UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

CITIZENS FOR TRUMP,	)	
	)	
NORTHEAST OHIO COALITION FOR THE HOMELESS, and	)	
	)	
ORGANIZE OHIO,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.:
	)	
CITY OF CLEVELAND,	)	
	)	
Defendant.	)	
	)	

MEMORANDUM IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER

Cleveland officials have decreed that the right of individuals and groups to engage in activities unambiguously protected by the First Amendment—parades, marches, and even speaking on soapboxes—will be severely curtailed in the heart of the city and beyond during the upcoming Republican National Convention. The City inappropriately labels the restricted area as the "Event Zone," when in reality it consists of a sprawling 3.3 square mile area that extends far beyond the Convention "event" to encompass huge swaths of the city in which Plaintiffs and others will be forbidden from conducting their own constitutionally-protected events. The City's draconian and arbitrary restrictions apply for the duration of the Convention, effectively precluding Plaintiffs and thousands of others from making their individual and collective voices heard. This is unacceptable at any time, but it is especially offensive during a presidential nominating convention, a time in event in which the constitutional rights of every citizen should be showcased rather than suppressed.

Plaintiffs seek injunctive relief requiring the City to narrow its vast prohibitions on First Amendment activity during the RNC to constitutionally permissible parameters. Specifically, the City should be required to (1) reduce the size of its massive, arbitrarily drawn Event Zone to a narrowly tailored area where Convention-related concerns justify the imposition; (2) eliminate all unjustified restrictions on First Amendment activities within the Event Zone; and (3) take immediate action to process the permit applications submitted to the City for First Amendment activity during the Convention.

Statement of Facts

Plaintiffs incorporate the facts alleged in their Complaint as if fully rewritten herein.

Standard of Review

Courts typically consider four factors when adjudicating a motion for preliminary injunction: 1) whether the plaintiff shows a substantial likelihood of success on the merits; 2) whether the plaintiff will suffer irreparable injury without the injunction; 3) whether issuing the preliminary injunction would cause substantial harm to others; and 4) whether issuing the preliminary injunction would serve the public interest. *See Newsom v. Norris*, 888 F.2d 371, 373 (6th Cir. 1989) (citation omitted).

Argument

I. The City's restrictions on First Amendment activity are unconstitutional because they are not narrowly tailored and provide insufficient alternatives for protected expression.

"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) (quotation omitted). The government bears the burden to prove that content-neutral burdens on expressive activities are narrowly tailored to further significant

governmental interests while leaving open ample alternatives to communicate with the intended audience. *Id*. at 2534. "A statute is narrowly tailored if it targets and eliminates no more than the exact source of the 'evil' it seeks to remedy." *Frisby v. Schultz*, 487 U.S. 474, 485 (1988). "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." *McCullen,* 134 S.Ct at 2540; *see also Reynolds v. Middleton*, 779 F.3d 222, 231 (4th Cir. 2015) ("As the Court explained in *McCullen*, … the burden of proving narrow tailoring requires the [government] to *prove* that it actually *tried* other methods to address the problem." (emphasis in original)).

A. The City's regulations ban a vast amount of protected speech across an arbitrarily large area, and are not narrowly tailored.

The swath of territory designated as the "Event Zone" in the City's Regulations sprawls across more than 3.3 square miles of real estate throughout downtown Cleveland and beyond. *See* City of Cleveland Resolution No. 8 ("Res.") §II(a)(9). Parades are banned in the Zone except for a single, isolated route that unduly constrains marchers' expressive activities to walking over an otherwise closed bridge at the very edge of the Zone, Res. §§II(a)(10), II(c). Such a broad ban on group expression falls well short of the City's First Amendment obligations by substantially and arbitrarily burdening a range of expressive activity without any hint of tailoring or leaving sufficient alternatives.

Citizens for Trump and Organize Ohio will have traveled to Cleveland to make their voices heard. *See* Declaration of Tim Selaty ("Selaty Decl.") ¶27; Declaration of Larry Bresler ("Bresler Decl.") ¶14-15. Yet the City's regulations prohibit them from "parading" <u>anywhere</u> in the Zone unless the City approves their applications for a 50-minute slot on the parade route along the very edge of the Zone. Res § II (c); (d); (t).

