UNITED STATES DISTRICT COURT
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.	)	CASE NO. 1:16-CV-01465 JUDGE JAMES S. GWIN **MOTION TO INTERVENE AND TO EXPEDITE**

On June 16, 2016, the Defendants filed a motion to compel the joinder of the Committee on Arrangements for the 2016 Republican National Convention ("COA"). *See* Dkt. No. 9. The COA concedes that Defendants have a right to compel its joinder because the COA has "a vested interest in the outcome of this case." *Id.* at 1.

The COA does not seek to delay the resolution of this time-sensitive litigation. The COA understands that the Court set a June 20, 2016 deadline for Defendants to file their opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction and scheduled a June 23, 2016 hearing on Plaintiffs' Motion. Therefore, the COA is filing this Motion in the alternative to ensure that the Court has timely and relevant information about the merits of this case from the COA. The COA respectfully requests that the Court expedite consideration of Defendants' Motion for Joinder and this Motion for Intervention so that COA's status as a party is determined in advance of the Court's June 23, 2016 hearing.[1]

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[1] The COA understands from Jon J. Pinney, counsel for the Cleveland 2016 Host Committee Inc. ("Host Committee"), that the Host Committee shares COA's desire for an expedited ruling on Defendants' Motion for Joinder.

The COA further requests that the Court grant the Defendants' Motion for Joinder or, in the alternative, grant this Motion for Intervention pursuant to Federal Rule of Civil Procedure 24. In either case, the COA respectfully requests that the Court accept the COA's Memorandum in Opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction that is attached to this Motion as Exhibit A. Should the Court choose intervention as the vehicle, good cause exists to accept this Memorandum in lieu of the pleading required by Federal Rule of Civil Procedure 24(c) and to apply to the COA the same procedural schedule that applies to all other parties in this case.

In support of this Motion, the COA relies on the attached Memorandum of Points and Authorities.

Respectfully submitted,

June 20, 2016

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*Motion for admission *pro hac vice* to be filed

CERTIFICATE OF SERVICE

I hereby certify on this 20th day of June, 2016 that a true and correct copy of the foregoing **Motion to Intervene** was filed electronically. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system.

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UNITED STATES DISTRICT COURT
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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.	)	CASE NO. 1:16-CV-01465 JUDGE JAMES S. GWIN **MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER**

I. INTRODUCTION

Plaintiffs will have unprecedented access to areas within the "Event Zone" surrounding sites for the upcoming 2016 Republican National Convention (the "Convention"). The Event Zone is not, as Plaintiffs argue, an area where demonstrators "will be forbidden from conducting their own constitutionally-protected events." Pl. Br., Dkt. No. 2-1, at 1. Instead, it is an area that the Defendants ("City") decided—in conjunction with security officials, first responders, public works and transportation representatives, and others—requires light regulation in order to mitigate security, traffic congestion, emergency access, and other concerns attendant to the upcoming Convention. *See* Decl. of Jeff. Larson ¶¶ 5-6 (June 20, 2016), attached as Exhibit A ("Larson Decl."). Plaintiffs can exercise their First Amendment rights within the Event Zone, provided they comply with minimal time, place, and manner restrictions that are designed to promote peaceful demonstrations while keeping Cleveland's businesses open, Cleveland's streets clear for traffic and emergency responders, and Cleveland's residents and visitors safe.

The regulations challenged here include some of the least restrictive security measures in the modern age for a national party convention—at a time of great national political discord when security must be of utmost concern. This is because the City must *also* protect the rights of

others—including the rights of each and every delegate, speaker, and Convention guest—to assemble, conduct official party business, and deliberate on the important policy issues affecting the country. To do so, the City needs to provide safe and unimpeded access to the Quicken Loans Arena and other Convention sites. As Plaintiffs concede, "during a presidential nominating convention, . . . the constitutional rights of *every citizen* should be showcased." Pl. Br. at 1 (emphasis added). The Event Zone Regulations seek to do just that. They are justified, reasonable, necessary, and fully consistent with precedent.

Indeed, the City has gone to great lengths to ensure that Plaintiffs have the most opportunities for speech and assembly that are possible considering the complications presented by Cleveland's layout and geography. It has given them access to areas where there will be a strong media presence, including sidewalks and several public parks in the Event Zone, has set aside a major avenue in the Event Zone for parades that runs directly to the south of the Convention Complex, has authorized the installation of public art in certain city parks within the Event Zone, and has agreed to provide, at the City's expense, microphones and sound amplification equipment on a stage in the Event Zone. *See, e.g.*, Compl. Ex. D at § II(a)(10), (13), (h)(4). Plaintiffs agree that the City has provided these opportunities; they simply do not think they are "viable" for what they would like to do. *See, e.g.*, Pl. Br. at 5. The First Amendment, however, does not guarantee Plaintiffs the "best" or most "favored means of communication." *Contributor v. City of Brentwood, Tenn.*, 726 F.3d 861, 865 (6th Cir. 2013). The City has provided Plaintiffs ample opportunities for assembly and communication in the Event Zone and throughout Cleveland. Plaintiffs' request for injunctive relief must be denied.

II. BACKGROUND

The COA was established by the Republican National Committee ("RNC") for the purpose of planning and managing the Republican Party's national quadrennial convention in

Cleveland, Ohio. Larson Decl. ¶ 2. For nearly two years, the COA has worked 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. *Id.* ¶ 3.

Critical to the COA's planning has been the development of an appropriate site plan for the Convention that protects the First Amendment associational and speech rights of all attendees. *Id.* ¶ 4. The COA has worked with interested stakeholders—City officials, State and County officials, the United States Secret Service ("Secret Service"), security personnel, transportation officials, and others—in this collaborative effort. One result is the set of "Event Zone Regulations" that Plaintiffs challenge here. Compl. ¶ 2; *see also id.*, Ex. D.

The City's Event Zone Regulations reflect a careful balance designed to protect the rights of all interested parties during the Convention. In other words, they were issued "to promote and protect the general safety and welfare of the residents of and visitors to the City during the Convention while also allowing persons and organizations to exercise their First Amendment rights to peacefully assemble and parade." *Id.*, Ex. D at 4. And they do so in a way that is more protective of the speech of demonstrators than state and municipal protest restrictions that have been upheld for past national party conventions.

