plaintiffs claim no such thing. Rather, having traveled to Cleveland for the sole purpose of being in town during the RNC, all they want is the chance to express themselves—as a group—in a way that reaches their intended audience. In other words, they simply seek to exercise the rights that the state and federal constitutions explicitly guarantee to them.

Cleveland has been preparing to host the Republican National Convention for two full years. Def. Br. 4. The City and its guest, the Republican Party’s Committee on Arrangements (COA), have made elaborate plans “to ensure that the Convention is a safe, welcoming, and effective forum for the Republican Party to adopt its platform and rules, for delegates to nominate the party’s next Presidential candidate, and for members, delegates, and guests to discuss important policy issues affecting the country.” Committee on Arrangements Memorandum in Support of Motion to Intervene (COA Mem.) at 3.¹

In public statements issued throughout the planning process, the City has given lip service to the First Amendment rights of other citizens who similarly desire “to discuss important policy issues affecting the country” in the unique spotlight generated by the convention. COA Mem. 2. In truth, the City has relegated these citizens to the very back burner of its planning efforts and treated their rights to free speech and expression as an afterthought rather than a core constitutional mandate. It was not until May 25, 2016, after 23 months of planning by the City and continual questioning by the ACLU, news media, and the public, that the City finally revealed its Event Regulations governing First Amendment participation for non-official guests.

¹ Although this Court rejected the City’s and COA’s efforts to join COA as a party in this case, Plaintiffs respond in this brief to some of the arguments advanced by COA in an effort to provide a full exposition of the merits of this case.

The City's neglect of its First Amendment obligations yielded a multitude of unacceptable consequences, three of which are of particular concern and warrant this Court's immediate attention.² First, the City created a huge and arbitrary zone in which all streets – quintessential public fora –are entirely off limits for political speech. City of Cleveland Resolution No. 8. §II(a)(9) (Res.). Indeed, even the City's "official" parade route barely skirts the approximately 3.5 square mile Event Zone.³ Second, the City rendered unavailable all public parks for planned assemblies within the entire Zone. Res. §II(g). Third, the City essentially criminalized speech-giving by banning any stand or "similar object to make a public speech" (other than for a 30-minute reserved slot at one designated platform) throughout the entire Zone. Res. § II(a)(22).

No one questions the need for the City to ensure the safety of all people who gather in Cleveland during the RNC. But it is also without question that an acknowledgement of legitimate safety concerns, in and of itself, does not relieve the city of its responsibility to narrowly tailor its restrictions on the critical free speech and assembly rights at issue in this case.

Nor can the City escape responsibility by maligning Plaintiffs as mere spectacle-seekers who demand a single, impractical mode of exercising their First Amendment rights. As shown below, nothing is further from the truth. Plaintiffs' original requests were modest. They merely asked City officials to fulfill their constitutional obligation by *acting* on Plaintiffs' applications for permits to assemble, permits that Plaintiffs had filed months earlier, and then refiled when

² Due to the press of time and other practical issues caused by the City's belated release of its Regulations, Plaintiffs do not challenge every wound that the City's regulations inflict on individual liberties. Rather, due to the press of time. But while Plaintiffs focus their challenge on these three specific matters, they urge the Court to consider their arguments in the context of the extensive restrictions that the Regulations as a whole impose on Plaintiffs' First Amendment rights.

³ See Declaration of Emma Keeshin (Keeshin Decl.) ¶ 4. Though our staff originally calculated the Zone at about 3.3 square miles, a more precise tool revealed it was closer to 3.54.

the City changed its requirements. The City not only refused to respond to these applicants' requests (see below), but also attempted to moot Plaintiffs' claims by issuing denials of their applications just hours before filing its Motion to Dismiss Plaintiffs' case (and more than a week after acting on significantly later-filed applications.) Such behavior exemplifies the City's lack of fidelity to its First Amendment obligations.

The City is now resolute that its restrictions on public participation are carved in stone. But the City's decision to issue the Event Regulations on the eve of the convention cannot excuse its failure to engage in the type of narrow tailoring our Constitution requires. And while the myriad restrictions the City imposes would be inappropriate if applied to any event, the restrictions are particularly egregious in the context of a major political party nominating convention. This is a critical exercise in the democratic process established by our Constitution, or in Defendants' words, "a prominent event in American democracy" which "will draw worldwide attention." Def. Br. 3.

Argument

I. The City has the burden of narrowly tailoring restriction on Plaintiffs' speech. The City has not met that burden, and may not shift it to Plaintiffs.

A. The City has not met its burden of narrow tailoring.

"Consistent with the traditionally open character of public streets and sidewalks...the government's ability to restrict speech in such locations is 'very limited.'" *McCullen v. Coakley*, 134 S.Ct. 2518, 2529 (2014). Given the significant Constitutional interests at stake here, Plaintiffs agree with Defendants (*see* Def. Br. at 18) that burdens Defendants impose on speech can be sustained if—but only if—"they are narrowly tailored to serve a significant governmental interest, *and* that they leave open ample alternative channels for communication of the

information.” *McCullen v. Coakley*, 134 S. Ct. 2518, 2529 (2014) (emphasis added; quotation omitted). The burden of justifying restrictions on speech falls on the City. The City cannot simply invoke its security interest to end the inquiry—it has to *prove* that its restrictions are *narrowly tailored* to serve that interest. This means that the City “may not regulate expression in such a manner that a substantial portion of the burden on speech does not serve to advance its goals.” *McCullen v. Coakley*, 134 S. Ct. 2518, 2535 (2014). And it falls to the City to demonstrate—with evidence—that other methods will not accomplish the goal that it seeks.

The City relies exclusively on an interest in public safety. Def. Br. 17-19. Plaintiffs agree that public safety is a significant government interest; indeed, Plaintiffs share an interest in the safety as they exercise their Constitutional rights. But the City must do more than simply intone “public safety” in support of indiscriminate rules that show no sign of narrow tailoring.⁴ *See U.S. v. Doe*, 968 F.2d 86, 90 (D.C. Cir. 1992) (courts “cannot simply defer to...unexplained judgment” “where constitutionally protected activity is implicated”); *see also Klein v. City of San Clemente*, 584 F.3d 1196, 1202 (9th Cir.2009) (“merely invoking interests is insufficient” to show narrow tailoring (quotation omitted)).

The Supreme Court’s mandates to government entities seeking to regulate the time, place, and manner of speech are very clear. *See McCullen*, 134 S.Ct. 2518 (2014). In striking down a Massachusetts law establishing a buffer zone around abortion clinics, for example, the Supreme Court found an impermissible lack of narrow tailoring because the State “has not shown that it

⁴ While the City does *not* assert a significant government interest in avoiding traffic problems, Def. Br. 17-19, COA does invoke this concern. COA Mem. 11. Like the City, however, COA fails to supply evidence that a group march at, say, 10 am on East 24th Street, would cause any substantial disruption to traffic. Instead COA incredibly asserts without citing any evidence that there is not a *single* street *or* time during the Convention in the Event Zone that could be closed off. *Id.* This assertion is simply unbelievable in light of City’s decision to close off a number of significant downtown streets on less than two days’ notice to hold a parade for the Cavaliers on June 22 despite that more than one million people reportedly convened, a number that dwarfs the anticipated attendance at the RNC.

seriously undertook to address the problem with less intrusive tools readily available to it. Nor has it shown that it considered different methods that other jurisdictions have found effective.” *Id.* at 2539; *see also Reynolds v. Middleton*, 779 F.3d 222, 231 (4th Cir. 2015) (“the burden of proving narrow tailoring requires the County to *prove* that it actually *tried* other methods to address the problem.” (emphasis in original)). Conspicuously missing from the briefs submitted by the City and COA is any evidence of past attempts to use less intrusive tools. Even a cursory glance of the map and the restrictions—for example, the blanket ban on group marches and parades throughout the overly broad Event Zone, except for a 50 minute time slot at the edge—simply confirms what the City’s lack of evidence already reveals: there is no narrow tailoring here.

Rather than justify its restrictions, the City (and COA) points to the few spaces it merely restricted, but not eliminated, free speech. It could be worse, the City argues, because the Plaintiffs at least have a chance at a 50-minute slot down a pre-established parade route.⁵ Def. Br. 18. COA pushes this unpersuasive argument even further, pointing to such irrelevancies as the Plaintiffs’ opportunity to use the internet, purchase television advertisements, and leaflet individually. COA Mem. 12. But Plaintiffs ability to engage social media or hand out pamphlets to passersby does not prove that the City’s severe restrictions on other forms of First Amendment expression are narrowly tailored. The City could have been even more draconian, but that does not mean its existing restrictions are justified.

⁵ In its brief, the City offers this perplexing explanation of its tailoring of the Zone: “The Regulations are narrowly tailored because the public would be less secure absent [them].” Def. Br. at 18. This logic seems to offer the absurd suggestion that if the City created still more regulations and imposed them on a broader Zone, its actions would still constitute narrow tailoring because its decisions were made with public safety in mind.

Indeed, the City essentially concedes that the Event Zone is not narrowly tailored with its admission that the “boundaries of the Event Zone were chosen because they are easily identifiable major streets or highways.” Def. Br. at 21. Once more, the Supreme Court has rejected Defendants’ argument that employing pre-existing lines constitutes narrow tailoring:

To meet the requirement of narrow tailoring, the government must demonstrate that alternative measures that burden substantially less speech would fail to achieve the government's interests, not simply that the chosen route is easier. A painted line on the sidewalk is easy to enforce, but the prime objective of the First Amendment is not efficiency.

McCullen v. Coakley, 134 S. Ct. 2518, 2540 (2014).

B. The City’s refrain that its gigantic Event Zone allows free speech everywhere is inaccurate at best.

On any given day before or after the Convention, groups could request permits to express themselves in a variety of public spaces in downtown Cleveland. Now, because those areas have been swept into the Event Zone, no such requests will be considered. The City has thus stamped out nearly all opportunities for speech and assembly during the Convention. The heavy-handed elimination of these many spaces is the result of an utter absence of tailoring, and a disregard for the constitutional mandate to burden speech “no more than necessary.” *See, e.g., Madsen v. Women’s Health Center, Inc.*, 512 U.S. 753, 765-5 (1994) (citation omitted).

1. Parks otherwise available for permitted expression or celebration.

The RNC Committee on Arrangements has previously reserved Voinovich Park and Malls A, B, and C for their own expressive purposes during the Convention—Plaintiffs do not and have not challenged this. Even with these choices off-limits, there should remain ample space near the Convention for groups to assemble and express their views. But the City has removed all options within the surrounding 3.5 square miles.

