

Lauren C. Regan (OSB#970878)  
Civil Liberties Defense Center  
259 East 5<sup>th</sup> Avenue, Suite 300-A  
Eugene, Oregon 97401  
Ph: 541.687.9180  
Fax: 541.686.2137  
Email: [lregan@cldc.org](mailto:lregan@cldc.org)  
**LEAD ATTORNEY**

Marianne Dugan (OSB#932563)  
259 E. 5<sup>th</sup> Ave., Suite 200-D  
Eugene, OR 97401  
Ph: 541.338.7072  
Fax: 866.650.5213  
Email: [mdugan@mdugan.com](mailto:mdugan@mdugan.com)  
Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

**OCCUPY EUGENE, FLORENCE E.  
SEMPLÉ, TERRILL E. PURVIS,**

Plaintiffs,

v.

**WAYNE C. BENJAMIN**, Regional  
Director, GSA; **KIMBERLY S. GRAY**,  
Associate Director; **UNITED STATES  
GENERAL SERVICES  
ADMINISTRATION (“GSA”)**,

Defendants.

Case No. 6:12-cv-2286

**COMPLAINT**

(First and Fifth Amendments—*Bivens*  
Action)

**DEMAND FOR JURY TRIAL**

**I. INTRODUCTION**

1. This is a Civil Rights action brought by Occupy Eugene, Florence Semple and Terrill Purvis

seeking a declaratory judgment under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971); and a preliminary injunction to prevent defendants from continuing to violate plaintiffs' First and Fifth Amendment rights. Plaintiffs further seek damages, both compensatory and punitive, an award of costs, interest, and attorney's fees, and such other relief as this Court deems equitable and just.

2. Plaintiffs demand a trial by jury.

## **II. JURISDICTION AND VENUE**

3. This civil action arises to vindicate plaintiffs' rights under the First and Fourteenth Amendments to the Constitution of the United States, and therefore this Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and principles established in *Bivens*, because this action arises under the laws of the United States. .
4. Venue is properly vested in this Court pursuant to 28 U.S.C. § 1391(b) in that this is a civil action wherein jurisdiction is not founded on diversity of citizenship and plaintiffs' claims arise within this judicial district, and plaintiffs reside in this judicial district.

## **III. PARTIES**

5. Occupy Eugene is a group of concerned citizens inspired by Occupy Wall Street, the mass movement drawing attention to financial injustice and inequity. Occupy Eugene describes itself as a protest movement focused on democracy, economic security, corporate responsibility, and financial fairness, and is comprised of local citizens dedicated to “a nonviolent movement for accountability in the United States government...”  
<http://occupyeugenemedia.org/contact/>. OE makes decisions using a consensus decision-making model during its General Assemblies.
6. Florence E. Semple is a longtime member and activist with Occupy Eugene and has

participated in dozens of OE protests; and intends to continue participating in such protests in the future. She resides in Eugene, Oregon.

7. Terrill Purvis is a longtime member and activist with Occupy Eugene and has participated in dozens of OE protests; and intends to continue participating in such protests in the future. He resides in Eugene, Oregon.
8. The General Services Administration (GSA) is an agency of the United States government, established in 1949 to help manage and support the basic functioning of federal agencies. The GSA supplies products and communications for U.S. government offices, provides transportation and office space to federal employees, and develops government-wide cost-minimizing policies, and other management tasks.
9. Wayne Chaun Benjamin is employed by the U.S. GSA as a Program Manger. At all relevant times to this matter, he served as the Director the Services Center Division for the Northwest/Arctic Region at the GSA's office in Auburn, WA. As defined by 41 CFR 102-71.20 this position is considered the Regional Officer designated to supervise the implementation of the occasional use provisions of 40 USC 581(h)(2).
10. Kimberly S. Gray is the Director of the Services Centers Division of the GSA. Ms. Gray authored the December 14, 2012 letter, discussed below, and is thus responsible for attempting to terminate the First Amendment rights of Plaintiffs and other citizens from the Federal Plaza on December 14, 2012.
11. These Defendants are the GSA policymakers responsible for the decisions to deny Occupy Eugene's permit application and administrative appeal, as well as ordering them to leave the Federal Plaza indefinitely on two separate occasions.
12. At all times relevant herein, defendants were acting in the course and scope of their duties

and functions as officers, agents, servants, and employees of the GSA, and otherwise performed and engaged in conduct incidental to the performance of their lawful functions in the course of their duties. At all times relevant herein, they were acting for and on behalf of the GSA, with the power and authority vested in them as such.

