

FILED

JUL 08 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION

JAMES BONINI, Clerk
CINCINNATI, OHIO

1:08 CV 464

Case No.

Judge

SPIEGEL, J.

LIGHTBORNE PUBLISHING, INC. :
d/b/a City Beat :
811 Race Street, 5th Floor :
Cincinnati, Ohio 45202, :

Plaintiff, :

V. :

CITIZENS FOR COMMUNITY VALUES :
11175 Reading Road, Suite 103 :
Cincinnati, Ohio 45241; :

PHIL BURRESS :
President, Citizens for Community Values :
11175 Reading Road, Suite 103 :
Cincinnati, Ohio 45241; :

Ⓞ GARRY EDMONDSON :
Kenton County Attorney :
In his official capacity only :
303 Court Street, Room 307 :
Covington, Kentucky 41011; :

SIMON LEIS :
Hamilton County Sheriff :
In his official capacity only :
1000 Sycamore Street, Room 110 :
Cincinnati, Ohio 45202; :

CHRIS MONZEL :
Cincinnati City Council :
In his official capacity only :
801 Plum Street, Room 346B :
Cincinnati, Ohio 45202; :

CITY OF CINCINNATI :
801 Plum Street :
Cincinnati, Ohio 45202; :

**COMPLAINT FOR
DECLARATORY, INJUNCTIVE,
AND MONETARY RELIEF**

AARON NEGANGARD :
Dearborn County Attorney
In his official capacity only :
114 West High Street
Lawrenceburg, Indiana 47025; :

THOMAS H. STREICHER, JR. :
Chief, Cincinnati Police Department
In his official capacity only :
310 Ezzard Charles Drive
Cincinnati, Ohio 45214; :

JUSTIN VERST :
Campbell County Attorney
In his official capacity only :
24 West Fourth Street
Post Office Box 72340 :
Newport, Kentucky 41072; :

REV. JERMAINE ARMOUR :
Interdenominational Ministerial Alliance :
c/o Macedonia Living Word Fellowship
353 West Kemper Road :
Cincinnati, Ohio 45246; :

BISHOP E. LYNN BROWN :
Presiding Bishop, 2nd Episcopal District :
CME Church
7030 Reading Road, Suite 244 :
Cincinnati, Ohio 45237; :

PAULA BUSSARD :
Transformation Cincinnati & :
Northern Kentucky
Post Office Box 531266 :
Cincinnati, Ohio 45253; :

JACKIE CARNEY :
Pregnancy Center West, Inc. :
4900 Glenway Avenue
Cincinnati, Ohio 45238; :

PASTOR GREGORY CHANDLER, SR. :
World Outreach Christian Church
7030 Reading Road :
Cincinnati, Ohio 45237; :
:

REV. WAYNE DAVIS :
Bethel Baptist Church :
2712 Alms Place :
Cincinnati, Ohio 45206; :

PATTI GARIBAY :
American Heritage Girls :
175 Tri-County Parkway, Suite 100 :
Cincinnati, Ohio 45246; :
:

SUSAN M. GERTZ :
Gertz Law Firm :
401 Pike Street :
Reading, Ohio 45215; :

PAM GLENN :
New Hope Center :
3720 Decoursey Avenue :
Covington, Kentucky 41015; :
:

REV. AARON GREENLEA :
c/o Olivet Baptist Church :
6838 Montgomery Road :
Cincinnati, Ohio 45236; :

JOSEPH GUBASTA, Ph.D. :
Women's Center for Health, :
Hope & Healing :
3228 Jefferson Avenue :
Cincinnati, Ohio 45220; :

MICHAEL HOWARD :
Justice Watch :
c/o Garden Street Transitional Housing :
1120 Garden Street :
Cincinnati, Ohio 45214; :

BISHOP MAURICE JACKSON :
Metropolitan Area Religious :
Coalition of Cincinnati :
617 Vine Street :
Cincinnati, Ohio 45202; :

