

CIVIL COVER SHEET

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 NEXT PAGE OF THIS FORM.)*

<p>I. (a) PLAINTIFFS</p> <p>Jason Kessler</p> <p>(b) County of Residence of First Listed Plaintiff <u>City of Charlottesville</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Leslie Mehta/Hope Amezcuita, ACLU of Virginia, 701 E. Franklin Street, Suite 1412, Richmond, VA 23219, 804-644-8080; Victor Glasberg, Victor M. Glasberg & Associates, 703-684-1100, John Whitehead/DouglasMck</p>	<p>DEFENDANTS</p> <p>City of Charlottesville and Maurice Jones, Charlottesville City Manager, In his official and individual capacities</p> <p>County of Residence of First Listed Defendant <u>City of Charlottesville</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known) S. Craig Brown, City Attorney's Office, P.O. Box 911, Charlottesville, VA 22902, (434-970-3101)</p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		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
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)* Click here for: [Nature of Suit Code Descriptions](#)

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans <i>(Excludes Veterans)</i></p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY - PRODUCT LIABILITY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS - Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable Sat TV</p> <p><input type="checkbox"/> 850 Securities Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input checked="" type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer w/Disabilities - Other</p> <p><input type="checkbox"/> 448 Education</p>	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 463 Alien Detainee</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p>Other:</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>		

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*
Article III of the Constitution and 28 U.S.C. § 1331

Brief description of cause violation of First Amendment.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE: 08/10/2017 SIGNATURE OF ATTORNEY OF RECORD: //s// Hope R. Amezcuita

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

(Charlottesville Division)

JASON KESSLER,)	Case No.
)	
Plaintiff,)	COMPLAINT FOR
)	DECLARATORY AND
v.)	INJUNCTIVE RELIEF
)	AND DAMAGES
CITY OF CHARLOTTESVILLE)	
)	
)	
and)	
)	
MAURICE JONES,)	
Charlottesville City Manager)	
In his official and individual capacities,)	
)	
)	
Defendants.)	
)	

VERIFIED COMPLAINT

PRELIMINARY STATEMENT

1. The First Amendment guarantees political speech, including protest, the highest level of protection—and the right to speak out is most robust in traditional public fora, including public parks and streets. Since this country’s founding, people have taken to the parks, streets, and sidewalks to make their voices heard on matters of public concern. This case is about viewpoint discrimination by Defendants against Plaintiff. Plaintiff’s views are highly controversial and have evoked strong protests and demands heard by City Council that his permit be revoked.

2. Plaintiff seeks to exercise his protected right to protest in a public park by organizing a rally in Emancipation Park (“the Park”) on August 12, 2017.

3. Plaintiff wishes to communicate a message that relates directly to the Park—specifically, his opposition to the City’s decisions to rename the Park, which was previously known as “Lee Park,” and its plans to remove a statue of Robert E. Lee from the Park.

4. On June 13, 2017, Defendants granted Plaintiff a permit to hold his rally in the Park on August 12, 2017. In the following weeks, Defendants granted organizations that oppose Plaintiff’s message permits to counter-protest in other public parks just blocks away from the Park.

5. On August 7, 2017, less than a week before the long-planned and permitted event in the Park, however, Defendants notified Plaintiff in a press conference and by letter (Exhibit B) that they were revoking Plaintiff’s permit and “modif[ying]” their permission to allow Plaintiff to hold his rally in McIntire Park only. McIntire Park is not connected to Plaintiff’s message, and is located more than a mile from the Park.

6. In the August 7 letter, Defendants explained their decision by saying that “it [came] to the City’s attention that many thousands of individuals are likely to attend the demonstration.” Defendants further asserted that the City would be “unable to accommodate safely even a peaceful crowd of this size” in the Park.

7. Defendants have permitted events with audiences numbering several thousand in the Park in the past, and the events have proceeded without incident. The Charlottesville Police Department has never before suggested that it would be unable to handle crowds downtown during festivals held in Emancipation Park that have drawn many thousands of people.

8. While the government may impose narrowly-drawn time, place, and manner restrictions on the exercise of the rights to speak, petition or assemble, including permit requirements, the First Amendment prohibits the government from blocking a protest based on its content or viewpoint, or based on how the government anticipates others will respond to the

protest. The revocation of Plaintiff's permit was based on his viewpoint and was not necessary to achieve any compelling governmental interest.

9. Plaintiff's constitutional rights will be violated, and irreparable harm will result, if the Court does not provide immediate relief enjoining Defendants from preventing or impeding Plaintiff's constitutional rights to free speech, petition, and assembly.

PARTIES

10. Plaintiff Jason Kessler is an adult natural person who resides in the Commonwealth of Virginia.

11. Defendant City of Charlottesville ("the City") is a political sub-division of the Commonwealth of Virginia.

12. Defendant Maurice Jones is an adult natural person who is the City Manager for the City of Charlottesville in the Commonwealth of Virginia. At all times relevant, Defendant Jones acted and continues to act under color of state law. Defendant Jones is sued in his official and individual capacities.

JURISDICTION AND VENUE

13. This case arises under the United States Constitution and the laws of the United States. The case presents a federal question within this Court's jurisdiction under Article III of the Constitution and 28 U.S.C. § 1331; this Court also has jurisdiction under 28 U.S.C. § 1343(3) to redress the deprivation, under color of state law, of any right, privilege, or immunity secured by the Constitution of the United States.

14. The case seeks remedies under 28 U.S.C. §§ 2201 and 2202, 42 U.S.C. §§ 1983 and 1988, and Fed. R. Civ. P. 65. This Court may issue a temporary restraining order and preliminary injunction pursuant to Fed. R. Civ. P. 65(b).

15. Venue is proper in this district under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District.

STATEMENT OF FACTS

From Lee Park to Emancipation Park

16. The City of Charlottesville owns the park bounded by Jefferson Street, First Street N.E., Market Street and Second Street N.E ("the Park").

17. Historically, the Park was known as "Lee Park." On June 5, 2017, the City renamed the Park "Emancipation Park."

18. Emancipation Park houses a statue of Robert E. Lee. The City plans to sell the statue and have it removed from the Park.

19. The City's decision to rename the Park and sell the statue have resulted in a number of protests in the Park, one involving a gubernatorial candidate and another an unpermitted nighttime torchlit march on May 13, 2017 in which Plaintiff and others who plan to attend the August 12th rally participated.

20. Plaintiff opposes both the name change and the planned removal of the statue. To communicate his political message, Plaintiff sought to organize a "Unite the Right" rally in the Park to express opposition to both decisions by the City.

21. Plaintiff's choice of location is critical to the message of the rally, which specifically opposes two City policy choices about the Park. Holding the protest elsewhere would dilute and alter Plaintiff's message.

Defendants Granted Plaintiff's Permit

22. Defendants require persons wishing to exercise their First Amendment rights on its public land to obtain a permit from the City’s Events Coordinator. *See* City of Charlottesville Standard Operating Procedure (“SOP”) § 3.2.