Typically, groups wishing to gather and express themselves using stages, sound devices, art, or other expressive devices may request a permit to do so at a variety of parks in the City. Public parks usually available to reserve for exactly such use, but now within the Event Zone, include: Heritage Park, on the East and West Bank of the Flats; Settlers Landing on W. Superior, including the downtown dog park; Ft. Huntington Park at W. 3rd; Rivergate Park in the Flats including Crooked River Skate Park; Rockwell Park on E. 9th; and Rotary Plaza. Keeshin Decl. ¶ 6. But shunting aside the public and the First Amendment, Defendants contrived an Event Zone so large that it covers much of the public space from the West Side to Asiatown, foreclosing the many alternative gathering spaces and severely limiting the items allowed there. As token offerings to the public, Defendants selected only two small parks, Willard Park and Perk Plaza, and allowed groups to reserve space there for art and installations only. Res. §II(a)(17)-(18); (e)(2).

2. Streets are commonly used for expression or celebration.

This summer alone, Cleveland has seen permitted road closures for events in what is now the Event Zone including but not limited to: marathons for charity; the Cleveland Marathon; the filming of a major motion picture; frequent outdoor yoga events near the Idea Center; the regular Asiatown Night Market near Cleveland State University; weekly food truck and music events requiring street closure including Walnut Wednesday on Walnut Street, Beats and Eats near the Old Stone Church, NineTwelve Shop Stop near One Cleveland Center, Memorial Mondays near W 3rd and Lakeside, and Flat Out Fridays on the East Bank of the Flats; and of course most recently, the celebrations of the Cavaliers' NBA Title. Keeshin Decl. ¶ 6. But like its near-moratorium on reserving public parks for robust and varied expression, the City has wiped out these alternative locations for speech and assembly.

C. Having excluded so many public fora, the City has not left ample alternatives for speech.

Having eliminated virtually all of the usually-available fora for assembly, the City's claim that its regulations inside the Event Zone "do not otherwise restrict the public's freedom to exercise its First Amendment rights in any public place" is disingenuous. Def. Br. 2, 7. Group assembly is banned on the city streets except for the Official Parade Route. That leaves sidewalks, but only if the person exercising her First Amendment rights does not interfere with passers-by. Res. §II(n). A protest comprised of a single individual with no accoutrements *might* fit the bill.

The City's dismissal of the right to group expression denigrates the Constitutional interests at stake. The Bill of Rights specifically contemplates that many voices joined together, whether in political dissent, in celebration, or for some other reason, are more powerful than one voice (marching single-file on a sidewalk). U.S. Const. Amend. I. ("the right of the people peaceably to assemble."). To deny groups such as Plaintiffs their right to assemble to speak is to deny their First Amendment rights, even if individual group members retain the right to speak out separately.

Then there are the two small parks that are not preempted by RNC activities. Adding to the City's "generally applicable laws," which already prohibit criminal behavior, Def. Br. 7, the Event Zone restrictions superfluously prohibit, among other things, certain sizes of wood "including supports for signs," sound amplification equipment, plastic tubes, rope, tape, and string, bike locks, "frangible containers," coolers, and canned food. Res. §III. Large assemblies

of people may apparently gather, unpermitted, but if they wish to amplify their voices or have someone stand on a box to give a speech, they will have committed a misdemeanor.⁶

Though the City elected to host a nominating convention, and indeed has been planning for this event for two full years, it now says “it cannot accommodate” First Amendment activity outside the meager spaces described above. Res. §II(t). But the City cannot assert administrative convenience now to excuse its failure to fully consider the constitution during its years of planning for this seminal democratic event (a “prominent event in American democracy.” Def. Br. 19, 8, 3. The City failed to consider the many options available to it, and instead enacted a blanket ban on expression so it would not have to “shift its resources.” Def. Br. 19. A “regulation that prohibits ‘most normal human activity’ ...is not narrowly tailored...at least in a public forum.” *Deegan v. City of Ithaca*, 444 F.3d 135, 143 (2d Cir. 2006) (striking down an overly broad city ordinance controlling noise in public spaces). Designating so few areas available for assembly, then further limiting them using overly restrictive time slots, times of day, and materials prohibitions, is baldly unreasonable.

Not having defended its excessive restrictions at all, the City evidently relies on its universal validations: its “resources” will be “finite” during the Convention, Def. Br. at 19, and it has security to worry about. But these excuses fail; that the City’s security interest is concededly valid does not obviate the City’s obligation to make its long-wrought plans constitutional. *See McCullen v. Coakley*, 134 S.Ct 2516, 2434-5 (2014) (citing *Riley v. National Federation of Blind of N.C., Inc.*, 487 U.S. 781, 795 (1988).

⁶ See City of Cleveland Codified Ord. § 101.99 “whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision is guilty of a minor misdemeanor.”

Perhaps the clearest indication of the City's failure to tailor its restrictions to preserve the First Amendment is its content-based ban on the literal soapboxes. The City's regulations provide, and its brief reiterates, a flat prohibition of "use of a podium, platform, pedestal, stand or similar object *to make a public speech.*" Def. Br. at 19; Res. §II(a)(22) (emphasis added). There is no conceivable constitutional explanation for prohibiting a device *because* it serves as a mechanism to speak. If the City had some security concern in mind here, it could have banned a dangerous construction material, or even a violent use of an object. But under the City's Regulations, soapboxes are acceptable *unless and until* they are used as an accessory to speech. Yet again, the City's regulations are a case study in disconnect between the restrictions adopted and the supposed security concerns that justify them.

Contrary to Defendants' accusations, Plaintiffs do not claim the right to choose "any matter that may be desired" to express themselves. Def. Br.19. Plaintiffs are not the strawmen constructed and shot down by the City. Rather, Plaintiffs have been attempting to gain information from the City for many months in an effort to express themselves peacefully and lawfully, to no avail. And Plaintiffs continue to demonstrate that they would be open to alternative means and locations for their expression, were Defendants to consider *any* alternative to their repressive scheme.⁷ Not only have Plaintiffs been deprived of their rights to speak and assemble, any group subject to the Regulations is arguably chilled and suffers a similar harm. Plaintiffs assert that the City's overly broad, untailored regulations violate the First Amendment both facially and as applied to Plaintiffs.

⁷ See Declaration of Larry Bresler at ¶ 6 (Bresler Decl.) and Tim Selaty at ¶ 8, 10 (Selaty Decl.). Plaintiffs Organize Ohio and Citizens for Trump are willing to work with the City to find alternative spaces to express themselves.

This Court should enjoin the City to narrow the Event Zone; provide ample alternatives for free speech, expression, and assembly; and eliminate the unnecessary time and space restrictions it has created.

II. Defendants' comparison of its Regulations to those of other cities hosting political conventions does not save the City's failure to narrowly tailor its Regulations for this convention; Cleveland's regulations are the most restrictive to date.

A. Narrow tailoring depends on the specific geographic and situational context.

Cleveland offers "Other Convention Sites' Restrictions" As evidence that its Regulations are narrowly tailored. Def. Br. 15. A mechanical comparison with other cities' zones and restrictions during political conventions, however, represents the antithesis of narrow tailoring. By definition, narrow tailoring is context specific, and there are no templates from other conventions that can be imported wholesale into Cleveland's unique geography and circumstances. *See Sonnier v. Crain* 613 F. 3d 436, 442 (2010) quoting *SEIU v. City of Houston*, 595 F.3d 588, 599 (5th Cir.2010) ("what constitutes a reasonable, narrowly tailored regulation depends on a variety of factors, including the character of the place in which the regulation is enforced...thus, we examine all of the restrictions at issue in the context of the location."); *see also Deegan v. City of Ithaca*, 444 F.3d 135, 140 (2d Cir. 2006). Tailoring restrictions appropriate for Cleveland requires close consideration of numerous unique factors surrounding the 2016 RNC. Defendants' attempt to divert this Court's attention to other venues fails to resolve the issue of whether the restrictions imposed here are constitutional.

B. Cleveland's Event Zone is substantially larger than any prior convention.

The comparisons Defendants offer confirm rather than refute the conclusion that Cleveland's scheme is overly repressive of First Amendments rights. In short, Cleveland's

Event Zone is significantly larger than those established by the other cities that Defendants bring to this Court's attention. Taken in the order that Defendants discuss them:

1. New York City: 2004 Republican National Convention – New York City's convention had a hard zone close to the convention, but no Event Zone - or soft or buffer zone - whatsoever. Effectively, then, the city had a 0-square mile Event Zone. Keeshin Decl. ¶ 8.
2. Denver - 2008 Democratic National Convention – Denver's convention used a hard security zone and designated nearby areas for speech, but like New York, had no soft or Event Zone. Its security zone was about 0.14 square miles. Keeshin Decl. ¶ 10.
3. St Paul – 2008 Republican National Convention – St Paul had a 0.16 square mile “soft zone” referred to as a “Vehicle Restriction Area.” Keeshin Decl. ¶ 9.
4. Boston – 2004 Democratic National Convention - Boston's “soft zone” (an area that restricted only vehicles, tables and chairs) was only about .03 square miles in area. Keeshin Decl. ¶ 11.
5. Charlotte – 2012 Democratic National Convention - Charlotte's Event Zone, which like Cleveland's banned many common objects such as coolers, water bottles, aerosol containers, etc., was 1.5 square miles. Keeshin Decl. ¶ 11.
6. Tampa – 2012 Republican National Convention - Tampa's Event Zone, the second largest to Cleveland's, was 2.7 square miles, approximately $\frac{3}{4}$ the size of Cleveland's. Keeshin Decl. ¶ 12.

The sheer size of Cleveland's Event Zone - over 3.5 square miles⁸ - in addition to being unjustified by narrow tailoring, appears to be unprecedented.⁹

Nor does Defendants' elaborate slide show of other cities' parade routes justify Cleveland's "official" route for parades. Def. Br. Exhibits, "Slideshow." No other city chose to confine groups wishing to express a message during a presidential convention to the sole option of marching in isolation on a bridge. If Defendants value the examples set by other cities, it is noteworthy that New York permitted multiple alternative parade routes at its convention, and St. Paul's regulations provided for multiple parade routes as well. Keeshin Decl. ¶ 8-9.

As demonstrated, neither Defendants' vague justifications of safety, nor their attempt to shift responsibility for their ill-advised decisions to the Plaintiffs, to the COA, or to past convention-holders, rescues the City's unconstitutional restrictions here. This Court should grant Plaintiffs' Motion for Preliminary Injunction.

III. Plaintiff NEOCH conditionally accepts Defendants' concession to its Complaint.

Plaintiffs acknowledge the City's statement that it "considers its homeless population to be residents and their places of abode to be residences under the Regulations." Def. Br. 20, fn. 17. Plaintiffs understand this concession to mean that homeless individuals will not violate the Regulations by possessing string, tape, rope, sleeping materials, backpacks, or other items that they commonly have when they travel through or sleep in the Event Zone. If Plaintiffs' understanding is correct, and if this understanding is reflected in a court order to ensure compliance by the law enforcement officers directly responsible for such enforcement, Count IV

⁸ See Keeshin Decl. ¶ 7-12.