To justify its ban on parades, the City points to "large crowds and vehicular traffic." Res. § II(t). Assuming these constitute significant government interests, the City's refusal to allow *any* group, at *any* time of day, to march *anywhere*, under *any* conditions, throughout the expansive 3.3 square mile Zone, is the opposite of narrowly tailoring based on these government interests. Opting for an absolute geographic ban rather than a tailored approach, the City has failed "to consider other important factors, such as pedestrian and vehicle traffic patterns on the surrounding sidewalks and roadways." *Cutting v. City of Portland, Maine*, 802 F.3d 79, 88 (1st Cir. 2015); *see also Reynolds v. Middleton*, 779 F.3d 222, 231 (4th Cir. 2015) (finding City failed to prove narrow tailoring when its ban on solicitation failed to consider "location or traffic volume"); *International Action Center v. City of New York*, 587 F.3d 521, 528 (2d Cir. 2009) (noting that "the question is not without difficulty" but ultimately concluding that the City of New York had justified its ban on parades from taking place on a *single street* given the particular traffic patterns of downtown New York). Indeed, far more limited restrictions on group expression have been struck down for want of narrow tailoring. *See, e.g., Knowles v. City of Waco, Tex.*, 462 F.3d 430, 435 (5th Cir. 2006) (striking down "school zone" ban on parades). The City's ban is dramatically broader than the restrictions struck down by the Sixth Circuit in *Saieg v. City of Dearborn*, 641 F.3d 727, 738-9 (6th Cir. 2011). In *Saieg*, a city cited crowd control as justification for restricting leafletting in a one to five block area near a festival that drew 250,000 people. The Sixth Circuit struck down the ban, concluding, "[a]lthough the government has an interest in crowd control, the defendants 'must do more than simply posit the existence of the disease sought to be cured.'" *Id*. at 738 (quotation omitted). The Circuit found that the zone was not narrowly tailored—even though it only spanned a few blocks (compared to

Cleveland's 3.3 square mile zone), and even though attendance was estimated at 250,000 (five times greater than the 50,000 anticipated RNC attendance).

Cleveland has numerous, narrower approaches available to it. First, it can dramatically shrink the Event Zone to an area that is more carefully designed to accommodate its interest in crowd and vehicle control near the actual event. Second, the City could allow marches on one side of designated streets, leaving the other open for pedestrian movement. Or the City could restrict parades from particular streets or intersections that are vital to traffic, or restrict them to times when vehicle and pedestrian movement are not at their peak.[1]

Rather than narrowly tailoring the restrictions, the City offers an illusion: groups may march without a permit in the Zone, but only if they navigate downtown *sidewalks* without obstructing any doorways or pedestrian traffic, or interfering with traffic at crosswalks. Res. § II(n) This is simply not a viable alternative for plaintiffs and similar groups. Courts have recognized that restrictions on parades that obstruct the "normal flow" of traffic add "troublesome layers of uncertainty to determining the scope of the ordinance" because "no one can be certain what conduct it covers." *Knowles v. City of Waco, Tex.*, 462 F.3d 430, 435 (5th Cir. 2006) (striking down as overbroad a ban on "street activity" and "parades" near schools that applied when the "collection of persons is reasonably anticipated to obstruct the normal flow of traffic upon a public street, sidewalk, or other public right of way"); see also *Seattle Affiliate of Oct. 22nd Coalition to Stop Police Brutality, Repression and Criminalization of a Generation v. City of Seattle*, 550 F.3d 788, 800 (9th Cir. 2008) ("nearly every street parade creates potential

[1] Other restrictions on speech in the Zone also suffer from a lack of tailoring. For example, the broad prohibition of "speaker platforms" (which includes any "similar object to make a public speech") within the Event Zone *literally outlaws soapboxes* on sidewalks and in parks.

safety concerns for participants, pedestrians and vehicular traffic," but allowing denial of permit on this basis gives too much discretion to police). While purporting to create another avenue for expressive activity, Cleveland's sidewalk regulations in fact severely impede the right of large groups like Citizens for Trump and Organize Ohio to march throughout the Zone. Simply put, it is impossible for a large group to march on Cleveland's sidewalks without "interfer[ing] with the normal flow" of vehicle or pedestrian traffic.

