

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

**MIAMI DIVISION**

2007 APR 24 AM 9:44

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S.D. OF FL.-MIAMI

**Case No.:**

**07-21088**  
**CIV-ALTONAGA**  
**MAGISTRATE JUDGE**  
**TURNOFF**

**MIAMI FOR PEACE, INC., SOUTH  
FLORIDA PEACE AND JUSTICE  
NETWORK, and HAITI SOLIDARITY,  
INC.**

**Plaintiffs,**

**v.**

**MIAMI-DADE COUNTY, a political  
subdivision of the State of Florida, and THE  
DISTRICT BOARD OF TRUSTEES OF  
MIAMI-DADE COLLEGE,**

**Defendants.**

**VERIFIED COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF FOR VIOLATION OF CIVIL RIGHTS**

This is a lawsuit seeking declaratory relief and injunctive relief, as well as damages, for violation of Plaintiffs' First Amendment and Fourteenth Amendment rights. Plaintiffs, comprised of organizations whose members are concerned about current political, social and economic issues affecting the region and the world, challenge several provisions of the Miami-Dade County Code ("MD Code" or "Code") that impose impermissible permit requirements on the right to engage in expressive activity in

quintessential public fora in the County, and which code provisions also violate due process rights of plaintiffs' members.

### **JURISDICTION AND VENUE**

1. This action seeks declaratory and injunctive relief pursuant to 42 U.S.C. §1983, for ongoing and threatened injury to the First Amendment and Fourteenth Amendment rights of organizations engaged in lawful expressive activity within Miami-Dade County. 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 2202.

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

### **INTRODUCTION**

3. Miami-Dade County (hereinafter "**M-D County**") employs a permit scheme for expressive activity in public fora that is both an unlawful prior restraint and an unreasonable time, place and manner regulation. Adopted in 1973, it requires a "permit issued by the Sheriff" for every "parade or procession." The ordinance is absolutely devoid of any standards to guide the decision of whether and under what conditions a permit will issue, how long public officials are allowed to decide whether they will issue a permit, and what conditions may be imposed on expressive activities. The absence of any standards in these key areas means that the ordinance vests public officials with unbridled discretion and invites content-based decisions based on the nature of the speaker. This is a forbidden basis on which to rest a permit scheme that requires a license to engage in protected speech; the standardless permit scheme violates Plaintiffs' First Amendment rights by impermissible limiting their rights to speech, association, assembly

and petition. For these reasons, the Defendants must be enjoined from prohibiting the lawful exercise of First Amendment-protected activity. Further, the the Plaintiffs seek a declaration that the county's "loitering ordinance" is a violation of Due Process insofar as it is vague and an abrogation of protected liberty interests, and further seek injunctive relief precluding the enforcement of said ordinance by the Defendants.

## PARTIES

### Plaintiffs

4. Plaintiff **MIAMI FOR PEACE** (hereinafter "MFP") is a not-for-profit corporation located in Miami, Florida, incorporated in Florida since 2003 [Declaration of Linda Belgrave, dated April 19, 2007, hereinafter "Belgrave Decl.," at ¶ 3]. Among the activities MFP has participated in are protests in the tri-county area in March 2006 to commemorate the third anniversary of the Iraq War; an Iraq War protest in Doral, Miami-Dade County, Florida in March 2007 to commemorate the fourth anniversary of the Iraq War; a protest in January 2007 to advocate shutting down the Guantanamo facilities where alleged terrorism suspects are being held; an event in February 2007 in downtown Miami to support freedom of speech; and a monthly protest against the Iraq War, along US 1 in Miami during the evening rush hour. [Belgrave Decl. at ¶ 4]. Plaintiff MFP is one of the key organizing groups of REJECT THE BUSH AGENDA (hereinafter "RBA"), including the march and rally planned for the afternoon of April 28, 2007. [Belgrave Decl. at ¶ 5].

5. Plaintiff **SOUTH FLORIDA PEACE & JUSTICE NETWORK** (hereinafter "SFPJN") is an unincorporated network of peace and social justice groups in the Miami-Dade/Broward/Palm Beach tri-county region [Declaration of Raymond Del Papa, dated April 20, 2007, hereinafter "Del Papa Decl.," at ¶ 2]. Among the activities that SFPJN has participated in or organized during the past year or so are a march and

rally in Fort Lauderdale in March 2006 to commemorate the third anniversary of the Iraq War, which involved temporary lane closures along State Road 84, a major east-west artery in Fort Lauderdale; attendance at rallies and demonstrations in support of striking janitors at the University of Miami and janitors at Nova Southeastern University fired for unionizing efforts in 2006; a demonstration to support the campaign of the Coalition of Immokalee Workers to convince Burger King to assure that tomato pickers are paid a decent wage; activities in support of the Umoja Village, an encampment in the Liberty City area of Miami for people lacking housing. [Del Papa Decl. at ¶ 3]. SFPJN is a participating entity in RBA. [Del Papa Decl. at ¶¶ 2, 4]. Many of its member organizations will have participants in the April 28<sup>th</sup> march and rally in Miami-Dade County.

6. Plaintiff **HAITI SOLIDARITY** (hereinafter “HS”) is a not-for-profit corporation located in Miami, Florida, having been incorporated since 2004 in the State of Florida [Declaration of Jack Lieberman, dated April 20, 2007, hereinafter “Lieberman Decl.,” at ¶ 3]. Among the activities HS has participated in are a mass rally of 1,000 people within the past month in front of the Immigration building at the corner of NE 79<sup>th</sup> Street and Biscayne Boulevard, to protest discrimination against Haitians who recently came ashore at Hallandale Beach, Broward County, Florida; various immigrants’ rights demonstrations during 2006, some in downtown Miami and others at the Immigration building on NE 79<sup>th</sup> Street; and a march of approximately 6,000 people in downtown Miami to urge that the Haitian government free Father Gerard Jean-Juste, which took place approximately a year and a half ago. [Lieberman Decl. at ¶4]. Plaintiff HS anticipates that it will bring one of the largest contingents of demonstrators to the April 28 demonstration at Miami-Dade College, with up to 200 HS members expected to participate [Lieberman Decl. at ¶ 6].

## **Defendants**

7. Defendant **MIAMI-DADE COUNTY** (hereinafter “M-D County”) is a political subdivision of the State of Florida, with the capacity to sue and be sued. It is the legal entity responsible for the actions of the Miami-Dade County Board of County Commissioners (hereinafter “M-D BCC”), including the County Code promulgated by the M-D BCC, as well as the actions of law enforcement officers employed in the County. M-D County controls and is responsible for the Miami-Dade Police Department (hereinafter “M-D PD”), including the actions taken by the Metropolitan Sheriff and law enforcement officers employed by the M-D PD.

8. Defendant **MIAMI-DADE COLLEGE** (hereinafter “M-D College”) is a state-supported college with eight campuses in Miami-Dade County. One of M-D College’s campuses is located at 11011 SW 104<sup>th</sup> Street, Miami, known as the “Kendall Campus.” M-D College has invited President George W. Bush to address its 2007 graduating class on April 28, 2007.

