

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 04-20262-CIV-GRAHAM

LAKE WORTH FOR GLOBAL JUSTICE, INC., et
al.,

Plaintiffs,

v.

CITY OF MIAMI; JOE ARRIOLA, in his official
capacity as the City Manager of the City of Miami;
JOHN TIMONEY, in his official capacity as the
Chief of Police for the City of Miami Police
Department; WILLIAM BRYSON, in his official
capacity as the Chief of the Fire Rescue Department
of the City of Miami,

Defendants.

**FIRST AMENDED COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF FOR VIOLATION OF
CIVIL RIGHTS: 42 U.S.C. § 1983 AND FIRST AMENDMENT**

FILED AS OF RIGHT: F. R. Civ. P. 15(a)

JURISDICTION AND VENUE

1. This action seeks declaratory relief, injunctive relief and damages, pursuant to 42 U.S.C. §1983, for ongoing and threatened injury to the First Amendment rights of individuals and organizations engaged in lawful expressive activity within the City of Miami. This Court has jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C. §§1331 and 1343 and the Declaratory Judgment Act, 28 U.S.C. §§2201 and 2201.

2. Venue is proper in the Southern District of Florida, Miami Division, under 28 U.S.C. §1391(b). All parties reside in the Southern District and all of the acts or omissions complained of herein have occurred or will occur in this district.

INTRODUCTION

3. The City of Miami operates a permit scheme for expressive activity in public fora that is both an unlawful prior restraint and an unreasonable time, place and manner regulation. It imposes the requirement of a permit for protected expression, but is absolutely devoid of any standards to guide the decision of whether and under what conditions a permit will issue. The absence of any standards means that the ordinance vests public officials with unbridled discretion and invites content-based decisions based on the nature of the speaker, which are a forbidden basis on which to rest a permit scheme that imposes a license on protected speech. It is well established that such systems are constitutionally impermissible regardless of the quality of administrations and this system, in particular, is unconstitutionally facially and as administered. For this reason, the current versions of the Miami ordinances should be invalidated as violating the First Amendment.

PARTIES

4. Plaintiff Lake Worth for Global Justice, Inc. (Group) is an incorporated association in the state of Florida and is an activist collective committed to taking action for social justice. Plaintiff is located in Lake Worth, Florida. Plaintiff participated as a collective in the protests against the Free Trade Area of the Americas (FTAA) in Miami, in November 2003, and continues to be engaged in the post-FTAA demonstration issues. It is involved in organizing around ongoing economic justice issues arising in Miami. During the recent FTAA protests in South Florida this past November, members of the Group were stopped in Miami by the police, detained and searched. Members of the Group participated in various demonstrations during the FTAA and were subject to orders to disperse

when they engaged in lawful activities, including the events outside the amphitheater at Bayfront Park following the AFL-CIO sponsored march on Thursday, November 20, 2003, and the jail solidarity vigil and rally on November 21, 2003, near the Dade County Jail. Both events were the subject of orders to disperse, without proper notice to disperse, and police use of less-lethal weapons, tear gas and concussion grenades. The Group observed these police tactics. In addition, individuals with whom the Group regularly works in the global justice movement were arrested in the anti-FTAA protests solely for being a part of public demonstrations or failure to obey an order to disperse. Several persons who assisted the Group to make the large puppets used in the Miami anti-FTAA demonstrations were also arrested. The Group participated in protesting the police actions at the FTAA through lawful protests outside City Hall, where the Civilian Investigation Panel (CIP) heard testimony from Police Chief Timoney on Thursday night, February 5, 2004.

5. Plaintiff Progressive Democratic Alliance (PDA) is an unincorporated association located in South Florida. Declaration of Robert Haigh (Haigh Dec.) at ¶ 2 (Ex. 4).¹ The PDA has as its goals raising societal awareness in South Florida on a range of pressing social and political issues and events in the political realm and taking action to highlight and redress these problems. *Id.* at ¶ 3. In furtherance of these goals, the group organized several protest rallies in 2003 in various cities in Palm Beach County and in Fort Lauderdale. *Id.* at ¶ 4. Members of PDA participated in the recent protests concerning the FTAA ministerial meetings in Miami in November 2003, and at least one member of the group was arrested at this time. *Id.* at ¶ 5. The PDA is presently planning demonstrations in Miami on or near March 20th, the first anniversary of the United States' military invasion of Iraq. *Id.* at ¶ 6. Plaintiff plans to engage in the same types of activities it has engaged in