REV. JOEL JAMES :
James Temple Church of God in Christ :
1116 Lincoln Avenue :
Cincinnati, Ohio 45206; :

KATHLEEN KEILY :
Care Net Pregnancy Services :
of Northern Kentucky :
7134 Price Pike :
Florence, Kentucky 41042; :

DR. JERRY KIRK :
Religious Alliance Against Pornography :
800 Compton Road, Suite 9224 :
Cincinnati, Ohio 45231; :

REV. MICHAEL MACK :
Jerriel Missionary Baptist Church :
1018 Wesley Avenue :
Cincinnati, Ohio 45203; :

REV. ALEX McENTIRE :
World Alive Church :
4260 Hamilton Avenue :
Cincinnati, Ohio 45223; :

MAJOR KENNETH MAYNOR :
Salvation Army Divisional Commander :
Swoneky Division :
114 East Central Parkway :
Cincinnati, Ohio 45202; :

REV. JAMES PANKEY :
Baptist Ministers Conference :
c/o St. John Missionary Baptist Church :
818 South Fred Shuttlesworth :
Cincinnati, Ohio 45229; :

BOBBI RADECK :
Concerned Women for America of Ohio :
7723 Tylers Place Blvd. #278 :
West Chester, Ohio 45069; :

PASTOR RICHARD A. ROSE, SR. :
Grayroad Church of Christ :
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Cincinnati, Ohio 45232; :

CINNY ROY :
The Eve Center :
Post Office Box 36483 :
Cincinnati, Ohio 45236; :

RICH SCHATZ :
National Coalition for the Protection :
of Children and Families :
800 Compton Road, Suite 9224 :
Cincinnati, Ohio 45231; :

REV. K.Z. SMITH :
c/o Corinthian Baptist Church :
772 Whittier Street :
Cincinnati, Ohio 45239; :

SCOTT D. STEPHENS :
Pregnancy Center East :
2752 Erie Avenue :
Cincinnati, Ohio 45208; :

FORD TAYLOR :
Transformation Cincinnati :
& Northern Kentucky :
Post Office Box 531266 :
Cincinnati, Ohio 45253; :

LORI VIARS :
Family First PAC :
Post Office Box 806 :
Lebanon, Ohio 45036; :

PASTOR CLARENCE WALLACE :
 Carmel Presbyterian Church
 3549 Reading Road :
 Cincinnati, Ohio 45229; :
 :
 PAULA WESTWOOD :
 Right to Life of Greater Cincinnati :
 1802 West Galbraith Road :
 Cincinnati, Ohio 45239; :
 :
 BISHOP DWIGHT WILKINS :
 Interdenominational Ministerial Alliance :
 c/o Macedonia Living Word Fellowship :
 353 West Kemper Road :
 Cincinnati, Ohio 45246; :
 :
 PASTOR CHARLIE WINBURN :
 The Church in College Hill :
 2129 West North Bend Road :
 Cincinnati, Ohio 45224; :
 :

Defendants.

Comes now Plaintiff Lightborne Publishing, Inc. d/b/a City Beat (“City Beat”), who for its complaint against Defendants states the following:

INTRODUCTORY STATEMENT

1. This is an action under the laws and Constitution of the United States, as well as the laws and Constitution of the State of Ohio, pursuant to 42 U.S.C. §§ 1983 and 1985, alleging that Defendants engaged in a conspiracy to violate Plaintiff Lightborne Publishing, Inc. d/b/a City Beat’s protected First Amendment rights and to chill City Beat’s free expression and freedom of the press in the future by, under color of state law, demanding in writing that the newspaper refrain from accepting and publishing advertisements for adult oriented businesses. By this complaint, City Beat seeks monetary damages in the amount of lost advertising revenue and business revenue that has

resulted from Defendants' campaign to violate the paper's civil rights and tortious interference with its business relationships, as well as declaratory and injunctive relief prohibiting additional governmental action that functions as a prior restraint on City Beat's right to free expression and freedom of the press.