## **FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

### **Miami-Dade College Commencement:**

9. During the evening of April 28, 2007, President George W. Bush is scheduled to give a commencement address at Miami-Dade College, located in the Kendall section of the Southern region of unincorporated Miami-Dade County. It is anticipated that the President’s speech will begin at some point between 5:00 and 6:00 p.m.

**Reject the Bush Agenda Demonstration Event:**

10. MFP, SFPJN, HS and other constituent organizations comprising the RBA plan to hold a march in Miami-Dade County between 3 p.m. and 4 p.m. [Belgrave Decl. at ¶ 5]. The proposed march route is a half-mile long, starting just south of the east entrance to the Miami-Dade College (hereinafter “MDC”) Kendall campus at SW 100<sup>th</sup> Street and SW 107<sup>th</sup> Avenue. *Id.* The march will proceed south on SW 107<sup>th</sup> Avenue, and turn the corner to proceed west on SW 104<sup>th</sup> Street, stopping just before the main entrance to the MDC Kendall campus at SW 104<sup>th</sup> Street and SW 109<sup>th</sup> Court. *Id.* [See Map of Route attached as Exhibit A to the Declaration of Linda Belgrave.] The march will not block the entrances to the campus. *Id.* At the conclusion of the march, it is planned that march participants will hold a rally adjacent to the main entrance to the MDC Kendall campus located at SW 104<sup>th</sup> Street and SW 109<sup>th</sup> Court, and the rally will continue from 4 p.m. to 7 p.m. [Belgrave Decl. at ¶ 7]. A website providing additional details regarding the demonstration is located at <http://www.rejectbushmiami.com>. [Belgrave Decl. at ¶ 5].

**Miami-Dade County Code Provisions:**

11. Miami-Dade County has an antiquated permit scheme for all parades in the unincorporated portions of the county, first adopted in 1971 and last revised in 1973. Provisions of this type have been repeatedly condemned insofar as they are clearly violative of First Amendment protections for the freedoms of speech, assembly and petition.

12. **Miami-Dade Code § 30-274: Parades and processions; permit required**

In the unincorporated areas, no procession or parade, excepting the forces of United States Armed Services, the military forces of the State, the forces of the police and fire departments, and funeral processions, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the Sheriff and such other regulations as are set forth herein which may apply.

13. Miami-Dade County has a code provision criminalizing the *standing* or *remaining on* any public sidewalk or public place so as to *hinder* or *impede* the passage of pedestrians or vehicles; this section was first adopted in 1967, and last revised in 1982. This criminalization of *loitering* contains no exception for First Amendment-protected activity or for innocent conduct protected by federal jurisprudence.

14. **Miami-Dade County Code § 21-31.1: Disorderly Conduct, Loitering,**

**Penalties.**

(b) *Loitering*. For the purpose of this section “loitering” means the act of standing, remaining or sleeping on, in or about any public street, public sidewalk, public overpass, public bridge, public library or other place specifically enumerated herein. A person commits the offense of loitering when he knowingly:

(1) Loiters on any public street, public sidewalk, public overpass, public bridge or public place so as to hinder or impede the passage of pedestrians or vehicles.

...

(4) Loiters in or about a school, college or university campus so as to hinder to impede the orderly conduct of instructional, recreational or other school activities.

...

(c) *Penalties for violation*. . . . Any person convicted of a violation of any other subsection of this section shall be punished by a fine of five hundred dollars (\$500.00) or by

imprisonment in the County Jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the court. This section is applicable in both the incorporated and unincorporated areas of Miami-Dade County and all violations thereof shall be prosecuted in the County Court.

**Plaintiffs' Efforts to Obtain a Permit to Demonstrate in a Parade and Rally at the Miami-Dade College Commencement Event:**

15. Various groups in the social justice and peace movements learned in March 2007 that President George W. Bush was tentatively scheduled to give a commencement address on April 28<sup>th</sup> at Miami-Dade College. Initial inquiries to the county police relating to the possible need for a permit to demonstrate during the President's visit were made on or about April 1, 2007, by Ray Del Papa of Plaintiff SFPJN [Belgrave Decl. at ¶ 8]. Mr. Del Papa was directed to the Special Events Department.

16. On April 2<sup>nd</sup>, event organizer Linda Belgrave (of MFP and SFPJN) contacted the Miami-Dade Police Department ("M-D PD"), and was contacted on April 4<sup>th</sup> with direction to contact Capt. Michael Mouring of the Kendall district station of the M-D PD. [Belgrave Decl. at ¶¶ 9-10].

17. A tentative meeting to resolve demonstration issues was set for April 6<sup>th</sup>, but this meeting was cancelled by the M-D PD. [Belgrave Decl. at ¶¶ 10-11].



18. On April 14<sup>th</sup> Linda Belgrave of MFP received an e-mail from Capt. Mouring indicating that the M-D PD would not accommodate a “march route” for the demonstration planned on April 28<sup>th</sup>. [Belgrave Decl. at ¶ 13]. No reason for the arbitrary rejection was provided by the M-D PD. *Id.*

19. As to the request for a location for a rally, Ms. Belgrave was advised that the M-D PD was not willing to meet to discuss a demonstration location until the week of April 23<sup>rd</sup>. [Belgrave Decl. at ¶13].

20. On April 16<sup>th</sup>, Ms. Belgrave received numerous inquiries by organizations seeking information about the RBA demonstration, particularly the march route. [Belgrave Decl. at ¶14].

21. On April 17<sup>th</sup> and 18<sup>th</sup>, upon request by the plaintiffs, legal counsel attempted to resolve outstanding issues arising from the RBA political march and rally with Miami-Dade County, to no avail [Declaration of Mara Shlackman, dated April 21, 2007, hereinafter “Shlackman Decl.,” at ¶¶ 3 to 6].

22. The refusal by the M-D PD to accommodate the RBA’s proposed political parade route, and the failure of the M-D PD to provide a location for the post-parade rally,

have caused legitimate fear among the Plaintiffs that the M-D PD may endeavor to shut down any rally on April 28<sup>th</sup> through enforcement of its quarter-century old loitering ordinance. [Del Papa Decl. at ¶ 6].

23. In light of the MDPD'S denial of a lane closure for the political parade in which Plaintiffs plan to participate, the hundreds of participants, including Plaintiffs' members, would be forced to crowd onto the sidewalks, and would risk arrest for hindering or impeding the passage of pedestrians. [Del Papa Decl. at ¶6]. Additionally, Plaintiffs are aware that the loitering ordinance carries maximum penalties of a \$500.00 fine and/or sixty (60) days in jail, which are serious penalties that are likely to discourage participation in the march given the denial of lane closures to facilitate the march. *Id.* The County's parade permit ordinance and its loitering ordinance infringe on Plaintiffs' First Amendment right to peaceably assemble, and to be visible on the street to their intended audience while exercising their First Amendment freedoms of speech, assembly and petition.

### **CAUSES OF ACTION**

24. As to each cause of action delineated below in Counts One through Three, plaintiffs advance their federal constitutional claims against the governmental entities as state actors, through the operation of the Fourteenth Amendment.

**COUNT ONE**

***Monell Claim - Official Policy to Suppress Protected Speech and Assembly***  
**(42 USC § 1983 – Violation of First Amendment - Various Grounds)**  
**County Code § 30-274 – Parades & Processions Ordinance**  
**By ALL PLAINTIFFS Against MIAMI-DADE COUNTY**

25. Plaintiffs reallege and incorporate each jurisdictional and factual allegation of Paragraphs 1-24, as if set forth at length herein.