Under the regulations, for example, Plaintiffs can assemble and speak on available public property throughout much of the Event Zone that surrounds the various sites for Convention activities. There are two main exceptions: (1) the "Secure Zone," which will be the secure area required by the Secret Service around the Convention Complex (Plaintiffs do not challenge its size or the limitations associated with it here), and (2) streets in the Event Zone, if the assembly

would "interfere[] with the normal flow or regulation of vehicular or pedestrian traffic upon the streets within the City." *Id.* § II(a)(12), (19).

Plaintiffs claim that they are "forbidden from conducting their own constitutionally-protected events" within the Event Zone, Pl. Br. at 1, but concede that much of the Event Zone is available to them. Plaintiffs acknowledge that they can use "downtown sidewalks," *id.* at 5, can "congregate in . . . downtown parks," *id.* at 8, can use a City-provided speakers platform and amplification equipment, *id.* at 9, and can parade on a route that will provide unobstructed views of the Convention Complex, *id.* at 6; Compl. Ex. G.

Similarly broad opportunities for speech were not available in national party conventions conducted in recent decades. For the 2004 Democratic National Convention, for example, Boston funneled demonstrators into a "designated demonstration zone" that held "no more than 1,000 persons," was circled by two rows of concrete barriers topped with eight-foot chain-link fencing, and surrounded by a semitransparent liquid dispersion mesh fabric. *Coalition to Protest the DNC v. City of Boston*, 327 F. Supp. 2d 61, 66-67 (D. Mass. 2004). For the 2008 Democratic National Convention in Denver, "as little as a small sliver of the [convention] building [wa]s visible" from the end of the approved parade route. *ACLU of Colo. v. City & Cty. of Denver*, 569 F. Supp. 2d 1142, 1158-59 (D. Colo. 2008). And, "[w]ith regard to the . . . Republican and Democratic national conventions in 2000 and 2004, the [district court was] not aware of any march that passed within sight and sound of the conventions' sites." *Coalition to March on the RNC & Stop the War v. City of St. Paul, Minn.*, 557 F. Supp. 2d 1014, 1021 (D. Minn. 2008).

The more restrictive security measures adopted for prior national party conventions have sustained First Amendment challenges. Indeed, ensuring the safety of attendees before, during, and after the Convention's official sessions must be at the forefront of the preparations for the

Convention, which has been designated a National Special Security Event. It is "understood that political conventions are potential terrorist targets," so a City that hosts a convention must be "prepared for the possibility that groups and individuals would engage in criminal conduct that could significantly endanger public safety." *Marcavage v. City of New York*, 689 F.3d 98, 101 (2d Cir. 2012). It also must "be anticipated . . . that some significant portion of the demonstrators, among those who want the closest proximity to delegates or participants, consider assault, even battery, part of the arsenal of expression." *Coalition to March on the RNC*, 557 F. Supp. 2d at 1025-26 (citation omitted). In the past, demonstrators have "squirted liquids such as bleach or urine at delegates or police" and "thrown objects" at "delegates, media, or law enforcement" officials. *Coalition to Protest the DNC*, 327 F. Supp. 2d at 75; *see also id.* at 73 ("the demonstrators at the 2000 [Democratic National Convention] used slingshots to launch numerous projectiles over the security fences at delegates, the [convention site], and law enforcement officers") (internal quotation marks omitted). A host city also is justified in "minimiz[ing] the potential for a blockade" by demonstrators intent on impeding access to convention sites. *Coalition to March on the RNC*, 557 F. Supp. 2d at 1026. In order to safeguard the constitutional rights of convention attendees, there must be plans that protect "the delegates' safe and orderly arrival at and entrance into the arena," *id.*, preserve "a secure space in case an evacuation of the arena is necessary," *id.*, and "ensure unobstructed emergency access into and out of" convention sites, *ACLU of Colo.*, 569 F. Supp. 2d at 1153.

These and other safety concerns apply fully to the upcoming Convention in Cleveland. Larson Decl. ¶¶ 7, 10, 14-15.[1] And they are not the only concerns that the City needed to

[1] *See also, e.g.*, Eric Heisig, *Questions emerge about Republican National Convention security in wake of Orlando mass shooting*, Cleveland.com (June 12, 2016), *available at* http://www.cleveland.com/metro/index.ssf/2016/06/questions_emerge_about_republi.html;

address when adopting its Event Zone Regulations. It also has a strong governmental interest in "keeping downtown [Cleveland] open and functioning." *ACLU of Colo.*, 569 F. Supp. 2d at 1153. This justifies efforts to reduce congestion, gridlock, and bottlenecks on sidewalks and streets so that commuters and residents can reach their destinations. *Marcavage*, 689 F.3d at 101. The City also needs to "ensur[e] a functioning transportation network" for commuters, the media, and Convention attendees. *ACLU of Colo.*, 569 F. Supp. 2d at 1153. And it needs to provide for "emergency vehicle access and evacuation" of businesses and residences near Convention sites. *Coalition to Protest the DNC*, 327 F. Supp. 2d at 70-71. In other words, "the size and significance of the Convention creates unique challenges for the City that require additional regulations to assist in promoting and protecting the general health, safety, and welfare of the residents and visitors of the City during the Convention." Compl. Ex. D at 3.

In addressing each of these concerns, the City went to great lengths to also protect the First Amendment rights of demonstrators by reserving space in public parks for demonstrators, providing sound amplification so their message can travel, and setting aside a dedicated parade route. *See* Compl. Ex. D. The resulting regulations are thus not the most protective regulations that could have been adopted within constitutional bounds to safeguard the security of Convention attendees and ensure that they can travel to and from the Convention site. They nonetheless reflect critically important security measures that are essential to the COA's ability to host a safe and successful national convention. Larson Decl. ¶¶ 7, 10, 14-15.

Catherine Candisky, Mark Ferenchik, & Jim Siegel, *Is Cleveland ready for Republican National Convention? Critics say no*, Columbus Dispatch (June 12, 2016), *available at* http://www.dispatch.com/content/stories/local/2016/06/12/is-cleveland-ready-for-republican-national-convention-critics-say-no.html; Dugald McConnell & Brian Todd, *Cleveland prepares for RNC convention protests*, CNN (May 25, 2016), *available at* http://www.cnn.com/2016/05/25/politics/cleveland-prepares-for-rnc-convention-protests/.