JURISDICTION

2. Jurisdiction over Plaintiff's claims for declaratory and injunctive relief is proper in this Court pursuant to 28 U.S.C. §§ 1331(a), 1343(3), and 1343(4).

3. This Court has supplemental and pendent jurisdiction pursuant to 28 U.S.C. § 1367 to review and decide Plaintiff's state law claims.

4. Venue is proper in this district and division as the various acts which form the basis of this complaint occurred within the Southern District of Ohio, Cincinnati Division.

PARTIES

5. Plaintiff Lightborne Publishing, Inc. is an Ohio corporation duly authorized to do business in this state. It owns and operates a free weekly newspaper known as City Beat. Because City Beat is available at no cost to its readers, the paper relies upon advertising revenue as its primary source of income.

6. Defendant Citizens for Community Values ("CCV") is a non-profit corporation that operates in the State of Ohio. Per its website, www.ccv.org, the CCV is "a grassroots organization of citizens who are concerned for the well-being of the community, the strength of its families, and the future of its children." Acting in concert with governmental officials, religious leaders, and social services providers, the CCV is the architect of a conspiracy to violate City Beat's First Amendment rights. That conspiracy resulted in a June 6, 2008 letter and press conference on the

inside Cincinnati City Hall demanding that City Beat cease accepting and publishing adult oriented advertisements.

7. Defendant Phil Burress is the president of the CCV and a resident of the Southern District of Ohio, Cincinnati Division. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat.

8. Defendant Garry Edmondson is the County Attorney for Kenton County, Kentucky. In that capacity, his name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat. He is sued in his official capacity only.

9. Defendant Simon Leis is the duly elected sheriff of Hamilton County, Ohio. His statutory duties include enforcement of criminal laws throughout the county, including those laws related to sexually oriented businesses, prostitution, and the like. In that capacity, his name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat. He is sued in his official capacity only.

10. Defendant Chris Monzel is a duly elected member of the City of Cincinnati, Ohio City Council and his name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity. He is sued in his official capacity only.

11. Defendant Aaron Negangard is the County Attorney for Dearborn County, Indiana and is responsible for the prosecution of criminal charges that arise in his jurisdiction. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity. He is sued in his official capacity only.

12. Defendant Thomas H. Streicher, Jr. is the police chief for the City of Cincinnati Police Department. As the City's top law enforcement officer, he is responsible for enforcing

criminal laws throughout his jurisdiction, including those relating to sexually oriented businesses, prostitution, and the like. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in his capacity as police chief. He is sued in his official capacity only.

13. Defendant Justin Verst is the County Attorney for Campbell County, Kentucky and his name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity. He is sued in his official capacity only.

14. Defendant Rev. Jermaine Armour is a representative of the Interdenominational Ministerial Alliance. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

15. Defendant Bishop E. Lynn Brown is the presiding bishop for the 2nd Episcopal District of the CME Church. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

16. Defendant Paula Bussard is President of Transformation Cincinnati & Northern Kentucky. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

17. Defendant Jackie Carney is affiliated with Pregnancy Center West, Inc. of Cincinnati. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

18. Defendant Pastor Gregory Chandler, Sr. is a minister at World Outreach Christian Church. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

19. Defendant Rev. Wayne Davis is pastor at Bethel Baptist Church. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

20. Defendant Patti Garibay is the national executive director of American Heritage Girls. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

21. Defendant Susan M. Gertz is an attorney licensed to practice law in the state of Ohio. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

22. Defendant Pam Glenn is executive director of New Hope Center. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

23. Defendant Rev. Aaron Greenlea is a minister in the greater Cincinnati community. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

24. Defendant Joseph Gustaba, Ph.D., is president and chief operating officer of the Women's Center for Health, Hope and Healing. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

25. Defendant Michael Howard is the executive director of Justice Watch. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

26. Defendant Bishop Maurice Jackson is president of the Metro Area Religious Coalition of Cincinnati. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

27. Defendant Rev. Joel James is pastor of James Temple Church of God in Christ. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

28. Defendant Kathleen Keily is executive director of Care Net Pregnancy Services of Northern Kentucky. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