Similarly, offering the theoretical opportunity to march on the sidewalk does not make the restriction narrowly tailored. Both streets and sidewalks are public fora, and the access to one does not resolve the constitutional difficulties of being denied the other. *See, e.g., Seattle Affiliate of Oct. 22nd Coalition to Stop Police Brutality, Repression and Criminalization of a Generation v. City of Seattle*, 550 F.3d 788, 796, 800-01 (9th Cir. 2008) (marchers could challenge police discretion to require use of sidewalk instead of street). Organize Ohio wishes to make a rhetorical and symbolic point with its requested parade route: on the 50th Anniversary of the Hough riots, it wishes to march from Hough to downtown, from a poor neighborhood to the glittering city. Bresler Decl. ¶ 21. But for the Regulations, Organize Ohio could likely have received a permit for the very route it seeks, most of it taking place far from Convention activities. The Regulations, however, by arbitrarily calling the entire area an Event Zone and then cancelling the right to parade anywhere but on one official route, simply removes this possibility.

B. The Parade Route offered by the City does not solve the constitutional issues.

The City offers groups that wish to march in or outside the Event Zone a single, unsatisfactory option: apply for a 50-minute slot to walk along a pre-determined route, during only specific hours. There are numerous problems with the City's approach.

The mere fact that the City is dictating a particular parade route is the precise converse of what the First Amendment requires. All public fora are open for expressive activity unless the City has a narrowly-tailored reason for restricting access. *See, e.g.*, *Mahoney v. Babbitt*, 105 F.3d 1452, 1459 (D.C. Cir. 1997) (rejecting "the proposition that the government may choose for a First Amendment actor what public forums it will use").

In addition, a single, isolated parade route is inadequate compensation for the loss of all potential parade routes in and outside of the Event Zone. First, the location fails to put participants within sight and sound of their intended audience, the convention attendees. *See Bay Area Peace Navy v. U.S.*, 914 F.2d 1224, 1229 (9th Cir. 1990) (75 yard security zone around a pier did not provide ample alternatives for communicating the message). Here, the closest point between the parade route and delegates is hundreds of feet and one baseball field away from the *back* of the convention building. *See* Complaint ¶ 43-45. Indeed, 75 percent of the parade route is on a bridge, physically distant and separated from any potential bystanders. *Id.* This location defeats the point of parading: "a parade's dependence on watchers is so extreme that …. if a parade or demonstration receives no media coverage, it may as well not have happened." *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. Of Boston*, 515 U.S. 557, 568 (1995) (quotation omitted).

Second, giving every group a single 50-minute parade slot hardly satisfies the demands of the First Amendment. It will be extraordinarily difficult for groups of 5,000 marchers to finish the route within that limited time. Complaint ¶ 53-54; Bresler Decl. ¶ 24. Beyond the impracticality is the more offensive reality that each group is given just 50 minutes—over the entire convention period—to express its viewpoints, after spending hours traveling from across the nation. Bresler Decl. ¶ 15; Selaty Decl. 21, 27.

Third, the limited time permitted for parades is also completely inadequate. The Regulations allow parades only during a few hours each day, and provides a total of only 18 hours for parades for *all* groups (no matter how many apply) over the 114 hours that the convention takes place. Res. §II(e)(1). Moreover, the times of day the City has selected are distant from the times when the Convention delegates will be in session. These limitations ensure that plaintiffs or any group seeking to convey its message will not have access to its intended audience. Courts have had little difficulty striking down similar restrictions on parading. *See, e.g.*, *Service Employees Intern. Union, Local 5 v. City of Houston*, 595 F.3d 588, 604 (5th Cir. 2010) (striking down ordinance limiting parades to specific times).