⁹ Defendants' references to restrictions that went unchallenged in Charlotte and Tampa are of course of limited value to a constitutional analysis of Cleveland's zone. A regulatory scheme is not deemed constitutional merely because no one challenged it in court.

of the Complaint is resolved.

IV. This Court should quickly dispense with Defendants' remaining arguments.

A. Defendants' mootness argument is solely based on facts manufactured for their brief.

Defendants created the very circumstances on which they now base their claim of mootness. They did so by first delaying any decisions on Plaintiffs' permit applications for months, and then granting the permits of the *other* applicants – many of whom applied months after Plaintiffs applied – despite repeatedly promising to process applications in the order received. Defendants finally issued decisions on Plaintiffs' permit applications, but only after this suit was filed, and on the morning of the day that Defendants filed their Motion to Dismiss.

Defendants display slightly more candor in the facts on pages 12-13 of their Brief, in the section presenting the timeline of their receipts of the applications. However, they omit any mention of the fact that Plaintiffs' ACLU lawyers directly requested resolution of the permit applications for months before the Regulations were issued. This tactic characterized Defendants' general practice of refusing any accommodation or attempted negotiation, a practiced that forced Plaintiffs to seek relief from this Court.

B. Plaintiffs are entitled to damages because qualified immunity has no application here.

Defendants' invocation of qualified immunity is a red herring. Defendants consist of the City and the Mayor in his official capacity, which is tantamount to the City. Cities are plainly not entitled to qualified immunity. *See, e.g., Owen v. City of Independence, Mo.*, 445 U.S. 622, 638 (1980).

C. The document that Defendants submitted was not a Motion to Dismiss, and this Court should rule only on Plaintiffs' requested TRO or preliminary injunction.

Though styled as a Motion to Dismiss, the Defendants' Motion includes and relies upon 15 Exhibits, five of which are declarations of witnesses. But Rule 12 Motions may not include matters outside of the pleadings. Fed. R. Civ. P. 12(d).

District courts in this Circuit may, of course, consider matters outside the pleadings if they treat a Rule 12 motion to dismiss as one for summary judgment under Rule 56. *See Heinrich v. Waiting Angels Adoption Servs.*, 668 F.3d 393, 405 (6th Cir. 2012). But in the interest of judicial economy, Plaintiffs asks that this court defer its decision converting Defendants' Motion to Dismiss to a Summary Judgement Motion until the Court has ruled the relief which Plaintiffs sought via their pending Motion for Preliminary Injunction.

Conclusion

As extensively documented by the facts and legal analyses Plaintiffs have presented in their Complaint, Motion for TRO and Preliminary Injunction, and in this brief, the unconstitutional actions taken by the Defendants in enacting and planning to enforce the Regulations warrant immediate intervention by this court.

Plaintiffs' arguments leave no doubt that the vast expanse of the Event Zone, paired with the excessive restrictions on the right of citizens to speak, assemble and parade throughout the Zone during the RNC, constitute an irreparable injury to Plaintiffs. Issuance of the injunction will not substantially harm others. Indeed, the Plaintiffs have sought no relief that significantly alters the arrangements Defendants approved allowing RNC officials and guests to utilize the public spaces identified for their use in the Event Zone. And because the right to engage in free speech

and assembly, especially when centered on political matters, have long served as a cornerstone of our democracy, the public interest will be served by issuance of the injunction.

In First Amendment cases like this one, “the likelihood of success on the merits often will be the determinative factor.” *Connection Distrib. Co. v. Reno*, 154 F.3d 281, 288 (6th Cir. 1998). As demonstrated, Plaintiffs are likely to succeed because the City’s actions constitute unreasonable restrictions on speech, unconstitutional prior restraints, and arbitrary and capricious restraints on the liberty interests of plaintiffs and others. Defendants bear the burden of proving that the severe constraints their Regulations impose on core First Amendment rights are narrowly tailored to further a significant governmental interests. Defendants’ invocation of general safety concerns and reliance on a few similarities between the City’s Regulations and regulations enacted by other host cities fall far short of satisfying their significant burden.

Plaintiffs therefore respectfully request that this Court (1) grant Plaintiffs’ Motion for Preliminary Injunction, (2) order Defendants to take the following actions: reduce the size of the Event Zone and offer alternative spaces and additional times within the Event Zone for Plaintiffs and other individuals to parade, speak and assemble; (3) strike the Regulation that bans the “placement and use” of an “object to make a public speech; ”and (4) enter an order to ensure compliance by law enforcement officers with Defendants’ proffered concession that homeless individuals will not be in violation of the Regulations when they possess string, tape, rope, sleeping materials, backpacks, or other items that they commonly when they travel through or sleep in the Event Zone.

Dated June 22, 2016.

Respectfully submitted,

/s/Freda J. Levenson

Freda J. Levenson (0045916)
Trial Attorney for Plaintiffs
Elizabeth Bonham (0093733)
Joseph Mead (0091903)
ACLU of Ohio Foundation, Inc.
4506 Chester Ave.
Cleveland, OH 44103
T: (216) 472-2220
F: (216) 472-2210
E: flevenson@acluohio.org

Certificate of Service

The undersigned certifies that a true copy of the foregoing was filed and served on Defendants using this Court's Electronic Filing System on this 22nd day of June, 2012.

/s/Freda J. Levenson

Freda J. Levenson
Counsel for Plaintiffs

DECLARATION OF EMMA KEESHIN

(pursuant to 28 U.S.C. § 1746)

I, Emma Keeshin, hereby declare as follows:

Personal Background

1. I am over the age of 18, and I make this declaration based on my personal knowledge.
2. I live in Cleveland, Ohio.
3. I am currently employed as the Legal Assistant at the ACLU of Ohio.

Cleveland Event Zone Research and Calculations

4. On June 15, 2016 I re-calculated the square mileage of Cleveland's Event Zone to be 3.54 square miles, using Google Maps' "Measure Distance" feature. This number is different than the 3.3 square miles we originally cited in the Complaint. The previous calculation was slightly lower because, due to the software I was using at the time (www.daftlogic.com), a part of the Event Zone was accidentally omitted and not measured. The current 3.54 figure reflects a more accurate calculation.
5. On June 21, 2016, using Google Maps' "Measure Distance" feature, I calculated the distance from the Official Parade Route (at Carnegie Ave. and Ontario St.) to three points around Quicken Loans Arena. Those distances are as follows: 829 feet (to the backside of the Q), 1,423 feet or 0.27 miles (to the Q corner entrance at Huron and Ontario), and 1,746 feet or 0.33 miles (to the Q entrance walkway over Huron). My calculations all show larger distances than the figure of 160 feet cited in the PowerPoint attached as an exhibit to the defendants' Motion to Dismiss. My best guess is that Defendants' 160 feet figure was a measurement from the Carnegie-Ontario intersection to the rear of

Progressive Field; Google Maps' Measure Distance feature calculated this distance as 160 feet.

6. Over the past two weeks, I also researched and found a collection of different parks that are in the Event Zone, and a collection of different events, for example outdoor festivals and parades, that usually occur in the Event Zone during summer.

Research on Past Conventions in Other Cities

7. I have collected information about past political conventions by studying maps available online, as well as by calling other ACLU affiliates who have gathered information on conventions in their states.
8. I researched information related to New York City's 2004 RNC. I learned that in NYC, multiple parade routes were planned for. Additionally there was no soft zone similar to the Event Zone planned for Cleveland. Instead, there was a "frozen zone" immediately encircling Madison Square Garden, the convention venue.
9. I researched information related to St. Paul's 2008 RNC. St. Paul's convention regulations, like New York's, also allowed for multiple parade routes. The "event zone" or "soft zone" for St. Paul was called a "Vehicle Restriction Area," and was 0.16 square miles. St. Paul had four parade routes, which groups were allowed to choose from. I calculated that a St. Paul parade route (at the intersection of W 7th and W 5th) comes within 93 feet of the front of the XCEL Energy Center, where the Convention was hosted. I calculated this number using the "Measure Distance" feature on Google Maps. In St. Paul, protestors could (1) see the front of the convention venue and (2) stand on the opposite end of the intersection where the convention center was located.

10. I also researched Denver's 2008 DNC. Denver also did *not* have an event zone of a similar size as Cleveland's. Denver had a "security zone" that was 0.14 square miles in size. I calculated this using Google Maps' Measure Distance feature. The closest point on the Denver parade route was 1800 feet from the convention center.
11. I also researched the 2004 DNC in Boston. There was a "soft zone" that was only 0.03 square miles in area (calculated using Google Maps' Measure Distance feature).
12. I also researched the 2012 RNC in Tampa. Tampa's parade route came within 860 ft. of the convention center and was unobstructed by neighboring structures. Tampa's event zone was 2.7 square miles (measured using Daft Logic's Area Calculator tool).

Communication with RNC Permit Applicants

13. I compiled the attached charts, "RNC Permit Applications: Park Use" and "RNC Permit Applications: Parade Route," that show, respectively, all of the park and parade applications submitted to the city, the dates of submission, and when a response from the City, if any, was given. The information in the charts comes primarily from the City's RNC permit application website (<http://www.city.cleveland.oh.us/node/7931>) and corresponding Dropbox (<https://www.dropbox.com/sh/u9q7ad3iexxtps/AACdDN7XALNI60R94lYvE7i-a?dl=0>). When necessary, I also communicated by phone and email with permit applicants to discover additional information. These emails are attached.
14. The attached chart "RNC Permit Applications: Parade Route" shows that applicants who applied for a parade permit more than 40 days and 63 days *after* March 16th when Plaintiff Organize Ohio applied, received notification of the status of their application a

full five days *before* Organize Ohio received its notification of denial. The City's email to Larry Bresler of Organize Ohio is attached.

15. The attached chart "RNC Permit Applications: Park Use" shows that many applicants who applied for park use *after* Citizens for Trump received either approval of, or additional correspondence regarding their park permits *before* Citizens for Trump received any action from the City as to the processing of its application. The City contacted and communicated with several groups to obtain more information about their event needs as early as June 9th, 2016. Additional details are in the paragraphs that follow, and attached are emails from these groups.
16. On June 16, 2016, I spoke with Maggie Rice from Food Not Bombs Lake County. Ms. Rice told me that the City had emailed her on June 13th asking for more information about the park use event for which Ms. Rice had submitted her permit. These emails are attached.
17. I spoke again with Ms. Rice on June 22nd. Ms. Rice told me that the day prior, June 21st, the City had contacted her, for the first time since June 13th, to inquire about the size of table Ms. Rice intended to use at her park use event. These emails are attached.
18. On June 16, 2016, I spoke on the phone with Keith McHenry from Food Not Bombs in New Mexico. Mr. McHenry told me that he had spoken on the phone with Ms. Kim Johnson from the City on June 11th because she had requested additional information about the park use event for which Mr. McHenry had submitted his permit. After our phone call, Mr. McHenry forwarded me his email correspondence with the City. These emails are attached.