#### **IV. STATEMENT OF FACTS**

13. On or about May 1, 2012, members of Occupy Eugene (OE) began using the Plaza of the Eugene Federal Building, located at 211 East 7th Avenue, in Eugene, Oregon (hereinafter “the Plaza”) as a place to gather, hold picket signs, raise awareness and gain publicity for the Occupy Movement and the political issues relevant to that political movement. Decl. of Mary Broadhurst, p. 2, attached.
14. The declarations and exhibits attached to this complaint were filed in support of Plaintiff Semple’s federal criminal case and are also referenced in the Motion for TRO filed herewith.
15. OE’s campaign issues included drawing attention to the plight of local homeless people, corporate greed, advocating for human rights, veterans rights, and putting an end to big bank bailouts and foreclosures, to name a few.
16. From October 15, 2011, until the present, Occupy Eugene has maintained a protest “occupation” site at various locations around the City where they have exercised First Amendment rights of assembly, speech, and redress of grievances.
17. Historically, the federal government has always intended the Plaza to be a public, free speech venue without limiting speech to particular subjects or time periods, and without requiring permits, except in rare instances. Constructed in 1975, the Plaza is located on a highly visible, busy street corner, is adjacent to courthouses, federal, state, and municipal political offices, and has always been a lawful place for demonstrations and picketers to congregate

and exercise their rights. Frequent use of the Plaza for public events is exactly what the government expected and intended to happen when the Plaza was designed and constructed.

18. The federal website states:

The Eugene Federal Building and Courthouse played a significant civil role in the early 1970s and during the Vietnam War. The plaza was and remains a favored venue as a stage for protests against the government's policies. There is demonstration activity weekly. Large demonstrations occurred in the spring of 2003, over the U.S. invasion of Iraq, in 1991, with a demonstration against the U.S. invasion of Kuwait and in 1992, due to the Rodney King beating. Most of the demonstrations are peaceful and without violence or arrests. The plaza has become a community focal point for citizen gatherings of many types. The courtyard was designed for people to congregate and be part of outdoor events and venues. The courtyard design was not intended for political demonstrations, but it has gained cultural and political significance due to these activities.  
[Http://www.gsa.gov/portal/ext/html/site/hb/category/25431/actionParameter/exploreByBuilding/buildingId/1144#](http://www.gsa.gov/portal/ext/html/site/hb/category/25431/actionParameter/exploreByBuilding/buildingId/1144#).

19. The U.S. Attorney's office, by and through Assistant U.S. Attorney Bud Fitzgerald stipulated in Federal Court on November 8, 2012, that the Federal Plaza is a traditional public forum for purposes of constitutional analysis.

20. On or about May 1, 2012, Occupy Eugene decided to occupy the Plaza to draw attention to several issues, one of which was the plight of homeless people who did not have a place to legally sleep at night, and must stay awake all night moving from place to place to avoid victimization, police harassment, or arrest.

21. On May 1st, approximately 10 to 25 people, including Plaintiffs, were engaged in political organizing, sign-making, and outreach on the Plaza throughout the day and night.

22. Shortly after their arrival, Officer Thomas Keedy of Federal Protective Services (FPS) approached the members and engaged in amicable discussion with the activists. He advised the group that they would not be able to set up a tent that was being used as a prop, and could not sleep at this location; the activists agreed. Decl. Broadhurst, p. 2.

23. Officer Keedy advised them that they were not doing anything wrong, that they were welcome to remain at this location for as long as they liked, but asked if anyone would be willing to be a point of contact for the group and sign a permit (with the U.S. General Services Administration (GSA)) as a formality. Officer Keedy provided them with a permit application, and Plaintiff Terrill Purvis agreed to be the point of contact and filled out the permit as a gesture of goodwill toward Officer Keedy.
24. The political group was divided at this time as to whether or not they should apply for a permit to protest at the Plaza and brought the issue to their General Assembly for a consensus based decision.
25. Plaintiffs had knowledge that numerous organizations and individuals did not apply for permits to use the Plaza for protests and were never asked to apply for such a permit. *See, e.g.* Declarations of Carrigan, Hausted, Guthrie, Deveau, and Morton, attached.
26. On May 2, 2012, OE, through Plaintiff Purvis, submitted a standard 60 day permit application to Officer Keedy, requesting the non-exclusive use of the Plaza from May 1, 2012 until July 1, 2012, to maintain a 24 hour a day presence with up to 60 people for a “1st Amendment Demonstration.”
27. Officer Keedy reviewed the application for potential security impacts to the facility and found none.
28. The permit application was filed with GSA and approved for 60 days on a 24-hour continuous basis as requested.
29. Plaintiffs used the Plaza peacefully and in accordance with the permit, with members occupying the public space and exercising their rights of free speech and assembly 24 hours a day. They set up a table with an awning off to the side of the plaza and did not block ingress