23. Wishing to exercise his right, Plaintiff duly submitted an application to the City of Charlottesville on May 30, 2017. Plaintiff applied for a permit to hold a “[f]ree speech rally in support of the Lee monument” in the Park on Saturday, August 12, 2017. (Exhibit A).

24. In the permit application, Plaintiff estimated that approximately four hundred people would demonstrate at the planned rally. (Exhibit A).

25. Pursuant to City of Charlottesville SOP § 3.4.6(b), the City granted Plaintiff’s permit application on June 13, 2017.

Defendants Revoked Plaintiff’s Permit

26. On August 7, 2017, more than a month after granting the permit and less than a week before the planned rally—Defendant Maurice Jones sent Plaintiff a letter on behalf of the City. (Exhibit B).

27. In the Letter, Defendants “denied” or “revoke[d]” the permit for the demonstration in Emancipation Park. (Exhibit B)

28. Defendants also purported to “modif[y]” Plaintiff’s permit “to specify that the demonstration take place at McIntire Park,” rather than the Park. (Exhibit B)

29. McIntire Park is not connected to Plaintiff’s message, which centers on the City’s policy decisions regarding Emancipation Park and the Lee statue in the Park.

30. In addition, McIntire Park is located more than a mile away from Emancipation Park.

31. Relocating to McIntire Park would substantially undermine Plaintiff's ability to communicate his message about the renaming of Emancipation Park and the decision to remove the Lee statue from the Park.

32. Defendants say they revoked the permit for Emancipation Park because "it [came] to the City's attention that many thousands of individuals are likely to attend the demonstration." Defendants did not identify the source of this estimate. Based on the unsupported crowd estimate, Defendants asserted that the City would be "unable to accommodate safely even a peaceful crowd of this size" in Emancipation Park, and that "the presence of such a large demonstration in Emancipation Park would . . . lead[] to massive traffic congestion[.]" (Exhibit B).

33. Defendants have acknowledged that "[t]he use of McIntire Park will still require the deployment of considerable law enforcement resources[.]

34. Moreover, the City Police Department is now preparing for the possibility that people will gather at both parks during the rally. The City has announced that it plans to deploy resources in the downtown area at and around Emancipation Park, negating any possible safety or traffic congestion benefit from moving the rally to McIntire Park.

35. In the August 7, 2017 letter, Defendants said that holding the rally in Emancipation Park would "lead[] to massive traffic congestion" due to road closures. Moving the rally to McIntire Park has not alleviated this concern. Instead, the City's preliminary plans for managing the August 12 events include the possibility of road closures during the rally. (Exhibit B)

36. The City granted permits for demonstrations opposing Plaintiff's views to occur on August 12, 2017 in Justice and McGuffey Parks located just blocks away from Emancipation Park in the same downtown area. Those demonstrations are said to be organized to protest "the messages of racial intolerance and hatred advocated by" the persons attending the demonstration in the Park.

Upon information and belief, the organizers of these other events have encouraged and expect an attendance of more than 1,000 persons.

37. Despite their allegation that the decision to revoke Plaintiff's permit was not based on the views he wishes to express, but on the numbers of possible participants, Defendants have taken no action to modify or revoke the permits issued for demonstrations by those with opposing views.

38. The City's concerns about holding the rally in the Park appear to stem, at least in part, from fears of how counter-protesters will respond to the rally. In explaining its plans to prepare for rallies at both Emancipation Park and McIntire Park, the City explained that "[w]ith large crowds of individuals with strongly held *and potentially opposing* beliefs, there is also the potential for conflict." *See City preparing for large crowds Saturday*, Daily Progress (Aug. 9, 2017), available at www.dailyprogress.com/news/city-preparing-for-large-crowds-saturday/article_94918c6c-7d57-11e7-901e-afca3a9eb91b.html (emphasis added). This builds on the City's experience during the Ku Klux Rally in downtown Charlottesville on July 8, 2017, during which the Charlottesville Police Department asserted that counter-protesters were involved in an "unlawful assembly" and used tear gas to disperse the counter-protests.

Defendants' Reason for Revocation

39. The Defendants claim that the decision to revoke and modify Plaintiff's permit was a "numbers" decision based on a belief that "many thousands" of people both supportive of Plaintiff and opposed to Plaintiff would attend. No information about the basis for this belief was given by Defendants although some have cited a Facebook event for the demonstration which currently indicates that 700 plus people are "going" and another 1,300 people are "interested." (Exhibit G). There is no estimate offered for the number of counter-protestors.

40. This Park has been for many years a traditional forum for the exercise of First Amendment rights. Numerous other groups have protested and demonstrated and held other events in the Park. Defendant has provided no information about the capacity of the Park, although the August 7, 2017 letter says that the Park is just over one acre in size. This court may take judicial notice of the facts that an acre is 4840 square yards, or 43,560 square feet and average adults (50-50 male-female) take up a cross-sectional area of about 1.5 to 2.0 square feet at chest or hip level. Taking those facts and applying basic math (dividing the number of square feet in an acre by the area taken up by average adults) an estimate of the number of people that could be accommodated standing on an acre of land would be between 29,040 and 21,780 people per acre.

41. The Charlottesville Police Department has the ability to deploy not only its own officers to provide protection of Plaintiff's exercise of his First Amendment rights but also officers from the Virginia State Police, other local law enforcement agencies, and, potentially, the Virginia National Guard. This was demonstrated during the July 8, 2017 Ku Klux Klan rally.

42. At the press conference held on August 7, 2017 at which the Defendants announced the decision to revoke Plaintiff's permit, the Charlottesville Police Chief never said that his department could not provide adequate protection for Plaintiff's proposed rally at Emancipation Park using City's active duty police force and, if necessary, additional local, state and federal forces. The Chief's statement included information about why his department felt that having the demonstration in McIntire Park would be "safer" but did not say that the Department would be "unable" to protect the safety of demonstrators, counter-demonstrators and the public in the downtown Emancipation Park location, especially if the City enacts the preliminary plans for road closures announced on August 9, 2017.

43. The City can rely on other local, state and federal forces to adequately manage the rally if necessary. On August 9, 2017, the City announced that its police department has been working with other police agencies, including the Virginia State Police, to prepare for the rally and that the local and state forces together intend to “have a visible presence” at the rally. While members of the National Guard have not yet been called upon, the City stated that the National Guard Forces will monitor events and will respond if needed.

44. The City’s claim that it cannot safely manage a demonstration involving 400 people and possibly “thousands” is belied by the fact that the City routinely manages crowds of up to 3,500 people at the Sprint Pavilion on the Downtown Mall and previously has granted permits for rallies and events with “thousands” of attendees in Emancipation Park without incident or intervention from the City. For example, in 2013, 2014 and 2015 an estimated minimum 2,000 people attended the Cville Pride Festival in Emancipation Park each year. Upon information and belief, thousands of people attend an annual Spring block party in Emancipation Park. On May 14, 2016, it was reported that “thousands” of people gathered in Lee Park [sic] for a Festival of Cultures event. (Exhibit H).