26. At all times relevant hereto, the Miami-Dade County Board of County Commissioners (“M-D BCC”) was the final policymaker of Miami-Dade County (“M-DC”) for purposes of adopting ordinances and other policies formally regulating constitutionally-protected expression and assembly within the county’s boundaries.

27. In December, 1971, the M-D BCC enacted Ordinance No. 71-94, now codified at County Code § 30-274 (not revised since March, 1973), precluding any “procession or parade” in the unincorporated areas of Miami-Dade County, *except in accordance with a permit issued by the Sheriff*. This ***Parades & Processions Ordinance*** is unconstitutional on its face as an impermissible prior restraint, containing terms which provide unfettered discretion to law enforcement officials, lack of deadlines for considering applications, lack of appropriate review for unfavorable decisions, and other deficiencies.

28. County Code § 30-274 was used as the basis for defendant M-DC’s refusal to issue a permit for the plaintiffs’ planned political march on April 28, 2007.

29. The adoption by the M-D BCC of Code § 30-274, and the implementation of this ***Parades and Processions Ordinance*** by the M-DPD, is the proximate cause of the deprivation of the First Amendment rights of Plaintiffs and other demonstrators for the planned activities on April 28, 2007, on public streets, sidewalks and other public property adjacent to M-D College. Plaintiffs seek redress for this violation of the First Amendment through the operation of 42 U.S.C. § 1983.

## COUNT TWO

***Monell Claim - Official Policy to Suppress Protected Speech and Assembly***  
**(42 USC § 1983 – Violation of First Amendment - Overbreadth)**  
**County Code § 21-31.1 – Loitering Ordinance**  
**By ALL PLAINTIFFS Against MIAMI-DADE COUNTY**  
**and MIAMI-DADE COLLEGE**

30. Plaintiffs reallege and incorporate each jurisdictional and factual allegation of Paragraphs 1-24, as if set forth at length herein.

31. At all times relevant hereto, the M-D BCC was the final policymaker of Miami-Dade County for purposes of adopting ordinances and other policies formally regulating conduct in public, including constitutionally-protected expression and assembly within the county's boundaries.

32. In March, 1967, the M-D BCC enacted Ordinance No. 67-17, now codified at County Code § 21-31.1. The ***Loitering Ordinance*** provides that it is unlawful to engage in “standing” or “remaining” on any public street, sidewalk or “place” so as to hinder or impede vehicular or pedestrian traffic, *see* M-D County Code § 21-31.1 (b) (1); it is also

unlawful to “loiter in or about a ... college or university campus so as to hinder or impede the orderly conduct of instructional, recreational or other school activities,” *see* M-D County Code § 21-31.1 (b)(4). These sections are applicable in the incorporated and unincorporated areas of Miami-Dade County, *see* M-D County Code § 21-31.1 (c).

33. This ***Loitering Ordinance*** is unconstitutional on its face as an impermissibly overbroad prohibition that has a substantial impact on conduct protected by the First Amendment, including the expressive conduct which the plaintiffs in this action plan for the public street and sidewalks adjacent to M-D College.

34. The anticipated use of County Code § 21-31.1 by the M-DPD and M-D College campus police have chilled the First Amendment-protected activities of the plaintiffs, and may cause the arrest of members of the plaintiffs, as well as others similarly situated who wish to exercise their rights of free speech, assembly and association on April 28, 2007.

35. The adoption by the M-D BCC of Code § 21-31.1, and the anticipated implementation of this ***Loitering Ordinance*** by the M-DPD and/or the M-D College campus police are the proximate causes of the deprivation of the First Amendment rights of Plaintiffs, and other demonstrators similarly situated, with respect to the planned activities on April 28, 2007 on public streets, sidewalks and other public property adjacent to M-D College. Plaintiffs seek redress for this violation of the First Amendment through the operation of 42 U.S.C. § 1983.

**COUNT THREE**

***Monell* Claim - Official Policy to Suppress Protected Speech and Assembly  
(42 USC § 1983 – Violation of 14<sup>th</sup> Amendment – Vagueness and Liberty Interest)**

**County Code § 21-31.1 – Loitering Ordinance**

**By ALL PLAINTIFFS Against MIAMI-DADE COUNTY  
and MIAMI-DADE COLLEGE**

36. Plaintiffs reallege and incorporate each jurisdictional and factual allegation of Paragraphs 1-24, as if set forth at length herein.

37. At all times relevant hereto, the M-D BCC was the final policymaker of Miami-Dade County for purposes of adopting ordinances and other policies formally regulating conduct in public, including constitutionally-protected expression and assembly within the county's boundaries.

38. In March, 1967, the M-D BCC enacted Ordinance No. 67-17, now codified at County Code § 21-31.1. The ***Loitering Ordinance*** provides that it is unlawful to engage in “standing” or “remaining” on any public street, sidewalk or “place” so as to hinder or impede vehicular or pedestrian traffic, *see* M-D County Code § 21-31.1 (b) (1); it is also unlawful to “loiter in or about a ... college or university campus so as to hinder or impede the orderly conduct of instructional, recreational or other school activities,” *see* M-D County Code § 21-31.1 (b)(4). These sections are applicable in the incorporated and unincorporated areas of Miami-Dade County, *see* M-D County Code § 21-31.1 (c).

39. This ***Loitering Ordinance*** is unconstitutional on its face, as an impermissibly *vague* prohibition that has a substantial impact on conduct protected by the Due Process Clause of the Fourteenth Amendment, for two reasons. First, this ordinance fails to provide the kind

of notice that enables ordinary citizens to understand what precise conduct it prohibits; second, it authorizes arbitrary and discriminatory enforcement through its lack of precision.

40. This ***Loitering Ordinance*** is further unconstitutional on its face as an impermissible prohibition on conduct that is protected by the *liberty interest* arising from the Due Process Clause of the Fourteenth Amendment. The members of the plaintiff organizations have a significant liberty interest in standing on public sidewalks and public places according to their inclination.

41. The anticipated use of County Code § 21-31.1 by the M-DPD and M-D College campus police have chilled the First Amendment-protected activities of the plaintiffs, and may cause the arrest of members of the plaintiffs, as well as others similarly situated who wish to exercise their rights of free speech, assembly and association on April 28, 2007.

42. The adoption by the M-D BCC of Code § 21-31.1, and the anticipated implementation of this ***Loitering Ordinance*** by the M-DPD and/or the M-D College campus police in a manner disallowed by the 14<sup>th</sup> Amendment, is the proximate cause of the deprivation of the First Amendment rights of Plaintiffs without due process, and other demonstrators similarly situated, on April 28, 2007, with respect to the planned activities on public streets, sidewalks and other public property adjacent to M-D College. Plaintiffs seek redress for this violation of the 14<sup>th</sup> Amendment through the operation of 42 U.S.C. § 1983.

**PRAYER FOR RELIEF - ALL COUNTS**

**WHEREFORE**, Plaintiffs seek judgment against Defendants for the following relief

1. A preliminary and permanent injunction, enjoining Defendants, their officers, agents and employees from enforcing Miami-Dade County Code §§ 30-274 and 21-31.1(b).
2. For a declaration that Defendant Miami-Dade County's challenged ordinances violate Plaintiffs' rights to free speech, assembly, association and to petition the government for redress of grievances, under the First Amendment, and are a further violation of due process rights under the Fourteenth 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.