and egress. They shared the space with several other groups and individuals who regularly used the Plaza for their First Amendment purposes without a permit. See Declaration of Morton, DeVeau. They were far enough away from any building doors that they did not interfere with any other business conducted at this location. They displayed flags and placards, and provided outreach materials to passersby.

30. There were no reported incidents of Plaintiffs misuse of the Plaza during the initial 60 days.

31. The government, by and through FPS Officer Keedy, informed OE that there was one incident where a man was allegedly smoking medical marijuana at the Plaza. He was informed that he was not permitted to do so on federal property, and no other related incidents occurred. During the time that OE was present at the Plaza, a young man not participating in the protest, allegedly tagged government property with paint. The government admitted that they did not believe this person was connected to the OE activists. The graffiti was religious-based and security cameras captured the vandalism.

32. On or about June 6, 2012, one of Occupy Eugene's member-attorneys, Mary Broadhurst, contacted Officer Keedy about a sound permit for an upcoming event at the Plaza. Officer Keedy told Ms. Broadhurst that she would need to contact the local GSA manager because the rules for permits had been changed by the GSA due to the fact that the GSA had 'bad' experiences with other Occupy groups in other areas. He confirmed that there had been no problems with OE's use of the Plaza.

33. Toward the end of the 60-day permit period (July 1) OE was informed that the GSA was requiring that it renew its permit, that the permit period would only be for 30 days, and that the new restrictions would apply.

34. On or about this time period, Defendant Benjamin informed OE that due to problems with

other Occupy movements, the GSA had decided that they were only permitting use of the federal plaza, a traditional public forum, from 8am to 5pm, and that they were no longer permitting 24-hour assemblies at this location. In fact, the revised permit application that was presented to Plaintiffs indicated that protest at this location would only be permitted Monday through Friday from 8 a.m. until 5 p.m.

35. On June 27, 2012, OE filed an application with GSA to renew and extend their use of the Plaza from July 1, 2012 to July 30, 2012 requesting the same terms of use that had been granted before.

36. Eventually, Defendant GSA Regional Director Benjamin amended the ‘lawful’ hours of assembly from 7:00 am until 10:00pm after OE explained that it was simply outrageous to prohibit all protest after 5pm during the busy after-work rush hours.

37. On June 30, 2012, OE member Attorney Broadhurst informed the GSA that OE had determined to remain without a permit if the GSA was going to force them to accept unconstitutional conditions regarding the times they would be allowed to assemble and protest. Ex. 2.

38. On July 9, 2012, Defendant Benjamin formally denied Plaintiffs’ second permit application, despite the fact that nothing had changed since the first permit was approved. Ex. 3.

39. Defendants’ denial was based on the fact that (1) OE used the original permit application that did not contain the new restrictive (and unconstitutional) conditions; (2) OE refused to accept the unconstitutional conditions; (3) OE applied for a permit under the same conditions as contained in the previously issued permit; and (4) OE had requested a 24 hour presence at the Plaza. Ex. 3. The permit denial also stated that the GSA has an interest in preserving the plaza for use by the general public, and maintaining an aesthetically pleasing area, though

they never asserted that OE's use of the Plaza violated those interests.