And that Convention is fast approaching—beginning in less than a month. The Plaintiffs' effort to change the site plan now—by, for example, closing streets in the dense downtown area for additional demonstrations—would significantly impact logistical and organizational plans that the COA has made in reliance on the regulations. *Id.* ¶¶ 6, 7, 10. For example, the COA has made arrangements to hold Convention activities in locations other than the Quicken Loans Arena, to provide secure media access to all Convention activity sites, and to bus dignitaries, delegates, and guests to security checkpoints and the Convention Complex. *Id.* ¶¶ 7-9. Any alteration to the Event Zone Regulations at this late date could significantly impact these other arrangements at a time when it may be impossible to fully account for the changed circumstances *and* protect the safety and security of those who seek to peacefully assemble and nominate the next Republican presidential candidate. *Id.* ¶ 10. The careful balance developed by the City, in consultation with security experts, the COA, the Cleveland 2016 Host Committee Inc. ("Host Committee"), and the Plaintiffs' representatives, should be sustained.

III. ARGUMENT

"[An injunction] is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion." *Reid v. Hood*, No. 1:10-cv-2842, 2011 WL 251437, at *2 (N.D. Ohio Jan. 26, 2011) (quoting *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997)). And here, an injunction is particularly "disfavored" because Plaintiffs have launched a facial attack to the constitutionality of the regulations, which is "strong medicine that is not to be casually employed." *Connection Distrib. Co. v. Holder*, 557 F.3d 321, 336 (6th Cir. 2009) (citation omitted).

Under any standard, Plaintiffs cannot receive injunctive relief because they have not established any of the four factors considered in determining whether to grant injunctive relief: "'(1) whether the movant has a strong likelihood of success on the merits; (2) whether the

movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuance of the injunction.'" *Reid*, 2011 WL 251437, at *2 (citation omitted). Each of these factors is next discussed, even though the Court "need not make specific findings on each factor" because "fewer factors dispose of the issue." *Id.* (citation omitted).

A. Plaintiffs Will Not Succeed On The Merits.

Plaintiffs' challenge boils down to their dissatisfaction with the practical limitations associated with hosting an event as large as a national party convention in a city as dense and compact as Cleveland. They would prefer that Cleveland have more streets that could be set aside for demonstrators without impacting "crowd and vehicle control near the actual event." Pl. Br. at 5. They also wish that there were enough streets and parks in Cleveland and that they could be granted exclusive access to monopolize them for extended periods of time. *Id.* at 7-9. But City officials are limited by the geography of the area and the need to provide an equal opportunity to access the available space to all who wish to peacefully assemble in Cleveland. And, in any event, "the First Amendment does not guarantee the right to communicate one's views at all times and places or in any manner." *Prime Media, Inc. v. City of Brentwood, Tenn.*, 398 F.3d 814, 818 (6th Cir. 2005). Time, place, and manner restrictions on speech "are valid provided (1) that they are justified without reference to the content of the regulated speech, (2) that they are narrowly tailored (3) to serve a significant governmental interest, and (4) that they leave open ample alternative channels for communication of the information." *Hucul Adver., LLC v. Charter Twp. of Gaines*, 748 F.3d 273, 276 (6th Cir. 2014) (citation omitted).

Plaintiffs do not dispute that two factors of the test support the City's regulations. *First*, the regulations are content neutral because they apply "without reference to the content of the regulated speech." *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). *Second*, the

regulations serve several substantial governmental interests. "[T]here can be no doubting the substantial governmental interest in the maintenance of security at political conventions." *Marcavage*, 689 F.3d at 105 (citation omitted). They also serve significant interests in "keeping [Cleveland's] public spaces safe and free of congestion," *id.* at 104, "maintaining the flow of pedestrian traffic," and keeping "streets open and available for movement" by residents, Convention attendees, and emergency vehicles, *Coalition to March on the RNC*, 557 F. Supp. 2d at 1025-26 (citations omitted). This case, therefore, turns on whether the City's regulations are narrowly tailored and leave open ample alternative avenues of communication. They easily satisfy each of these requirements.

First, the regulations are narrowly tailored. They "reduce[] a plausible and substantial safety risk, [and therefore] directly and effectively advance[] a substantial government interest." *Marcavage*, 689 F.3d at 105 (citation omitted). The "First Amendment does not require the [City] to create an ideal, or even the least-restrictive, security plan." *ACLU of Colo.*, 569 F. Supp. 2d at 1177. "Rather, the requirement of narrow tailoring is satisfied so long as the regulation promotes a substantial government interest that would be achieved less effectively absent the regulation." *Coalition to March on the RNC*, 557 F. Supp. 2d at 1024 (quoting *Ward*, 491 U.S. at 799). The City's Event Zone Regulations do. By imposing limited conduct and contraband restrictions on areas within the Event Zone, the City has reduced the public safety risks associated with things as innocent as gridlock and as vexing as assault and terrorism. *See, e.g.*, Larson Decl. ¶¶ 7, 14. The City is entitled to a "degree of deference" that its plan is "the most effective means for achieving its security goals." *ACLU of Colo.*, 569 F. Supp. 2d at 1176. Here, even absent deference, the need for, and effectiveness of, the reasonable and limited restrictions in the Event Zone is self-evident.