45. People also have been allowed to demonstrate in the Park without permits in circumstances where the number of potential participants could not be forecast. On May 14, 2017 after a torch lit demonstration the previous night protesting the renaming of Emancipation Park and proposed removal of the Lee Statue, a candlelight vigil was held in the Park by counter-protestors without incident. Neither event was permitted. (Exhibit I).

46. The City has also allowed at least one event promoting a progressive point of view supported by the Mayor to take place on public grounds in a downtown area smaller than Emancipation Park without a permit. On January 31, 2017, there was a demonstration in front of

Charlottesville City Hall (not sponsored by the City) at which Mayor Michael Signer proclaimed Charlottesville the “Capital [sic] of the Resistance” after the inauguration of Donald Trump. The event drew as many as seven hundred attendees. No permit was obtained by the organizers in advance nor was there any response by Defendants after the fact to sanction the organizers for holding such a rally without the required City permit. Leading up to this event, a Facebook event page listed 487 people as “going” and another 951 as being “interested.” (Exhibit H). Mayor Signer remarked after the event that he was “stunned by the huge, spontaneous turnout on such short notice which I think is evidence of how strongly folks feel about standing up for American values.”

47. The City has expressed a preference for the counter-protesters. On August 9, 2017, a spokeswoman for the City encouraged individuals to “consider attending [events on counter programming to the rally].” The City has never encouraged individuals to consider attending Plaintiff’s rally.

48. Members of the City Council who have the authority to hire and fire Defendant Jones have made clear their opposition to Plaintiff’s political viewpoint. On June 21, 2017, Mayor Michael Signer described the planned August 12th rally’s content and speakers as “racist and bigoted.” (Exhibit C). Previously, after a candlelight vigil held as a counter protest to a “torch” lit demonstration against the Park renaming decision the night before, Mayor Signer issued a public statement saying that “intolerance is not welcome here” and the next day tweeted a picture of the May 14, 2017 vigil with the caption, “Candlelight vigil against hate in Cville. These are the kind of “torches” I like to see.” (Exhibit F and Exhibit E). On August 2, 2017, Vice Mayor Wes Bellamy responded to a tweet from the Twitter handle “Solidarity Cville,” which described the “Unite the Right” rally as “fascism” and called for confronting the event, with “this is dope! #Resist.” (Exhibit J)

49. At the Charlottesville City Council meeting on Monday, July 17, 2017, 13 of the 15 people who spoke during the public comment period either criticized the actions of the Charlottesville Police Department and the Virginia State Police during and after the Ku Klux Klan rally on July 8 or advocated that the permit granted to Plaintiff for the August 12th demonstration be revoked or reissued for McIntire Park because of their opposition to the Plaintiff's message or both. When the City Manager began to respond to the public comments about the police actions at the July 8th event taken against counter-demonstrators during and after the Ku Klux Klan representatives were demonstrating, the crowd became disruptive, yelling "liar," and the Mayor suspended the meeting rather than have police personnel remove those who were disrupting the City Manager's comments.

50. On July 27, 2017, 43 downtown businesses wrote a letter to Council demanding that the City treat the planned August 12th demonstration like a public event and impose additional requirements on the organizer and that it consider moving the event because of the risk to public safety and their businesses. One business owner who signed the letter said that "the organizer and other would-be attendees" at the demonstration had "crossed the line from free speech to basically a call to imminent lawless action."

51. In an interview with CBS19News on July 12th Plaintiff said that he "absolutely intends to have a peaceful rally." Plaintiff added that he expected 400 people from around the country to attend and promised that his group would "avoid violence." In the same news story, critics of Plaintiff said that they would encourage their members to show up "in large numbers" and argued that the police should not show up because they "put people in danger."

52. Despite representations that the decision to revoke the Plaintiff's permit was made by Defendant City Manager, there was a closed three-hour meeting of City Council on August 2,

2017 at which Defendant City Manager, the City Attorney and other staff including some representatives of law enforcement were present. Council issued a statement that evening about the subject of the meeting: “This evening, Charlottesville City Council met in closed session to consult with legal counsel and staff regarding the best options to keep the community safe during the August 12 Unite the Right Rally while preserving the 1st amendment rights of participants.”

53. The Plaintiff met with Defendant City Manager Maurice Jones, Park's Business Operations Supervisor Michelle Christian and Police Captain Wendy Lewis the morning of Monday, August 7th. At the meeting, the Defendant City Manager asked the Plaintiff to accept the City's decision to modify his permit for McIntire Park. Plaintiff asked the City Manager what the occupancy limit for Emancipation Park would be and asked if the permit could be kept in place if he agreed to keep the crowd size within that limit. The Defendant would or could not give Plaintiff an occupancy limit number. Then, Plaintiff asked Defendant whether he could maintain the permit if he agreed to have the attendance limited to 400. The Defendant City Manager did not respond and proceeded to implement his decision to revoke and modify the permit as described in the August 7 letter without providing an answer or seeking to resolve any legitimate public safety concerns Defendants might have about holding the demonstration in Emancipation Park.

54. Later on August 7th, after the press conference where the City announced that the permit for Emancipation Park was revoked, Plaintiff entered a closed door meeting with Captain Lewis, Chief of Police Al Thomas and Incident Commander Captain Victor Mitchell. Plaintiff asked if the police would still enforce previously agreed upon security arrangements for the Unite the Right demonstration in the Park whether there was a permit for that site or not. The Chief of Police indicated in the affirmative. Plaintiff asked the Chief if the police would still keep counter-demonstrators out of the park prior to the Unite the Right demonstration and he indicated in the

affirmative. Plaintiff also asked Chief Thomas if the police would still set up barricades around the park and allow Unite the Right to control access into the park via two entrance points on the Market Street side of the park as was previously agreed upon. He indicated in the affirmative.

55. The next day on Tuesday, August 8th Plaintiff met with Captain Lewis, Captain Mitchell and one other police official. They told Plaintiff that Chief Thomas changed his mind and that the Plaintiff's demonstration would receive none of the protections in Emancipation Park promised the day before. The police representatives also told Plaintiff that the police would only keep people out of Lee Park until 6am when it typically opens instead of allowing Unite the Right to restrict access to their demonstrators as had previously been agreed. The police said that the Park would be divided in half between demonstrators and counter-demonstrators. Plaintiff asked how the police intended to tell one from the other or to preserve distinct areas for demonstrators with opposing views. The police representatives told Plaintiff that there was no plan for them to do that, so theoretically the counter-demonstrators would not only still have permits for the two other parks in the area (McGuffey and Justice) but also be allowed to occupy all of Emancipation Park without a permit being issued.

56. Before leaving the meeting on August 8th, Plaintiff asked if Parks and Recreation would allow use of the power or water in the park and they said no. Plaintiff asked why all these changes had been made to security and the policy of Parks and Rec and if this was due to political pressure. Capt. Lewis indicated affirmatively with her facial expression and body language.