¹ Unless otherwise noted, all Exhibits referenced herein are attached to Plaintiffs' Memorandum of Points and Authorities in Support of Motion for a Preliminary Injunction concurrently filed.

at similar past events, including standing on sidewalks to hand out literature opposing U.S. foreign policy in Iraq and to engage in discussions with, pedestrians on this topic; assembling on sidewalks with signs, puppets, banners, and other demonstrative devices to express their political views to vehicular traffic as well as pedestrians, and similar expressive activities. *Id.* at ¶7. Although the PDA does not know how many people will want to assemble at these events, they believe, based on past experience, that more than eight people will gather and they will be on the public sidewalk for more than 30 minutes, at least partially obstructing free passage. *Id.* at ¶¶ 8-9. The PDA is unwilling to file for a permit because of the Miami ordinances and, in any event, cannot afford insurance and does not want to assume the risk and liability for anything that might occur at the rally, especially after the brutal police actions witnessed at the FTAA events. *Id.* at ¶ 10. At the same time, the PDA is fearful that their activities may be arbitrarily ended after 30 minutes and that PDA members will be subjected to arrest and force on the pretext of violating an ordinance or disobeying an order to disperse based on a purported violation of one of Miami's unconstitutional ordinances for expressive activity in public places. *Id.* at ¶ 11.

6. Plaintiff Lawrence E. Winawer is a member of the Plaintiff PDA. Declaration of Lawrence Winawer (Winawer Dec.) at ¶ 9 (Ex. 2). He is employed by the Alliance for Retired Americans (ARA) as Statewide Field Organizer. *Id.* at ¶2. In November 2003, he accompanied over 1,000 senior citizens who traveled by bus to Miami to the Bayfront Amphitheater, to participate in a rally and march opposing the FTAA. *Id.* After the march ended, Winawer was caught up in the police action as he attempted to assist a senior citizen to find his bus for the return trip to Fort Myers. *Id.* at ¶ 3. Ultimately, after following police directions to disperse in a maze-like fashion down various streets, Plaintiff, along with several other persons, was funneled into an alley between NE 6th and NE

7th Streets, near railroad tracks a considerable distance from the ampitheater, where the initial direction to disperse had been given. *Id.* at ¶ 3. At this point, Winawer, along with the senior citizen he was assisting and others who had been walking peacefully along the railroad track, was arrested at gunpoint by police in full riot gear and ultimately held in custody for approximately 24 hours. *Id.* at ¶¶ 3-4. The initial charge against him was “disorderly conduct,” but was later changed to “failure to obey” an order. *Id.* at ¶ 6. Winawer, is still facing criminal charges. *Id.* Winawer, wants to engage in expressive activities in Miami to protest the police abuse of protestors at the FTAA demonstrations, including at the upcoming CIP hearing now scheduled for March 1st, but is afraid to do because of the fear that he might be arrested again if he finds himself in a group of 8 or more gathered outside City Hall for more than 30 minutes, or in a group that does not have a permit and is, therefore, declared by authorities to an unlawful assembly and ordered to disperse, even if the group is engaged only in peaceful expressive activity, or some other alleged violation of these ordinances. *Id.* at ¶¶ 7-9.

7. Defendant City of Miami (City) is a municipal entity, organized under the laws of the State of Florida with the capacity to sue and be sued. It is the legal and political entity responsible for the actions of the City Manager and the Miami Police Department (MPD), which is a City department, and the officers and employees of these entities. The City is sued in its own right and on the basis of the acts of its officers, employees, and agents, which were taken pursuant to the City custom and policy. At all times relevant herein, the officers, employees, and agents of the City were acting under color of state law.

8. Defendant Joe Arriola (Arriola) is the City Manager for the City of Miami. He is the individual charged under the City of Miami Code, Section 54-3 (2003) (Miami Code) with the responsibility to approve permits for special events/festivals under Miami Code Section 54-3 and to

issue permits pursuant to Miami Code Section §54-6. He is sued in his official capacity.