Plaintiffs argue that the plan is not "narrowly tailored" because it does not "allow *any* group, at *any* time of day, to march *anywhere*, under *any* conditions, throughout the expansive 3.3 square mile Event Zone." Pl. Br. at 4. This is not true. In fact, the City has set aside a major route, with unobstructed views of the Convention complex, for demonstrators to use within the Event Zone. *See* Compl. Exs. D § II(e), G. The designation of an official parade route for use when traffic is less congested is a standard and well-accepted practice for national party conventions. *See, e.g.*, *ACLU of Colorado*, 569 F. Supp. 2d at 1156 ("As many as five parades per day are scheduled on the approved parade route, occurring almost continually from 11:00 a.m. to 2:30 p.m. each day of the Convention."). It mitigates congestion on other streets, allows for focused security efforts, and ensures that demonstrators have their voices heard by Convention attendees before they enter the Convention buildings. *See, e.g.*, *Coalition to March on the RNC*, 557 F. Supp. 2d at 1027 ("[T]he Court is obligated to consider the impact on public resources, traffic flow, and security" from a proposed Convention parade route.). Here, the City has gone farther to accommodate parade activities than did many of the cities that hosted prior national party conventions. It will keep the parade route open for five hours (from 9:00 am to 2:00 p.m.) and will let demonstrators march on sidewalks at all times. *See, e.g.*, Compl. Ex. D at § II(a)(12), (e); *compare Marcavage*, 689 F.3d at 105 (approving decision to "ban[] protesters from occupying a crowded sidewalk").

Moreover, Plaintiffs have not pointed to any feasible narrower alternative. They argue that the City should reduce the size of the Event Zone so that there can be more parade routes. Pl. Br. at 5. But Plaintiffs do not undermine the City's reasonable demarcation of the Event Zone, which accounts for Convention activities that will occur in locations other than the Quicken Loans Arena and for the ripple effect that closing one street has on every other street in

the downtown area. Plaintiffs concede that the Event Zone *should* contain all areas "near the actual event" where "crowd and vehicle control" will be a particularly strong concern. *Id.* And, in any event, Plaintiffs argue that they must be able to parade on streets immediately adjacent to the Convention Complex, *id.* at 7, meaning that their proposal to shrink the outer edges of the Event Zone would not solve the problems that they claim to have.

Plaintiffs next argue that the City should allow marches on one side of a street and reserve the other side for pedestrians and vehicles. *Id.* at 5. This idea, which would require the City to police one lane of traffic and one lane of protestors, is neither feasible nor safe. The City is fully justified in "minimizing the potential for a blockade" of downtown streets by keeping demonstrators separate from vehicles, *Coalition to March on the RNC*, 557 F. Supp. 2d at 1026, particularly considering "concerns that demonstrators may obstruct the streets and refuse to move, thereby hampering the ability of emergency vehicles to access the [Convention Complex] and endangering the evaluation plan," *ACLU of Colo.*, 569 F. Supp. 2d at 1179.

Plaintiffs' third idea is to allow parades on streets in the Event Zone that are not "vital to traffic" at times "when vehicle and pedestrian movement are not at their peak." Pl. Br. at 5. There are no such streets or times in the Event Zone during the Convention—but the City has nonetheless reserved a main route in the Event Zone for demonstrators to use. *See* Compl. Ex. D § II(e). Plaintiffs fail to identify any other streets or times that will not be congested or "vital to traffic" during the Convention. Instead, they have requested particularly problematic parade routes and times. Their permit requests seek to tie up busy downtown streets (Euclid Avenue and East Ninth Street) at times when Convention attendees and media personnel need to travel to Convention sites for the Convention's daily sessions and activities. *See, e.g.*, Compl. ¶¶ 21, 22; Larson Decl. ¶¶ 8-9. The streets they have selected (one of which holds the Healthline) raise

additional problems under the COA's transportation and media plans. *Id.* ¶ 10. In other words, the "requested parade [routes] would inherently disrupt an already overburdened downtown traffic grid," making it "difficult to see how the Defendants' decision to deny the requested [parade routes] could be more narrowly tailored." *ACLU of Colo.*, 569 F. Supp. 2d at 1188.

Second, there are ample alternate avenues for communication which require the denial of Plaintiffs' request for injunctive relief. In addition to the designated parade route, which will provide unobstructed views of the Convention Complex, demonstrators can, for example:

- use sidewalks and several parks within the Event Zone, including Public Square, Willard Park, and Perk Plaza. *See* Compl. Ex. D § II(a)(11), (g), (h); *see also ACLU of Colo.*, 569 F. Supp. 2d at 1188 (finding that marching on sidewalks instead of streets would not diminish group's message).

- reserve exclusive use of sound amplification equipment in Public Square, located just two blocks from the Quicken Loans Arena, in thirty-minute increments between 9:30 am and 6:30 pm. *See* Compl. Ex. D § II(h); *see also Marcavage*, 689 F.3d at 107 ("The zone was equipped with a stage and sound amplification equipment."); *Coalition to March on the RNC*, 557 F. Supp. 2d at 1029 ("The City expects to place a stage with audio equipment in the public viewing area.").

- reserve exclusive use of space in Willard Park and Perk Plaza for public art and installations. *See* Compl. Ex. D § II(g).

- use megaphones, bullhorns, and portable battery-operated sound amplification devices. *See* Compl. Ex. D § II(a)(21); *see also ACLU of Colo.*, 569 F. Supp. 2d at 1154 ("[A]nyone entering the Zone may bring a bullhorn").

- "engage in speech, assembly, leafletting, [and] other forms of First Amendment activity at and around . . . hotels." *Id.* at 1160.

- use all traditional public fora outside the Event Zone. *See ACLU of Colo.*, 569 F. Supp. 2d at 1160 ("traditional public fora in the city will remain open and available to those wishing to express themselves . . . subject only to generally applicable state laws and city ordinances."); *Coalition to March on the RNC*, 557 F. Supp. 2d at 1030 ("the Coalition is free to use public spaces throughout the Twin Cities to communicate its message."); and

- "avail themselves of the myriad of traditional media channels that exist to disseminate [political speech] (*e.g.* local radio, television, newspapers, the Internet), as well as the presence of thousands of outside media

> representatives coming to [the city] to cover all of the aspects of the Convention." *ACLU of Colo.*, 569 F. Supp. 2d at 1184; *see also Bl(a)ck Tea Soc'y v. City of Boston*, 378 F.3d 8, 14 (1st Cir. 2004) ("At a high-profile event, such as the Convention, messages expressed beyond the first-hand sight and sound of the delegates nonetheless have a propensity to reach the delegates through television, radio, the press, the internet, and other outlets.").

In other words, the City has provided Plaintiffs with *more* opportunities for speech and assembly than were afforded by cities that hosted past national party conventions in compliance with the First Amendment.