57. Thus, with his scheduled rally only two days away, Plaintiff does not have a permit enabling him to demonstrate in Emancipation Park, and counter-demonstrators have two downtown permits and the ability to occupy Emancipation Park without a permit.

58. Unless Defendants and their agents are enjoined, Plaintiff, other similarly-situated protesters who share his views, and other members of the public will be irreparably harmed as they will be prevented from peacefully gathering to express their views on pressing issues of public concern at a time, place and in a manner reasonable for them to do so.

CLAIM FOR RELIEF
FIRST AND FOURTEENTH AMENDMENT RIGHTS
42 U.S.C. § 1983

59. The foregoing paragraphs of this Complaint are incorporated by reference as if each is fully set forth herein.

60. Defendants' revocation of the requested permit violated—and, unless enjoined by this Court, will continue to violate—Plaintiff's rights to freedom of speech, assembly, and petition as guaranteed by the First and Fourteenth Amendments to the United States Constitution.

61. The Defendants' revocation of Plaintiff's permit was based on his viewpoint and was not necessary to achieve any compelling government interest, in violation of the First and Fourteenth Amendments;

62. To the extent that the revocation of the permit was based on crowd size, the revocation was not narrowly tailored to a substantial government interest, and did not leave open alternative means of communication.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court:

- A. Enter judgment declaring that Defendants' revocation, denial and/or modification of Plaintiff's requested permit to hold a demonstration in Emancipation Park on August 12, 2017 violates the First and Fourteenth Amendment to the United States Constitution;

- B. Enter a temporary restraining order and/or preliminary injunction enjoining Defendants to permit the demonstration to go on as planned in Emancipation Park on August 12, 2017 from 12pm to 5pm and to provide such security as may be necessary to protect the rights of the demonstrators and the public.
- C. Award Plaintiff his costs and reasonable attorneys' fees in this action;
- D. Grant Plaintiff such other and further relief, including damages for the violation of Plaintiff's constitutional rights, as the Court may deem just and proper.

Respectfully submitted,

JASON KESSLER

By Counsel

Dated: August 10, 2017

Counsel for Plaintiff

//s// Hope Amezquita
Hope R. Amezquita (VSB No. 74629)
Leslie Mehta(VSB No. 90437)
American Civil Liberties Foundation of Virginia, Inc.
701 E. Franklin St., Ste. 1412
Richmond, VA 23219
Phone: 804-644-8080
Fax: 804.649.2733
Email : lmehta@acluva.org
Email: hamezquita@acluva.org

//s// Victor M. Glasberg
Victor M. Glasberg (VSB No. 16184)
Maxwell C. Sokol (VSB No. 89589)
Victor M. Glasberg & Associates
121 S. Columbus Street
Alexandria, VA 22314
Phone: 703-684-1100
Fax: 703-684-1104
Email: vmg@robinhoodesq.com
Email: msokol@robinhoodesq.com

John Whitehead (VSB No. 20361)
Douglas R. McKusick (VSB No.72201)
The Rutherford Institute
923 Gardens Boulevard
P.O. Box 7482
Charlottesville, Virginia 22906
Phone: 434-978-3888
Fax: 434-978-1789
Email: johnw@rutherford.org
Email :douglasm@rutherford.org

CERTIFICATION OF COUNSEL

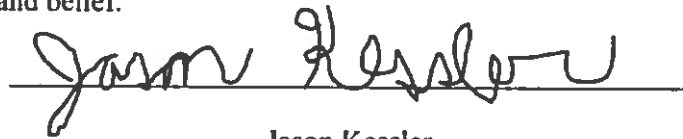
Pursuant to Fed. R. Civ. P. 65, counsel certifies that he will attempt to give notice to

Defendants of CM/ECF filing to the following:

S. Craig Brown, City Attorney
City Attorney's Office
P.O. Box 911
Charlottesville, VA 22902
Phone: 434-970-3101
Facsimile: 434-970-3890
Email:brownc@charlottesville.org

VERIFICATION

I, Jason Kessler, the plaintiff herein, declare under penalty of perjury that I am personally acquainted with the matters alleged in paragraphs 3, 4, 5, 7, 10, 19, 20,21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 48, 51, 53, 54, 55, 56, and 58. and that the allegations in these paragraphs are true to the best of my knowledge, information and belief.

A handwritten signature in black ink, reading "Jason Kessler", is written over a solid horizontal line.

Jason Kessler

SPECIAL EVENT APPLICATION REQUEST

\$25.00 Non-Refundable Application Fee Required.
Please attach any additional info to this form.

Return to:
Charlottesville Parks & Recreation
P.O. Box 911
Charlottesville, VA 22902



FOR OFFICIAL USE ONLY

Organizational Status:

Non-Profit Commercial Independent
 Maps Attached ABC Permit Required
 Tent Permit Required License Verified

INDEMNITY RELEASE

In making this request, the applicant understands that the sponsor will hold harmless and indemnify the City, its officers, employees, and agents against injury, loss or damage occurring as a result of this special event. Sponsors of special events held on public property will be required to provide Special Event Liability Insurance in an amount not less than \$1 million dollars, naming the City of Charlottesville, its officers, officials, employees and agents as an additional insured party to the contract. For additional information regarding this requirement please contact the Charlottesville Parks & Recreation Department at 970-3260.

Sponsor(s) Name: Jason Kessler

Address: 1013 B Altavista Ave

Sponsor Telephone: 434 996 5567

Event Contact Name: () _____

Contact Address: 1013 B Altavista Ave
Charlottesville, Va 22902

Contact Telephone: Office () _____

Home () _____

Cell (434) 996-5567

pd ce 5/30/17
11:46am
May 30, 2017
Date Application Received By P&R

Jason Kessler

5/30/17

APPLICANT SIGNATURE

DATE

DATE APPLICATION SUBMITTED: 5/30/17

EVENT PURPOSE / BRIEF DESCRIPTION:

Free speech rally in support of the Lee Monument



IDENTIFY EVENT CATEGORY: CARNIVAL DEMONSTRATION FAIR FESTIVAL
 FUNDRAISER HISTORICAL CELEBRATION MARATHON
 RACE/WALK PARADE OTHER (Describe Other) _____

EVENT VENUE & LOCATION REQUESTED: Lee Park

LIST RACE/WALK STREET ROUTES, IF APPLICABLE (A clear & legible map showing walk/run routes also requested -Please attach map to application):

STREET CLOSING REQUESTED, IF SO INCLUDE LOCATIONS AND CLOSING /OPENING TIME(S): YES NO
LOCATION(S): _____

CLOSING DATE(S) _____ CLOSING/OPENING TIME(S): FROM _____ am/pm UNTIL: _____ am/pm

EVENT START DATE/TIME: Saturday 8/12/17 10am JK ~~12pm~~ EVENT END DATE/TIME: Saturday 8/12/17 5pm
(WEEKDAY) (DATE) (TIME) (WEEKDAY) (DATE) (TIME)