Dated: April 23, 2007



Robert W. Ross, Jr. FBN 921660

**ROSS LAW FIRM, P.L.**

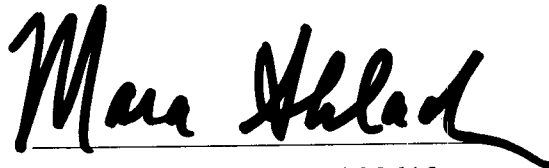
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## VERIFICATION

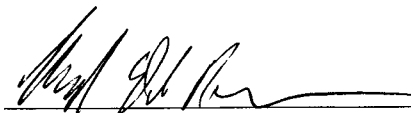
I, **RAYMOND DEL PAPA**, declare:

1. I am a member of the Plaintiff South Florida Peace & Justice Network. I submitted a declaration in support of the preliminary injunction that sets out the facts set forth in the Complaint, adopted in the Statement of Facts in the Memorandum. I have personal knowledge of those facts.

2. I have read the Complaint filed in this action and I am familiar with the factual matters set forth in the pleading. I verify that these facts are true and correct.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on April 23, 2007 in Fort Lauderdale, Florida.

A handwritten signature in black ink, appearing to read 'Raymond Del Papa', is written over a horizontal line.

**RAYMOND DEL PAPA**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

Case No. \_\_\_\_\_

MIAMI FOR PEACE, INC., SOUTH  
FLORIDA PEACE AND JUSTICE  
NETWORK, and HAITI SOLIDARITY, INC.,

Plaintiffs,

v.

MIAMI-DADE COUNTY, a political subdivision of  
the State of Florida, and THE DISTRICT BOARD  
OF TRUSTEES OF MIAMI-DADE COLLEGE,

Defendants.

**DECLARATION OF LINDA BELGRAVE**

LINDA BELGRAVE, being of full age, hereby declares the following under penalty of perjury:

1. I have personal knowledge of the facts set forth in this declaration.
2. I am a resident of the unincorporated area of Miami-Dade County known as Kendall, the secretary of Miami for Peace, Inc. ("MFP"), and one of the principal organizers for Reject the Bush Agenda ("RBA"), a coalition of activist groups planning protest activities relating to the commencement address that President Bush is scheduled to give at Miami-Dade College ("MDC") on April 28, 2007. MFP is a participating group in the RBA coalition. MFP is also a participant in the South Florida Peace and Justice Network ("SFPJN"), a tri-county network of groups dedicated to issues of peace and social justice, which is also a Plaintiff in this case.
3. MFP is a Florida non-profit corporation that has been registered with the State of Florida since 2003. The group's goals are to end the Iraq War, and to promote peace generally.

Toward these ends, MFP and its members participate in protests, do educational work such as teach-ins, and participate in letter writing campaigns.

4. Among the activities MFP has participated in are protests in the tri-county area in March 2006 to commemorate the third anniversary of the Iraq War; an Iraq War protest in Doral, Miami-Dade County, Florida, in March 2007 to commemorate the fourth anniversary of the Iraq War; a protest in January 2007 to advocate shutting down the Guantanamo facilities where alleged terrorism suspects are being held; an event in February 2007 in downtown Miami to support freedom of speech; and a monthly protest against the Iraq War, along US1 in Miami during the evening rush hour.

5. MFP initiated the planning of the April 28, 2007 protest with the goals of demanding the immediate withdrawal of U.S. troops from Iraq, and the restoration of civil liberties and freedom of speech in the United States. A website for the protest is located at [www.rejectbushmiami.com](http://www.rejectbushmiami.com). MFP plans to hold a march between 3 p.m. and 4 p.m. The proposed march route is a half-mile long, starting just south of the east entrance to the MDC Kendall campus at SW 100<sup>th</sup> Street and SW 107<sup>th</sup> Avenue. The march will proceed south on SW 107<sup>th</sup> Avenue, and turn the corner to proceed west on SW 104<sup>th</sup> Street, stopping just before the main entrance to the MDC Kendall campus at SW 104<sup>th</sup> Street and SW 109<sup>th</sup> Court. A map of the route is attached as Exhibit A. The march will not block the entrances to the campus. Our group's goal is to communicate our message to people entering the campus to attend the commencement, to passersby on the roadways, and to the general public through the media. Our intended audience is the larger community, rather than the college community, and we do not wish to interfere with the commencement itself.

6. Because hundreds of people are expected to attend this march, the sidewalks will be insufficient to accommodate the march, and I have requested in writing that the police issue a permit

for a parade and/or procession and close off lanes of traffic to facilitate our march. A parade and/or procession with closed traffic lanes will protect the safety of participants in the march. There are 2 northbound lanes and 2 southbound lanes with no median on SW 107<sup>th</sup> Avenue, while SW 104<sup>th</sup> Street has 3 eastbound lanes and 3 westbound lanes, separated by a median. Given the number of lanes on these thoroughfares, the brevity of the march, and the fact that the commencement ceremonies do not begin until 5 p.m., we believe that our request for partial lane closure could be accomplished by closing off a single lane on SW 107<sup>th</sup> Avenue and a single lane on SW 104<sup>th</sup> Street, without interfering with traffic safety in any way.

7. At the conclusion of the march, it is planned that march participants will hold a rally adjacent to the main entrance to the MDC Kendall campus located at SW 104<sup>th</sup> Street and SW 109<sup>th</sup> Court, and the rally will continue from 4 p.m. to 7 p.m.

8. To initiate the process of seeking a permit from the Miami-Dade Police Department ("MDPD") to hold the march and rally, on April 1, 2007, my fellow organizer, Ray Del Papa, called the Miami-Dade Police Department's non-emergency number, to ask who to call to coordinate a protest when President Bush is in town. Mr. Del Papa was given another number, for Special Events.

9. On the morning of April 2, 2007, I called the MDPD Special Events telephone number, where I was put through to Lt. Del Menendez's number. There was no answer, so I left a message, telling him we wanted to hold a demonstration while President Bush is at Miami Dade College, and I was calling to get the process started. With no response by late afternoon, I called again, leaving another message.

10. On April 4, 2007, Lt. Menendez left me a message to call Captain Michael C. Mouring, of the Kendall police station, saying he had also provided my contact information to the Captain. On the same day, I called and spoke to Captain Mouring. He seemed accommodating (although he did

try to steer us toward holding the demonstration on campus, despite our desire to be out and visible to the public), and we set a meeting for Friday, April 6, 2007, at 10:30 a.m. Captain Mouring said that he would check with his colleague in the MDPD legal department (regarding scheduling), and would confirm the meeting by April 5th. Captain Mouring indicated that he did not anticipate a problem.

