

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**NIKKI BRUNI; JULIE COSENTINO;** )  
**CYNTHIA RINALDI; KATHLEEN LASLOW;** )  
and **PATRICK MALLEY,** )

Plaintiffs, )

v. )

**CITY OF PITTSBURGH; PITTSBURGH** )  
**CITY COUNCIL; and WILLAIM PEDUTO,** )  
in his official capacity as Mayor of the City of )  
Pittsburgh, )

Defendants. )

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

**VERIFIED COMPLAINT**

Plaintiffs Nikki Bruni, Julie Cosentino, Cynthia Rinaldi, Kathleen Laslow, and Patrick Malley, by their attorneys, state as follows:

**INTRODUCTION**

1. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 challenging the constitutionality, facially and as applied, of Pittsburgh City Ordinance “Public Safety at Health Care Facilities,” Pittsburgh Code of Ordinances § 623.01 *et seq.* (hereinafter “the Ordinance”), which creates a fixed buffer zone with a radius of 15 feet (hereinafter “buffer zone”) restricting free speech around the entrances to health care facilities.

2. Within these buffer zones, one may not “knowingly congregate, patrol, picket or demonstrate in a zone extending 15 feet from any entrance to the hospital or health care facility.” Health care facilities include any “establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an out-patient basis by physicians, dentists and

other practitioners.” The Ordinance therefore creates anti-speech zones on the entrances to an enormous number of facilities throughout Pittsburgh that provide any health care services. And because new health care facilities open in a variety of office buildings and zones, the Ordinance continually spawns new anti-speech zones on public sidewalks, streets, and other public ways throughout the City.

3. The City of Pittsburgh has no justification for creating even one of these anti-speech zones in traditional public fora, much less creating innumerable zones throughout Pittsburgh. The First Amendment contemplates no possible justification for such a measure. The freedom of speech is at its apex on public streets and sidewalks when citizens wish to persuade other citizens by means of leafleting, personal education, and peaceful protest. The U.S. Supreme Court recently struck down a similar law from Massachusetts in *McCullen v. Coakley*, No. 12-1168 (June 26, 2014). *McCullen* directly controls this case and eliminates any plausible legal justification for the law challenged here.

4. Plaintiffs regularly engage in peaceful prayer, leafleting, sidewalk counseling, pro-life advocacy, and other peaceful expressive activities outside of the Planned Parenthood abortion facility, located at 933 Liberty Avenue.

5. Unless this Court grants Plaintiffs preliminary and permanent injunctive relief, the Plaintiffs’ and other citizens’ leafleting and personal education activities on the sidewalks and streets will be squelched, causing irreparable harm to their freedom of speech as protected by the First Amendment of the United States Constitution. The City, however, will suffer no injury from injunctive relief issued against its poorly conceived and unjustified attack on free speech. A preliminary injunction will preserve the status quo of robust freedom of speech in Pittsburgh, which has caused no cognizable public or personal harm and has instead yielded great public benefit.

**JURISDICTION**

6. This civil rights action raises federal questions under the United States Constitution, particularly the First and Fourteenth Amendments, and the Civil Rights Act of 1871, 42 U.S.C. § 1983.

7. This Court has original jurisdiction over these federal claims pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has authority to award the requested damages pursuant to 28 U.S.C. § 1343; the requested declaratory relief pursuant to 28 U.S.C. §§ 2201-02; the requested injunctive relief pursuant to 28 U.S.C. § 1343 and Fed. R. Civ. P. 65; and costs and attorneys fees under 42 U.S.C. § 1988.

**VENUE**

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the Defendants reside in his district and all of the acts described in this Complaint occurred in this district.

**IDENTIFICATION OF PLAINTIFFS**

9. Plaintiff Nikki Bruni is a resident of Verona, PA
10. Plaintiff Julie Cosentino is a resident of Bridgeville, PA
11. Plaintiff Cynthia Rinaldi is a resident of Coraopolis, PA
12. Plaintiff Kathleen Laslow is a resident of Pittsburgh, PA
13. Plaintiff Patrick Malley is a resident of Trafford, PA

**IDENTIFICATION OF DEFENDANTS**

14. Defendant City of Pittsburgh is a municipal corporation existing under the laws and the Constitution of the Commonwealth of Pennsylvania and is a corporate entity capable of suing and being sued.

