

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

SEEDS OF PEACE COLLECTIVE and)
THREE RIVERS CLIMATE)
CONVERGENCE,)

Plaintiffs,)

v.)

CITY OF PITTSBURGH; LUKE)
RAVENSTAHL, Mayor City of Pittsburgh;)
MICHAEL HUSS, Director of Public Safety,)
City of Pittsburgh; NATHAN HARPER,)
Chief, Pittsburgh Bureau of Police;)
WILLIAM E. BOCHTER, Assistant Chief,)
Pittsburgh Bureau of Police; MICHAEL T.)
RADLEY, Assistant Director, Pittsburgh City)
Parks; OFFICER SELLERS (Badge No.)
3602); OFFICER ERIC KURVACH (Badge)
No. 3480); OFFICERS DOE 1-100,)

Defendants.)
_____)

Civil Action No. 2:09-cv-1275

(Lancaster, C.J.)

FIRST AMENDED COMPLAINT

INTRODUCTION

1. This lawsuit alleges that City of Pittsburgh officials deliberately adopted a strategy to harass, intimidate, discourage and ultimately prevent the plaintiffs, two climate and environmental-justice organizations, from exercising their First Amendment rights to free speech and assembly during the International Coal Conference and the G-20 Summit in Pittsburgh during the week of September 20, 2009.
2. Plaintiff, Three Rivers Climate Convergence (“3RCC”), attempted to mobilize and support a convergence of people with like-minded views about climate and environmental concerns to take place during the Coal and G-20 Conferences. From the

very start, defendants misled 3RCC (as they did other groups of demonstrators) about the availability of public forums, denied permits for discriminatory and specious reasons, and delayed delivering permits that had been approved, all of which significantly undermined 3RCC's ability to plan, organize and support the Convergence. In fighting against 3RCC's efforts to secure a permit for an overnight encampment in a large public park, City officials not only misrepresented the law and the history of authorized overnight camping in City Parks to the public and 3RCC's lawyers, but they also testified falsely in court. Moreover, after a lawsuit forced defendants to issue permits allowing 3RCC to use the parks during daytime, City officials and agents engaged in harassment, intimidation and actual obstruction to prevent even the drastically scaled down Convergence from taking place. For instance, defendants confiscated 3RCC's supplies and props, parked police cars to prevent a bus with educational materials from leaving a parking space to attend the demonstrations, and blocked access to the Convergence site after telling 3RCC that they would not do so.

3. Defendants' treatment of the other plaintiff, Seeds of Peace Collective ("SOPC"), was similarly repressive. From the moment the SOPC arrived in Pittsburgh in their bio-diesel bus, defendants tried to force them to leave. In the space of one week, defendants kept SOPC under surveillance 24-hours per day, sometimes with dozens of officers; towed and impounded the bus without cause; issued traffic citations without probable cause; conducted warrantless raids and pedestrian stops; detained the bus on pretextual grounds for several hours; and coerced private citizens into revoking permission for SOPC to park the bus on their property.
4. Defendants' deliberate efforts to prevent plaintiffs 3RCC and SOPC from exercising their

rights to speech and assembly during the Coal Conference and G-20 Summit were successful. They prevented the Convergence from taking place, thereby interfering with, and in many cases completely suppressing, numerous educational and political activities. This civil rights lawsuit, for declaratory relief and damages, claims that the defendants' actions violated plaintiffs' rights under the First, Fourth and Fourteenth Amendments to the U.S. Constitution.

JURISDICTION AND VENUE

5. As plaintiffs seek to vindicate rights protected by the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983, this Court has jurisdiction over this civil action under 28 U.S.C. §§ 1331 and 1343(a)(3) and (4). Pursuant to 28 U.S.C. §§ 2201 and 2202 this Court has jurisdiction to declare the rights of the parties and to grant all further relief found necessary and proper.
6. Venue is proper in the Western District of Pennsylvania under 28 U.S.C. § 1391(a) because the events that gave rise to this action occurred within the Western District of Pennsylvania and the defendants are subject to personal jurisdiction here.