11. Captain Mouring had not called to confirm the April 6<sup>th</sup> appointment by mid-day on April 5<sup>th</sup>, so I called him and left a message with my office phone number and a request for confirmation of the following day's appointment. I did not receive a call-back by late afternoon on April 5th, so I called again, and Captain Mouring answered and told me that the following day was "premature" for a meeting; we would have to postpone. I discussed with Captain Mouring the size of the demonstration; I gave a very rough estimate of a few hundred, but with caveats, since it is impossible to predict turnout. I did not try to set a new meeting date and time during that call, because Captain Mouring said he was going to be out of the office the following Monday & Tuesday, and I was going to be out of town the rest of that week, and I wanted to confer with others before taking the next step.

12. On April 6, 2007, I sent Captain Mouring an e-mail describing in detail the RBA ad-hoc committee's plans for our demonstration (e-mail is attached hereto as Exhibit B). I requested that we reschedule our cancelled meeting for Monday, April 16, 2007. In the e-mail, I requested that Captain Mouring call my cell phone to respond, as I would be out of town and off-line. I also suggested that Captain Mouring respond to my e-mail using the "reply all" function, so that Ms. Mara Shlackman, our counsel, as well as Mr. Del Papa, could handle any matters that arose during my absence. I received no phone call from Captain Mouring while I was out of town.

13. On April 14, 2007, I returned home in the evening, and discovered that Captain Mouring had responded to my e-mail the previous afternoon, April 13<sup>th</sup> (e-mail from Captain Mouring

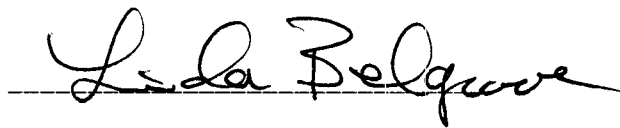
attached as Exhibit C). In his e-mail, Captain Mouring stated that a meeting would still be “premature” and that he would contact me the week of April 23<sup>rd</sup> to schedule a meeting, which is the same week the demonstration is scheduled to take place. In this e-mail Captain Mouring also rejected a critical aspect of our planned event, stating that he was “not willing” to close traffic lanes. No reason was provided. Because of the manner in which Captain Mouring responded to my April 6<sup>th</sup> e-mail, there was a delay in my receipt of notice of Captain Mouring’s refusal to schedule a timely appointment regarding planning for the demonstration and his refusal to grant our request for lane closures.

14. On April 16, 2007, I received numerous phone calls from people who want to participate in the demonstration. The most common questions concerned the starting point for the march and other inquiries relating to the march. Because Captain Mouring has continually declined to meet with us, this has been a difficult question to answer.

15. My counsel have advised me that Miami-Dade County has a very minimal ordinance scheme, that gives unfettered discretion to the MDPD in deciding whether to grant a permit for a political procession or parade. The County Code provides no criteria the MDPD must follow in deciding whether to grant or deny a parade permit, provides no time frames for the processing of permit requests, and provides our group with no avenue of administrative appeal now that our request for a safe parade route has been denied. The manner in which Captain Mouring has treated my request for lane closures is a direct result of this insufficient ordinance scheme. The First Amendment rights of MFP have been violated, in that Captain Mouring’s refusal to meet with me and to grant lane closures has already hindered MFP’S efforts in organizing this protest, since uncertainty over the details of the demonstration discourages participation. Moreover, if we are unable to proceed with the demonstration on March 28, MFP’S First Amendment rights will be further infringed.

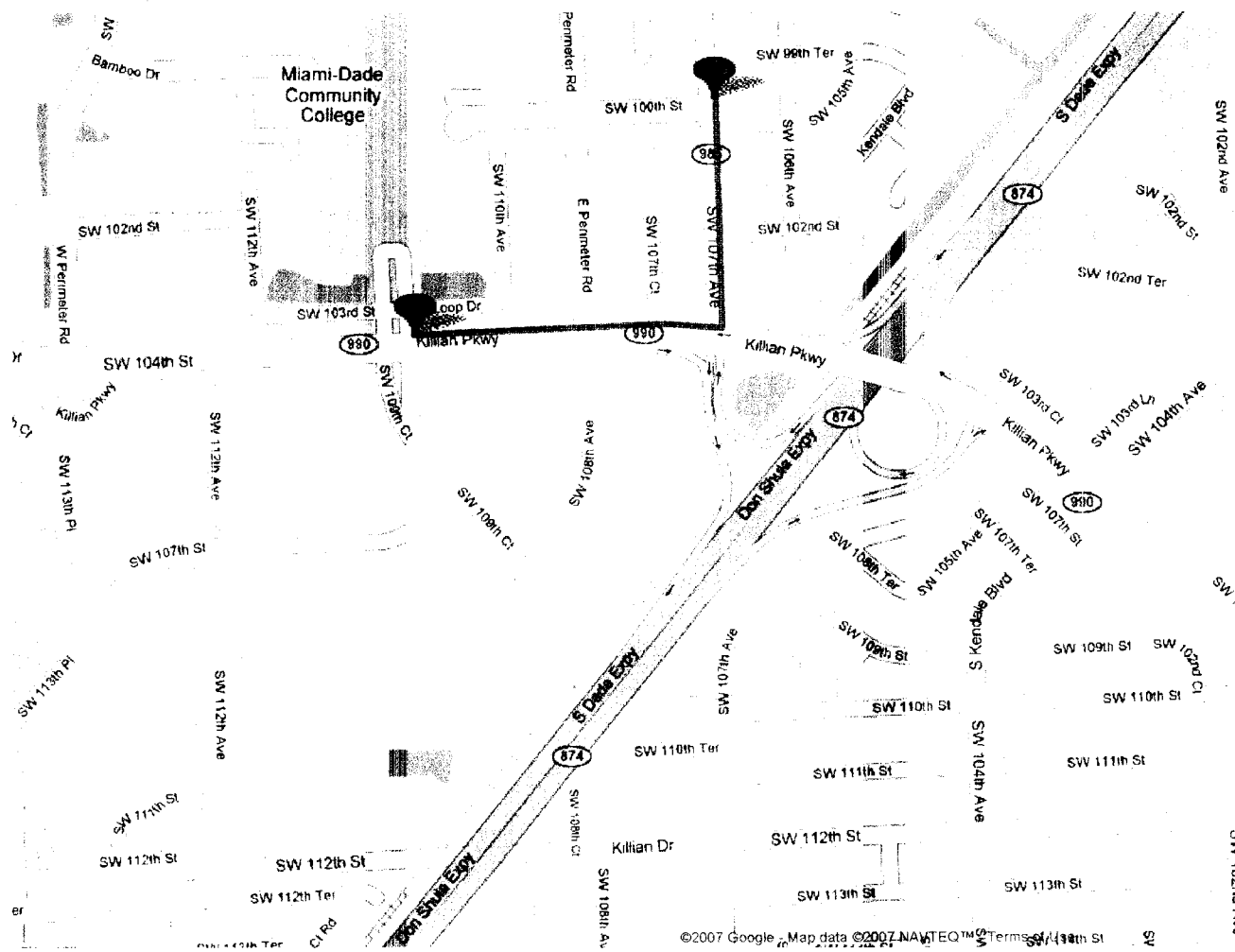
Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19<sup>th</sup> day of April, 2007.

A handwritten signature in cursive script, reading "Linda Belgrave", written over a horizontal line.

LINDA BELGRAVE

Google  
Maps



— EXHIBIT A —



[My Maps](#) - [Create new map](#)

## Reject Bush Miami

George W. Bush will be speaking at the Miami-Dade College graduation at the Kendall Campus on April 28th at 3pm. Thousands of us from all over Florida will be gathering there to send a clear message!