15. Defendant City of Pittsburgh is responsible for enforcing the Ordinance against Plaintiffs and others, and for arresting, detaining, fining, and punishing individuals alleged to have violated the Ordinance within the corporate limits of the City of Pittsburgh.

16. Defendant Pittsburgh City Council is vested with the legislative power of the City of Pittsburgh, and it enacted the challenged Ordinance on or about December 13, 2005.

17. Defendant William Peduto is the Mayor of the City of Pittsburgh and is sued in his official capacity as Mayor.

18. In his official capacity as Mayor, Defendant William Peduto is charged with executing and enforcing the ordinances of the City of Pittsburgh, including the challenged Ordinance.

19. The Mayor's office, through a former Mayor, approved and executed the challenged Ordinance on or about December 23, 2005.

### **FACTUAL ALLEGATIONS**

#### **A. The Ordinance creates buffer zones restricting free speech in Pittsburgh.**

20. On or about December 13, 2005, the Pittsburgh City Council adopted Ordinance No. 49, Bill No. 2005-1944, supplementing the Pittsburgh Code of Ordinances, Title 6: Conduct, Article I: Regulated Rights and Actions, by adding Chapter 623, entitled "Public Safety at Health Care Facilities." Pittsburgh Code of Ordinances § 623.01 *et seq.* (attached as Exhibit 1). The Ordinance became effective on December 30, 2005.

21. In relevant part, the challenged Ordinance provides as follows:

#### **§ 623.04 FIFTEEN-FOOT BUFFER ZONE**

No person or persons shall knowingly congregate, patrol, picket, or demonstrate in a zone extending 15 feet from any entrance to the hospital and or health care

facility. This section shall not apply to police and public safety officers, fire and rescue personnel, employees or agents of the hospital, medical office or clinic engaged in assisting patients and other persons to enter or exit the hospital, medical office, or clinic.

22. The Ordinance defines a “hospital” as: “[a]n institution that: (1) Offers services beyond those required for room, board, personal services and general nursing care; and (2) Offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or, pregnancy; and, (3) Regularly makes available clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical treatment of similar extent.” The Ordinance further states that “[h]ospitals may include offices for medical and dental personnel, central facilities such as pharmacies, medical laboratories and other related uses.”

23. The Ordinance defines “medical office/clinic” as “[a]n establishment providing therapeutic, preventative, corrective, healing, or health-building treatment services on an outpatient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and clinics and out-patient medical laboratories.”

24. The Ordinance purports to create buffer zones outside of every entrance to a “hospital and or health care facility.”

25. The Ordinance’s 15-foot zones are drawn centering around the outer entrances of buildings that house any hospital or health care facility.

26. When a building housing a health care facility has multiple entrances, the Ordinance creates multiple zones, one for each entrance.

27. The Ordinance creates scores, if not hundreds, of speech-restrictive zones throughout the City.

28. In enacting the Ordinance, the Ordinance states that the “Intent of Council,” § 623.01, is as follows:

The City Council recognizes that access to Health Care Facilities for the purpose of obtaining medical counseling and treatment is important for residents and visitors to the City. The exercise of a person’s right to protest or counsel against certain medical procedures is a First Amendment activity that must be balanced against another person’s right to obtain medical counseling and treatment in an unobstructed manner; and The City of Pittsburgh Bureau of Police has been consistently called upon in at least two locations within the City to mediate the disputes between those seeking medical counseling and treatment and those who would counsel against their actions so as to (i) avoid violent confrontations which would lead to criminal charges and (ii) enforce existing City Ordinances which regulate use of public sidewalks and other conduct; Such services require a dedicated and indefinite appropriation of policing services, which is being provided to the neglect of the law enforcement needs of the Zones in which these facilities exist. The City seeks a more efficient and wider deployment of its services which will help also reduce the risk of violence and provide unobstructed access to health care facilities by setting clear guidelines for activity in the immediate vicinity of the entrances to health care facilities; The Council finds that the limited buffer and bubble zones outside of health care facilities established by this chapter will ensure that patients have unimpeded access to medical services while ensuring that the First Amendment rights of demonstrators to communicate their message to their intended audience is not impaired.

29. The Ordinance does not properly accommodate the Plaintiffs’ and others First Amendment rights where the Ordinance has completely abolished free speech in zones outside of hospitals and health care facilities located on public property which constitute traditional public for a traditionally used for expression of ideas, debate, and protest.