The unreasonableness of the restrictions may actually precipitate more problems for the City. Having been denied their chance for a reasonable, constitutionally-appropriate parade route, some have threatened to bypass the City's permitting process entirely, identifying their own routes and times. *See, e.g.,* Interview with Lavita Murray, Million Women March, News Channel 5 (Jun. 7, 2016, 4:37 PM) http://www.newsnet5.com/news/aclu-criticizing-clevelands-rnc-plans.

To remediate the serious constitutional flaws in the Regulations, this Court should order Defendants to allow parades on multiple routes, during flexible hours, and for flexible periods of time, as well as reduce the scope of the Event Zone.

C. The park usage allowed by the City does not solve the constitutional issues.

The City may argue that the groups are free to congregate in one of the few downtown parks not set aside for the convention. Yet park space is scarce compared to the number of likely visitors and speakers. The City recognizes this fact, noting that it anticipates "a large volume of requests for the available space for permitted uses." Res § II(j). The City has, in other words, manufactured space scarcity by restricting the available fora, and then points to that scarcity to

justify additional restrictions. The City's concerns about volume of people supports creating *more* room for them to speak, not limiting it.

The City's regulations, moreover, eliminate the availability of standard park use permits in the Event Zone, except for the limited purpose of temporary "Public Art or a Public Installation," –in just two parks. Res. § II(g)(1). No permits will be issued for any other First Amendment activity throughout the Event Zone, or for any other park in the Zone. Res. § II(d) Thus no group can reserve any park for a rally. (And no group can hold a speech in a park, as discussed immediately below). These restrictions effectively deny any large group, such as CFT or Organize Ohio, the opportunity to engage in the quintessential First Amendment activity of assembly. The practical, safety, and logistical concerns, elaborated upon in the Complaint, prohibit that activity.

D. The Speaker's Platform allowed by the City does not solve the constitutional issues.

The City has *literally banned soapboxes* and any other speakers platform throughout the Event Zone's 90 million square feet. Instead, the speakers are allowed to compete to use the single "Official" Speakers Platform, which the City will assign by permit for 30-minute increments during limited hours in a park blocks away from the Convention. Res. § II(h). These restrictions are manifestly not the product of narrow tailoring.

II. The City's delay in disposing of permits is an unconstitutional prior restraint and the Court should enjoin the City to release dispositions of permits immediately.

When the government takes the extreme measure of requiring licensure to engage in protected speech in traditional public fora, the government must provide clear guidelines for and timely review of applications. *See Forsyth County v. Nationalist Movement*, 505 U.S. 123, 130-31 (1992). Plaintiffs and other groups applied as many as four months ago for the required

permits to hold expressive events at the RNC. The City has failed to issue any response, effectively using its permit regulations to censor speech. Organize Ohio and Citizens for Trump submitted their original applications in March and April of 2016, respectively. Complaint ¶21-22. But no group has received *any* indication of when or how the City may decide upon the applications. *Id.* Left in limbo and unable to plan, Plaintiffs' organizing efforts are crumbling and the resources they have invested may be wasted. Complaint ¶ 26-29*;* Bresler Decl. ¶ 17-20; Selaty Decl. ¶ 19-32.

At this late hour, the City's delay has so damaged Plaintiffs' ability to plan, Plaintiffs face what amounts to an unjustified denial of their right to speak. Plaintiffs respectfully ask this Court to protect their rights to free speech and assembly by enjoining the City to issue *some* decision on their permits immediately, and to accommodate Plaintiffs' attempts to express their message in a way that is no more limited than is reasonable.

A. The City's delay and constructive denial of Plaintiffs' permit applications is an unconstitutional prior restraint on speech in violation of the First Amendment.

1. The City has vested itself with unfettered discretion to control speech.

A law is manifestly unconstitutional when it vests the government with unbridled discretion as a mechanism to pre-censor protected speech. *See City of Lakewood v. Plain Dealer Pub. Co.*, 486 U.S. 750, 755 (1988). Laws like these bear such a "heavy presumption" against "constitutional validity" *FW/PBS, Inc. v. City of Dallas,* 493 U.S. 215, 225 (1990) held that:

> [W]hen a regulation fails to place appropriate limits on the discretion of public officials to administer the law in a manner that is abusive of speech, the result should be no different than if the law had brazenly set out to discriminate on the basis of content.