EVENT SET UP DATE/TIME (INCLUDE WEEKDAY): Saturday 8/12/17 12pm
(WEEKDAY) (DATE) (TIME)

EVENT BREAKDOWN DATE/TIME (INCLUDE WEEKDAY): _____
(WEEKDAY) (DATE) (TIME)

EVENT RAIN DATE REQUESTED: YES NO DATE REQUESTED: _____
(WEEKDAY) (DATE)

ESTIMATED # PARTICIPANTS: 400 WILL AMPLIFIED MUSIC BE USED: YES NO

IDENTIFY TYPE MUSICAL ENTERTAINMENT REQUESTED: BAND DISC-JOCKEY OTHER

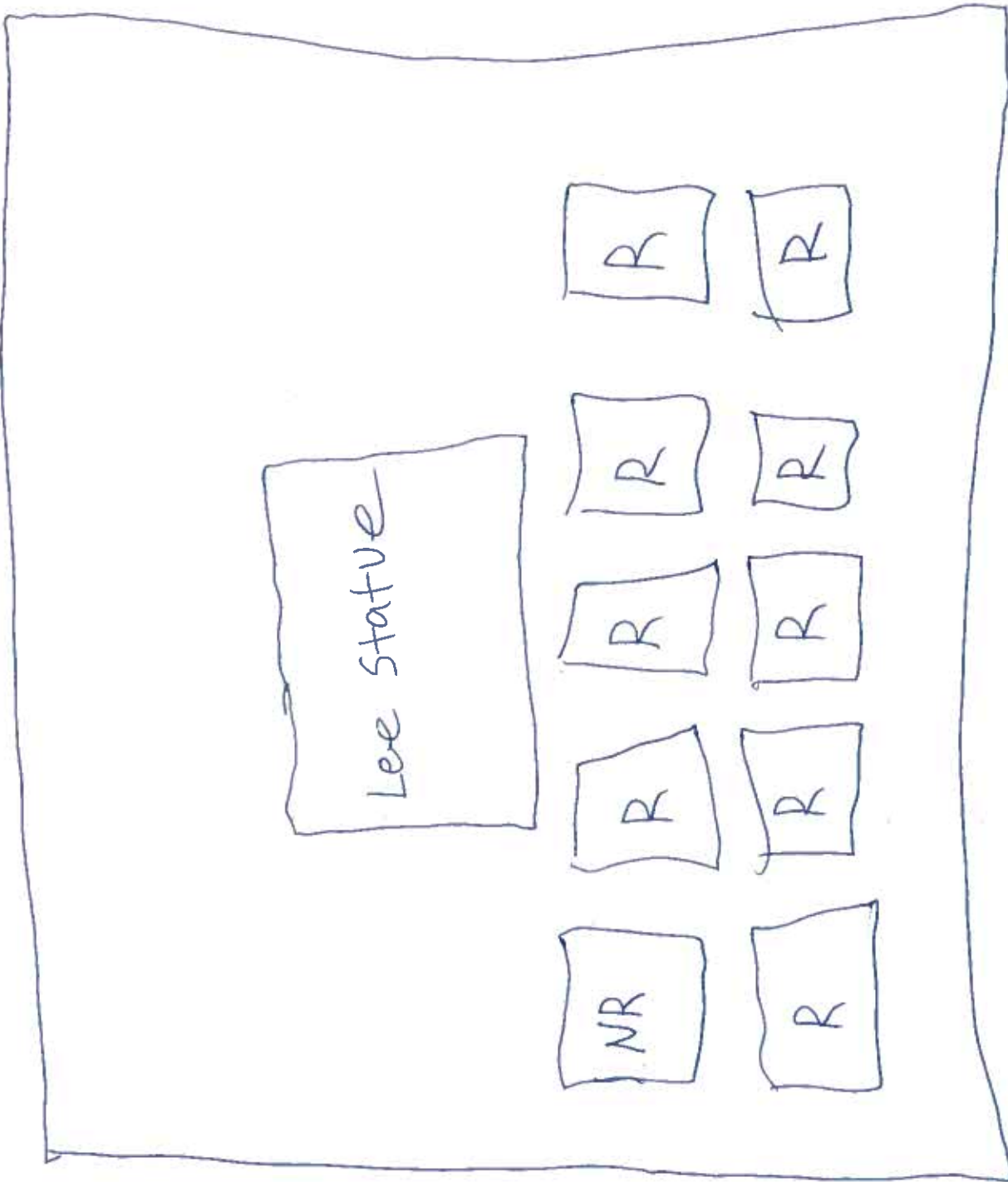
CITY UTILITIES NEEDED? YES NO IDENTIFY TYPE UTILITIES NEEDED, IF APPLICABLE: _____

CITY EQUIPMENT REQUESTED, IS SO PLEASE IDENTIFY TYPE EQUIPMENT: YES NO
IF YES, IDENTIFY TYPE EQUIPMENT REQUESTED: _____

OTHER CITY SERVICES REQUESTED YES NO

Please identify the area of services needed including staff assistance if applicable): _____

PLEASE USE THIS SPACE TO PROVIDE A DIAGRAM OF HOW YOU PROPOSE TO SET UP THE EVENT VENUE SPACE



10x10
tents

IDENTIFY EVENT EQUIPMENT & QUANTITY OF EQUIPMENT TO BE PLACED IN/ON REQUESTED VENUE SPACE

OF BOOTHS 1 SIZE OF EACH BOOTH _____
OF CANOPIES (Pop-Up) 1 SIZE OF EACH CANOPY _____
OF TABLES 1 SIZE OF EACH TABLE _____
OF TENTS but 11) 10x10 SIZE OF EACH TENT _____ (900 sq. ft. & above will require Permit from City NDS Dept.)
OF STANDS 1 SIZE OF EACH STAND _____
OTHER EQUIPMENT _____ (See Below)

(PLEASE DESCRIBE OTHER EQUIPMENT REQUESTED FOR PLACEMENT):

Please note if "other" equipment includes the use of a moon bounce and or inflatable carnival type rides and activities provided by a 3rd party vendor, proof of insurance by the vendor providing such equipment will be required. The 3rd party vendor shall provide a current certificate of insurance indicating at least \$1 million in general liability and completed operations coverage and certificate of workers' compensation coverage, if applicable. Said insurance shall name the City of Charlottesville (including its officers, officials, employees and agents) as an additional insured party to the insurance contract. A copy of said documents must be provided to the Parks & Recreation Administration Office by the requested due date specified.

ALCOHOLIC BEVERAGE INVOLVED IN THIS ACTIVITY: YES NO (If Yes please describe circumstances involved with the use of alcoholic beverage and if the activity involves the sale of alcohol at this event)

Describe:

HEALTH DEPARTMENT INFORMATION REQUESTED

WILL FOOD BE DISTRIBUTED AT THIS EVENT: YES NO (If Yes a Temporary Food Permit will be required by the State Health Department (Thomas Jefferson Health District (TJHD) located on Rose Hill Drive (434) 972-6259. Please provide the below information requested by the TJHD).