30. The Ordinance prohibits Plaintiffs and others from effectively reaching their intended audience by completely prohibiting speech within a 15-foot or larger radius of every entrance to a hospital or health care facility in the City of Pittsburgh.

31. The Ordinance provides no specific instances of obstructive conduct outside of hospitals or health care facilities in the City of Pittsburgh to provide support for the law, but vaguely references that the City Police have been “consistently called upon in at least two locations within the City to mediate disputes between those seeking medical counseling and treatment and those who would counsel against their actions . . . .”

32. The Ordinance applies to hospitals and health care facilities, which are defined very broadly as described above.

33. Upon information and belief, the Ordinance is only enforced outside of health care facilities which provide abortions, though, by its terms, the Ordinance creates a buffer zone at every hospital and health care facility in the City of Pittsburgh.

34. The Act explicitly provides an exception for “employees or agents of the hospital, medical office or clinic engaged in assisting patients and other persons to enter or exit the hospital, medical office, or clinic.”

35. Thus, the exemption for employees extends to abortion clinic escorts which escort patients into the abortion facility, and the exemption immunizes any speech those escorts make to the patients during their assistance.

36. Upon information and belief, it is within the scope of employment of such escorts to engage in pro-abortion activities and expression.

37. In a previous lawsuit involving the Ordinance, the Western District of Pennsylvania ordered that the City “shall construe Section 623.04 of the Ordinance in a manner that does not

permit any person to picket or demonstrate within the boundaries of the 15 foot buffer zone. Accordingly, assisting patients and other persons to enter or exit a hospital, medical office or clinic is permissible if it does not include any action, activity or signage in the form of picketing and demonstrating.” See Order Granting Permanent Injunction, *Brown v. City of Pittsburgh*, No. 2:06-cv-00393-NDF (W.D. Pa. Dec. 17, 2009). The City never amended or otherwise changed the Ordinance to reflect such a requirement.

38. The City of Pittsburgh continues to allow speech and advocacy by patient escorts towards patients in the zones created by the Ordinance.

39. The Ordinance provides for penalties, with a first offense punishable “by a fine of at least \$50 for the first offense; a fine of at least \$150 for a second offense within five years; and a fine of \$300 for a third offense within five years.” “For fourth and subsequent offenses within five years the fine shall not be less than \$300.00 and/or imprisonment for not less than three days but not more than 30 days.”

**B. Plaintiffs engage in free speech that is now restricted by the buffer zones created by the Ordinance.**

40. The Planned Parenthood at 933 Liberty Avenue in Pittsburgh, PA is a health care facility within the definition of the Ordinance.

41. Outside of the Planned Parenthood facility, a yellow semi-circle demarcates the buffer zone in which the Ordinance prohibits congregating, patrolling, picketing or demonstrating.

42. No speech activities on the public sidewalks and ways outside the Liberty Avenue Planned Parenthood in recent years have caused a problem preventing access to its entrances.

43. Plaintiffs Nikki Bruni, Julie Cosentino, Cynthia Rinaldi, Kathleen Laslow, and Patrick Malley regularly go to the public sidewalks and ways outside of Planned Parenthood.



44. Persons engaged in patient escort services at Planned Parenthood speak to the women they are escorting and act to prevent speech directed towards dissuading those women to enter the facility.

45. During sidewalk counseling, Plaintiffs seek to have quiet conversations and offer assistance and information to abortion-minded women by providing them pamphlets describing local pregnancy resources, praying, and to peacefully express this message of caring support to those entering and exiting the clinic.

46. Nikki Bruni is a regular sidewalk counselor outside the Planned Parenthood. She has been witnessing and praying outside of Planned Parenthood since 2009.

47. Ms. Bruni has been leading the Pittsburgh 40 Days for Life campaigns since 2010. 40 Days for Life occurs twice every year, during the spring and the fall. During this time, individuals peacefully pray outside of abortion clinics from 7 A.M to 7 P.M. continuously for forty days.

48. Ms. Bruni has no criminal history.

49. Julie Cosentino participates in 40 Days for Life as a shift manager outside of Planned Parenthood.

50. Beginning in July 2014, Ms. Cosentino began sidewalk counseling outside of Planned Parenthood, generally going to the abortion clinic on Saturdays.