29. Defendant Dr. Jerry Kirk is president of the Religious Alliance Against Pornography. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

30. Defendant Rev. Michael Mack is pastor of Jerriel Missionary Baptist Church. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

31. Defendant Rev. Alex McEntire is pastor of World Alive Church. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

32. Defendant Major Kenneth Maynor is divisional commander of the Salvation Army Swoneky Division. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

33. Defendant Rev. James Pankey is president of the Baptist Ministers Conference. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

34. Defendant Bobbi Radeck is director of Concerned Women for America of Ohio. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

35. Defendant Pastor Richard A. Rose, Sr. is pastor of Grayroad Church of Christ. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

36. Defendant Canny Roy is director of the Eve Center. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

37. Defendant Rick Schatz is president of the National Coalition for the Protection of Children and Families. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

38. Defendant Rev. K.Z. Smith is a minister in the greater Cincinnati area. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

39. Defendant Scott D. Stephens is executive director of Pregnancy Center East. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

40. Defendant Ford Taylor is the founder of Transformation Cincinnati & Northern Kentucky. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

41. Defendant Lori Viars is executive director of Family First PAC. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

42. Defendant Pastor Clarence Wallace is pastor of Carmel Presbyterian Church. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

43. Defendant Paula Westwood is executive director of Right to Life of Greater Cincinnati. Her name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

44. Defendant Bishop Dwight Wilkins is president of the Interdenominational Ministers Alliance. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

45. Defendant Pastor Charlie Winburn is pastor of The Church in College Hill. His name appears on the list of individuals who endorsed the June 6, 2008 letter to City Beat in that capacity.

STATEMENT OF FACTS

City Beat's Advertising

46. City Beat is a free weekly news publication that focuses on issues, arts, and events in greater Cincinnati. City Beat is one of the area's most frequently read publications, second only to the Cincinnati Enquirer in readership; at least 323,000 adults read City Beat once a month. In addition, City Beat has won numerous national, statewide, and local journalism, photography, and design awards since its inception in 1994, including two first place awards from the Association of Alternative Newsweeklies for investigative reporting and Best Weekly Newspaper in Ohio 2005 from the Ohio Society of Professional Journalists. The paper is free of charge to its readers and is available from sidewalk news bins and at local retail and media outlets. Its distribution area covers

Southwest Ohio, Northern Kentucky, and adjacent counties in Southeastern Indiana. City Beat also maintains an active website – www.citybeat.com – which houses its articles and advertising online.

47. Consistent with its mission to function as an independent newspaper, City Beat has a well-documented history of criticizing state and local government, including many politicians, for overreaching abuse and unconstitutional activities. Those government officials who have been the subject of City Beat’s criticism include Defendants Simon Leis, the Hamilton County Sheriff; Thomas Streicher, the Cincinnati police chief; and Garry Edmondson, the Kenton County Attorney.

48. Because City Beat is a free publication, it relies almost exclusively on advertising revenue for its continued existence. Absent the earnings obtained from ads, the paper could not fund and publish important news stories touching on matters of local and regional importance. As such, any attack on its advertising is by extension an attack on its content and its ability to function independent of government and outside interference.

49. A wide variety of advertisers purchase ad space in City Beat, including restaurants, entertainment venues, arts organizations, and retail boutiques. City Beat also maintains a classified advertising section in which individuals and businesses may purchase lines of text for a lesser fee.

50. It is City Beat’s policy to accept advertisements of all content and genres, excepting only those ads that would themselves be unlawful. As an institution, City Beat believes in the freedom of the press and the freedom of speech and does not attempt to censor the free expression of its advertisers. In fact, as commercial speech, the advertisements that are published in City Beat’s publication and on City Beat’s website are entitled to full constitutional protection under the First Amendment.