NUMBER OF VENDORS 1 CONTACT NAME (If different from Sponsor/Applicant): _____

CONTACT TELEPHONE (If different from Sponsor/Applicant): _____

IS SITE EQUIPPED WITH WATER FAUCETS/FIXTURES: YES NO

MEANS OF WASTEWATER DISPOSAL:

Parks & Rec Admin
PO Box 911
501 East Main Street
Charlottesville VA 22902
Phone: (434)970-3260
ST Tax ID: 0000723169
Fed Tax ID: 54-600-1202
Date: 05/30/2017 @ 11:46am

Clerk: frn

internal zzzhousehold

Description	Ext Price
Special Event Applic	25.00
ITEM: BSE	

Total New Fees	25.00
Discount Applied	0.00
Total Due	25.00
Total Fees Paid	25.00
Total Paid	25.00

Payment of: 25.00 Made By: CREDIT Auth:
047607 Card#: xxxxxxxxxxxx5071

Receipt # 1210253



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/05/2017

PRODUCER East Main Street Insurance Services, Inc. Will Maddux PO Box 1298 Grass Valley, CA 95945 Phone: (530) 477-6521 Email: info@theeventhelper.com	THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
INSURED Jason Kessler 1013 Allavista Ave Apt B Charlottesville, VA 22902	INSURER A: Evanston Insurance Company	35378
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADDL LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A	Y		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR Host Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC Retail Liquor Liability	3DS5455-M1538832	08/12/2017	08/13/2017	EACH OCCURRENCE INCLUDES BODILY INJURY & PROPERTY DAMAGE \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 1,000,000 DEDUCTIBLE \$ 1,000	
			AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$	
			GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC AGG \$	
			EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$	
			WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	
			OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Certificate holder listed below is named as additional Insured per attached CG 20 26 07 04.
 Attendance: 400, Event Type: Meeting - Outdoor.

CERTIFICATE HOLDER

Lee Park
 201-299 2nd St NE
 Charlottesville, VA 22902

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

CITY OF CHARLOTTESVILLE

"To be One Community Filled with Opportunity"

Office of The City Manager

P.O. Box 911 • Charlottesville, Virginia 22902

Telephone 434-970-3101

Fax 434-970-3890

www.charlottesville.org



August 7, 2017

By Electronic and U.S. Mail

Dear Mr. Kessler:

I write on behalf of the City's Department of Parks and Recreation in reference to your May 30, 2017 application for a permit to conduct a demonstration in Emancipation Park on August 12, 2017. While demonstrations are typically handled through that Department, the unprecedented size and scope of your rally at its proposed Downtown location requires me, as the City official charged with the general supervision and control of City property, to review your request in light of its significant impact on the community.

Based on information provided to me by law enforcement officials, the City has decided to approve your application for a permit to hold a demonstration on the day and at the times requested, provided that you use McIntire Park, rather than Emancipation Park, for your demonstration. To the extent that the permit is deemed granted due to inaction within ten days of receipt of the application, the City hereby modifies the permit, based on the above-referenced information, to specify that the demonstration take place at McIntire Park. If you are unwilling to use the McIntire Park location, the permit for Emancipation Park is hereby denied pursuant to section 3.4.5 of the City's Standard Operating Procedure ("SOP") for Special Events and Demonstrations or, if the Permit is deemed granted due to inaction within ten days of receipt of the application, the City hereby revokes the permit pursuant to section 3.4.7 of the City SOP.

Your permit application states that the demonstration will consist of approximately 400 people. However, in recent days it has come to the City's attention that many thousands of individuals are likely to attend the demonstration. Because Emancipation Park is a relatively confined space of just over one acre in a densely populated urban area with limited parking space, it is unable to accommodate safely even a peaceful crowd of this size. The City's law enforcement, fire and emergency medical services personnel cannot adequately protect people and property in and around Emancipation Park due to the number of anticipated attendees trying to occupy such a small and confined space. The Police Department also anticipates that the presence of such a large demonstration in Emancipation Park would require the closing of a section of East Market Street, leading to massive traffic congestion and shutting down a principal means of ingress and egress, for the duration of the 5 hour rally.

EXHIBIT

tabbles

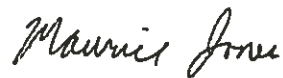
B

Mr. Kessler
Page Two

A large demonstration at McIntire Park does not present the same problems. The use of McIntire Park will still require the deployment of considerable law enforcement resources, but the size, layout and other features of the Park will better enable the City's law enforcement and other emergency personnel to protect the attendees and the public. In contrast, holding such a large rally at Emancipation Park poses an unacceptable danger to public order and safety.

In our last conversation you were insistent that the rally take place at Emancipation Park. We ask that you reconsider that position. The City reserves all rights should you decide not to abide by the terms of your approved permit.

Sincerely,



Maurice Jones
City Manager

Mike Signer



Mike Signer @MikeSigner · Jun 21

It appears even the "Proud Boys" have disavowed the August 12 alt-right event for racist and bigoted content and speakers. #donttakethebait.



Mike Signer @MikeSigner · Jun 21

Proud to work w/my colleagues at @CvilleCityHall on Unity alternatives to KKK on July 8. unitycville.com.



City plans alternate events, urges ignoring Klan rally dailyprogress.com



Mike Signer Retweeted



Mike Signer

1.2K 153.8K 382.3K



Mike Signer @MikeSigner · Jun 22

Folks, this is the so-called "Proud Boys." My 9th grade locker room was more manly & advanced. #donttakethebait.



Alt Right Va @AltRightVa
pscp.tv

4 5 9



Mike Signer @MikeSigner · Jun 22

#stateoftheresistance

Andrew Cain @AndrewCainRTD
Quinnipiac pollster Peter Brown:



← Posts



Mike Signer



May 13 at 10:39pm · 🌐

Statement on the Demonstration at Lee Park

This event involving torches at night in Lee Park was either profoundly ignorant or was designed to instill fear in our minority populations in a way that harkens back to the days of the KKK. Either way, as mayor of this City, I want everyone to know this: we reject this intimidation. We are a Welcoming City, but such intolerance is not welcome here.



Like



Comment



Share



305





Mike Signer
@MikeSigner



Candlelight vigil against hate in Cville.
These are the kind of "torches" I like to
see.

9:01 PM - May 14, 2017

26 218 614





AUG
12 **Unite the Right Free
Speech Rally**

Public · Hosted by Jason Kessler

- Interested
- Going
- Share
- More

Sat, Aug 12 at 12 PM - 5 PM EDT
This week

Lee Park
201-299 2nd St, Charlottesville, Virginia 22902

ABOUT

DISCUSSION



Say something...