51. On one occasion while she was sidewalk counseling outside of Planned Parenthood, Ms. Cosentino was speaking to a young woman outside of the clinic, about twenty yard from the buffer zone as she walked toward Planned Parenthood. A clinic escort, who was standing approximately ten yards away, walked towards Ms. Cosentino and the young woman. The escort yelled loudly toward Ms. Cosentino and the young woman, and asked the young woman is she

was “there for her appointment.” At this time, the young woman looked towards the escorts and took steps toward them, and several clinic escorts (Ms. Cosentino estimates approximately six) surrounded the young woman and lead her into the clinic.

52. Ms. Cosentino has no criminal history.

53. Cynthia Rinaldi engages in sidewalk counseling, prayer, and other peaceful expressive activities outside of Planned Parenthood. Ms. Rinaldi also participates in 40 Days for Life.

54. As part of sidewalk counseling, Ms. Rinaldi will often escort women to nearby Catholic Charities, in order to connect them to resources such as adoption assistance, monetary assistance, food, education, and day care.

55. On one occasion, Ms. Rinaldi was witnessing to a young woman who had been left in front of the clinic by her husband while the husband parked their car. The young woman was standing inside the zone outside of Planned Parenthood, while Ms. Rinaldi stood outside of the zone. Ms. Rinaldi was discussing adoption options with the young woman. Ms. Rinaldi was warned by the security guard that she was “assaulting” the young woman because she was speaking with the young woman, thereby stifling Ms. Rinaldi’s legitimate expressive activities outside of the buffer zone.

56. Ms. Rinaldi has no criminal history.

57. Kathleen Laslow engages in sidewalk counseling outside of Planned Parenthood. She sidewalk counsels those entering and exiting the clinic, and will hand out pamphlets containing local pregnancy resources as well as pamphlets discussing the risks of abortion.

58. Ms. Laslow has no criminal history.

59. Patrick Malley engages in sidewalk counseling and participates in 40 Days for Life in Pittsburgh.

60. Mr. Malley regularly goes to Planned Parenthood on Tuesdays and Fridays to engage in sidewalk counseling, prayer, and other peaceful expressive activities.

61. Mr. Malley hands out different resources to women entering and exiting the clinic.

62. Mr. Malley has no criminal history.

63. The zones created by the Ordinance restrict free speech and leafleting on public sidewalks outside an untold number of buildings with dentist offices, eye doctors, chiropractors, and other health services throughout Pittsburgh.

64. No evidence exists or has even been alleged by the City demonstrating any problems outside of those non-abortion locations.

65. The zones created by the Ordinance restrict the freedom of speech of many other citizens besides Plaintiffs.

66. Plaintiffs desire to engage in peaceful sidewalk counseling in the public areas in the Ordinance's zones but fear prosecution under the Ordinance if they do so.

67. The Ordinance chills the speech of Plaintiffs and others through its threat of penalties.

68. The zones created by the Ordinance make it more difficult to Plaintiffs to engage in sidewalk counseling, prayer, advocacy, and other expressive activities.

69. The Ordinance will cause conversations between the Plaintiffs and those entering or exiting the facilities to be far less frequent and far less successful.

70. Plaintiffs consider it essential to their message to engage in sidewalk counseling women, meaning to engage in close, clam, personal conversations with women entering and

exiting Planned Parenthood, rather than to merely express my opposition to abortion or to be seen as protesting.

71. The Ordinance will make Plaintiffs' communication of their message with those entering and exiting the abortion facility less effective.

72. The zones created by the Ordinance make it substantially more difficult to distribute literature to patients.

73. Plaintiffs' sidewalk counseling approach can only be communicated through close, caring, and personal conversations, and cannot be conveyed through protests.

74. The zones created by the Ordinance make it substantially more difficult to initiate close, personal conversations with women entering and exiting the abortion facility.

75. Plaintiffs are often unable to distinguish patients from passerby at the distance that the zones require Plaintiffs to remain.