Plaintiffs do not think that these opportunities are viable, convenient, or preferred. They describe the right to reserve parade time as "impractical," Pl. Br. at 7, argue that park space may be "scarce compared to the number of likely visitors and speakers," *id.* at 8, claim that it will be logistically difficult to assemble if they cannot claim exclusive access to additional park or street space, *id.* at 9-10, and suggest that their speech rights require soapboxes and items designated as contraband (like rope and glass bottles), *id.* at 9, 13-14. These arguments fail to create any question about the legitimacy of the City's plan.

The First Amendment "does not guarantee [Plaintiffs] access to every or even the best channels or locations for their expression." *Marcavage*, 689 F.3d at 107 (citation omitted). It calls for alternatives—not for "perfect substitutes for those channels denied to plaintiffs by the regulation." *Id.* And it requires a "practical recognition of the facts." *Id.* at 108 (citation omitted). Here, the City has accommodated the rights of the many residents, visitors, and demonstrators expected in its dense downtown for the Convention scheduled to start in less than a month. Its plan provides demonstrators unprecedented access to areas where Convention attendees will stay, dine, travel, and attend official Convention sessions and other events. The City's plan will not infringe the Plaintiffs' First Amendment rights. Injunctive relief must be denied for this reason alone.

B. Plaintiffs Will Not Suffer Irreparable Injury Absent An Injunction.

Injunctive relief also must be denied because plaintiffs will not suffer irreparable harm in its absence given they have "fail[ed] to demonstrate a strong likelihood of success on the merits." *O'Toole v. O'Connor*, 802 F.3d 783, 792 (6th Cir. 2015); *see also Platt v. Bd. of Comm'rs on Grievances & Discipline of Ohio Supreme Court*, 769 F.3d 447, 455 (6th Cir. 2014) ("[Plaintiff] has not shown irreparable harm, largely because he has not demonstrated a strong likelihood of success on the merits.").

Moreover, it is not even clear that an injunction would provide Plaintiffs the rights that they seek. The City's generally applicable regulations allow the City to deny permit requests where a proposed parade may "unreasonably interfere with the safe and expeditious movement of pedestrian and vehicular traffic," "unreasonably disrupt the use of a street when it is usually subject to significant traffic congestion," "present an unreasonable danger to the health or safety of the parade participants or other members of the public," "require the diversion of so great a number of City police officers to properly police the line of movement and contiguous areas as to prevent normal police protection within the City," or "unreasonably interfere with the movement of police vehicles, fire-fighting equipment, or ambulance service to other areas of the City." Compl. Ex. A § 411.05(e). Thus, even without the Event Zone Regulations, the City would have ample reason to deny Plaintiffs' requests to close busy downtown streets (Euclid Avenue and East Ninth Street) at times when the City is most congested.

C. The COA Will Be Substantially Harmed If An Injunction Is Granted.

Injunctive relief is particularly inappropriate here because the COA, and others, will be substantially harmed if it is granted. For nearly two years, the COA has worked with the City and others to establish a comprehensive logistical plan for the Convention. Larson Decl. ¶ 4. Among other things, it has planned transportation routes for dignitaries, delegates, media

personnel, and other attendees, arranged for Convention-related political events throughout the downtown area, planned for security checkpoints near the Convention Complex, worked to preserve emergency vehicle access to all Convention sites, and otherwise made detailed plans to handle the movement of Convention attendees in Cleveland. *Id.* ¶ 5. Like a complicated puzzle, changing one piece of the plan—such as the location of a parade route—will have a ripple effect that requires the COA to reconsider and adjust other plans, which could prove to be practically impossible. *Id.* ¶ 6. The injunction that Plaintiffs seek would thus impose substantial harm on the COA and others by throwing so many carefully thought-out and negotiated plans into disarray at the last minute. *Id.* ¶¶ 6, 10. With less than a month left before Convention attendees begin to arrive in Cleveland, the City's Event Zone Regulations should not be changed.

D. A Preliminary Injunction Will Not Serve The Public Interest.

For similar reasons, the requested injunction is not in the public interest. The Event Zone regulations reflect a careful balance that was designed to protect everyone's rights in the limited space available in downtown Cleveland—they seek to create a safe and peaceful area where businesses and restaurants can remain open and unhindered, commuters can travel to and from work, demonstrators can be heard, first responders can perform their jobs, and Convention attendees can participate in the Republican Party's quadrennial Convention in a safe and peaceful manner and also enjoy the many benefits that Cleveland has to offer. The Court should reject Plaintiffs' request to upset this careful balance now. The public interest will be served by maintaining the stability of the City's plan—and all other plans made in reliance on it—during these final days of Convention preparation.

IV. CONCLUSION

For the foregoing reasons, the Court should deny Plaintiffs' requests for temporary and preliminary injunctive relief.

Respectfully submitted,

June 20, 2016

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*Motion for admission *pro hac vice* to be filed

CERTIFICATE OF SERVICE

I hereby certify on this 20th day of June, 2016 that a true and correct copy of the foregoing **Memorandum of Points and Authorities in Opposition to Motion for Preliminary Injunction and Temporary Restraining Order** was filed electronically. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system.

/s/ Dan L. Makee
DAN L. MAKEE (0029602)

An Attorney for Committee on Arrangements

UNITED STATES DISTRICT COURT
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.	)	CASE NO. 1:16-CV-01465 JUDGE JAMES S. GWIN **DECLARATION OF JEFF LARSON** pursuant to 28 U.S.C. § 1746

I, Jeff Larson, declare under penalty of perjury the following to be a true and correct statement of facts:

1. My name is Jeff Larson. I am making this Declaration to support the opposition of the Committee on Arrangements for the 2016 Republican National Convention ("COA") to the Plaintiffs' request for preliminary injunctive relief in the above-captioned matter. I am over the age of eighteen and am competent to testify to the facts stated herein. I have personal knowledge of the facts stated herein and they are all true and correct to the best of my knowledge and belief.

2. I am currently the Chief Executive Officer of the COA. The COA was established by the Republican National Committee ("RNC") for the purpose of planning and managing the Republican Party's 2016 Republican National Convention ("Convention"). The RNC is an unincorporated association created by *The Rules of the Republican Party* adopted by the 2012 Republican National Convention in Tampa, Florida. The RNC is a political committee that is registered with the Federal Election Commission.

