

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

MARGARET L. SLINGLUFF,
et al.,

Plaintiffs,

v.

ANDOVER TOWNSHIP,
ASHTABULA COUNTY, OHIO, *et al.,*

Defendants.

: **Case No. 1:10-CV-2023**
:
: **Judge Nugent**
: **Magistrate Judge Vecchiarelli**
:
:
:
: **PLAINTIFFS' MOTION FOR TEMPORARY**
: **RESTRAINING ORDER AND**
: **PRELIMINARY INJUNCTION, WITH**
: **MEMORANDUM IN SUPPORT**

Now come Plaintiffs, The Andover Township Tea Party; Margaret L. Slingsluff; Emily Kobialko and Scott Bankston, and hereby move this Court, pursuant to Federal Rule of Civil Procedure 65(b), for a Temporary Restraining Order and Preliminary Injunction enjoining Defendants from enforcing and applying all policies of Andover Township, including Andover Township Resolution 06-104, which prohibits any for-profit advertising or political signs on the Andover Public Square, as well as vesting unfettered and unabated discretion on the Andover Township Trustees to grant or deny permission to use the Andover Public Square on a case-by-case basis. Such policies deprive Plaintiffs and others of their constitutional rights to, *inter alia*, engage in free political speech, petition their government for redress of grievances, and peaceful assemble, as guaranteed and protected by the First and Fourteenth Amendments to the United States Constitution.

In the absence of immediate injunctive relief, Plaintiffs will suffer irreparable harm. Specifically, Plaintiffs are engaged in efforts to organize a September 17, 2010 rally in commemoration of Constitution Day, to be held on the Andover Public Square. While originally

granting permission for Plaintiffs to hold such an event on the Andover Public Square, Defendants have since withdrawn such permission and have explicitly denied Plaintiffs the right to hold this rally on the public square, asserting the authority of the aforementioned township resolution and further declaring Plaintiffs activities to be prohibited on the basis of the content of the proposed speech, *i.e.*, that such speech is deemed to be “political.”

In the absence of injunctive relief, Plaintiffs’ constitutional right to peacefully assemble, to free speech and to petition the government for redress and to hold this rally and others rallies in the future on the Andover Public Square is imperiled, and Plaintiffs will continue to operate under unlawful threat of deprivation of their aforesaid constitutional rights.

Plaintiffs respectfully request that the requirement that they provide security pursuant to Rule 65(c) be waived. A Memorandum in Support of Plaintiffs’ Motion is attached hereto.

Respectfully submitted,

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