19. On June 17, 2016, I spoke on the phone with Maggie Bridges from the One Campaign.

Ms. Bridges told me that the City had contacted her the weekend prior (June 11th or 12th) asking for more information about the park use event for which she had submitted a permit. Ms. Bridges told me that she then sent more information to the City in an email that Sunday night or Monday morning after (June 12th or 13th).

Research on Parks and Public Events in Cleveland

20. I researched parks located in the area called the Event Zone. I used information from Google Maps and other internet research to create this list. These include: Heritage Park, the park adjacent to Settlers Landing RTA Station, Fort Huntington Park, Rivergate Park, Sterling Park, and Cardinal Mindszenty Plaza.

21. I researched locations of permitted road closures for events in the area called the Event Zone. I used information from Google Maps and other internet research to create this list. These include: Asiatown Night Market near Cleveland State University, weekly food truck and music events requiring street closure including Walnut Wednesday on Walnut Street, Beats and Eats near the Old Stone Church, NineTwelve Shop Stop near One Cleveland Center, Memorial Mondays near W 3rd and Lakeside, and Flat Out Fridays on the East Bank of the Flats.

22. These lists of locations demonstrate that many locations generally available for events, are not available during the RNC.

Cleveland Cavaliers Celebration

23. On June 22, 2016, I read several articles about the Cleveland Cavaliers victory parade taking place downtown. Attendance was reported as being substantially over 1 million,

with attendees standing on many city structures, and filling into the parade route because no barriers were put up to block them.

24. One article (http://espn.go.com/nba/playoffs/2016/story/_/id/16408697/fans-toast-cleveland-cavaliers-downtown-parade) talked about “Hundreds of thousands of fans, some who had slept on sidewalks overnight to get a good view.”

25. Cleveland.com was posting live updates of the parade http://www.cleveland.com/cavs/index.ssf/2016/06/cavs_nba_championship_parade_2.html . At 1:47pm, Cleveland.com posted “According to the Cleveland Sports Commission, there are 1.3 million people downtown to watch the parade.” At 12:50pm, Cleveland.com posted a photo of a parking garage on E 9th St. with a description saying, “People are literally climbing the walls.” At 12:35pm Cleveland.com re-tweeted a photo of the parade route and the corresponding tweet saying “The city didn’t put any barriers up.”

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 22, 2016.



Emma Keeshin



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1085
(216) 664-2200
www.city.cleveland.oh.us

June 20, 2016

TIM SELATY SR
AMERICAFIRSTMOVEMENT.COM
35 VERBENA BEND PLACE
SPRING, TX, 77832

Dear TIM SELATY SR,

The Parade Application, dated April 25, 2016, and the Official Permit and Registration Application, dated June 1, 2016, # LUEU16-00099, as attached, are denied, in part. Previously, the City issued a permit for Official Parade Route to you as applicant on June 16, 2016.

Portions of the applications were denied for the following reason(s):

- The parade route in the Parade Application will unreasonably interfere with the safe and expeditious movement of pedestrians and vehicular traffic, require the diversion of so great a number of City police officers to properly police the line of movement, and unreasonably interfere with the movement of police vehicles and other safety vehicles.
- The proposed parade route in the Parade Application does not follow the Official Parade Route in the Event Zone applicable to the date requested.
- Applicant failed to complete the Official Speakers Platform portion of Official Permit and Registration Application.
- For the date requested, the use of Willard Park for a special event is denied because the City is issuing Park Use permits for Willard Park under the Regulations approved by Board of Control Resolution No. 252-16, adopted March 25, 2016.

You have the right to appeal this denial within three (3) business days from receipt of this notice of denial. Please direct your appeal in writing to this office at the above address.

If you have any questions regarding this notice, please contact this office at (216) 664-2200. Thank you.

Sincerely,

Michael McGrath, Director
Department of Public Safety

Graham, Danielle

From: Timothy Selaty <timselatysr@gmail.com>
Sent: Wednesday, June 01, 2016 5:14 PM
To: Graham, Danielle
Subject: Re: CITY OF CLEVELAND FOLLOW UP: 2016 REPUBLICAN NATIONAL CONVENTION (LUEU16-00099)

Thank you, Ms. Graham.
Hope you have a very pleasant evening.

On Wed, Jun 1, 2016 at 4:08 PM, Graham, Danielle <DGraham@city.cleveland.oh.us> wrote:

Mr. Selaty,

Your application submission and additional correspondence/request have been received. This will be processed for review and response by the City of Cleveland.

Have a good evening.

Danielle P Graham, Assistant Commissioner

(216) 664-2067

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, forwarding, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by e-mail or telephone, and delete the original message immediately. Thank you.

.....

From: Timothy Selaty [mailto:timselatysr@gmail.com]
Sent: Wednesday, June 01, 2016 5:04 PM
To: Graham, Danielle
Subject: Re: CITY OF CLEVELAND FOLLOW UP: 2016 REPUBLICAN NATIONAL CONVENTION (LUEU16-00099)

Hello,

Please find out our signed permit attached.

Note: These arrangement choices the city is offering are extremely restrictive, and won't allow us to actually hold the rally we had initially planned.

Ideally, we'd like to use Voinovich park to hold our rally on July 18th with full sound system. Please let us know if we can work something out for a full rally with sound amplification equipment.

Thank you.

Tim Selaty Sr.
Citizens for Trump, Co-Founder

On Tue, May 31, 2016 at 11:25 AM, Graham, Danielle <DDGraham@city.cleveland.oh.us> wrote:

This is follow up to your recent inquiry and/or form of application to obtain permits during the Republican National Convention in July in Cleveland. Attached is the formal application along with the appropriate maps and rules & regulations. **The application process is on a first-come, first-serve basis. In order to best facilitate your previous inquiry in conjunction with first come, first-serve basis processing, please submit the attached completed application by 5:00 pm Eastern Standard Time, June 1, 2016.** Follow the application submission guidelines as noted on the attached application. Note that the overall application process will be open until 5:00 pm Eastern Standard Time on Friday, July 8, 2016 or until all available time slots have been filled.



Danielle P. Graham

Assistant Commissioner

CITY OF CLEVELAND
Mayor Frank G. Jackson

Department of Finance | Division of Assessments & Licenses

601 Lakeside Ave. Room 122, Cleveland, Ohio 44114

tel. [216.664.2067](tel:216.664.2067) | fax [216.664.4592](tel:216.664.4592)

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, forwarding, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by e-mail or telephone, and delete the original message immediately. Thank you.

--

Best regards,

Tim Selaty Sr.

Founder, Tea Party Community & Tea Party Tribune

--

Best regards,

Tim Selaty Sr.

Founder, Tea Party Community & Tea Party Tribune

CITY OF CLEVELAND
1100 Lakeside Avenue
Cleveland, Ohio 44114APPLICATION
PARADE PERMITSCITY OF CLEVELAND
DEPARTMENT OF PUBLIC WORKS
Office of Special Events & Marketing
500 Lakeside Avenue
Cleveland, Ohio 44114

Phone: 216.664.2484

Hours of Operation
9:00 am to 4:30 pm Weekdays

SpecialEvents@city.cleveland.oh.us

DATE 7-18-16		FEE: \$25.00	
SECTION A - APPLICANT INFORMATION			
Name Tim Selaty Sr.			
Address 35 Verbena Bend Place			
City Spring	ST TX	Zip 77382	
Telephone/Mobile Telephone 832-897-4709		Email timselatysr@gmail.com	
SECTION B - ONSITE EVENT CONTACT			
Name Ralph King			
Address			
City	ST OH	Zip	
Telephone/Mobile Telephone 440-465-1834		Email	
SECTION C - ORGANIZATION INFORMATION (IF APPLICABLE)			
Organization Name			
Contact Name			
Address			
City	ST	Zip	
Telephone/Mobile Telephone		Email	
SECTION D - PRIVATE SECURITY FIRM (IF APPLICABLE)			
Private Security Firm Name			
Contact Name			
Address			
City	ST	Zip	
Telephone/Mobile Telephone		Email	
SECTION E - LOCATION INFORMATION			
Street number and name E 9th Street Pier, Cleveland, OH 44114		Direction	
Secondary road			
City	ST	Zip	
Location description Meetup/Rally @ Voinovich Bicentennial Park and then march down 9th st. to the			
Route Plan and Map attached		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

COPY

CITY OF CLEVELAND
OFFICE OF SPECIAL EVENTS & MARKETINGAPPLICATION
PARADE PERMITSCITY OF CLEVELAND
DEPARTMENT OF PUBLIC WORKS
Office of Special Events & Marketing
500 Lakeside Avenue
Cleveland, Ohio 44114

Phone: 216.664.2484

Hours of Operation
9:00 am to 4:30 pm Weekdays

SpecialEvents@city.cleveland.oh.us

SECTION F - PARADE INFORMATION

Primary date requested 7-18-16

Primary start time	11 A.M.	Primary end time	A.M.
	P.M.		5 P.M.

Alternate date requested 7-19-16

Alternate start time	11 A.M.	Alternate end time	A.M.
	P.M.		5 P.M.

Set-Up time	7 A.M.	Teardown time	A.M.
	P.M.		5 P.M.