View only

Created by DFAM on Apr 18 - Updated yesterday



### MEET HERE!

We will meet on the corner of SW 107th Avenue and

### March route

Then we will march to the main entrance of Miami-D



### Main entrance

**YAHOO! SMALL BUSINESS**  
Email

Print - Close Window

**Subject:** Protest, April 28  
**Date:** Fri, 6 Apr 2007 15:42:27 -0400  
**From:** "Belgrave, Linda" <l.belgrave@miami.edu>  
**To:** sta05info@mdpd.com  
**CC:** "Mara Shlackman" <mara@shlackmanlaw.com>, mrrratpp@aol.com

Captain Mouring,

In order to facilitate the process of permitting (if necessary) our demonstration for April 28, and sorting out the particulars, I thought it would be helpful if I sent you the details of what we are planning and requesting. That way, when we sit down together, we can all be on the same page.

**ORGANIZATION:** Reject Bush Agenda

(This is the name we've given to our ad-hoc organizing committee. It consists of a number of local organizations, including the South Florida Peace & Justice Network & Miami for Peace, the hats you currently know me by.)

**DATE & TIME:** April 28, 3:00 p.m. to 7:00 p.m.

(As we continue to firm up our plans, we anticipate narrowing this window somewhat.)

**DEMONSTRATION PLAN & PLACE:** March & rally/picket outside Miami Dade College, Kendall Campus. We plan to gather at the MDC driveway that intersects S.W. 107th Ave. We will march from that location, south to S.W. 104th St., then west on 104th to the MDC main entrance. At that point, we plan to spread out along S.W. 104th St. and rally/picket for the duration.

**SOUND:** We have not made plans regarding sound yet, but at a minimum, we will probably use a battery-operated megaphone.

**SIZE:** As you and I discussed, this is very hard to predict. At this point, we anticipate a few hundred people.

**PROTEST REQUEST:** We are requesting lane closures on S.W. 107th Ave. & S.W. 104th ST., as needed.

**MEETING REQUEST:** Ms. Mara Shlackman and I would like to reschedule the Friday, April 6th meeting that you felt was premature, to Monday April 16, after 10:00 a.m.

I realize that your "out of office" schedule and mine will make communication somewhat awkward this coming week. If you have any questions, and/or to respond regarding our meeting, it is probably best to call me on my cell, which I'll have out of town. That number is 305-801-0245. You can also hit "reply all" to respond to this message. I don't anticipate having e-mail access while I'm away, but the others will receive your note and I can see it when I return.

Meanwhile, I hope you have a good weekend and time away.

Thank you,

Linda Belgrave  
Reject Bush Agenda  
South Florida Peace & Justice Network  
Miami for Peace

- EXHIBIT B -

**YAHOO! SMALL BUSINESS**  
*Email*

Print - Close Window

**Date:** Thu, 19 Apr 2007 17:47:14 -0700 (PDT)  
**From:** "Mara Shlackman" <mara@shlackmanlaw.com>  
**Subject:** Fwd: FW: Pre-Event Meeting  
**To:** mara@shlackmanlaw.com

> \_\_\_\_\_  
>  
>From: Mouring, Michael C. (MDPD) [mailto:mcmouring@mdpd.com]  
>Sent: Fri 4/13/2007 2:51 PM  
>To: Belgrave, Linda  
>Cc: 'mrrratpp@aol.com'; Caneva, Edgardo (MDPD); O'Donnell, Grace M. (MDPD)  
>Subject: Pre-Event Meeting  
>  
>  
>

>Ms. Belgrade, good afternoon. Our meeting would still be premature, we  
>don't know as yet if the school will allow protesters on campus and what  
>requirements will be dictated by the Secret Service. Although we would like  
>to finalize plans as far in advance as possible, that won't happen till the  
>Monday before the event. I will contact you the week of the 23rd to  
>schedule. As far as closing off a lane on 107 Avenue and on 104 Street, I  
>am not willing to do that.  
>

\_\_\_\_\_  
Exercise your brain! Try Flexicon.

[http://games.msn.com/en/flexicon/default.htm?icid=flexicon\\_hmemailtaglineapril07](http://games.msn.com/en/flexicon/default.htm?icid=flexicon_hmemailtaglineapril07)

- EXHIBIT C -

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

**MIAMI DIVISION**

**Case No.**

MIAMI FOR PEACE, INC., SOUTH  
FLORIDA PEACE AND JUSTICE  
NETWORK, and HAITI SOLIDARITY, INC.,

Plaintiffs,

v.

MIAMI-DADE COUNTY, a political subdivision  
of the State of Florida, and THE DISTRICT  
BOARD OF TRUSTEES OF MIAMI-DADE  
COLLEGE,

Defendants.

**DECLARATION OF JACK LIEBERMAN**

JACK LIEBERMAN, being of full age, hereby declares the following under penalty of perjury:

1. I have personal knowledge of the facts set forth in this declaration.
2. I am a resident of an unincorporated area of northeast Miami-Dade County, Florida, a director of Haiti Solidarity, Inc. ("HS"), and an organizer for Reject the Bush Agenda ("RBA"), a coalition of activist groups planning protest activities relating to the commencement address that President Bush is scheduled to give at Miami-Dade College ("MDC") on April 28, 2007. I have attended several organizing meetings for this demonstration during the past month. HS is a participating group in the RBA coalition. HS is also a participant in the South Florida Peace and Justice Network ("SFPJN"), a tri-county

network of groups dedicated to issues of peace and social justice, which is also a Plaintiff in this case.

3. HS is a Florida non-profit corporation that has been registered with the State of Florida since 2004. HS' purpose is to raise awareness in the United States regarding issues of democracy and human rights in Haiti, by participating in various educational and protest activities.

4. Among the activities HS has participated in are a mass rally of a 1,000 people within the past month in front of the Immigration building at the corner of NE 79<sup>th</sup> Street and Biscayne Boulevard, to protest discrimination against Haitians who recently came ashore at Hallandale Beach, Broward County, Florida; various immigrants' rights demonstrations during 2006, some in downtown Miami and others at the Immigration building on NE 79<sup>th</sup> Street; and a march of approximately 6,000 people in downtown Miami to urge that the Haitian government free Father Gerard Jean-Juste, which took place approximately a year and a half ago.

5. HS' purpose in participating in the demonstration against the Bush Administration on April 28, 2007, adjacent to the Kendall campus of Miami-Dade College, is to demand that Haitian refugees in the United States be granted Temporary Protected Status under U.S. immigration law. Our group's goal is to communicate our message to people entering the campus to attend the commencement, to passersby on the roadways, and to the general public through the media. Our intended audience is the larger community, rather than the college community, and we do not wish to interfere with the commencement itself.

6. HS plans to bring in buses of people from the Little Haiti section of the City of Miami to attend this demonstration. HS anticipates that approximately 200 Haitians will attend this event,

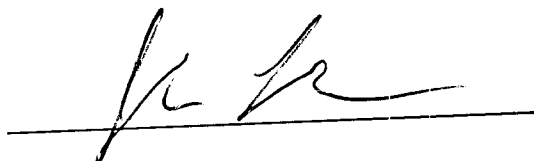
aside from from any other groups that will be attending this protest.