51. Consistent with its open advertising policy, City Beat's printed classified advertisements have included a section for adult services for more than ten years. (Its website has also offered adult services classified ads for a lesser period of time.) None of the advertisements that run in the adult services section either explicitly or implicitly offer sexual activity for consideration, nor do they promote any other unlawful activity. Rather, the advertisements generally feature massage services and adult companionship. Over the past ten years, City Beat has carried approximately 15,000 such classified ads in print, largely without incident or complaint.

The Conspiracy to Violate City Beat's First Amendment Rights

52. On June 9, 2008, without any advance warning and without privately communicating with City Beat, a coalition of local religious officials and "family values" activists led by the Citizens for Community Values held a press conference inside Cincinnati City Hall to denounce City Beat's practice of accepting classified adult services ads. Upon information and belief, the City of Cincinnati condoned and permitted the press conference, or, at the very least, did not preclude the CCV coalition from appearing on its property. The fact that the press conference was conducted inside City Hall, with the City's headquarters as its backdrop, and with the endorsement of City Councilman Chris Monzel and Police Chief Thomas Streicher, created impression that local government had offered its seal of approval to the CCV coalition's position.

53. At its press conference, the CCV coalition presented the media with a letter to City Beat in which it expressed its concern that the adult services advertisements that appear in the paper's classified ads section are damaging to women and children. The letter references a two year investigation of massage parlors in the Tri-State area that resulted in numerous arrests, and claims

that several of the businesses included in the investigation had advertised in City Beat. The letter closes by requesting that City Beat remove the adult services category from its classified ads section and reject adult oriented ads elsewhere in its newspaper. A copy of the letter is attached as Exhibit A and incorporated by reference into this complaint.

54. While no individual actually signed the letter, the names of numerous religious leaders and family values activists are listed as endorsing the letter. Each apparent signatory is named as a Defendant to this lawsuit.

55. Even more significantly, the names of several local law enforcement and elected officials appear as endorsing the letter and its contents as well. Those governmental officials who endorsed the letter – Hamilton County Sheriff Simon Leis, Cincinnati Police Chief Thomas Streicher, Cincinnati City Councilman Chris Monzel, and the County Attorneys of Kenton, Campbell, and Dearborn Counties – were listed in their official capacities and cover nearly every major city and county in City Beat’s distribution area. The inclusion of governmental officials, and in particular those who are responsible for enforcing and prosecuting criminal laws in the greater Cincinnati area, can have no other impact but to chill City Beat’s free expression by forcing it to self-censor or face possible prosecution.

56. Although no individual has claimed authorship of the letter, the CCV’s website contains a press release listing its president, Phil Burrell, as a media contact regarding the issue. In addition, in private emails to City Beat that followed the letter, CCV officials have indicated that all responses to the letter should be directed to them and not to each of the 39 individuals whose names are listed on the letter itself. Thus, upon information and belief, and based on reasonable inferences from the known facts, the CCV and its leaders were the instigators of the letter, initiated the

campaign, and recruited other co-conspirators to the conspiracy to silence City Beat's protected rights to free expression and freedom of the press. That governmental and law enforcement officials joined CCV's conspiracy only served to intimidate City Beat from exercising its constitutional rights.

57. In addition to the letter and press conference, the CCV also posted a press release on the homepage of its website that accuses City Beat of functioning as "greater Cincinnati's primary outlet for solicitation and promotion of prostitution and related services." *See* Press Advisory (attached as Exhibit B). Coupled with the participation of the government in the conspiracy, the accusation that, merely by providing a forum for legitimate, lawful advertising, City Beat has engaged in criminal activity is not only erroneous, but is also intended to silence City Beat and their advertisers in violation of the First Amendment.

City Beat's Response and Damages

58. The letter to City Beat is dated June 6, 2008. However, the relevant officials at City Beat to whom the letter was addressed did not formally receive the letter until after the CCV coalition's June 9th press conference. City Beat later held its own public event asserting its First Amendment rights and rejecting the coalition's demand to censor its advertising.