3. The COA's mission is to ensure that the Convention is successful and conducted in a safe and peaceful manner so that members, delegates, and guests can gather as the Republican Party adopts its platform and rules, delegates nominate the Republican Party's Presidential candidate, and attendees discuss important policy issues.

4. For nearly two years, the COA has worked in close partnership with the City of Cleveland ("City") and the Cleveland 2016 Host Committee Inc. ("Host Committee") to establish a site plan for the Convention. In formulating the site plan, the City has also worked with a variety of stakeholders, including Plaintiffs' representatives, City officials, County officials, State officials, the United States Secret Service, other security personnel, public works and transportation officials, and others.

5. Pursuant to its mandate to plan and manage a safe and successful Convention, the COA has a comprehensive logistical plan for the Convention. The COA has secured hotel rooms for delegates and other attendees; planned transportation routes for delegates, media personnel, and other attendees throughout the downtown area; arranged for Convention-related political events throughout the downtown area; assisted with planning for security checkpoints around the Secure Zone of the Convention; ensured that there is emergency vehicle access to the Convention area as well as an evacuation route out of it; and made detailed plans for handling the movement of people around the Convention area.

6. The COA has made these arrangements in reliance on the site plan developed in partnership with the City and the Host Committee. Any changes to the City's regulations governing the Event Zone could significantly impact the political, organizational, and

structural plans that COA has made for the Convention in reliance on the City's regulations and site plan.

7. The COA has made it a priority to assure that road closures in the area surrounding Quicken Loans Arena do not interrupt regular traffic flow in the downtown area. This is necessary to assure that there is emergency vehicle access to the Convention area and that chartered buses can shuttle attendees between the Convention complex and hotels and other sites. It is also necessary to ensure that Convention delegates and members of the media are able to get into and out of the Convention area safely and securely.

8. The parade route and time for which Organize Ohio seeks a permit would require a significant readjustment of COA's logistical and security plans. I understand that Organize Ohio has applied for a permit to march east to west on Euclid Avenue from 11:00 am until 4:00 pm on Monday July 18, ending at Tower City. This is not a feasible plan. Keeping Euclid Avenue clear for regular traffic flow and the Greater Cleveland Regional Transit Authority's Healthline service is necessary to prevent gridlock in the downtown area before, during and after the Convention's daily official Convention sessions. Euclid Avenue also needs to remain clear under the COA's current plan for media transportation to and from Convention sites. Additionally, the proposed route would require the closure of several major cross-streets, further interrupting traffic flow downtown, and ends just one block from the Quicken Loans Arena during time periods when Convention attendees will need to approach security checkpoints, pass through magnetometers, and attend official Convention sessions. The proposed parade would thus require a substantial last-minute adjustment of the COA's logistical plans.

9. Similarly, I understand that Citizens for Trump wants to parade down East 9th Street from 11:00 am until 5:00 pm on Monday, July 18, ending at the Quicken Loans Arena. This is also not a feasible plan. Allowing a street parade down a major downtown artery will require additional street closures and will severely disrupt traffic flow during time periods when Convention attendees are en route to the official Convention sessions. Additionally, East 9th Street needs to remain clear under the COA's current plan for media transportation to and from Convention sites.

10. Any additional downtown street closures during Convention week are also likely to require the COA to reevaluate and adjust its emergency vehicle access plan and its transportation plan. Even parades earlier in the day will have lingering effects on traffic and the efforts of the COA to implement its security and transportation plans in the afternoon when official Convention meetings and activities are scheduled. It is not clear whether such adjustments are feasible, and the COA believes last-minute changes to its comprehensive security and logistical plans could threaten its ability to conduct a successful and safe Convention.

11. All parties involved in the planning process were aware of the regulations and restrictions in effect during previous national party conventions and considered them in developing the regulations that would govern this Convention. The COA encouraged the City to look to those prior plans. Ultimately, the City adopted less restrictive regulations than have governed past national party conventions. For example, the City's designated parade route, which includes the intersection of Carnegie Avenue and Ontario Street, runs directly by the Convention complex and Convention attendees. It will place

demonstrators in much closer proximity to the Convention complex than has been possible for prior conventions.

12. The parade route designated by the City will include unobstructed views of the Quicken Loans Arena. There will also be unobstructed views of the parade route from the Convention complex, including a reserved media area. Media outlets will have access to the rooftop of the Gateway East Parking Garage from which they can film and broadcast demonstrations as they parade over Hope Memorial Bridge on Carnegie Avenue. Given that, the COA has no doubt that parade participants will be able to broadcast their message to a wide national and even international audience.

13. The COA recognized during its discussions with the City and the Host Committee that the downtown area has a limited number of public parks and that these spaces would have to be allocated accordingly. For example, I understand that Citizens for Trump sought permission to use Voinovich Park. It is not available because it is set aside for Convention events and activities. The COA, however, does not oppose the City's plan to designate Public Square, Willard Park, and Perk Plaza as parks open to the public. Public Square is just two blocks from the Quicken Loans Arena in the heart of downtown Cleveland. In advance of the Convention, Demonstrators can reserve the right to use a Speakers Platform in Public Square that is being provided by the City along with sound amplification equipment. Similar arrangements have been considered to be a meaningful way for demonstrators to broadcast their message at past national party conventions, and the same will be true in Cleveland. Demonstrators will be able to broadcast their messages to Convention attendees as they travel through the downtown area, attend events in the Public Square area, and use hotels, businesses, and restaurants nearby. They

will also be able to reach the significant media presence that the COA anticipates in areas in and around Public Square.

14. The restrictions on the objects that may be brought into the Event Zone are critical to the safety of all people in the Event Zone. The regulations provide for substantial pedestrian access to areas around the Convention complex. In order to maintain this amount of access while still protecting the safety of Convention attendees, delegates, and others, it is necessary to restrict people from carrying dangerous items throughout the Event Zone.