9. Defendant John Timoney (Timoney) is the Chief of Police for the Miami Police Department. He is the public official responsible for the enforcement of Miami Code Section 54-2, prohibiting obstruction of free passage on sidewalks; for deciding whether to issue a permit pursuant to Section 54-3, requiring a license from the government to obstruct in any manner, or close a street or sidewalk; for deciding whether a permit will issue pursuant to Section 54-6, requiring a permit for any “procession or parade” on a street; and for enforcing Section 54-6.1, defining the terms “parade” and “public assembly” and purporting to regulate the manner of participation in these First Amendment expressive activities. He is sued in his official capacity.

10. Defendant William Bryson (Bryson) is the Chief of the City of Miami’s Fire-Rescue Department. He is the public official responsible for deciding whether to issue a permit pursuant to Section 54-3, requiring a license from the government to obstruct in any manner, or close a street or sidewalk. He is sued in his official capacity.

11. At all times mentioned herein, all City officers, employees, and agents were acting pursuant to authority delegated or conferred by Defendant City of Miami and, in doing or failing to do the things complained of herein, were acting within the scope of that authority.

12. At all times mentioned herein, in doing or failing to do the things complained of, Defendants and their officers, employees, and agents acted pursuant to the official policy, practice, or custom of the City of Miami.

STATEMENT OF FACTS

Plaintiffs’ Anticipated Expressive Activities:

13. Plaintiff Group, is an incorporated association in the state of Florida, which is an

activist collective committed to taking action for social justice. Declaration of Cara Jennings (Jennings Dec.) at ¶ 1.² Following the filing of this lawsuit and the application for a temporary restraining order, the City, *sua sponte*, treated the lawsuit as an application for a permit and, without any application having been filed by Plaintiff Group, issued a permit, suspending all challenged sections of the Municipal Code. The Group then participated in a protest outside City Hall during the entire time of the hearings, which lasted for several hours.

14. Plaintiff Progressive Democratic Alliance has engaged in numerous demonstrations and other expressive activities in opposition to the U.S. military action in Iraq over the course of the past year. Haigh Dec. at ¶ 4. The PDA plans to protest the first anniversary of the war on Iraq by participating in demonstrations and other public assemblies in Miami, in conjunction with other groups. *Id.* at ¶ 6. Many of the activities that PDA plans as part of these events are activities that are regulated by the challenged Miami Code provision, including partially obstructing sidewalks as PDA members and others assembled with them distribute literature to passersby, hold signs, banners, puppets and similar demonstrative expressive materials to communicate their political views to the public and enlist support for their cause. Haigh Dec. at ¶ 7. Plaintiff has not filed for a permit for these events and does not intend to do so based on the onerous requirements, including liability and insurance requirements. On information and belief, the PDA understands that no other group with whom they have discussed the plans for demonstrations has or plans to obtain a permit for the same reasons.

15. Plaintiff Winawer attended a rally and march protesting the FTAA in November 2003

²This declaration previously was filed as Ex. 1 to the Complaint. It is reattached here for ease of reference.

in Miami. He was arrested after dispersing from the amphitheater and attempting to reach the bus he had traveled to Miami on with senior citizens from Fort Myers. Plaintiff has never been arrested previously and is outraged by the police actions against the FTAA protestors based on his own experience and observations. Winawer wants to return to Miami to engage in lawful protest against the police abuses that occurred during the FTAA demonstrations, including in concurrence with the upcoming CIP hearings on March 1st and planned rallies in mid-March to protest the first anniversary of the U.S. war on Iraq. Winawer Dec. at ¶¶ 7-9.

The Miami Code Provisions:

16. The following sections of the Miami Code are challenged in this action:

a. Miami Code Sec. 54-2: “Obstruction of free passage on sidewalks, etc.”

Miami Code Section 54-2 states an intent, *inter alia*, “to eliminate the obstruction of free passage over, on or along a street or sidewalk, which obstruction results from the manner in which a person or number of persons shall stand, loiter or walk on said street or sidewalk.” Miami Code § 54-2(a). The Code makes it “unlawful for any person or any number of persons to so stand, loiter or walk upon any street or sidewalk in the city so as to obstruct free passage over, on or along said street or sidewalk after a request by a law enforcement officer to move on so as to cease blocking or obstructing free passage thereon.” Miami Code § 54-2(b). This section applies “only when a person or number of persons shall stand, loiter or walk on a street or sidewalk so as to obstruct free passage and shall refuse to obey a request by an officer to move on; mere refusal to move on after a law enforcement officer’s request to move on is not enough to support the offense. There must be an actual blocking of free passage over, on or along said street or sidewalk. Miami Code § 54-2(c). There is no definition of actionable obstruction.

b. Miami Code Section 54-3 *et seq.* “Permit required to obstruct or close street or sidewalk or impede traffic; fees; waiver of fees.”