Polaris Amphitheater Concerts, Inc. v. City of Westerville, 267 F.3d 503, 509 (6th Cir. 2008).

The "failure to place limitations on the time within which" a permitting authority must issue determinations is a recognized "species of unbridled discretion." *FW/PBS at 223.*

Determination of a reasonable amount of time for government entities to issue dispositions of permits is context-specific. In *American Target Advertising, Inc. v. Gianni*, the Tenth Circuit upheld the ten-day administrative review period preceding a state agency's issuance of a permit required for charitable solicitation. 199 F.3d 1241, 1253 (10th Cir. 2000). Conversely the Fourth Circuit found, in *11126 Baltimore Boulevard, Inc. v. Prince George's Ct., Md.*, that a 150-day delay for deciding upon an application to operate an adult bookstore was clearly unconstitutional. 58 F.3d 988, 1001-02 (4th Cir. 1995).

Plaintiffs' permit applications have been pending for months, and these delays have prevented them from engaging in adequately preparation and publicity for their events. Complaint ¶ 19-20*;* Bresler Decl. ¶ 8; Selaty Decl. ¶14. Despite Plaintiffs' repeated attempts to work with the City, the City's extensive delay has almost defeated Plaintiffs' ability to exercise their First Amendment rights. Complaint ¶ 21-23*;* Bresler Decl. ¶ 12, 17-19; Selaty Decl. ¶ 19, 21. The effects of this delay, including reducing the number of people able to attend Plaintiffs' events and the availability of needed resources to execute the events, allows the City to manage the size, type, and impact of Plaintiffs' speech without providing any rationale for exerting such control. The City has vested itself with unfettered discretion to decide all of the terms by which groups may be permitted to speak.

Because the City has used the parade permitting process to refuse to make any determination of permits within a workable timeframe, the Regulations fail to place "explicit limits" on the City's decision-making authority. It therefore affords the City unconstitutionally broad discretion to censor protected speech. *City of Lakewood v. Plain Dealer Pub. Co.*, 486 U.S. 750, 769 (1988); *see also Stonewall Union v. City of Columbus*, 931 F.2d 1130, 1134 (6th Cir. 1991). The Court must divest the City of this unconstitutional discretion and enjoin it to

make prompt and carefully justified decisions as to Plaintiffs' applications, as is the City's burden.

2. Plaintiffs are entitled to time for appeal and obtain judicial review of the city's decision on their permits applications, and that time is evaporating.

The City's delay creates a further violation of Plaintiffs' constitutional rights. If this Court does not enjoin the City to make its decisions, Plaintiffs will have lost any meaningful opportunity to appeal an adverse decision. In this Circuit, "[s]ystems of prior restraint will be upheld only if they provide for prompt judicial review of all decisions denying the right to speak." *Déjà vu of Nashville, Inc. v. Metro. Gov't of Nashville & Davidson Cty., Tennessee,* 274 F.3d 377, 391 (6th Cir. 2001). While the City's parade regulations facially articulate an appeal process, past nominating conventions make clear that when the hour grows too late, these provisions become hollow. *See, e.g., Bl(a)ck Tea Society v. City of Boston,* 378 F.3d 8, 14 (2d Cir. 2004); *see also United for Peace & Justice v. City of New York,* 323 F.3d 175, 178 (2d Cir. 2003). Very soon, plaintiffs will have *no* meaningful opportunity for judicial review.

At the 2004 DNC in Boston, groups wanting to express themselves were barred from doing so because they were forced to seek relief too close in time to the convention. In his *Bl(a)ck Tea Society* concurrence, Chief Judge Lipez explained,

> [F]or an event of this magnitude, taking place at a time of heightened national security, there is an inescapable need for firm, documented understandings well in advance of the event about arrangements to accommodate demonstrations. If the parties cannot reach satisfactory agreements, there must be adequate time to seek recourse in the courts. Adequate time means months or at least weeks to address the issues.
>
> 378 F.3d at 16 (Lipez, C.J., concurring).