7. My counsel have advised me that Miami-Dade County has a very minimal ordinance scheme, that gives unfettered discretion to the Miami-Dade Police Department ("MDPD") in deciding whether to grant a permit for a political procession or parade. The County Code provides no criteria the MDPD must follow in deciding whether to grant or deny a parade permit, provides no time frames for the processing of permit requests, and provides no avenue of administrative appeal now that a safe parade route has been denied.

8. The South Florida Haitian community is upset about the denial of a safe parade route, as it infringes on their First Amendment right to peaceably assemble, and to be visible on the street to their intended audience while exercising their First Amendment freedom of speech. Moreover, the MDPD's refusal to provide a safe parade route, which is a direct result of this insufficient ordinance scheme, very much concerns Haitian refugees, who do not want to be in danger of arrest or other negative encounters with law enforcement personnel. The MDPD's restrictions on the Haitian refugees' exercise of democratic freedoms will have a chilling effect on their participation in the march and rally, as an arrest could result in loss of permanent resident status and/or deportation back to Haiti. For the size of the crowd anticipated, lane closures are necessary to ensure a safe, peaceful march, free of tension for participants and others. Moreover, if the Haitian community in South Florida is unable to proceed with the demonstration on April 28, its First Amendment rights will be further infringed.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 20<sup>th</sup> day of April, 2007.

A handwritten signature in black ink, appearing to read 'JL', is written over a horizontal line.

**JACK LIEBERMAN**

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

**MIAMI DIVISION**

**Case No.**

MIAMI FOR PEACE, INC., SOUTH  
FLORIDA PEACE AND JUSTICE  
NETWORK, and HAITI SOLIDARITY, INC.,

Plaintiffs,

v.

MIAMI-DADE COUNTY, a political subdivision  
of the State of Florida, and THE DISTRICT  
BOARD OF TRUSTEES OF MIAMI-DADE  
COLLEGE,

Defendants.

**DECLARATION OF RAYMOND DEL PAPA**

RAYMOND DEL PAPA, being of full age, hereby declares the following under penalty of perjury:

1. I have personal knowledge of the facts set forth in this declaration.
2. I am a resident of the City of Fort Lauderdale, Broward County, Florida, a member of the steering committee of the South Florida Peace and Justice Network ("SFPJN"), and an organizer for Reject the Bush Agenda ("RBA"), a coalition of activist groups planning protest activities relating to the commencement address that President Bush is scheduled to give at Miami-Dade College ("MDC") on April 28, 2007. I have attended several organizing meetings for this demonstration during the past month. SFPJN is a participating group in the RBA coalition. SFPJN is a tri-county (Miami-Dade,



Broward, and Palm Beach Counties) unincorporated network of groups dedicated to issues of peace and social justice. Among the groups that are part of the SFPJN are the other two Plaintiffs in this litigation, Miami for Peace, Inc. and Haiti Solidarity, Inc. Other groups that participate in the SFPJN include Code Pink, the Raging Grannies, and the Bolivarian Youth.

3. Among the activities that SFPJN has participated in or organized during the past year or so are a march and rally in Fort Lauderdale in March 2006 to commemorate the third anniversary of the Iraq War, which involved temporary lane closures along State Road 84, a major east-west artery in Fort Lauderdale; attendance at rallies and demonstrations in support of striking janitors at the University of Miami and janitors at Nova Southeastern University fired for unionizing efforts; a demonstration to support the campaign of the Coalition of Immokalee Workers to convince Burger King to assure that tomato pickers are paid more; activities in support of Umoja Village, an encampment in the Liberty City area of Miami for people lacking housing.

4. SFPJN is participating in the demonstration against the Bush Administration on April 28, 2007, adjacent to the Kendall campus of Miami-Dade College, to demand immediate withdrawal of U.S. troops from Iraq, restoration of civil liberties, and Temporary Protected Status under U.S. immigration law for Haitian refugees, all causes supported by member groups. Our group's goal is to communicate our message to people entering the campus to attend the commencement, to passersby on the roadways, and to the general public through the media. Our intended audience is the larger community, rather than the college community, and we do not wish to interfere with the commencement itself.

5. My counsel have advised me that Miami-Dade County has a very minimal

ordinance scheme, that gives unfettered discretion to the Miami-Dade Police Department (“MDPD”) in deciding whether to grant a permit for a political procession or parade. The County Code provides no criteria the MDPD must follow in deciding whether to grant or deny a parade permit, provides no time frames for the processing of permit requests, and provides no avenue of administrative appeal now that a safe parade route has been denied.

6. My counsel has also advised me that Miami-Dade County has an unconstitutionally vague ordinance concerning loitering, which penalizes loitering on public streets, public sidewalks, and near college campuses, among other places. In light of the MDPD’S denial of a lane closure for the political parade in which SFPJN plans to participate, the hundreds of participants, including SFPJN members, would be forced to crowd onto the sidewalks, and would risk arrest for hindering or impeding the passage of other pedestrians. Additionally, my counsel has advised that the loitering ordinance carries maximum penalties of a \$500.00 fine and/or sixty (60) days in jail, which are serious penalties that are likely to discourage participation in the march given the denial of lane closures to facilitate the march. The County’s parade permit ordinance and its loitering ordinance infringe on our group’s First Amendment right to peaceably assemble, and to be visible on the street to our intended audience while exercising our First Amendment freedom of speech. Moreover, the MDPD’s refusal to provide a safe parade route is a direct result of this insufficient ordinance scheme.

Likewise, if SFPJN members are unable to proceed with the demonstration on April 28, their First

Amendment rights will be further infringed.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 20<sup>th</sup> day of April, 2007.

  
\_\_\_\_\_  
RAYMOND DEL PAPA

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

**MIAMI DIVISION**

**Case No. \_\_\_\_\_**

**MIAMI FOR PEACE, INC., SOUTH FLORIDA  
PEACE AND JUSTICE NETWORK, and  
HAITI SOLIDARITY, INC.,**

**Plaintiffs,**

**v.**

**MIAMI-DADE COUNTY, a political subdivision of  
the State of Florida, and THE DISTRICT BOARD  
OF TRUSTEES OF MIAMI-DADE COLLEGE,**

**Defendants.**

**DECLARATION OF MARA SHLACKMAN**

MARA SHLACKMAN, being of full age, hereby declares the following under penalty of perjury:

1. I have personal knowledge of the facts set forth in this declaration.
2. I have been a member of the Florida Bar in good standing since 1993, and I am also admitted to practice in the U.S. Court of Appeals for the Eleventh Circuit, as well as the U.S. District Courts for the Southern and Middle Districts of Florida. I reside and practice law in Fort Lauderdale, Broward County, Florida. I am one of the counsel representing the Plaintiffs in this action.
3. The Plaintiffs contacted me for assistance in the early part of the week of April 16, 2007, with regard to negotiating on their behalf to obtain the necessary permits and/or approvals from

the Miami-Dade Police Department ("MDPD") to hold a demonstration on April 28, 2007, adjacent to the Kendall campus of Miami-Dade College ("MDC"), coinciding with President Bush's delivery of the commencement address to graduating students. The Plaintiffs called me after receiving a rejection of a key element of their planned protest by Miami-Dade Police Department officials, namely their request for lane closures to facilitate a half-mile march commencing just past the intersection of SW 100<sup>th</sup> Street and SW 107<sup>th</sup> Avenue (the east entrance to the campus), and concluding at the intersection of SW 104<sup>th</sup> Street and SW 109<sup>th</sup> Court (the main entrance to the campus).