40. After the denial of OE's permit application, OE followed the bureaucratic process and exhausted all administrative appeal options. Said appeals were also denied. Ex. 5, 6.
41. On or about July 10, 2012, GSA managers Defendant Benjamin and Don Murphy went to the Plaza to verbally inform OE members that their permit extension had been denied, and that the members must completely and indefinitely vacate the Plaza within 24 hours or GSA would request law enforcement assistance from FPS. Decl. Broadhurst p. 4; Ex. 2; 4. A permit denial letter was provided to Plaintiffs at that time. Ex. 3.
42. OE informed the GSA managers that they believed they did not need a permit to lawfully assemble on a traditional public forum, and they would continue their First Amendment activities in the face of the permit denial. Ex. 2.
43. On July 11, 2012, at approximately 5pm, Officer Keedy and FPS Area Commander Michael Foster entered the Plaza and upon complaint of Defendants, advised the members and non-Occupy citizens who simply came to bear witness to the unconstitutional eviction, that they had to leave the forum or face arrest. Decl. Broadhurst, p. 5.
44. Many people came to the Plaza on this day to stand up in opposition to the new repressive policies the GSA was attempting to thrust upon them, and had not previously been associated with OE. Many Eugeniens were outraged at the idea that even a single person holding a sign would be required to request and receive a government permit in order to exercise constitutional rights at the Plaza. Id.
45. Officer Keedy reiterated that OE's permit had expired and that if they did not vacate the Plaza, they would face citation or arrest by FPS for failure to comply with lawful direction.
46. At approximately 6:00 p.m., Defendants closed the Plaza to the public and caused the Plaza

to be surrounded with yellow police tape.

47. Shortly after 7:00 p.m., all OE members and the public had evacuated the Plaza except for Plaintiff Florence Semple, who remained seated in a lawn chair on the Plaza holding a sign. Officer Keedy again informed Ms. Semple that the Plaza was closed to the public and ordered her to vacate the Plaza. Ms. Semple communicated to Officer Keedy that she was remaining on the Plaza as a matter of conscience and that she would only leave upon receipt of a citation or arrest in order to challenge what she believed was an unconstitutional eviction.

48. Officer Keedy informed Plaintiff Semple of the maximum penalties of disobeying the order, and she chose to stay and exercise her First Amendment Rights.

49. Plaintiff Semple was arrested for violating 41 CFR § 102-74.385. She was cited and released. Plaintiff was prosecuted by the federal government for the above-described violation, *U.S. v. Florence Semple*, U.S. CVB No. 3127856.

50. On or about October 1, 2012, Plaintiff Semple filed a facial constitutional challenge to the criminal charge of failing to obey a lawful order in the federal criminal proceedings.

51. On or about November 6, 2012, the U.S. Attorney's Office filed a response to that challenge.

52. On or about November 8, 2012, a hearing on Plaintiff Semple's challenge was heard before the Honorable Thomas M. Coffin. During this hearing, it became apparent that the Court appeared to agree that there were constitutional infirmities regarding the Government's case and the Defendants permitting scheme. Upon request of the U.S. Attorneys office, the parties were provided two weeks to submit supplemental briefing.

53. On December 7, 2012, rather than filing additional briefing, the government filed a motion to dismiss the citation against Semple.

54. On December 10, 2012, the Court granted the motion.
55. On December 12, 2012, Plaintiff Semple filed an opposition and/or reconsideration regarding the government's motion to dismiss the citation against her, arguing that a court ruling was necessary to preserve the constitutional rights of citizens like her who wish to use the Federal Plaza for First Amendment activities without fear of citation. The Court denied that request.
56. Plaintiffs desire to return to the federal Plaza to lawfully exercise their First Amendment rights in this traditional public forum.
57. On or about December 13, 2012, in the wake of the government's dismissal of Plaintiff Semple's case, Plaintiffs decided that they could now return to the Federal Plaza and resume the exercise of their First Amendment rights unencumbered.
58. Despite the fact that the U.S. Attorneys office elected to dismiss the charge against Semple based upon the constitutional issues raised in Court, on or about December 14, 2012, Defendant Gray delivered a letter to the Plaintiffs indicating that they had 24 hours to leave the premises or a complaint would be filed with FPS and arrests would occur again.
59. The letter did not indicate why the citizens were not allowed to use the traditional public forum; did not indicate how long they were banned from using the forum; and did not provide any alternative venues for their protest activities.
60. Currently, Plaintiffs are protesting at the Plaza under threat of citation or arrest by Defendants. Plaintiffs and others wish to continue using the Plaza to engage in protected activities at night, on weekends, and spontaneously or in small unpermitted groups. They do not want to be arrested or prevented from lawfully using the Plaza.
61. Defendants are attempting to chill plaintiffs First Amendment rights.