Staging area Voinovich Bicentennial Park

Number of intersection crossings 7

Number of walking participants 5000+

Number of vehicles	104	Cars/Trucks	4	Motorcycles	100	Horses
		Bicycles		Floats		Buses

SECTION G - SOUND AMPLIFICATION EQUIPMENT (IF APPLICABLE)

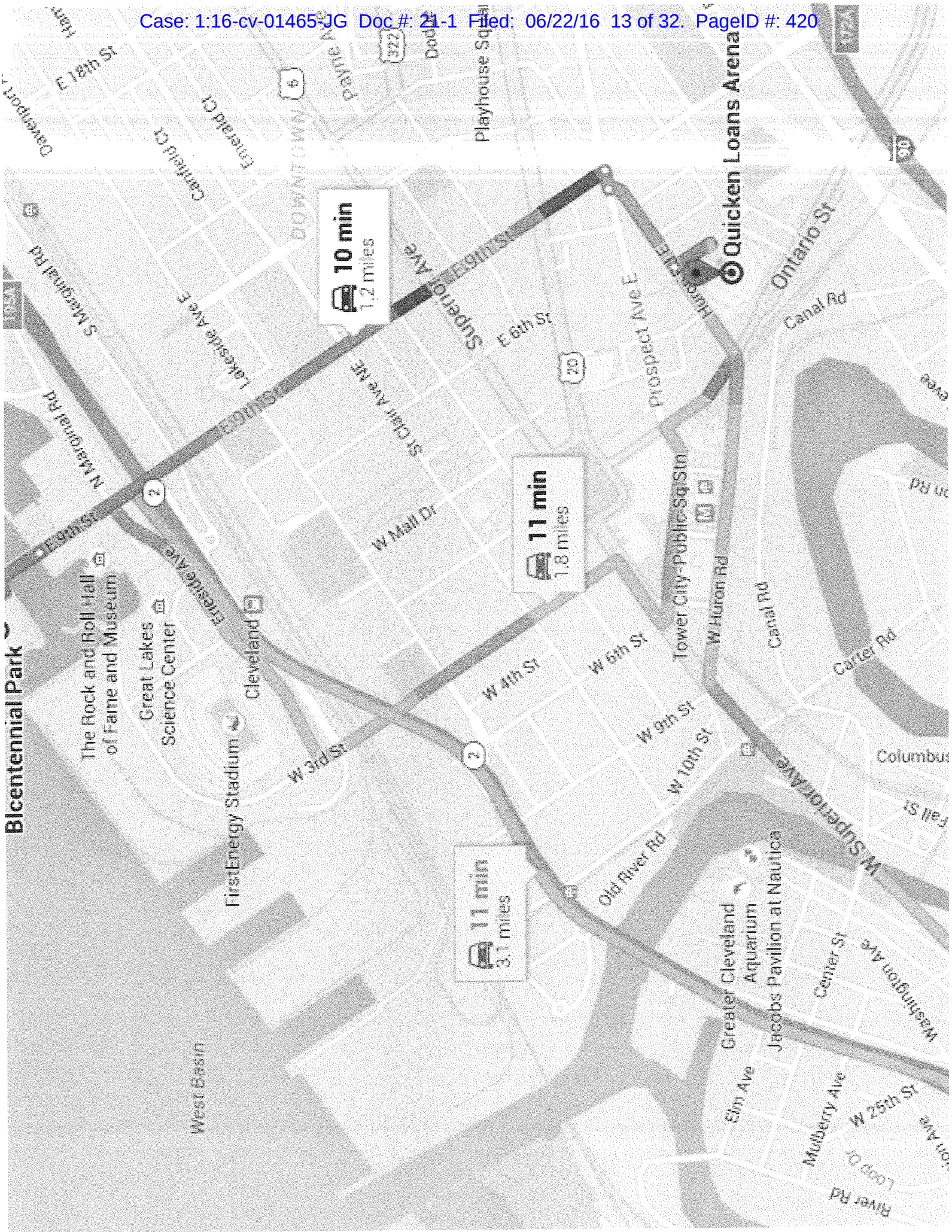
Please provide a description of any sound amplification equipment to be used in connection with the parade.

We intend on having a full stage and pa system in the park for the meet up rally before the march.

SECTION H - ACKNOWLEDGEMENT

By signing, Applicant acknowledges that they have read and understand Codified Ordinance §411.05, Parade Permits. I certify that the above information I provided is true to the best of my knowledge.

APPLICANT SIGNATURE





CITY OF CLEVELAND
Department of Public Safety

OFFICIAL PERMIT AND REGISTRATION APPLICATION
2016 REPUBLICAN NATIONAL CONVENTION
FOR DATES OF JULY 18 THROUGH JULY 21



CITY OF CLEVELAND

Only one activity, date and time per application will be accepted. Applications submitted with more than one activity, date and time selected will not be processed and will be returned to applicant.

1. Select One Date:

☒ Monday, July 18 ☐ Tuesday, July 19 ☐ Wednesday, July 20 ☐ Thursday, July 21

2. Select One Activity Box and Requested Time:

☐ Official Parade Route

Requested Time

Monday, July 18 - Parades limited to 60 minutes scheduled each hour starting at 2:00pm ending at 5:00pm.

☒ 2:00pm-3:00pm ☐ 3:00pm-4:00pm ☐ 4:00pm-5:00pm

Tuesday through Thursday, July 19-21 - Parades limited to 60 minutes scheduled each hour starting at 9:00am ending at 2:00pm.

☐ 9:00am-10:00am ☐ 10:00am-11:00am ☐ 11:00am-12:00pm ☐ 12:00pm-1:00pm ☐ 1:00pm-2:00pm

OR

☒ Official Speakers Platform

Speakers' Platform limited to 30 minutes scheduled every 30 minutes starting at 9:30am ending at 6:30pm.

Requested Time

☐ 9:30am-10:00am ☐ 10:15am-10:45am ☐ 11:00am-11:30am ☐ 11:45am-12:15pm ☐ 12:30am-1:00pm ☐ 1:15pm-1:45pm
☐ 2:00pm-2:30pm ☐ 2:45pm-3:15pm ☐ 3:30pm-4:00pm ☐ 4:15pm-4:45pm ☐ 5:00pm-5:30pm ☐ 5:45pm-6:15pm

OR

☒ Park Use

Designated space for public art displays and public gatherings. Permits required for all public art displays. Park Use is limited to 9:30am-9:00pm.

☐ Perk Plaza ☒ Willard Park

3. Approximate Number of Participants: 5000

ADA Accommodations: Y ☐ N ☐

4. Name of Event/Request: America First Unity Rally

5. Web address of Organization/Individual: AmericaFirstMovemet.com

6. Organization/Individual Submitting Request: Tim Selaty Sr. - Citizens for Trump

7. Address: 35 Verbena Bend PL

City Spring ST TX Zip 77382

8. Phone/Cell Phone: 832-539-9039 Fax:

Email: timselatysr@gmail.com

SIGNED ACKNOWLEDGMENT

Permit holder acknowledges having read rules and agrees to abide by all conditions of the application and the regulations governing the use of space.

Applicant Printed Name: Tim Selaty Sr.

Date: 6-1-16

Signature of Applicant: Tim Selaty Sr.

Date:



CITY OF CLEVELAND
1500 EAST 12TH AVE., SUITE 1000
CLEVELAND, OHIO 44115

OFFICIAL PERMIT AND REGISTRATION APPLICATION
2016 REPUBLICAN NATIONAL CONVENTION
FOR DATES OF JULY 18 THROUGH JULY 21



CITY OF CLEVELAND
1500 EAST 12TH AVE., SUITE 1000
CLEVELAND, OHIO 44115

OFFICE USE ONLY

Permit or Registration Number LUEU16-00099

Who needs to apply for a permit?

Official Parade Route Permit

The Official Parade Route shall be the only parade route permitted in the Event Zone effective beginning at 2:00pm Eastern Standard Time on July 18, 2016 and terminating at 2:00pm Eastern Standard Time on July 21, 2016. In the event the RNC is extended, then the effective period of the Official Parade Route shall also extend to coincide with the dates of the RNC. However, the term for the Official Parade Route shall not extend beyond July 21, 2016. Unless otherwise stated herein, an Official Parade Route permit shall be required when any person, entity, group or organization desires to engage in, participate in, conduct, host or otherwise hold a parade in the Event Zone during the aforementioned dates.

Park Use - Public Art Installation Permit

Park Use are designated gathering spaces within City parks where approved objects can be displayed as well as individuals or groups may assemble. Hours of operation are from 9:30am - 9:00pm Eastern Standard Time, July 18-21, 2016. Permits are required for all public art displays.

Who needs to register?

Official Speakers' Platform Registration

Official Speakers' Platform is a stage located within the Public Viewing Area, limited to 30 minutes per speaker with amplified sound. Hours of operation are from 9:30am - 6:30pm Eastern Standard Time, July 18-21, 2016. Registration for the Official Speakers' Platform is located at the Division of Assessments and Licenses on a first come first serve basis.

Why do you need a permit or to register?

The City of Cleveland wants to accommodate as many groups as possible during this convention period and provide for an enjoyable experience for all our residents and guests. To ensure proper scheduling and planning, applicants are asked to estimate the number of people attending.



CITY OF CLEVELAND
OFFICE OF THE MAYOR

OFFICIAL PERMIT AND REGISTRATION APPLICATION
2016 REPUBLICAN NATIONAL CONVENTION
FOR DATES OF JULY 18 THROUGH JULY 21



CITY OF CLEVELAND
OFFICE OF THE MAYOR

How do I apply for a permit or register?

Applications should be submitted online (<https://ca.permitcleveland.org/Public/>), mailed, or delivered in person to the following address:

Division of Assessments and Licenses
City of Cleveland/Cleveland City Hall
601 Lakeside Avenue, Room 122
Cleveland, Ohio 44114
DALLicenses@city.cleveland.oh.us

When will I find out if my application for a permit is approved or registration was accepted?

The City of Cleveland will notify people of the status of their reservation application in a timely manner by mail or email.

What are the hours of the Division of Assessments and Licenses?

The Office is open Monday through Friday, 8:00am - 5:00pm Eastern Standard Time.

What are the fees associated with an Official Speakers' Platform, Official Parade Route or Park Use permit for the Republican National Convention?

There is no fee for an Official Speakers' Platform, Official Parade Route or Park Use Permit.

Where can I find the permit/registration application?

Permit/registration applications can be obtained on the City's web site at www.cleveland.oh.us or be applied for online at <https://ca.permitcleveland.org/Public/>.

Can I apply for a parade or public park use permit that is not the Official Parade Route or designated Park Use spaces?

Yes

Who should I call with questions regarding the process?

For questions regarding applications, contact (216) 664-2067 or email at DALLicenses@city.cleveland.oh.us.

Media inquiries should be directed to the Mayor's Office of Communication by email at communication@city.cleveland.oh.us

From: [StandTogetherAgainst Trump](#)
To: flevenson@acluohio.org
Subject: Fwd: City of Cleveland - 2016 Republican National Convention
Date: Wednesday, June 15, 2016 6:16:45 PM
Attachments: [LUEU16-00159.pdf](#)

----- Forwarded message -----

From: **Assessments & Licenses Licenses** <DALLicenses@city.cleveland.oh.us>
Date: Mon, Jun 13, 2016 at 12:39 PM
Subject: City of Cleveland - 2016 Republican National Convention
To: "INFO@STANDTOGETHERAGAINSTTRUMP.COM"
<INFO@standtogetheragainsttrump.com>
Cc: "Graham, Danielle" <DGraham@city.cleveland.oh.us>

Attached is an electronic copy of your registration permit. A paper copy will be mailed to the address on record. You will need to present the paper copy to City personnel at the designated day and time of your registered/permitted activity. Please be sure to note and fully comply with all Permit Special Instructions which is noted on the permit.