Miami Code Sections 54-3 through 54-6 set forth the City’s permit requirements for engaging in all expressive activities in public fora. Miami Code Section 54-3 mandates that:

(a) No person shall obstruct, close or cause to be obstructed or closed any street or sidewalk in this City or impede the general movement of vehicular or pedestrian traffic without first having obtained a permit from both the police and fire-rescue departments. In the case of special events and festivals, an additional permit must also be obtained prior to the event/festival from the department of public works. . . . [Permits] shall issue . . . only after approval . . . has been granted by the city manager . . . said approval contingent upon favorable recommendation by said departments for the issuance of said permits.

There is no specific advance time by which the application must be submitted to the Chief of Police.

Miami Code Section 54-3 (c) necessitates that:

a condition precedent to the issuance of any such permit shall assume all civil liability for his acts of omission or commission and shall, further, hold the city harmless for any acts arising or resulting from the issuance of said permit and any omissions or commissions on the part of the city. (Emphasis supplied.)

The Miami Code imposes an even more onerous assumption of liability in Section 54-6(e). This portion of the Miami Code states: “By applying for and being granted such permit, the applicant shall assume all civil liability arising from conditions, restrictions, or omissions on the face of the permit.” In addition, this section requires an applicant to submit proof of insurance in “an amount not less than \$50,000.00 per person, \$100,000.00 aggregate, . . . whichever is greater. . . .” Miami Code § 54-3(c). (Emphasis supplied.) The Code also establishes fees for filing an application and for the use of public fora for “special events;” however the fees may be “waived or reduced” at the total discretion of the city if it decides that “a waiver or reduction is in the city’s best interest.” Miami Code § 54-3(d).

Miami Code Section 54-6(a) makes the permit requirement applicable to any “procession or

parade” unless it is conducted by a federal or state government military or paramilitary organization. The Code provides no set time by which an application for a permit must be filed, advising only that it be filed “sufficiently in advance of the proposed parade or procession to allow adequate arrangements to be made for the proper policing of [the procession or parade].” Miami Code § 54-6(b). There is no exception for “spontaneous speech” in the Miami Code.

c. November 2003 Amendment to Chapter 54 of the Code “Streets and Sidewalks”

On the eve of the FTAA demonstrations in November 2003, Defendants adopted an ordinance amending Chapter 54 of the Miami Code to add §54-6.1. This measure added a definition of term “parade” to mean “a coordinated movement of seven (7) or more pedestrians or vehicles upon the streets, within the city with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the street.” Section 54-6.1(a). The supplemental ordinance also defined the term “public assembly” to mean “a gathering outside a structure of more than eight (8) persons for a common purpose at a public place that continues in existence for more than thirty (30) minutes.” *Id.* Section 54-6.1(b) sets forth 10 limitations on materials and items that may be possessed by a participant in a parade or public assembly, as those terms were defined in the preceding section, including various weapons, the types of materials for signs and for materials to which to post the signs, etc.

d. The Penalty for a Violation of the Code

The Code makes a violation of any of its sections a misdemeanor, punishable by a fine of up to \$500 or imprisonment at “hard labor on the streets or other works of the city for not more than 60 days,” or both. Miami Code §1-13.

17. On February 5, 2004, the Court held a hearing on the application of Plaintiff Lake

Worth for Global Justice for a temporary restraining order to enjoin the enforcement of the challenged ordinances. Prior to the hearing, Defendant City of Miami filed with the Court to Plaintiff LWGJ a permit issued without any application having been filed. In addition to waiving all pre-filing requirements, the City also waived all insurance and risk/liability provisions. As part of a Consent Order entered by the Court, Defendant City also agreed to issue permits for Plaintiff LWGJ throughout the pendency of this action on 2-days advance notice. The Court granted Defendants' request to permit them 30 days to respond to the Complaint and issued an Order incorporating the City's agreement to issue permits to Plaintiff LWGJ on two-days advance notice and the related terms. (Dkt. # 12).