15. The COA's first priority is the safety of the Convention's attendees and citizens of Cleveland. The recent attacks against soft targets in San Bernardino and Orlando underscore the importance of taking substantial and comprehensive security measures to protect the safety and well-being of all Convention attendees. Additionally, protesters in several major cities have recently targeted the supporters of presumptive Republican nominee Donald J. Trump, committing violent acts that resulted in serious injuries to supporters. It is therefore of the utmost importance to the COA that, during Convention week, any item that could be used as a weapon be prohibited in the Event Zone.

Jeff Larson, CEO
Committee on Arrangements

UNITED STATES DISTRICT COURT
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.	)	CASE NO. 1:16-CV-01465 JUDGE JAMES S. GWIN **PROPOSED ORDER**

[PROPOSED] ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Upon consideration of the parties' memoranda and other materials submitted in support of and in opposition to the Plaintiffs' motion for a temporary restraining order and preliminary injunction,

IT IS HEREBY ORDERED that Plaintiffs' motion for a temporary restraining order and preliminary injunction is **DENIED**.

DATED: _____

_____

James S. Gwin
United States District Judge

UNITED STATES DISTRICT COURT
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.	)	CASE NO. 1:16-CV-01465 JUDGE JAMES S. GWIN **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO INTERVENE AND TO EXPEDITE**

I. INTRODUCTION

On June 16, 2016, the Defendants filed a motion to compel the joinder of the Committee on Arrangements for the 2016 Republican National Convention ("COA"). *See* Dkt. No. 9. The COA concedes that Defendants have a right to compel its joinder because the COA has "a vested interest in the outcome of this case." *Id.* at 1. This case is time-sensitive and the COA does not seek to delay its resolution. The COA is therefore seeking intervention in the alternative to ensure that the Court receives timely information from the COA about the merits of this case in accordance with the briefing schedule that the Court set on June 14, 2016 and in time to permit the COA to participate as a party at the June 23, 2016 hearing. The COA requests that the Court either grant Defendants' Motion for Joinder or the COA's Motion for Intervention on an expedited basis.[1] Either way, the Court should accept for filing the COA's Memorandum in Opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction

[1] The COA understands from Jon J. Pinney, counsel for the Cleveland 2016 Host Committee Inc. ("Host Committee"), that the Host Committee shares COA's desire for an expedited ruling on Defendants' Motion for Joinder.

(the COA's "Preliminary Injunction Opposition") so that it can consider the COA's timely defense of the City of Cleveland's ("City") regulations.

II. BACKGROUND

The Defendants correctly concluded that the COA has an interest in this litigation. The COA was established by the Republican National Committee ("RNC") for the purpose of planning and managing the 2016 Republican National Convention ("Convention"). *See* Rules of the Republican Party at Rule 10(a)(5), *available at* www.gop.com/rules-and-resolutions/. As a result, for nearly two years, it has worked to ensure that the upcoming Convention is a safe, welcoming, and effective political forum for the Republican Party to adopt its platform and rules, for delegates to nominate the next Republican Party Presidential candidate, and for members, delegates, and guests to discuss important policy issues affecting the country.

Critical to the COA's planning has been the development of an appropriate site plan for the Convention that protects the First Amendment associational and speech rights of all attendees. The COA has worked with interested stakeholders—including City officials, State and County officials, United States Secret Service, security personnel, transportation officials, and others—in this collaborative effort. One result is the set of "Event Zone Regulations" that the Plaintiffs challenge, which designate specific times and areas for protest activities and speech during the Convention within the "Event Zone"—the area of Cleveland that the City has decided requires light regulation in order to mitigate security, traffic congestion, emergency access, and other concerns attendant to the Convention. While the Event Zone Regulations are not the most protective regulations that could have been adopted to safeguard the security of Convention attendees and ensure that they can travel to and from the far smaller "Secure Zone" that will closely surround Convention sites, they reflect critically important measures that are essential to the COA's ability to host a safe and successful national Convention.

The COA, therefore, has significant and unique interests in preserving the Event Zone Regulations. It should either be joined in this litigation or granted intervention, and its viewpoint—set forth in its Preliminary Injunction Opposition—should be considered before any action is taken on Plaintiffs' unfounded request for injunctive relief.

III. ARGUMENT

A. Intervention As Of Right Is Warranted.

Federal law favors intervention because "a lawsuit often is not merely a private fight," but "will have implications on those not named as parties." *Mich. State AFL-CIO v. Miller*, 103 F.3d 1240, 1245 (6th Cir. 1997) (citation omitted). The Sixth Circuit, therefore, requires that the intervention rule be "broadly construed in favor of potential intervenors." *Purnell v. City of Akron*, 925 F.2d 941, 950 (6th Cir. 1991) (citation omitted). A potential intervenor may intervene as a matter of right if (1) it timely filed the motion to intervene, (2) it has "a substantial legal interest in the subject matter of the case," (3) its "ability to protect that interest may be impaired in the absence of intervention," and (4) "the parties already before the court may not adequately represent [its] interest." *Grutter v. Bollinger*, 188 F.3d 394, 397-98 (6th Cir. 1999). "Close cases should be resolved in favor of recognizing an interest under Rule 24(a)." *Id.* at 399 (citation omitted).

Each factor is easily satisfied here. *First*, the motion is timely. The case was filed less than a week ago and the COA's joinder was sought by the Defendants just days ago. The COA is now filing its opposition to Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction, so that the COA's addition to the case will not slow the Court's consideration of the merits.

Second, the COA has a "substantial legal interest in the subject matter of this case." *See Grutter*, 188 F.3d at 399. The Sixth Circuit "has opted for a rather expansive notion of the

interest sufficient to invoke intervention of right." *Mich. State AFL-CIO*, 103 F.3d at 1245. But under any standard, substantial interests of the COA are at stake in this case. The COA has been charged with planning and managing a safe and successful Convention, *see* Rules of the Republican Party at Rule 10(a)(5), and has been "a vital participant in the political process that resulted in" the regulations adopted to promote and protect safety during the upcoming Convention, *Mich. State AFL-CIO*, 103 F.3d at 1247. This gives the COA a "substantial interest" that justifies its intervention. *See id.*

The COA also has a substantial interest in protecting the associational and speech rights of its members, who are officers and members of the RNC. *See* Rules of the Republican Party at Rule 10(a)(5). The City's regulations seek to protect these rights by ensuring safe and unimpeded access to the Quicken Loans Arena and other Convention sites by attendees, members of the media, and emergency responders. The COA has a "substantial interest" in defending that site plan—particularly because the COA's political activities during the Convention will be governed by it. *See Mich. State AFL–CIO*, 103 F.3d at 1247. Indeed, any alteration to the Event Zone Regulations will have a substantial impact on other arrangements made by the COA in reliance on them—including plans for Convention events (in addition to the official Convention sessions), security checkpoints, transportation plans, and media access. The COA thus has a substantial interest in "maintaining" the current plan in the final days before the Convention. *See Grutter*, 188 F.3d at 398.