Should you have any questions, please contact [216.664.2067](tel:216.664.2067)

From: [Revolution Books Cleveland](#)
To: flevenson@acluohio.org
Subject: Fwd: Event License LUEU16-00181 Submission Confirmation
Date: Wednesday, June 15, 2016 6:49:11 PM

I RECEIVED 8 OF THESE, ALL IDENTICAL

----- Forwarded message -----

From: Auto_Sender@mail.permitcleveland.org <Auto_Sender@mail.permitcleveland.org>
Date: Mon, Jun 6, 2016 at 3:59 PM
Subject: Event License LUEU16-00181 Submission Confirmation
To: MLETTICH5@gmail.com

This confirms that the application and secondary documentation has been received. Your application will be further reviewed to ensure all application submission criteria have been satisfied prior to departmental reviews. Based upon this review, your application is subject to be returned should these criteria not be met.

Application submission and/or fee payment does not authorize or grant approval to operate. Upon license approval, fees are due and must be paid in full. The Division of Assessments and Licenses will issue electronic notification indicating the final outcome and additional instructions for this application.

Notifications will be listed under Auto_Sender@mail.permitcleveland.org. Please be sure to frequently check your electronic mailbox including the junk/spam folder for these notifications. It is the applicants responsibility to comply with notification instructions as well as securing license prior to scheduled event and/or work.

Should you have additional questions, please contact the Division of Assessments and Licenses at [\(216\) 664-2264](tel:216-664-2264). When speaking with the Division, please be sure to reference LUEU16-00181.

From: [Revolution Books Cleveland](#)
To: flevenson@acluohio.org
Subject: Fwd: Park Use 174Lettich
Date: Wednesday, June 15, 2016 6:42:54 PM

----- Forwarded message -----

From: **Revolution Books Cleveland** <mlettich5@gmail.com>
Date: Wed, Jun 15, 2016 at 4:08 PM
Subject: Re: Park Use 174Lettich
To: "Johnson, Kim" <kjohnson1@city.cleveland.oh.us>

The Art Installation would consist of 3 panels (tri-fold), color photos mounted on foam core. Each panel would be 5' x 3'.
I hope this describes our concept.
Melanie Lettich

On Mon, Jun 13, 2016 at 1:27 PM, Johnson, Kim <kjohnson1@city.cleveland.oh.us> wrote:

Hello Ms. Lettich – we are in receipt of your request to use Official Park space during the Republican National Convention. Please provide additional information regarding your public art table, such as the dimensions of your art display etc.

[Kim Johnson, Assistant Director](#)

[Department of Public Works](#)

500 Lakeside Ave. Cleveland, Ohio 44114

tel. [216.348-2683](tel:216.348.2683)

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, forwarding, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by e-mail or telephone, and delete the original message immediately. Thank you.

From: [Revolution Books Cleveland](#)
To: flevenson@acluohio.org
Subject: Fwd: City of Cleveland – 2016 Republican National Convention
Date: Wednesday, June 15, 2016 6:50:43 PM
Attachments: [LUEU16-00179.pdf](#)
[BOC Resolution 252-16 Parade. Park Use and Speakers Platform Regulations.pdf](#)
[Official Speakers Platform.pdf](#)

----- Forwarded message -----

From: **Assessments & Licenses Licenses** <DALLicenses@city.cleveland.oh.us>
Date: Tue, Jun 14, 2016 at 2:14 PM
Subject: City of Cleveland – 2016 Republican National Convention
To: "MLETTICH5@GMAIL.COM" <MLETTICH5@gmail.com>
Cc: "Graham, Danielle" <DGraham@city.cleveland.oh.us>

Attached is an electronic copy of your registration permit. A paper copy will be mailed to the address on record. You will need to present the paper copy to City personnel at the designated day and time of your registered/permitted activity. Please be sure to note and fully comply with all Permit Special Instructions which is noted on the permit.

Should you have any questions, please contact [216.664.2067](tel:216.664.2067)

RNC Permit Applications: Park Use (Updated 6-22-16)

Date of application on general application form	Date re-submitted on RNC application form	Date approved by City	Park (requested or approved)	Event Name	Group Name	Contact Name
4-25	6-01	DENIED on 6-20	Willard	America First Unity Rally	Citizens for Trump	Tim Selaty
4-29	6-01	APPROVED on 6-13	Willard		People's Fight Back Center/March Against Racism	Susan Schnur
5-09	Unknown (online 5/31-6-02)	APPROVED on 6-13	Perk	Banner placement	Coalition to Stop Trump	Thomas Moran
N/A	5-31	Pending, but in communication with City.	Perk		Food Not Bombs (New Mexico)	Keith McHenry
N/A	5-31	APPROVED on 6-13	Willard	What do we have in common?		Gaye Lub
N/A	5-31	Pending, but in communication with City.	Perk and Willard	ONE Vote '16	The ONE Campaign	Maggie Bridges

RNC Permit Applications: Park Use (Updated 6-22-16)

N/A	5-31	APPROVED on 6-14	Perk and Willard	Installation/table	Revolution Books	Melanie Lettich
N/A	5-31	APPROVED on 6-13	Perk		Westboro Baptist	Rachel Hockenbarger
N/A	6-01	APPROVED on 6-13	Willard 4 days	Voter registration and voter information booth	League of Women Voters Greater Cleveland	Susan Murnane
N/A	6-01	Pending.	Willard and Perk	Victory for Valley	Youngstown Warren Regional Chamber Foundation	Guy Coviello
N/A	6-02	Pending.	Not specified		Bikers for Trump	Bill Daher and Thomas Norton
N/A	6-02	APPROVED 6-22.		Food and water distribution	Food Not Bombs Lake County	Maggie Rice
N/A	Unknown (online between 6-2 and 6-7)	APPROVED on 6-15.	Willard		Cleveland Baptist Church	Brad Borke
N/A	6-03	APPROVED on 6-14.	Willard	Public art making installation: the curious end to the war against ourselves	Andrew Purchin art	Andrew Purchin

RNC Permit Applications: Parade Route (Updated 6-22-16)

Date of application on general application form	Date re-submitted on RNC application form	Dispensation of permit	Event Name	Event date (requested or approved)	Group	Contact Name
3-16	6-01	DENIED on 6-20	End Poverty Now / March for Economic Justice		Organize Ohio	Larry Bresler
4-25	6-01	APPROVED on 6-15	America First Unity Rally	7-18	Citizens for Trump	Tim Selaty
5-09	6-01	Pending.			Stop Trump and March on the RNC	Thomas Burke
5-18	5-31	APPROVED on 6-15.		7-19 and 7-21	Stand Together Against Trump	Bryan Hambley
N/A	6-07	Pending.	Trump float	7-19		Don Moler
N/A	6-13	Pending.		7-18	Iraq Veterans Against the War	



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1085
(216) 664-2200
www.city.cleveland.oh.us

June 20, 2016

CHANTALDOTHEY/LARRY BRESLER
ORGANIZE! OHIO
3500 LORAIN AVENUE, SUITE 501A
CLEVELAND, OH, 44113

Dear CHANTAL DOTHEY/LARRY BRESLER,

The Parade Application, dated March 16, 2016, and the Official Permit and Registration Application, dated June 1, 2016, # LUEU16-00056, as attached, are denied.

The applications were denied for the following reason(s):

- The parade route in the Parade Application will unreasonably interfere with the safe and expeditious movement of pedestrians and vehicular traffic, require the diversion of so great a number of City police officers to properly police the line of movement, and unreasonably interfere with the movement of police vehicles and other safety vehicles.
- The proposed parade route in the Parade Application does not follow the Official Parade Route in the Event Zone applicable to the date requested.
- Applicant failed to complete the Official Permit and Registration Application.

You have the right to appeal this denial within three (3) business days from receipt of this notice of denial. Please direct your appeal in writing to this office at the above address.

If you have any questions regarding this notice, please contact this office at (216) 664-2200. Thank you.

Sincerely,

Michael McGrath, Director
Department of Public Safety



3500 Lorain Avenue • Suite 501A • Cleveland, OH 44113
Phone: 216-651-2606 • Fax: 216-651-2633
www.OrganizeOhio.org •

June 7, 2016

To whom it may concern,

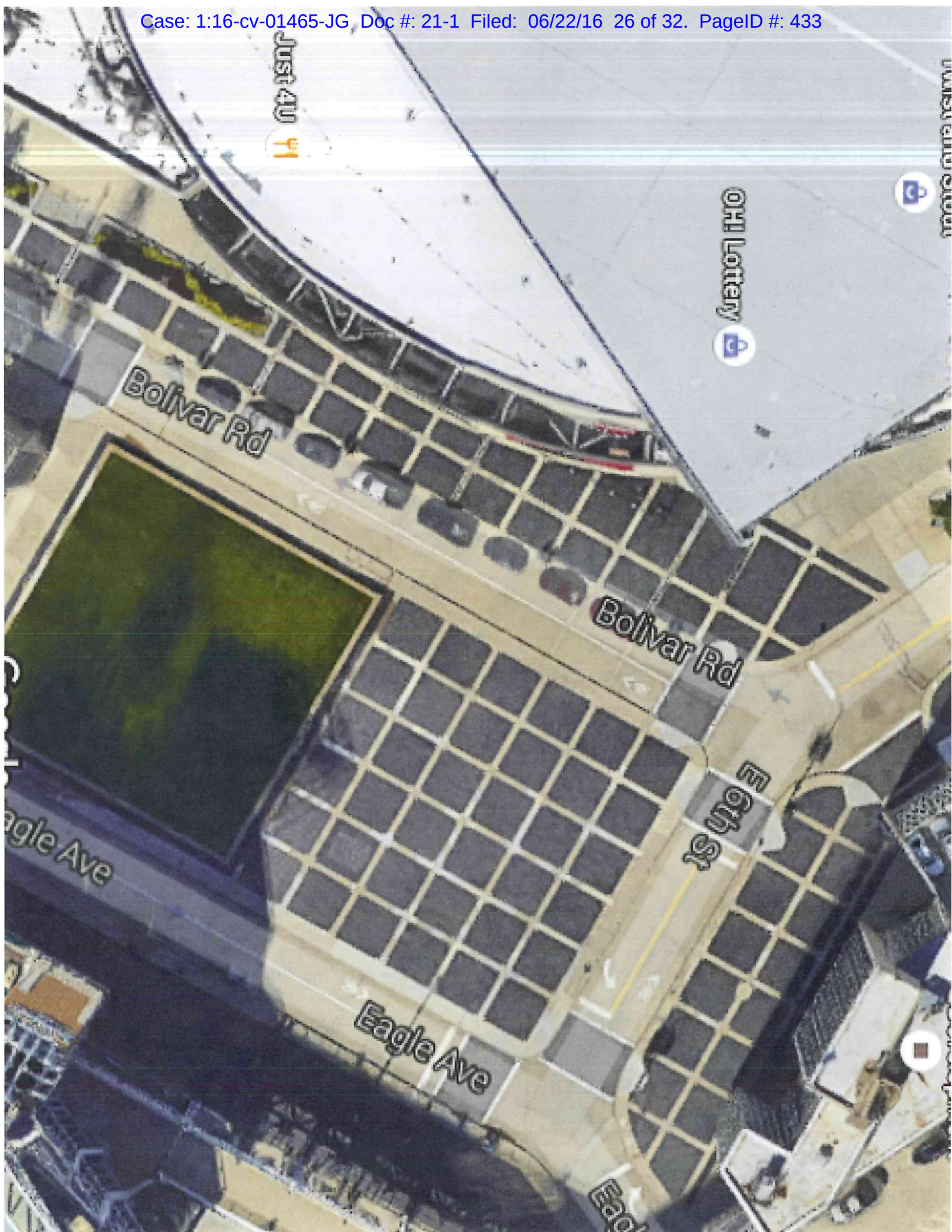
The march route proposed by Organize! Ohio for 1:00 pm on March 18, 2016 has been revised. The new route is as follows:

**Proposed March Route for Organize! Ohio's
End Poverty Now! March for Economic Justice**

Start on East 45th Street , just north of Superior Avenue. Go west on Superior Avenue to East 21st Street. Go south on East 21st Street to Carnegie Avenue. Go west on Carnegie Avenue ending at Progressive Field at East 9th and Carnegie Avenue.

Yours truly,

Larwrence Bresler
Executive Director, Organize! Ohio
Coordinator for the RNC March Planning Group.



LUZU16-0056

RNC parade permit

Larry Bresler <lbresler@organizeohio.org>

Wed 6/1/2016 4:58 PM

To: Assessments & Licenses Licenses <DALLicenses@city.cleveland.oh.us>;

Cc: tom.burke.ohio@gmail.com <tom.burke.ohio@gmail.com>; Bryan Hambley <bryanhambley@gmail.com>;
flevenson@acluohio.org <flevenson@acluohio.org>; ebonham@acluohio.org <ebonham@acluohio.org>;
cdothey@gmail.com <cdothey@gmail.com>; gloco@live.com <gloco@live.com>;

📎 1 attachment

OIO RNC Parade Application.PDF;

I have tried repeatedly to send the attached permit application to the link on the application, but have been unable to do so. I am therefore emailing it to you. Our application is requesting a route that is different from the official route, but we are submitting the application to maintain our priority place in line.

Larry Bresler
End Poverty Now! March for Economic Justice Coordinator

Larry Bresler
Organize! Ohio
3500 Lorain Avenue Suite 501A
Cleveland, Ohio 44113
216-651-2606



3500 Lorain Avenue • Suite 501A • Cleveland, OH 44113
Phone: 216-651-2606 • Fax: 216-651-2633
www.OrganizeOhio.org

June 1, 2016

To whom it may concern,

Attached is the official permit and registration application. It is being submitted solely to keep our organization's place in line for priority for our parade permit date and time.

Organize! Ohio and the 28 groups who have been planning the End Poverty Now! March for Economic Justice find the new registration application objectionable and insupportable for the following reasons:

1. The required parade route is unacceptable. No parade route should be required for all marches, particularly one which goes by no residences, commercial buildings or any locations traveled by other people.
2. The 50 minutes to an hour required time period for the march is not feasible for a large number of people.
3. There is no provision for having any rallies either before or after the marches.
4. No vehicles of any kind can be used in the march including to pick up people who are tired or to provide water.

We submitted an application with a route a few months ago. We would be willing to work with the City to provide our organization a permit for that route or an different acceptable one that is reasonably close to our permit request route.

Yours truly,

A handwritten signature in cursive script, appearing to read "Larry Bresler".

Larry Bresler,
Executive Director, Organize! Ohio
Coordinator for the RNC March Planning Group.



CITY OF CLEVELAND
Mayor Frank C. Jackson



CITY OF CLEVELAND
Mayor Frank C. Jackson

OFFICIAL PERMIT AND REGISTRATION APPLICATION
2016 REPUBLICAN NATIONAL CONVENTION
FOR DATES OF JULY 18 THROUGH JULY 21

Only one activity, date and time per application will be accepted. Applications submitted with more than one activity, date and time selected will not be processed and will be returned to applicant.

1. Select One Date:

☒ Monday, July 18 ☐ Tuesday, July 19 ☐ Wednesday, July 20 ☐ Thursday, July 21

2. Select One Activity Box and Requested Time:

☐ Official Parade Route *X Parade not official Parade route*

Requested Time

Monday, July 18 - Parades limited to 60 minutes scheduled each hour starting at 2:00pm ending at 5:00pm.

☐ 2:00pm-3:00pm ☐ 3:00pm-4:00pm ☐ 4:00pm-5:00pm

Tuesday through Thursday, July 19-21 - Parades limited to 60 minutes scheduled each hour starting at 9:00am ending at 2:00pm.

☐ 9:00am-10:00am ☐ 10:00am-11:00am ☐ 11:00am-12:00pm ☐ 12:00pm-1:00pm ☐ 1:00pm-2:00pm

OR

☐ Official Speakers Platform

Speakers' Platform limited to 30 minutes scheduled every 30 minutes starting at 9:30am ending at 6:30pm.

Requested Time

☐ 9:30am-10:00am ☐ 10:15am-10:45am ☐ 11:00am-11:30am ☐ 11:45am-12:15pm ☐ 12:30am-1:00pm ☐ 1:15pm-1:45pm
☐ 2:00pm-2:30pm ☐ 2:45pm-3:15pm ☐ 3:30pm-4:00pm ☐ 4:15pm-4:45pm ☐ 5:00pm-5:30pm ☐ 5:45pm-6:15pm

OR

☐ Park Use

Designated space for public art displays and public gatherings. Permits required for all public art displays. Park Use is limited to 9:30am-9:00pm.

☐ Perk Plaza ☐ Willard Park

3. Approximate Number of Participants: 5000

ADA Accommodations: Y ☐ N ☐

4. Name of Event/Request: End Poverty Now March For Economic Justice

5. Web address of Organization/Individual: lbresler@orgnanizeohio.org

6. Organization/Individual Submitting Request: Lawrence Bresler, Organize Ohio

7. Address: 3500 Lorain Ave

City Cleveland ST OH Zip 44113

8. Phone/Cell Phone: 216-651-2606

Fax:

Email: lbresler@organizeohio.org

SIGNED ACKNOWLEDGMENT

Permit holder acknowledges having read rules and agrees to abide by all conditions of the application and the regulations governing the use of space.

Applicant Printed Name: Lawrence Bresler

Date: 6/11/16

Signature of Applicant: *Lawrence Bresler*

Date: 6/11/16



CITY OF CLEVELAND
Mayor Frank G. Jackson

APPLICATION
PARADE PERMITS

CITY OF CLEVELAND
DEPARTMENT OF PUBLIC WORKS
Office of Special Events & Marketing
500 Lakeside Avenue
Cleveland, Ohio 44114

Phone: 216.664.2484

Hours of Operation
9:00 am to 4:30 pm Weekdays

SpecialEvents@city.cleveland.oh.us

DATE 10/15/15

FEE: \$25.00

SECTION A - APPLICANT INFORMATION

Name CHANTAL DOTHEY

Address 1388 LYNN PARK DRIVE

City CLEVELAND OH

ST OH

Zip 44121

Telephone/Mobile Telephone 216 331 1051

Email cdothey@gmail.com

SECTION B - ONSITE EVENT CONTACT

Name CHANTAL DOTHEY

Address 1388 LYNN PARK DRIVE

City CLEVELAND

ST OH

Zip 44121

Telephone/Mobile Telephone 216 381 1051

Email cdothey@gmail.com

SECTION C - ORGANIZATION INFORMATION (IF APPLICABLE)

Organization Name ORGANIZE OHIO

Contact Name CHANTAL DOTHEY OR LARRY BRESLER

Address 3500 LORAIN AVE

City CLEVELAND

ST OH

Zip 44113

Telephone/Mobile Telephone 216 651 2606

Email LBRESLER@ORGANIZEOHIO.ORG

SECTION D - PRIVATE SECURITY FIRM (IF APPLICABLE)

Private Security Firm Name

Contact Name

Address

City

ST

Zip

Telephone/Mobile Telephone

Email

SECTION E - LOCATION INFORMATION

Street number and name FULLID Ave 38th Street

Direction EST to West

Secondary road DOWN TOWN CLEVELAND

City CLEVELAND

ST OH

Zip

Location description

Route Plan and Map attached



Yes



No



CITY OF CLEVELAND
Mayor Frank G. Jackson

APPLICATION
PARADE PERMITS

CITY OF CLEVELAND
DEPARTMENT OF PUBLIC WORKS
Office of Special Events & Marketing
500 Lakeside Avenue
Cleveland, Ohio 44114

Phone: 216.664.2484

Hours of Operation
9:00 am to 4:30 pm Weekdays

SpecialEvents@city.cleveland.oh.us

SECTION F - PARADE INFORMATION

Primary date requested

07/18/16	11 A.M.			A.M.
Primary start time	3 P.M.	Primary end time	3-4	P.M.

Alternate date requested

	A.M.		A.M.
Alternate start time	P.M.	Alternate end time	P.M.

	10 A.M.		A.M.
Set-Up time	11 P.M.	Teardown time	4 PM P.M.

Staging area		1000 -	
Number of intersection crossings		Number of walking participants 5000(?)	
Number of vehicles	1	Cars/Trucks	
		Motorcycles	
		Bicycles	
		Floats	
		Horses	
		Buses	

SECTION G - SOUND AMPLIFICATION EQUIPMENT (IF APPLICABLE)

Please provide a description of any sound amplification equipment to be used in connection with the parade.

MEGA PHONES , WATER

SECTION H - ACKNOWLEDGEMENT

By signing, Applicant acknowledges that they have read and understand Codified Ordinance §411.05, Parade Permits. I certify that the above information I provided is true to the best of my knowledge.