## V. FEDERAL LAW CLAIMS

### A. FIRST CLAIM FOR RELIEF

#### Violation of the First Amendment to the United States Constitution—*Bivens* Action

62. Paragraphs 1-60 are incorporated herein by reference.
63. Each of the individual defendants, between May 1, 2012 and the present, had some participation in the following actions which have harmed plaintiffs.
64. The Plaza is a traditional public forum.
65. Defendants 'revised' permit application only permits assembly upon a traditional public forum Monday through Friday 8 a.m. to 5 p.m.
66. These restrictions violate the First Amendment.
67. Defendants stated the revisions were due to 'bad experiences' with Occupy groups at other locations. Those new policies are content-based restrictions upon Plaintiffs First Amendment rights and were imposed with discriminatory intent.
68. The permit criteria and review process allows undue discretion and abuse and results in First Amendment violations to individuals and groups such as Plaintiffs.
69. The denial of OE's July 9, 2012 permit application and subsequent appeal violated plaintiffs' rights under the First Amendment to the Constitution.
70. The July 10th Order by Defendants directing OE to vacate the Federal Plaza, a traditional public forum, entirely and indefinitely, violated plaintiffs' rights under the First Amendment to the Constitution.
71. The December 14, 2012, Order for OE to vacate the Federal Plaza, a traditional public forum, entirely and indefinitely, violates plaintiffs' rights under the First Amendment to the Constitution. Threat of imminent arrest is ongoing at this time.
72. Defendants' requirement that every single individual or group shall apply for a permit at least

48 hours in advance of exercising First Amendment rights in a traditional public forum, including a single person holding a sign or conducting a prayer vigil, places an undue burden and/or prior restraint upon the constitutional rights of individuals like Plaintiffs, and violates their First Amendment rights.

73. Defendants' permit regulations violate the First Amendment because they do not contain an exception for spontaneous speech and expressive activities.

74. Defendants' ban on nighttime assemblies at the Plaza violates the First Amendment.

75. Plaintiffs' and the public's interest in holding First Amendment assemblies while occupying a traditional public forum at the Federal Plaza for the purposes of holding a lawful 24-hour protest to draw attention to the plight of unhoused people who do not have legal places to sleep, is clear.

76. Defendants have known about Occupy Eugene's presence at the Federal Plaza since at least May 2012. At that time, OE, by and through Plaintiff Purvis and others, applied for and received a 60 day permit for their 24 hour a day protest on the condition that no one actually sleep at the protest location.

77. GSA's denial of OE's renewed permit application upon the same conditions, along with the most recent December 14<sup>th</sup> attempt to crush their First Amendment rights, is clearly not narrowly tailored to serve the government's legitimate interests in this matter.

78. Defendants were made aware of the high potential that their permitting scheme was unconstitutional based upon the November 2012 Federal Court hearing and the subsequent Motion to Dismiss filed by the U.S Attorneys office. Despite these facts, Defendants continue to attempt to enforce the unconstitutional permit conditions and requirements upon Plaintiffs, including threatening them with repeated federal arrest.

79. Defendants have not amended or altered their flagrantly unconstitutional permitting scheme since the December court dismissal.
80. Defendants continued to attempt to evict, arrest and eviscerate Plaintiffs First Amendment rights in the face of overwhelming constitutional concerns entitles Plaintiffs to punitive damages.
81. GSA's denial and evictions fails to provide constitutionally significant alternatives.
82. By their actions as described herein, each of the defendants, under color of statute, ordinance, regulation, custom, or usage, and acting in both their individual and official capacities, subjected plaintiffs to the deprivation of rights, privileges, or immunities secured by the Constitution and laws, in that the actions plaintiffs' First Amendment rights, and would unduly chill a person of ordinary firmness from engaging in future First Amendment activities.
83. The defendants' actions and omissions were wanton, willful, or in deliberate disregard of plaintiffs' rights.
84. As a direct and proximate result of the acts and omissions of defendants, plaintiffs have suffered and sustained damages, continue to suffer and sustain damages, and in the future will suffer and sustain damages, in amounts to be proven at trial, including loss of rights; loss of goodwill; mental anguish, emotional distress, depression, stress, anxiety, and deprivation of freedom to travel and/or congregate on a traditional public forum.
85. The acts and omissions of defendants were willful and wanton or otherwise in reckless disregard of plaintiff's rights. Punitive damages should be awarded to plaintiffs and assessed against each of the defendants to punish defendants for their acts and omissions and to deter defendants and others from engaging in such conduct in the future.

86. Plaintiffs are entitled to their reasonable attorney fees and expenses pursuant to 42 U.S.C. § 1988, the Equal Access to Justice Act, 28 U.S.C. § 2412(d) et seq., the court's inherent powers, and Fed. R. Civ. P. 60.
87. The amount of damages owing is ascertained or easily ascertainable by simple computation or by reference to generally recognized standards, and the time from which interest must run can be ascertained. Plaintiffs are thus entitled to prejudgment interest on their damages.
88. Plaintiffs' remedy at law is inadequate, and declaratory and injunctive relief is necessary to protect plaintiffs and similarly situated entities.