4. On Tuesday, April 17, 2007, I called Captain Michael C. Mouring, the same official that Plaintiffs themselves had previously communicated with, and left a message requesting that he call me regarding issues pertaining to the planned demonstration. At 5:36 p.m. the same day, Captain Mouring left a detailed voice mail message for me, in which he indicated that he could not confirm a definite location where Plaintiffs could hold their demonstration. Captain Mouring also stated that MDC had not yet decided whether to allow the activist groups on campus in "First Amendment zones," but he would prefer that MDC do so, because otherwise if everyone were on the sidewalk, that could become "hectic" and "dangerous". Furthermore, without giving any explanation, Captain Mouring stated he was not inclined to close traffic lanes for the demonstration and did not plan to do so.

5. During the late morning and early afternoon of Wednesday, April 18, 2007, I spoke twice with Assistant Miami-Dade County Attorney Jeffrey Ehrlich, who handles Federal litigation for the County. Mr. Ehrlich advised me that someone from the MDPD legal staff would contact me to address permits and/or approvals for the march and rally planned by the Plaintiffs.

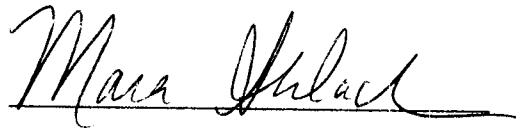
6. Shortly after 3 p.m. on Wednesday, April 18, 2007, I spoke with Robert Diers, an

attorney with the MDPD who had left me a message earlier in the afternoon that day advising that he was the "informal First Amendment person" for the MDPD, and that he was involved in everything related to President Bush's upcoming visit. Mr. Diers indicated that unless a demonstrating group has a history of violence, such as the Ku Klux Klan, the MDPD does not mandate First Amendment zones, and protesting groups are allowed to use the sidewalks. However, Mr. Diers also stated that traffic lanes would not be shut down for this demonstration.

7. On the evening of April 18<sup>th</sup>, after concluding that all efforts to negotiate in good faith with the MDPD had failed, the Plaintiffs authorized the undersigned counsel and co-counsel, Robert W. Ross, Jr., to proceed to prepare for filing suit in this matter.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 20<sup>th</sup> day of April, 2007.

A handwritten signature in cursive script, reading "Mara Shlackman", written over a horizontal line.

**MARA SHLACKMAN**

**Sec. 30-274. Parades and processions; permit required; sound trucks.**

In the unincorporated areas, no procession or parade, excepting the forces of United States Armed Services, the military forces of this State, the forces of the police and fire departments, and funeral processions, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the Sheriff and such other regulations as are set forth herein which may apply. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street except in accordance with a permit issued by the Sheriff.

(Ord. No. 71-94, § 1, 12-21-71; Ord. No. 73-18, § 1, 3-8-73)

**Sec. 21-31.1. Disorderly conduct, loitering; penalties, trial for violations.**

(a) *Disorderly conduct.* Any person commits the offense of disorderly conduct when he knowingly:

- (1) With intent to harass, annoy, abuse or threaten another, makes a telephone call, whether or not conversation thereby ensues; or
- (2) Enters upon the property of another and for lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or
- (3) Engages in fighting or brawling in any public place or place open to the general public; or
- (4) Uses profane, vulgar, or indecent language, in any public place, or upon the private premises of another, or so near thereto as to be heard by another.

(b) *Loitering.* For the purpose of this section "loitering" means the act of standing, remaining or sleeping on, in or about any public street, public sidewalk, public overpass, public bridge, public library or other place specifically enumerated herein. A person commits the offense of loitering when he knowingly:

- (1) Loiters on any public street, public sidewalk, public overpass, public bridge or public place so as to hinder or impede the passage of pedestrians or vehicles.
- (2) Reserved.
- (3) Loiters in or about any police station, police headquarters building, County building, hospital, court building, or any other public building or place for the purpose of soliciting employment of legal services or sureties upon criminal recognizances.
- (4) Loiters in or about a school, college or university campus so as to hinder or impede the orderly conduct of instructional, recreational or other school activities.
- (5) Loiters in or about a public library so as to hinder or impede the normal operation of the library.

(c) *Penalties for violation.* Any person convicted of a violation of subsection (a)(3) or (a)(4) of this section shall be punished by a fine not to exceed two hundred fifty dollars (\$250.00) or by imprisonment in the County Jail for a term not to exceed thirty (30) days, or by both such fine and imprisonment, in the discretion of the court. Any person convicted of a violation of any other subsection of this section shall be punished by a fine of five hundred dollars (\$500.00) or by imprisonment in the County Jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the court. This section is applicable in both the incorporated and unincorporated areas of Miami-Dade County and all violations thereof shall be prosecuted in the County Court.

(d) *Trial in Juvenile and Domestic Relations Court.* Where the offense set forth involves violation by minors, the same shall be tried in the Miami-Dade County Juvenile and Domestic Relations Court when so required by the laws of the State of Florida.

(e) *Fingerprinting.* Every person charged with any violation of the provisions of subsection (a) or (b) of this section may be fingerprinted and photographed by the Miami-Dade Police Department. Upon an adjudication of not guilty of a charged violation of subsection (a) or (b), the Miami-Dade Police Department will cause all fingerprints and photographs to be expunged and destroyed, including any forwarded to the Federal Bureau of Investigation or the Florida Sheriff's Bureau, provided such fingerprints and photographs result solely from such charge or charges so adjudicated.

(Ord. No. 67-17, §§ 1--3, 3-7-67; Ord. No. 67-56, § 1, 7-25-67; Ord. No. 69-93, § 1, 12-17-69; Ord. No.



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

**I. (a) PLAINTIFFS**

Miami for Peace, Inc., South Florida Peace & Justice Network, Inc. and Haiti Solidarity.

(b) County of Residence of First Listed Plaintiff Miami-Dade  
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robert W. Ross, Jr., Ross Law Firm, P.L., 3923 Lake Worth Rd., Ste. 102, Lake Worth, FL 33461, Tel: 561-251-4896

**DEFENDANTS**

Miami-Dade County and Miami-Dade College

County of Residence of First Listed Defendant Miami-Dade  
 (IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

**MAGISTRATE JUDGE  
 TURNOFF**

(d) Check County Where Action Arose: ☒ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ ST. JOHN ☐ OKEECHOBEE HIGHLANDS

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity

(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

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

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed- (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. RELATED/RE-FILED CASE(S).**

a) Re-filed Case ☐ YES ☒ NO

b) Related Cases ☐ YES ☒ NO

(See instructions second page):

JUDGE N/A

DOCKET NUMBER N/A

**VII. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983 for First Amendment violation. Seeking declaratory and injunctive relief against local ordinance.

LENGTH OF TRIAL via 3 days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:**

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

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

April 20, 2007

FOR OFFICE USE ONLY

AMOUNT

\$ 350.00

RECEIPT #

958443

04/24/07