59. That decision, however, has not been without cost. As a direct result of the CCV coalition's campaign, City Beat's advertising revenue, and in particular the revenues generated from adult services classified advertisements, has been reduced by nearly 25 percent. In addition, City Beat lost a long-standing advertiser – a family-owned restaurant – as a result of the CCV coalition's campaign against the paper. City Beat expects these losses to continue as the CCV coalition's attack on its free speech and press intensifies.

STATEMENT OF CLAIMS

**Claim One:
Violation of First Amendment Rights
under 42 U.S.C. § 1983
(Governmental Defendants)**

60. Plaintiff realleges and incorporates by reference each and every paragraph of the foregoing complaint.

61. Defendants Simon Leis, Garry Edmondson, Justin Verst, Chris Monzel, Aaron Negangard, and Thomas Streicher, acting under color of state law, violated Plaintiff's First Amendment right to free expression by endorsing the June 6, 2008 letter referencing a criminal investigation of City Beat's advertisers and demanding that City Beat cease publishing adult services advertisements.

62. In addition, the City of Cincinnati violated Plaintiff's First Amendment right to free expression by endorsing (at worst) or permitting (at best) a press conference to occur within its City Hall at which members of the conspiracy demanded that City Beat discontinue running adult oriented advertisements.

63. These actions constitute a prior restraint on free expression that is presumptively invalid and additionally impose a chilling effect, forcing City Beat to self-censor or face possible governmental action.

64. Plaintiff is therefore entitled to a declaration that these activities violate the First Amendment, as well as preliminary and permanent injunctive relief prohibiting the named Defendants from taking similar action in the future.

**Claim Two:
Conspiracy to Violate First Amendment Rights
under 42 U.S.C. § 1985
(All Defendants)**

65. Plaintiff realleges and incorporates by reference each and every paragraph of the foregoing complaint.

66. Led by the CCV, each and every Defendant named above conspired together to violate City Beat's First Amendment rights by sending the June 6, 2008 letter demanding that the newspaper censor its legitimate, legal advertising and by conducting a press conference unveiling the letter inside Cincinnati City Hall. The purpose of the conspiracy was to silence City Beat's right to free expression. In addition, the comingling of government officials, in their official capacities, and religious activists violates the separation of church and state required by the First Amendment.

67. The letter and the press conference constitute overt actions in furtherance of the civil rights conspiracy. Given the fact that numerous local governmental officials endorsed the letter, and that the press conference occurred on government property, these actions were taken under color of state law and were for the unlawful purpose of violating City Beat's First Amendment rights.

**Claim Three:
Tortious Interference with Business Relationships
(All Defendants)**

68. Plaintiff realleges and incorporates by reference each and every paragraph of the foregoing complaint.

69. Defendants tortiously interfered with the business relationship between City Beat and its advertisers and in particular those businesses and individuals who place advertisements for adult oriented businesses.

70. Because these companies and individuals had previously paid to advertise their products and services in City Beat, there existed a business relationship between the newspaper and the advertisers. Defendants were aware of this relationship and intentionally interfered with the purpose of terminating the relationship.

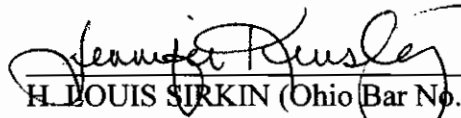
71. City Beat suffered and continues to suffer financial damage as a result of the Defendants' actions. City Beat's advertising revenues have declined as a result of Defendants' tortious and purposeful campaign to violate the newspaper's First Amendment rights.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Assume jurisdiction of this case and set the case for a prompt hearing;
2. Preliminarily and permanently enjoin Defendants from further activities, similar to the one described in this complaint, that violate Plaintiff's protected First Amendment rights and from conspiring together to violate those rights;
3. Award monetary damages equivalent to Plaintiff's lost revenue and business opportunities as a result of Defendants' tortious interference with Plaintiff's business relationships;
4. Award Plaintiff reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988; and
5. Grant such other relief to Plaintiff as the Court deems to be just, proper, and equitable under the circumstances.

Respectfully submitted,



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JENNIFER M. KINSLEY (Ohio Bar No. 0071629)
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