76. Plaintiffs desire to sidewalk counsel in areas where the Ordinance creates zones.

77. The Ordinance's speech restrictions impose irreparable injury on the free speech rights of Plaintiffs and others.

78. No adequate remedy against the Ordinance is available at law.

**FIRST CLAIM FOR RELIEF**

**Violation of the rights to Freedom of Speech and of the Press  
Under the First Amendment to the U.S. Constitution**

79. Plaintiffs reallege all matters set forth in paragraphs 1-76 and incorporate them herein.

80. The public ways and sidewalks that fall under the Ordinance's provisions are traditional public fora.

81. The Ordinance is overbroad on its face and as applied because it prohibits speech and expressive activities of Plaintiffs and third parties not before the court in the areas restricted by the Ordinance.

82. The Ordinance is overbroad on its face and as applied because it prohibits speech and expressive activities at all hospitals and “health care facilities” defined to include many kinds of facilities.

83. The Ordinance is overbroad on its face and as applied because it prohibits speech and expressive activities on any topic in front of businesses and other establishments that are unrelated to hospitals and health care facilities yet within the restricted areas.

84. The Ordinance is overbroad on its face because it prohibits congregating, patrolling, picketing, or demonstrating on a public way or sidewalk adjacent to a hospital or health care facility.

85. The Ordinance is overbroad on its face and as applied because it prohibits speech and expressive activities in the restricted areas outside of multi-use buildings which house hospitals and/or health care facilities.

86. The Ordinance restricts more speech than is necessary to achieve any governmental interest.

87. The Ordinance is an unconstitutional content- and viewpoint-based restriction in that it was enacted and is applied so as to restrict pro-life speech, but permit speech in favor of abortion or concerning topics and speakers not disfavored by the City of Pittsburgh.

88. The Ordinance is an unconstitutional content- and viewpoint-based restriction because it exempts the activities, including the speech, of health care facilities who are assisting patients in the zones where speech is otherwise prohibited.

89. The Ordinance is an unconstitutional content-based restriction because it prohibits congregating, patrolling, picketing, or demonstrating but not other kinds of speech, and therefore the content of a person's speech must be examined in order to determine if it is prohibited.

90. The Ordinance creates an impermissible risk of discriminatory enforcement against Plaintiffs because the City intends to restrict Plaintiffs' pro-life speech within the zones while at the same time permitting abortion clinic employees and volunteers to engage in pro-abortion speech, and permitting speech by persons with whom the City does not disagree religiously or politically.

91. The Ordinance is discriminatory and content- and viewpoint-based as applied, because it is only enforced outside of the City's abortion clinics or facilities that provide abortions, but not at other hospitals and health care facilities within the restrictions of the Ordinance.

92. The Ordinance is discriminatory facially and as applied because Defendants prohibit Plaintiffs from engaging in any pro-life speech within the 15 foot zone around the entrances to abortion clinics, or even from being within that zone at all, while at the same time permitting abortion clinic employees and escorts to congregate within the 15 foot zone and to engage in pro-abortion education, counseling, and demonstrating while there,

93. The Ordinance discriminates on its face and as applied against Plaintiffs by prohibiting Plaintiffs from engaging in speech and other expressive activities in traditional public fora based solely upon the pro-life content and viewpoint of Plaintiffs' speech.

94. The Ordinance is an unconstitutional content- and viewpoint-based restriction in that it requires government officials, pursuant to unbridled discretion, to determine what speech is restricted by the Ordinance.

95. The Ordinance is an impermissible prior restraint on constitutionally protected speech because it restricts speech in advance of expression in the public way and sidewalk area outside hospitals, health care facilities, and other businesses and establishments, but provides no criteria to guide decision-makers in determining what speech is permissible.

96. The Ordinance imposes an impermissible prior restraint on the distribution of printed expression that is unconstitutional on its face and as applied because it contains no guidelines or criteria to guide decision-makers on what literature may permissibly be distributed.

97. The Ordinance is vague, fails to put a reasonable person on notice of what it prohibits, and lacks the clarity required of restrictions on protected speech.

98. The Ordinance's ban on free speech activities in the public way and sidewalk area outside hospitals and health care facilities imposes an unconstitutional restriction on constitutionally protected speech in traditional public fora.

99. No compelling, substantial, or even legitimate governmental interest exists to justify the Ordinance's restrictions on speech in traditional public fora.

100. The Ordinance is not the least restrictive means to accomplish any permissible purpose sought to be served by the City, and the Ordinance restricts substantially more speech than is necessary.

101. The Ordinance is not narrowly tailored to any governmental interest.

102. The Ordinance does not leave open ample alternative channels of communication for Plaintiffs to engage in peaceful sidewalk counseling and other expressive activities.