**B. SECOND CLAIM FOR RELIEF**  
***Bivens Action—Equal Protection—“Class of One”***

89. Paragraphs 1-78 are incorporated herein by reference.
90. Each of the individual defendants, between May 1, 2012 and the present, had some participation in the following actions which have harmed plaintiffs.
91. Defendants stated the revisions to their policies were due to ‘bad experiences’ with Occupy groups at other locations. Defendants are treating Occupy groups differently from other groups without a rational basis for the difference in treatment in violation of the Equal Protection Clause of the Fifth Amendment.
92. Several local organizations and individuals not affiliated with Occupy Eugene regularly have used, and continue to use the Plaza without government interference, threat, or arrest, despite the fact that they have not obtained permits, nor have they been asked to apply for a permit.
93. These local organizations and individuals have not been asked for permits, nor have they been excluded from the Plaza, both before Occupy was evicted in May 2012, and subsequent to the May and December GSA evictions.

94. The permit criteria and enforcement of the regulations allows undue discretion and abuse in violation of the Fifth Amendment.
95. By their actions as described herein, each of the defendants, under color of statute, ordinance, regulation, custom, or usage, and acting in both their individual and official capacities, subjected plaintiffs to the deprivation of rights, privileges, or immunities secured by the Constitution and laws, in that the actions violated plaintiffs' Fifth Amendment rights, and would unduly chill a person of ordinary firmness from engaging in future First Amendment activities.
96. The defendants' actions and omissions were wanton, willful, or in deliberate disregard of plaintiffs' rights.
97. As a direct and proximate result of the acts and omissions of defendants, plaintiffs have suffered and sustained damages, continue to suffer and sustain damages, and in the future will suffer and sustain damages, in amounts to be proven at trial, including loss of rights; loss of goodwill; mental anguish, emotional distress, depression, stress, anxiety, and deprivation of freedom to travel and/or congregate on a traditional public forum.
98. The acts and omissions of defendants were willful and wanton or otherwise in reckless disregard of plaintiff's rights. Punitive damages should be awarded to plaintiffs and assessed against each of the defendants to punish defendants for their acts and omissions and to deter defendants and others from engaging in such conduct in the future.
99. Plaintiffs are entitled to their reasonable attorney fees and expenses pursuant to 42 U.S.C. § 1988, the Equal Access to Justice Act, 28 U.S.C. § 2412(d) et seq., the court's inherent powers, and Fed. R. Civ. P. 60.
100. The amount of damages owing is ascertained or easily ascertainable by simple

computation or by reference to generally recognized standards, and the time from which interest must run can be ascertained. Plaintiffs are thus entitled to prejudgment interest on their damages.

101. Plaintiffs' remedy at law is inadequate, and declaratory and injunctive relief is necessary to protect plaintiffs and similarly situated entities.

## **VI. RELIEF REQUESTED**

Wherefore, Plaintiffs pray for relief as follows:

102. A declaratory judgment declaring that defendants' denial of plaintiffs second permit application was unconstitutional;
103. A declaratory judgment declaring that the GSA regulations regarding occasional use permits upon traditional public fora violates the First Amendment;
104. A preliminary injunction requiring defendants to issue a continuous 24 hour permit which could contain reasonable conditions addressing legitimate health and safety concerns to plaintiffs;
105. Award Plaintiffs compensatory and punitive damages in an amount to be ascertained according to proof against all Defendants;
106. Award Plaintiffs their reasonable attorney fees and costs against all Defendants;
107. Enjoin GSA from requiring all citizens to apply for, and receive permits in advance of exercising First Amendment rights at the Federal Plaza. Reasonable parameters must be established if a permit shall be required (over 75 people, amplification, etc.)
108. Immediately enjoin GSA from unlawfully evicting and/or trespassing Plaintiffs and others from the Plaza;
109. Require GSA to adopt permitting regulations and procedures that comply with the First

Amendment

110. For such other and further relief as may appear just and appropriate.

DATED: December 18, 2012.

/s/ Lauren C. Regan  
Lauren C. Regan (OSB # 97087)  
(541) 687-9180  
(541) 686-2137 (fax)  
lregan@cldc.org  
Of Attorney for Plaintiffs