Third, the COA's ability to protect its interests "may be impaired in the absence of intervention." *See id.* With the Convention less than a month away, the COA "may lose the opportunity" to protect its interests in enforcement of the current plan if it is not given leave to

intervene here. *Mich. State AFL–CIO*, 103 F.3d at 1247. The "time-sensitive nature of [this] case" is thus sufficient to justify intervention. *Id.*

Finally, the COA's interests may not be adequately represented by the parties in this case, which is all that is required to meet the "minimal" burden required for intervention. *See Grutter*, 188 F.3d at 399. The COA has a unique political interest in preserving the security, transportation, and media plans that it has developed in reliance on the City's Event Zone Regulations. And the COA has a singular focus on staging a successful Convention and ensuring the safety, speech, and free association of its members and all attendees at the Convention. The City has distinct and broader civic and commercial interests that it has sought to balance in adopting the regulations at issue here. There is, therefore, "a *potential* for inadequate representation" of the COA's interests by the City. *Grutter*, 188 F.3d at 400; *see also Ne. Ohio Coal. for Homeless & Serv. Employees Int'l Union, Local 1199 v. Blackwell*, 467 F.3d 999, 1008 (6th Cir. 2006). If not joined pursuant to the Defendants' Motion, the COA should be granted leave to intervene as a matter of right to present its own reasons why the City's regulations are necessary and fully defensible under the law.

B. Alternatively, Permissive Intervention Is Warranted.

The COA also qualifies for permissive intervention under Rule 24(b). Permissive intervention is appropriate where "the motion for intervention is timely and there is at least one common question of law or fact." *Mich. State AFL-CIO*, 103 F.3d at 1248. The Court must also "consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

The COA satisfies this standard for the same reasons detailed above. Its motion is timely and cannot "unduly delay or prejudice" this case because it has been filed so quickly on the heels of the Complaint—and in accordance with the deadline set by the Court for papers defending the

City's regulations on the merits. And the COA's arguments that the City's Event Zone Regulations are lawful, justified, and vitally needed to provide for a safe and successful Convention share common questions of law and fact with the main case. Permissive intervention is, therefore, also appropriate. *Suhar v. New Hampshire Ins. Co.*, No. 4:08-CV-2280, 2009 WL 1314758, at *4 (N.D. Ohio May 11, 2009); *see also, e.g., U.S. Sec. & Exch. Comm'n v. Abdallah*, 313 F.R.D. 59, 62-64 (N.D. Ohio Feb. 2, 2016); *CSX Transp., Inc. v. Taylor*, No. 4:12-CV-2111, 2013 WL 4786000, at *1 (N.D. Ohio Sept. 6, 2013).

C. The Court Should Accept The COA's Preliminary Injunction Opposition.

Regardless of whether the Court grants Defendants' Motion for Joinder, or this Motion for Intervention, it should accept for filing the COA's Preliminary Injunction Opposition so that it has a more complete record to resolve the merits of Plaintiffs' request for injunctive relief. Should the Court choose intervention as the vehicle, good cause exists to accept the COA's Preliminary Injunction Opposition in lieu of the pleading required by Federal Rule of Civil Procedure 24(c).

Rule 24(c) states that a motion to intervene should "be accompanied by a pleading that sets out the claim or defense for which intervention is sought." Plaintiffs' 24-page Complaint, however, was filed less than a week ago with ten exhibits and a motion for injunctive relief. The Complaint involves highly time-sensitive claims about a national party convention that has been designated a National Special Security Event ("NSSE") and is scheduled to begin in less than a month. In apparent recognition of these time constraints, the Court set June 20, 2016 as the deadline for Defendants' opposition to the Plaintiffs' motion and June 23, 2016 as the date for a hearing on the motion.

In these circumstances, good cause exists to expedite consideration of Defendants' Motion for Joinder, or this Motion for Intervention, in advance of the June 23, 2016 hearing, to

accept the COA's Preliminary Injunction Opposition as a substitute for the Rule 24(c) pleading requirement, and to postpone the COA's obligation to file a responsive pleading until the date on which the Defendants' responsive pleading is due. This will allow the Court and the parties to benefit from the COA's intervention at the earliest possible opportunity.

The Sixth Circuit has adopted a "permissive approach" to the Rule 24(c) pleading requirement. *Providence Baptist Church v. Hillandale Comm., Ltd.*, 425 F.3d 309, 314-15 (6th Cir. 2005). As a result, it is an abuse of discretion to reject a motion to intervene because of the absence of a pleading where "the parties are clearly on notice as to [the proposed intervenor]'s position and arguments." *Id.* at 314. The purpose of the pleading requirement "is to put the litigants, the court, and the world on notice about what is claimed," something that can be "accomplished . . . through [a] motion to intervene." *Rebel8 Inc. v. Bajie Zhu*, No. 15-cv-5469, 2015 WL 6123575, at *1 (N.D. Ill. Oct. 16, 2015). Here, the COA has provided more; it has offered its position on the merits of Plaintiffs' claim for injunctive relief.

There is, therefore, good cause to grant the COA intervention at this earliest possible opportunity, to accept the COA's Preliminary Injunction Opposition, and to apply to the COA the same procedural schedule that applies to all other parties in this case.

IV. CONCLUSION

For the foregoing reasons, the COA should be added to this case in an expedited fashion pursuant to either the Defendants' Motion for Joinder or this Motion for Intervention, and the COA's Preliminary Injunction Opposition accepted for filing in accordance with the Court's preexisting briefing schedule.

Respectfully submitted,

June 20, 2016

/s/ Dan L. Makee

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