727 Going · 1.3K Interested · 954 Shares





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434-295-6565

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Charlottesville



81°

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Feels like 81°
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IntrastateInc.com
434-295-6565

Lee Park Holds 13th Annual Festival of Cultures

Posted: May 14, 2016 6:27 PM EDT
Updated: May 29, 2016 7:51 PM EDT

CHARLOTTESVILLE, Va. (WVIR) - More than 40 cultures were represented at the annual **Festival of Cultures** in Charlottesville.

Thousands of people gathered in Lee Park Saturday, May 14, for the event. They were treated to international performers, artisans, food vendors, and cultural displays.

These were all put together by people who live in Charlottesville now as a way to share their native cultures.

"And we also really want to welcome the residents who were not born here, the new residents who have come recently, or the last few years here. And these newcomers have something to share with us. We really can learn from them," said coordinator Zakira Beasley.

Organizers say between 3,500 and 4,000 people stopped by for the festival, in spite of Saturday afternoon's stormy weather.

See Also	
1. Mortgage Refinance Rates	6. Best Cell Phone Deals
2. Local Job Listings	7. 10 Best Smartphones
3. High Speed Internet Plans	8. Work From Home Careers
4. Best High Dividend Stocks	9. Moisturizers For Dry Skin
5. Top 10 Cars To Buy	10. Free Restaurant Coupons

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- Bearing Drift - <https://bearingdrift.com> -

Charlottesville Mayor Dodges Permit, Fees, Insurance for "Capital of the Resistance" Rally

Posted By *Rob Schilling* On February 15, 2017 @ 1:10 PM In Local Government | [No Comments](#)

A January 31 "[Capital of the Resistance](#) [1]" rally in [downtown Charlottesville](#) [2], convened by [Mayor Michael Signer](#) [3], was held without a permit, according to City spokesperson, Miriam Dickler—and apparently without the payment of legally codified costs and fees.

[Media reports](#) [4] estimated attendance anywhere from "several hundred" to seven hundred people.

City "Standard Operating Procedures" policy #100-04, "[Special Events Regulation](#) [5]" stipulates:

That the process is in place to "...ensure public convenience in the use of city streets and outdoor areas, the preservation of public order and safety, and the defraying of administrative expenses associated with certain types of uses." [Section 1.0 Purpose]

That the City Manager ([Maurice Jones](#) [6]) is responsible for managing such events, and that City departments (police, fire, public works, and Neighborhood Development Services) review event applications. [Section 2.0 City Departments/Organizations Affected]

That Signer's event would likely be classified a "demonstration" or "non-commercial expression protected by the First Amendment of the United States Constitution (such as picketing, political marches, speechmaking, vigils, walks, etc.) conducted on public property; the conduct of which has the effect, intent or propensity to draw a crowd..." [Section 3.1.3 Definitions]

That an event of this magnitude "may be held only pursuant to a permit issued by the Events Coordinator..." [Section 3.2 Permit Requirements]

That applications for events on the Downtown Mall be submitted in writing at least 10 business days "in advance of any proposed demonstration..." [Section 3.3.2 Permit Applications]

That a permit application fee be paid "by the sponsor of every proposed demonstration..." [Section 3.4.3]

That "all City ordinances and State statutes limiting the use or obstruction of fire lanes, emergency routs and pedestrian walkways must be observed. No person(s) participating in a demonstration...shall block any entrances to or exits from City buildings..." [Section 3.5.3 No

Impediments to Public Access]

That prior to the commencement of the event, "Sponsors of demonstrations for which a permit is required shall be required to indemnify and hold harmless the City..." and "shall furnish a general liability and property damage insurance contract insuring the Sponsor's liability" in "an amount not less than \$1,000,000..." [Section 3.5.4 Indemnification and Insurance]

That sound amplification is permitted only if "prior notice has been given to the Events Coordinator..." [Section 3.5.7 Sound Amplification]

That "The Sponsor of every special event shall be required to pay (in advance) a fee for cleanup costs..." [Section 3.5.13 Sanitation and Garbage]

That "Sponsors must pay an Electricity Fee to the City, in advance." [Section 3.5.14 Electricity]

That "Sponsor will be billed per hour for each officer actually utilized..." based on "circumstances of the event" and "based on the regular hourly rates of salaries for the police personnel utilized." [Appendix A]

In addition to numerous likely violations of City regulations and missed payment of obligatory fees, Signer appears to have utilized City resources, including the email and paid time of City Council Clerk, Paige Rice, in the coordination of his event. At 2:29 PM on January 30, Rice emailed the following "Media Advisory," listing herself as the contact person for Signer's event:

From: "Rice, Paige" <ricep@charlottesville.org>

Subject: MEDIA ADVISORY: Mayor to Convene Faith, Civic Leaders outside City Hall *THIS TUES at 12PM*

Date: January 30, 2017 at 02:29:16 PM EST

Contact: Paige Rice

ricep@charlottesville.org

(434) 970-3113

Press Release:

FOR IMMEDIATE RELEASE

Monday, January 30, 2017

Signer calls on residents to defend American values, declares City a "Capital of the Resistance"

Mayor to convene faith, civic leaders for announcement Tuesday

CHARLOTTESVILLE — On Tuesday, January 31, Mayor Mike Signer will convene area leaders and a growing number of Charlottesville residents for a special announcement and rally outside City Hall. The purpose of the event is to send a clear signal to all those alarmed by

the recent Executive Order of President Donald Trump.

Signer and numerous religious and civic leaders of Charlottesville hope to offer a bulwark against fear, division, and uncertainty in the wake of the president's action last Friday, and in light of Trump's call for "a ban on all Muslims entering the country," during his election campaign.

"Our strength lies in our values of diversity, tolerance, and shared humanity," said Signer. "Charlottesville, the historic home of Thomas Jefferson and James Madison, must stand up for these American values and be a Capital of the Resistance."

WHEN: Tuesday, January 31st at 12:00 noon – 1:00 p.m.

WHERE: Charlottesville City Hall, 605 E. Main Street, Downtown Mall entrance

WHO: In addition to the mayor, speakers include:

Khizr Khan, Esq., Gold Star Families

Karim Ginena, Islamic Society of Central Virginia

Harriet Kuhr, International Rescue Committee

Pam Northam, Office of the Lieutenant Governor

Rabbi Tom Gutherz, Congregation Beth Israel

Pastor Alvin Edwards, Mt. Zion First African Baptist Church

Reverend Elaine Ellis Thomas, St. Paul's Memorial Episcopal Church

Jeffrey W. Legro, Vice Provost for Global Affairs & Taylor Professor of Politics at the University of Virginia

Charlottesville is home to a major office of the International Rescue Committee and to hundreds of political refugees who have fled oppression in their home countries for the safety and security of American democracy.

"I have met with dozens of political refugees, recent immigrants, and university students who identify as Muslim or hail from the countries targeted by the executive order," said Signer.

"They have expressed confusion about the implications for their immigration status, concern about whether they have simply escaped from one tyranny to another, and fear about whether the United States remains, in the poet Emma Lazarus' words, a place that embraces 'your huddled masses yearning to breathe free'."