103. Plaintiffs' effective communication of their messages requires personal approaches to people entering the abortion facilities, and the Ordinance greatly hinders, and in many circumstances completely forecloses, this method of communication.

104. The Act on its face and as applied violates Plaintiffs' and third parties' rights to freedom of speech and of the press under the First Amendment to the United States Constitution.

105. Wherefore, Plaintiffs respectfully pray that the Court grant the relief set forth hereinafter in the prayer for relief.

**SECOND CLAIM FOR RELIEF**  
**Violation of substantive and procedural Due Process  
of the Fourteenth Amendment to the U.S. Constitution  
(and of the First Amendment as it relates to speech)**

106. Plaintiffs reallege all matters set forth in paragraphs 1-76 and incorporate them herein.

107. The Ordinance impermissibly risks the violation of Plaintiffs' substantive and procedural due process rights by applying the Ordinance contrary to its written terms by solely restricting speakers outside of abortion facilities.

108. The Ordinance impermissibly risks the violation of Plaintiffs' substantive and procedural due process rights by applying the Ordinance contrary to its written terms by solely restricting speakers that are pro-life or with whom the City disagrees.

109. The Ordinance is an unconstitutionally vague restriction on speech on its face and as applied because it fails to adequately advise, notify, or inform persons subject to prosecution under the Ordinance of its requirements, including what subject matter of speech it prohibits.

110. The Ordinance is unconstitutionally vague because it lacks any standards or criteria to guide those charged with enforcing it and thus gives them unbridled discretion to determine what speech activities are, and are not, permissible within the zones created by the Ordinance.

111. The Ordinance is unconstitutionally vague because it lacks any standards or criteria to impose speech zones under the Ordinance.

112. The Ordinance is unconstitutionally vague because it fails to define the terms "protest," "education," "counseling," and "demonstrate."

113. The Ordinance is an irrational and unreasonable policy, which imposes irrational and unreasonable restrictions on the exercise of Plaintiffs' constitutional rights.



114. Defendants have violated the Plaintiffs' due process rights by acting arbitrarily, capriciously, unreasonably, and with improper motives by selectively enforcing the Ordinance only as to pro-life speech outside of abortion clinics.

115. The City enacted the Ordinance to impermissibly and arbitrarily target pro-life Plaintiffs because of their speech against abortion.

116. The Ordinance does not have a compelling, important, or even rational reason to prevent Plaintiffs from engaging in their panoply of speech and expressive activities.

117. The Ordinance violates Plaintiffs' substantive and procedural due process rights on its face and as applied in violation of the Fourteenth Amendment to the United States Constitution.

118. Wherefore, Plaintiffs respectfully pray that the Court grant the relief set forth hereinafter in the prayer for relief.

**THIRD CLAIM FOR RELIEF**  
**Violation of the Equal Protection Clause**  
**of the Fourteenth Amendment to the U.S. Constitution**

119. Plaintiffs reallege all matters set forth in paragraphs 1-76 and incorporate them herein.

120. The Equal Protection Clause of the Fourteenth Amendment requires that the government treat similarly situated persons equally in the imposition of burdens or the distribution of benefits.

121. The Ordinance impermissibly creates the risk that the City will apply the Ordinance to Plaintiffs even though similarly situated individuals are allowed to engage in speech, including pro-abortion speech, in the same or similar locations.

122. Defendants explicitly exempted abortion clinic employees and clinic escorts from the Ordinance, allowing such individuals to engage in speech and expressive activities favorable

to abortion, encouraging and compelling women to enter abortion facilities and continue with the abortions, while prohibiting Plaintiffs from engaging in any expressive activity.

123. Defendants permit individuals to engage in speech favorable to abortion by those who encourage and compel women to enter the abortion facilities and to continue with the abortions.

124. The Ordinance treats Plaintiffs differently than similarly situated persons who do not have a pro-life message based on the content and viewpoint of Plaintiffs' speech, thereby suppression the exercise of their constitutional rights.

125. The Ordinance violates various fundamental rights of Plaintiffs, such as the rights of free speech, free assembly, and free exercise of religion.

126. When government regulations, such as the Ordinance challenged herein, infringe on fundamental rights, discriminatory intent is presumed.

127. Defendants have intentionally discriminated against Plaintiffs by exempting abortion clinic employees and clinic escorts from the provisions of the Ordinance.