18. Following the hearing on the temporary restraining order, Plaintiffs' counsel Andrea Costello telephoned Asst. City Attorney Warren Bittner to request that the City extend the same terms to other groups who desired to hold similar activities during the pendency of this action. Mr. Bittner rejected the request. Declaration of Andrea Costello (Costello Dec.) (Ex. 6)

19. On February 12, 2004, counsel for Plaintiff LWGJ met at Miami City Hall with four Assistant City Attorneys: Warren Bittner, Maria Chiaro, George Wysong, and Julie Blu. At that meeting, Plaintiffs' counsel was provided with several documents delineating changes to be made to the challenged Code sections, including repeal of Sections 54-2 ("obstructing" sidewalks). The City represented that it had remedied the requirement to provide opportunity for "spontaneous expression" by no longer requiring a permit for rallies and marches on sidewalks and in compliance with all traffic laws. However, as edited, Section 54-3 remains substantially unchanged, maintaining a similar prohibition to that of 54-2 on any "obstruction" of a sidewalk without a permit. Declaration of Carol A. Sobel (Sobel Dec.) at ¶ 3 (Ex. 3) and Ex. 2, p.2. Although the City announced its intention to

adopt an advance-filing requirement of seven business days, with review and decision on an application within two days of receipt, Sobel Dec. at ¶ 5 and Exhibit 2, p.3. The City's proposal maintained the insurance requirement and doubled the amount of insurance necessary. *Id.* The proposed amendments also maintain the unbridled discretion to waive any fees in the "city's best interest." *Id.* Ex. 2, p.4. Defendants' counsel also informed Plaintiffs' counsel that the City would no longer require that a permittee assume all risk and liability of an event. Sobel Dec. at ¶ 4. At several points in the meeting, Asst. City Attorneys Chiaro and Wysong stated that, with one exception (Section 54-6), these provisions were never intended to apply to expressive activities but, rather, to telephone companies and other businesses that obstruct streets and sidewalks in the course of installing and repairing equipment. Sobel Dec. at ¶ 4.

20. Following discussion of these proposed changes and the City's explanation that it expected the proposed amendments would be adopted within a month, Plaintiffs' counsel renewed the request made a few days earlier by Ms. Costello to apply the terms of the Order regarding LWGJ to other permit applicants who had contacted Plaintiffs' counsel and expressed a desire to protest at the upcoming CIP hearings and in conjunction with the March 20th anniversary of the U.S. bombing of Iraq. Sobel Dec. at ¶¶ 6-7. Plaintiffs' counsel made it clear that those who had contacted them were unwilling to file for a permit under the present ordinance, especially given the insurance and risk liability provisions. Once again, the City declined to do so. Although Plaintiffs' counsel asserted that, in light of the fact that the City intended to repeal several of the provisions and claimed that they were not meant to apply to free speech activities, in any event, there was even less justification for not suspending their enforcement in the interim, the City's lawyers refused to enter into such agreement. Sobel Dec. at ¶ 8. Instead, Asst. City Attorney Bittner stated that any group or person desiring to

engage in expressive activity apply for a permit and, if it were to be denied by the police, Plaintiffs' counsel should then contact him. Despite Plaintiffs' counsels' assertions that this approach was untenable, the City remained steadfast in its refusal. Sobel Dec. at ¶ 8.

FIRST CLAIM FOR RELIEF

VIOLATION OF THE FIRST AMENDMENT PURSUANT TO 42 U.S.C. §1983

21. The allegations of paragraphs 1 through 20 are incorporated into the First Claim for Relief as though fully set forth herein.

22. Miami Code Section 54-2 violates the First Amendment as an overbroad restriction on the use of public fora that prohibits all “obstruction” of free passage on public sidewalks and would, necessarily, impose the risk of punishment for engaging in protected expressive activities in these fora, including picketing and protesting.

23. Miami Code Sections 54-3 and 54-6 violate the First Amendment because they are impermissible prior restraint on expression in public fora. The ordinances impose an advance filing requirement for a license from the government to speak without providing adequate standards to guide the exercise of discretion by public officials and without the necessary procedural safeguards to protect against content-based decision. They allow, *inter alia*, for officials to establish what constitutes a “sufficient” advance filing for a permit for protected expressive activities in public fora on an ad hoc basis and lacks any standards for determining whether to grant or deny a permit request.