Plaintiffs have been seeking disposition of their permits—or at least some bare indication of whether they would be allowed to speak—for *months* since they submitted their original applications. Complaint ¶ 21-23; Bresler Decl. ¶ 6; Selaty Decl. ¶ 13. The City could have

provided at least *some* information that would have assisted Plaintiffs' to plan to express themselves fully and lawfully, but the City choose to remain silent. The City's silence has forced Plaintiffs to ask this Court to compel the City to preserve Plaintiffs' rights to speech and assembly.

III. The City's regulations are so sweeping and arbitrary, they cannot survive even rational basis review.

The government may not impose arbitrary burdens upon people, in large swaths of its jurisdiction, without articulating at least some rational basis for doing so. *Shoemaker v. City of Howell,* 795 F.3d 553, 556-7 (6th Cir. 2015). In other words, no law, whatever its purpose, may be "unreasonable, arbitrary, or capricious." U.S. Const. Amend. 5. The Event Zone and the Regulations that govern it gratuitously limit troves of people residing, shopping, working, and attending school within designated boundaries from necessary and otherwise lawful behavior. The Zone therefore inhibits so many fundamental aspects of so many peoples' daily lives, and in such a randomly-drawn way, that even apart from its First Amendment problems, its scope cannot satisfy even the barest rational basis review.

Just to identify some of the impositions the Zone unnecessarily makes, under the regulation the following would be unlawful: a resident carrying canned soup from Constantino's market to her E. 12th St. apartment; two people playing tennis with a tennis ball at Cleveland State; a jogger rehydrating out of a non-plastic water bottle; a child outside of a W. 25th St. bookstore playing Cat's Cradle with a piece of string; or a homeless individual carrying his pack to the encampment where he lives. Declaration of Brian Davis ¶ 11-12. The scope of the Event Zone and the vast but random collection of contraband items within it is "so unrelated to the achievement of any combination of legitimate purposes that" this Court "can only conclude" it is "irrational." *Kimel v. Florida Bd. of Regents,* 528 U.S. 62, 84 (2000) (quotation omitted). The

Court must substantially narrow the Event Zone and the City must provide some kind of lucid justification for its parameters.

Conclusion

Plaintiffs are suffering irreparable harm, a preliminary injunction would serve the public interest without harming others, and plaintiffs are likely to succeed on the merits of this case. When the government threatens First Amendment rights, the "loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also Ohio State Conference of N.A.A.C.P. v. Husted*, 768 F.3d 524, 560 (6th Cir. 2014) ("when constitutional rights are threatened or impaired, irreparable injury is presumed." (citation omitted)).

With the RNC less than 5 weeks away, the City having failed over the course of many months to process *any* applications for permits to expressively parade, and negotiations with the City over its arbitrary and restrictive RNC regulations having failed, Plaintiffs CFT and Organize Ohio face the irreparable harm of having their planned First Amendment activities severely reduced or denied without a preliminary injunction from this Court. The vulnerable clients of Plaintiff (NEOCH) face the irreparable harm of exposure to the high risk of encounters with the police, interference with their rights to liberty, privacy and movement. NEOCH must expend resources to try to move and protect this community without a preliminary injunction from the Court.

After at two full years of planning, the City possesses the information it requires to process event permits. If required finally to do this, and to narrow some of the superfluous regulations just recently put in place, the City will experience no more than administrative inconvenience at worst. The public, on the other hand, stands to benefit hugely. The injunction

sought by Plaintiffs will preserve the First and Fourteenth rights of many people including those who wish to engage in peaceful First Amendment activity during the Convention period and those who live and work in the Event Zone.

In First Amendment cases "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 plaintiffs' and others' liberty interests. Plaintiffs therefore respectfully request that this Court grant Plaintiffs Motion for Preliminary Injunction using the attached proposed Order.

Dated this 14th day of June, 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

I certify that on June 14, 2016, a true copy of this Memorandum was served upon the following using the Court's Electronic Filing System:

Barbara Langhenry
City of Cleveland Department of Law
601 Lakeside Ave. Rm. 106
Cleveland, OH 44114
E:blanghenry@city.cleveland.oh.us

/s/ Freda J. Levenson
Freda J. Levenson (0045916)
Trial Attorney for Plaintiffs