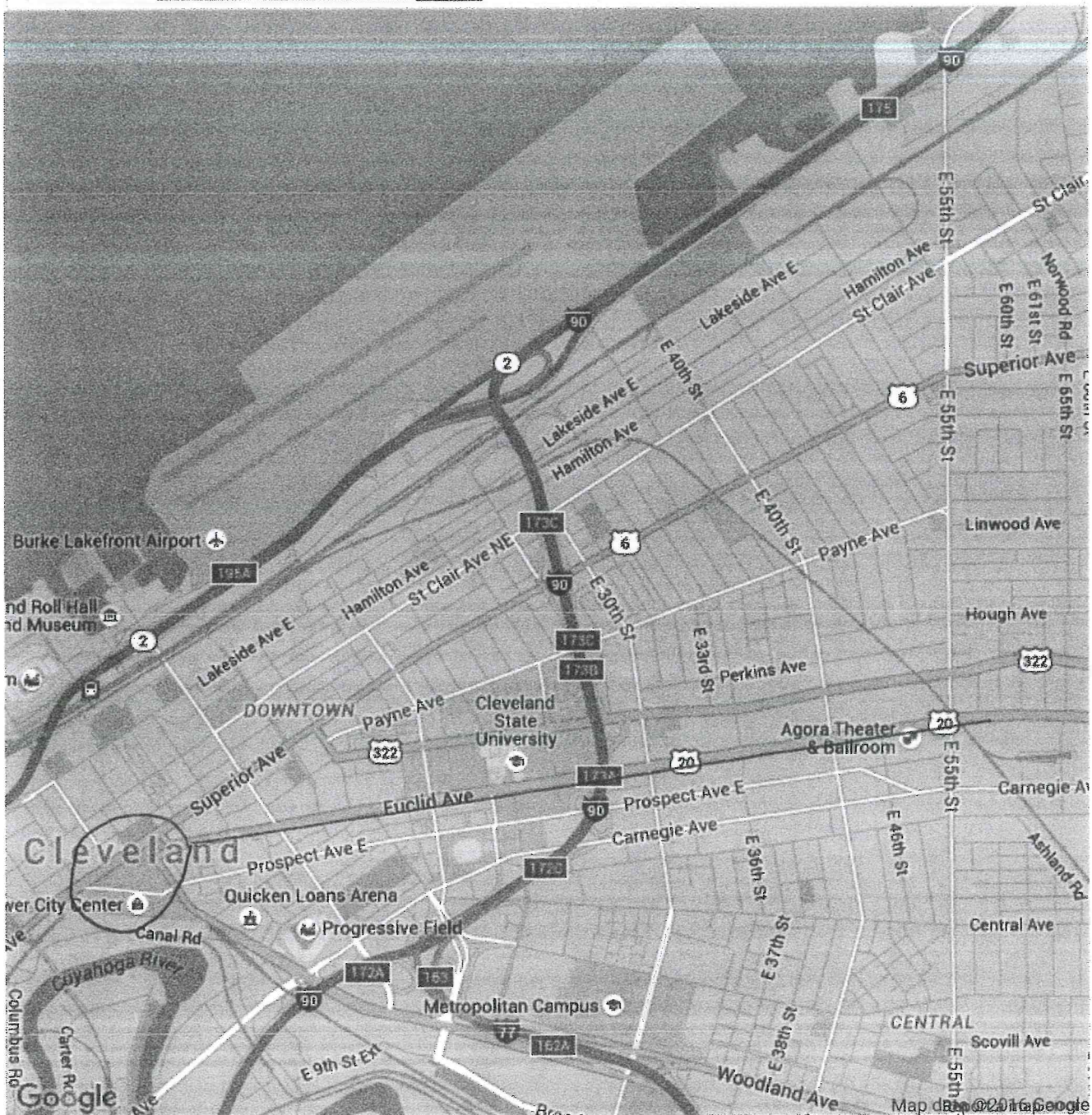
APPLICANT SIGNATURE

CDotley

CHANTAL DOTLEY

216 381 1051

Search Maps



 g Directions for Cleveland



B

Maps and Driving Directions

[Get Directions](#)

DECLARATION OF LAWRENCE BRESLER

(pursuant to 28 U.S.C. § 1746)

I, Lawrence Bresler, hereby declare as follows:

Personal Background

1. I am over the age of 18, and I make this declaration based on my personal knowledge.
2. I am the same Lawrence Bresler of Organize Ohio who filed a declaration previously in this case.

Alternative Parade Route

3. We (Organize Ohio) applied for a parade permit on March 16th, 2016, and then re-submitted the application when directed to by the City of Cleveland on June 1st, 2016. Our parade permit was denied on June 20th, 2016.
4. In our re-application, we applied for the Official Parade Route only because that was the only option made available to us. However, the Official Parade Route is unacceptable to Organize Ohio for purposes of expressing the message we want to convey. The reasons for this are explained in detail in my prior declaration, but are summarized as the following: (a) our need to march near the Hough neighborhood on the 50th anniversary of the Hough riots; (b) our desire to march on the eastside of the city where poverty is most prevalent; and (c) the Official Parade Route's removal from any central area of Cleveland that has people, traffic, commercial areas, houses, or the Republican delegates—the audiences we must reach if we are to do what our march name proclaims, to end poverty now.

5. We did not follow the Official Parade Route when submitting our application on June 1st precisely because the Official Parade Route is unacceptable to our group, as highlighted above.

6. If we cannot use our proposed route, we find the below-listed alternatives acceptable.

We are also willing to discuss any reasonable combination of these proposed routes:

- a. Begin at E 45th St. and Superior Avenue; head east on Superior Avenue; turn south onto E 21st St., turn west onto Prospect Ave E; turn south on E 14th St.; turn west onto Carnegie Ave.; end at Carnegie Ave and Ontario St.
 - b. Begin at E 45th St. and Superior Avenue; head south on E 45th St.; turn west on Payne Avenue; turn south onto E 18th St.; turn west on Carnegie Ave; end at Carnegie Ave and Ontario St.
 - c. Begin at E 45th St. and Superior Avenue; head south on E 45th St.; turn west on Payne Ave.; turn south on E 40th St.; turn west on Chester Avenue; turn south on E 17th St.; turn west onto Prospect Avenue E; turn southwest onto Bolivar Avenue; turn south onto E 9th St.; end at Carnegie Ave and Ontario St.
7. We must begin our march at E 45th St. and Superior Avenue. We have always wanted to begin our march in that region, as it is an eastside location and is near the Hough neighborhood, which has large symbolic significance for our march, as I described in my prior declaration. We have solidified this specific intersection as our rally site. On Monday, June 13, at a planning meeting of 33 persons, our group confirmed that this would be the location from which we would start along with the time of 2:00 pm for the rally followed by the march. Immediately thereafter, publicity started going out by email, social media, and our website.

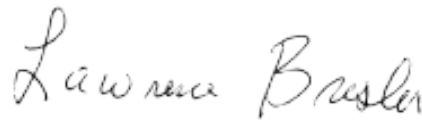
8. Changing the date or time of the march is not feasible at this point in time. We have been advertising the march date since January 2016 to supporters across the nation.

Additionally, we recently ordered 2,000 flyers to be printed, that included the time of the march.

9. The City has not offered me any opportunities to discuss or negotiate about my parade route. My group is flexible in regards to our parade route. Our main constraints on our parade route are those regarding date and time and starting location. We are willing to negotiate other aspects, and would have done so sooner if the City had contacted us.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 22, 2016.

A handwritten signature in cursive script that reads "Lawrence Bresler". The signature is written in dark ink and is positioned above a horizontal line.

Lawrence Bresler

DECLARATION OF TIMOTHY SELATY SR.

(pursuant to 28 U.S.C. § 1746)

I, Timothy Selaty Sr., hereby declare as follows:

Personal Background

1. I am over the age of 18, and I make this declaration based on my personal knowledge.
2. I am the same Timothy Selaty of Citizens for Trump who filed a declaration previously in this case.

Alternative RNC Park Use

3. As stated in my prior declaration, my group Citizens for Trump applied for permits to hold a rally and celebratory parade on April 25, 2016, and reapplied because of the City's new regulations requiring us to on June 1, 2016.
4. In our reapplication we asked for use of Willard Park, because of the City's limitations on which parks are available.
5. Our park for use of Willard Park was denied on June 20, 2016.
6. We prefer to use Voinovich Park as our rally location, as we noted in our original application submitted on April 25th. If using Voinovich is not possible, then we would prefer to use one of the three Malls (Erievue Plaza and the two Malls south of it) for our rally. This would provide the central location that is necessary for us to have a rally of the desired caliber, with attendees of all ages who would need to travel to the rally location, as well as many higher profile guest speakers. We also hope to have our rally relatively near to the starting location of our march, to allow our attendees to arrive at the march in time. (See Paragraph 7 for details on our parade route.)

7. We recognize that these four locations discussed above have been listed as being reserved by the RNC Committee, but we are hopeful that one of these four locations will become available for at least one hour during the first three days of the Convention.
8. If we cannot have the above locations, we would accept the following parks to use for our rally, listed in order of preference: (1) Fort Huntington park, (2) Cardinal Mindszenty Plaza, (3) the park surrounding Settler's Landing RTA Station, or (4) Sterling Park.

Alternative RNC Parade Routes

9. Also in my re-application of June 1, I applied for a time slot on the Official Parade Route because that was our only option. The Official Parade Route is unacceptable for conveying our message, as the majority of it is isolated on a bridge, out of sight and sound from Quicken Loans Arena and our intended audience, the delegates.
10. I propose the following alternative parade routes, all of which we would be happy to use. They are described below, listed in order of preference:
 - a. Begin at Lakeside Avenue E and E 13th St., near Cardinal Mindszenty Plaza; head south on E 13th St.; turn east on Payne Avenue; turn south on E 18th St.; turn west on Carnegie Avenue; turn north on E 9th St.; end at E 9th St. and Erie Ct.
 - b. Begin at Lakeside Avenue E and E 17th St.; head south on E 17th St.; turn west on Prospect Avenue; turn slightly south onto Bolivar Rd.; end at Bolivar Rd. and E 9th St.
 - c. Begin at St. Clair Avenue NE and E 31st St., near Sterling Park; head west on St. Claire Avenue NE; turn south on E 21st St.; turn west on Euclid Avenue; turn south on E 14th St.; turn west on Erie Ct; end at Erie Ct. and E 9th St.

- d. Begin at Robert Jr Lockwood Dr. and W Superior Avenue, near Settlers Landing RTA Station; head east on W Superior Avenue; turn slightly west onto W Huron Rd.; turn slightly south onto Ontario St.; turn east onto Carnegie Avenue; end at Carnegie Avenue and E 9th St.
11. We are willing to be fairly flexible on the date and time of our march and rally. Ideally, we would like to march after our rally. With that said, we are willing to have our parade anywhere from 1 pm to 5pm.
12. We want to have the rally on the 18th but are willing, if necessary, to discuss any date between July 18th and July 20th. However, our lodging has already been booked for July 17-19th and it would be very burdensome to have them adjusted at this point, if not impossible.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 22, 2016.



Timothy Selaty Sr.