At the event, Mayor Signer will announce* plans to:

1. Work with Virginia's Congressional delegation to get specific help for Charlottesville's immigrant and refugee community regarding urgent visa and travel questions
2. Join Cities for Action's coalition of mayors demanding progress on immigration issues

3. Ask Charlottesville's City Manager to advise City Council on legal and policy options to provide added protections for immigrants and political refugees

4. Ask Charlottesville's Human Rights Commission to address issues of xenophobia and religious intolerance

*Mayor Signer will be speaking in his individual capacity, as one elected member of City Council, not for City Council as a whole.

For updates, follow Mayor Mike on Twitter @mikesigner and Facebook

#

—

Michael Signer

(434) 284-2588 (m)

Paige Rice

Clerk of Council

Charlottesville, Virginia

ricep@charlottesville.org

(434) 970-3113

In a February 14 email to The Schilling Show, Signer pled ignorance and contradicted fact:

From: "Signer, Mike" <m signer@charlottesville.org>

Subject: RE: Media Inquiry: Event Permit

Date: February 14, 2017 at 10:32:09 AM EST

To: "Schilling, Rob"

Cc: "Dickler, Miriam" <dickler@charlottesville.org>, "Jones, Maurice"

<MJONES@CHARLOTTESVILLE.ORG>

No City personnel were involved in the planning or execution of the press

conference. It was assembled and run by volunteers, many coming together at the last minute. Even the podium and mic and speakers were brought by volunteers. The event was intended as a standard press conference at the Free Speech Wall, which typically do not require permits. That event grew quickly and spontaneously in part due to the publicity by several of the speakers' organizations, including the churches and the IRC.

I was frankly *stunned* by the huge, spontaneous turnout on such short notice, which I think is evidence of how strongly folks feel about standing up for American values against the combination of intolerance and incompetence seen in the recent executive order, which has now been stayed by multiple federal courts on Constitutional grounds. [emphasis added]

—

Mayor Mike Signer
City of Charlottesville
(434) 970-3113
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Mayor Signer's statement was deceptive at best.

No City personnel? The Charlottesville Police Department confirmed to The Schilling Show that they had assigned "10 police officers and 2 Community Service Officers" to the event, for about an hour and a half (approximately 18 man-hours); this, in addition to Signer's use of City Council Clerk , Paige Rice, as an official "contact" for the press conference.

As to the Mayor's claim that he was "stunned by the huge, spontaneous turnout," a Facebook event page, set up by Signer himself, indicated that 487 people had confirmed attendance in advance, and 951 people were "interested" in attending. Signer certainly had information available indicating this would be a very large event. (See graphic below.)



All tolled, Charlottesville Mayor Michael Signer may have bilked his own citizens out of

hundreds of dollars in delineated fees and payments, and he may have inappropriately utilized City staff to promote a non-City event.

But there may be a legal price (\$250 [7])—outside of the pro forma financial costs—for such wanton disregard of rules and laws. According to Charlottesville Code:

Sec. 28-29. – Street parades, processions, and other events. [7]

(a) No parade or procession of any kind shall be held or conducted in any city rights-of-way without first obtaining a permit from the city manager.

(b) The city manager is authorized to require permits for the use of city rights-of-way for special events and community events (as defined within section 28-29(c) of the City Code), and for other activities that may affect the safety or convenience of the general public. The city manager is authorized to promulgate regulations to govern the time, place and manner of such activities, and to establish reasonable fees, charges and rentals therefor. **A violation of any of the rules and regulations established hereunder shall constitute a Class 4 misdemeanor.** [emphasis added]

Given these facts:

Will Charlottesville Mayor Michael Signer pay the costs (in arrear) that any average citizen or organization would bear (in advance) for holding such an event?

Will Charlottesville Mayor Michael Signer issue an apology to his constituents for violating their trust (and potentially, the law)?

Or will lawlessness [8], oligarchy [9], cronyism [10], demagoguery [11], chaos [12], inequity [13], mobocracy [14], and double-standards [15] continue to prevail in Michael Signer's Charlottesville—the self-declared "Capital of the Resistance."

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- [1] Capital of the Resistance: <https://vimeo.com/202063704/36c6c5c582>
- [2] downtown Charlottesville: <http://www.schillingshow.com/2011/09/06/photo-essay-charlottesville%e2%80%99s-dirty-downtown-mall/>
- [3] Mayor Michael Signer: <http://www.schillingshow.com/2017/01/29/witless-unhinged-charlottesville-mayor-signer-pushes-for-sanctuary-city-status/>
- [4] Media reports: <http://www.c-ville.com/capital-resistance-rally-draws-hundreds/>
- [5] Special Events Regulation: <http://www.schillingshow.com/wp-content/uploads/2017/02/2009-Special-Events-Regulations.pdf>
- [6] Maurice Jones: <http://www.schillingshow.com/2012/04/30/bad-mojo-library-of-virginia-slaps-maurice-jones-over-barrick-cover-up-scandal/>
- [7] \$250: https://www.municode.com/library/va/charlottesville/codes/code_of_ordinances?nodeId=CO_CH1GEPR_S1-11CLPEVICOVI
- [8] lawlessness: <http://www.schillingshow.com/2012/03/21/fraud-misfeasance-and-cover-up-special-prosecutor-investigates-charlottesville-spokesman-barrick/>
- [9] oligarchy: <http://www.schillingshow.com/2016/06/26/heil-signer-charlottesville-mayors-new-totalitarian-police-state/>
- [10] cronyism: <http://www.schillingshow.com/2013/05/17/con-flicted-2-charlottesvilles-corrupt-agency-budget-review-process-exposed/>
- [11] demagoguery: <http://www.schillingshow.com/2016/11/18/maniacal-charlottesville-mayor-michael-signer-says-electors-dump-trump/>
- [12] chaos: <http://www.schillingshow.com/2011/12/05/trash-talk-the-terrifying-sounds-of-occupy-charlottesville/>
- [13] inequity: <http://www.schillingshow.com/2012/06/07/rutherford-admonishes-charlottesvilles-mayor-huja-for-free-speech-discrimination/>
- [14] mobocracy: <http://www.schillingshow.com/2014/12/19/mobocracy-and-mayhem-race-charged-mob-kills-charlottesville-free-speech/>
- [15] double-standards: <http://www.schillingshow.com/2012/06/07/unequal-protection-religious-freedom-group-fronts-600-for-1-hour-charlottesville-protest-occupy-charlottesville-pays-0-for-45-days/>
- [16] Facebook: <https://bearingdrift.com/2017/02/15/charlottesville-mayor-dodges-permit-fees-insurance-capital-resistance-rally/?share=facebook>
- [17] LinkedIn: <https://bearingdrift.com/2017/02/15/charlottesville-mayor-dodges-permit-fees-insurance-capital-resistance-rally/?share=linkedin>
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#DEFENDCVILLE



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Wes Bellamy, M.Ed
@ViceMayorWesB

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