128. Defendants intentionally discriminate against Plaintiffs by applying the Ordinance against them and not against clinic employees or escorts on several occasions.

129. Defendants can offer no compelling, important, or even rational interest to justify prohibiting Plaintiffs' or third parties' pro-life speech and expressive activities, while permitting similarly situated individuals to engage in speech on other topics in the public way and sidewalk areas restricted by the Ordinance.

130. The Ordinance is not the least restrictive means and is not narrowly tailored to accomplish any permissible purpose sought to be served by Defendants.

131. The Ordinance constitutes a violation of Plaintiffs' right to equal protection on its face and as applied in violation of the Fourteenth Amendment to the United States Constitution.

132. Wherefore, Plaintiffs respectfully pray that the Court grant the relief set forth hereinafter in the prayer for relief.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that the court assume jurisdiction over this action and order the following relief:

A. Declare the Ordinance unconstitutional on its face because it violates the rights of Plaintiffs and others not before the court to the freedoms of speech and of the press, and the rights of due process and equal protection, which are guaranteed to Plaintiffs and others under the United States Constitution.

B. Declare the Ordinance unconstitutional as applied to the speech and expressive activities of Plaintiffs, described in this Verified Complaint, because it violates Plaintiffs' right to freedom of speech and of the press, and the rights to due process and equal protection, which are guaranteed to Plaintiffs and others under the United States Constitution.

C. Grant to Plaintiffs preliminary and permanent injunctive relief against the Act on its face with respect to Plaintiffs and other similarly situated individuals not before the court and as applied to Plaintiffs;

D. Grant to Plaintiffs and award of nominal damages;

E. Grant to Plaintiff an award for their costs of litigation, including reasonable attorneys' fees and costs; and

F. Grant such other and further relief as this Court deems just and proper.

Plaintiffs demand a jury for all issues so triable

Respectfully submitted this 4th day of September, 2014.

Matthew S. Bowman  
Bar No. D.C. 993261  
ALLIANCE DEFENDING FREEDOM  
801 G Street NW, Suite 509  
Washington, DC 20001  
202-393-8690 (T)  
202-347-3622 (F)  
mbowman@alliancedefendingfreedom.org  
*Motion for Pro Hac Vice Admission*  
*Forthcoming*

Elissa Graves  
Bar No. AZ 030670  
ALLIANCE DEFENDING FREEDOM  
15100 N 90<sup>th</sup> Street  
Scottsdale, AZ 85260-2901  
480-444-0020 (T)  
480-444-0028 (F)  
egraves@alliancedefendingfreedom.org  
*Motion for Pro Hac Vice Admission*  
*Forthcoming*

*Attorneys for Plaintiffs*

*s/ Lawrence G. Paladin, Jr.*

---

Lawrence G. Paladin, Jr.  
Bar No. PA 44799  
PALADIN LAW OFFICES, PC  
10700 Frankstown Road, Suite 305  
Pittsburgh, PA 15235  
412-244-0826 (T)  
412-244-1690 (F)  
lpaladin@verizon.net

**CERTIFICATE OF SERVICE**

I hereby certify that on September 4, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel for Defendants.

s/ Lawrence G. Paladin, Jr.

---

Lawrence G. Paladin, Jr.

**VERIFICATION OF COMPLAINT**

**PURSUANT TO 28 U.S.C. 1746**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 29, 2014

*s/ Nikki Bruni*

---

NIKKI BRUNI

**VERIFICATION OF COMPLAINT**

**PURSUANT TO 28 U.S.C. 1746**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 26, 2014

*s/ Julie Consentino*  
\_\_\_\_\_  
JULIE CONSENTINO

**VERIFICATION OF COMPLAINT**

**PURSUANT TO 28 U.S.C. 1746**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 29, 2014

*s/ Cynthia Rinaldi*  
\_\_\_\_\_  
CYNTHIA RINALDI



**VERIFICATION OF COMPLAINT**

**PURSUANT TO 28 U.S.C. 1746**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 27, 2014

*s/ Kathleen Laslow*

---

KATHLEEN LASLOW

**VERIFICATION OF COMPLAINT**

**PURSUANT TO 28 U.S.C. 1746**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on August 29, 2014

*s/ Patrick Malley*  
\_\_\_\_\_  
PATRICK MALLEY