24. Miami Code Sections 54-3 and 54-6 also violate the First Amendment because they do not constitute a content-neutral reasonable time, place or manner restriction. The application of the ordinances may depend on the content of the speech and its terms are not narrowly drawn to avoid restricting more speech than is necessary to further the City's compelling interests in regulating speech

in public fora. Moreover, because Miami's Code requires a license to engage in virtually any speech activities in archetypal public fora in the City and does not provide for "spontaneous" expressive activities in response to timely events, it leaves no ample alternatives for communication.

25. Miami Code Section 54-3(c) violates the First Amendment as it imposes an unconstitutional condition on the issuance of a permit to engage in protected expression in traditional public fora in the City by requiring permittees to assume, in advance of their and as a condition of a permit, all liability not only for their own acts and omissions related to the permitted event, but also the potentially unauthorized acts and omissions of third parties relating to the expressive activity, and the acts and omissions of all City employees, which would include the violation of civil rights by the police.

26. Miami Code Section 54-3(d)(3) is unconstitutional as it vests public officials with the authority to waive or reduce fees imposed on the exercise of First Amendment rights in public fora on an inherently and unconstitutionally vague criterion: "the city's best interest."

27. Miami Code Section 54-6.1 is unconstitutional in that it does not meet the requirements of a reasonable time, place, or manner regulation. It is also unconstitutional as it has been applied by the Miami Police Department to restrict "public assemblies" of eight or more persons assembled for a "common purpose" outside a structure to a maximum of 30 minutes in length.

28. The ordinance and acts by Defendants set forth above have violated Plaintiffs' rights to freedom of speech, freedom of assembly, freedom of association and freedom to petition the government for redress of grievances, all rights protected by the First Amendment and made applicable to the states and local government by 42 U.S.C. §1983. The acts complained of herein were directed toward intimidating Plaintiffs, chilling the exercise of these protected expressive rights by, among

other means, deterring Plaintiffs and others from associating in the lawful exercise of their constitutional rights.

29. As a consequence of these actions, Plaintiffs were chilled and impeded in their efforts to carry out the rallies and march in conjunction with the FTAA and are impeded in their ability to carry out the demonstrations and other activities to protest police abuse and the U.S. war in Iraq, among other issues, and beginning with the upcoming demonstration planned in conjunction with the CIP hearing on March 1, 2004, to respond to the testimony given by Defendant Timoney at his appearance before the CIP on February 5th, and including rallies and demonstrations on or near March 20th in conjunction with the first anniversary of the bombing of Iraq. They are at risk of not being able to communicate their message if the ordinances continue to be enforced. Accordingly, Plaintiffs have and will suffer injury as a result of Defendants' unconstitutional policies and enforcement conduct.

30. There is an actual controversy now existing between Plaintiffs and Defendants concerning the permitting scheme in Miami, including whether and under what conditions a permit will issue. Plaintiffs seek a judicial determination of their rights and duties and a declaration as to Defendants' obligations regarding lawfully expressive activities.

31. Plaintiffs PDA and Winawer plan to engage in expressive activity in the City of Miami in the immediate future. As a result of Defendants' unconstitutional ordinance regulating core speech, Plaintiffs reasonably believe that future demonstrations will result in constitutional violations similar to those described above. Absent relief from this Court, Plaintiffs will suffer irreparable harm. Their speech and petition rights – and in particular their ability effectively to convey their messages to the public – will be violated. Plaintiffs face an actual and concrete threat of imminent future violation of their First Amendment free speech and assembly rights.

PRAYER FOR RELIEF

Plaintiffs request relief as follows:

1. A preliminary and permanent injunction, enjoining Defendants, their officers, agents and employees, from enforcing Miami Municipal Code Sections 54-2, 54-3, 54-6 and 54-6.1.
2. For a declaration that Defendants' challenged ordinances violate Plaintiffs' rights to free speech, assembly, association and to petition the government for redress of grievances, under the First Amendment to the United States Constitution.
3. For costs of suit pursuant to 42 U.S.C. §1920 and 42 U.S.C. §1988.
4. For attorneys fees pursuant to 42 U.S.C. §1988.
5. For such other relief as this Court deems just and proper.

Respectfully submitted,

Dated: February 20, 2004

s/ Andrea Costello
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2004, a true and correct copy of the foregoing was served via United States First Class Mail and electronic mail to counsel for

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s/ Andrea Costello

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