PARTIES

Seeds of Peace Collective

7. SOPC is a Montana-based, non-profit-cooperative organization committed to promoting social, environmental and climate justice.
8. Since 1986, SOPC has attended demonstrations and supported various communities and groups working on the front lines of social change by providing them food, water, and

planning assistance. SOPC has supported communities working to end homelessness and nuclear proliferation, uphold Native American sovereignty, support migrant workers' rights, stop environmental destruction, resist genetically engineered foods, and end corporate domination.

9. SOPC's activism serves at least two functions. The group provides support to other activists in the form of food, water and planning, and their activities at demonstrations are designed to show that a sustainable lifestyle is important and achievable.
10. SOPC owns and operates a bio-diesel bus that runs on vegetable oil and solar power. The bus, a retrofitted 1986 school bus, has traveled to many places across the country to support other demonstrators and to model sustainable living during countless demonstrations.
11. SOPC, in collaboration with other local and national groups, agreed to participate in the demonstrations in Pittsburgh being organized around the International Coal Conference and the G-20 Summit during the week of September 20.
12. SOPC, which worked with 3RCC to support the Convergence, was prepared to provide nutritious food to thousands of demonstrators while simultaneously serving as a model for sustainable living, an important part of 3RCC's message that sustainable living is both necessary and eminently attainable.

Three Rivers Climate Convergence

13. Plaintiff 3RCC is a partnership of Pittsburgh-area groups and individuals, working with like-minded regional and national organizations, who share common concerns regarding climate change, environmental justice and truly sustainable living. The group planned to mobilize around the Pittsburgh G-20 Summit and the International Coal Conference,

which were meeting in Pittsburgh immediately before the G-20, to show the impact of local and global-climate and environmental-justice issues, and highlight ongoing positive efforts (locally and elsewhere) to create a just and sustainable world.

14. To mobilize and support the “Convergence” of like-minded people, 3RCC planned to provide a temporary, 24 hour-a-day, education-based, sustainability-camp community with associated support infrastructure for attendees and demonstrators between September 20-25. This encampment, built and managed by the participants with hands-on guidance from teachers and trainers, would have been an active and participatory demonstration of sustainable living and green practices. It would have provided venues for educational workshops, films, cultural events such as music performances, meeting and organizing spaces for attendees and demonstrators, and created a hub of community support and excitement for the G-20 and coal conference protest activities.
15. 3RCC originally planned to base their demonstration in Point State Park, but, as will be described below, they were forced to relocate to Schenley Park before Defendants’ actions shut them down entirely.

Defendants

16. Defendant City of Pittsburgh (“City”) is a municipal subdivision organized under the laws of Pennsylvania.
17. Luke Ravenstahl is, and at all relevant times was, the Mayor of the City of Pittsburgh.
18. Michael Huss is, and at all relevant times was, Director of Public Safety for the City of Pittsburgh.
19. Nathan Harper is, and at all relevant times was, the Chief of the Pittsburgh Bureau of Police.

20. William E. Bochter, is, and at all relevant times was, an Assistant Chief with the Pittsburgh Bureau of Police. He was responsible for security relating to demonstrators during the International Coal Conference and G-20 Summit.
21. Michael T. Radley is, and at all relevant times was, the Assistant Director for Pittsburgh City Parks.
22. Defendant Officer Kevin Sellers is employed by the Pittsburgh Bureau of Police.
23. Defendant Officer Eric Kurvach is employed by the Pittsburgh Bureau of Police.
24. Defendant Officers Doe 1-100, pseudonyms, are officers from the Pittsburgh Bureau of Police and employees of the Pittsburgh Department of Public Works and City Parks whose identities are not known at this time. The Doe Defendants will be identified during discovery.
25. All individually named defendants (including the Does) were, at all relevant times hereinafter mentioned, acting under color of state law and are being sued in their individual capacities.

FACTS

ANNOUNCEMENT THAT G-20 SUMMIT WOULD BE COMING TO PITTSBURGH

26. On May 28, 2009, President Barack Obama announced that the next meeting of the Group of Twenty (“G-20”) Finance Ministers and Central Bank Governors would be held at the David L. Lawrence Convention Center in Pittsburgh, Pennsylvania, on September 24-25, 2009.
27. The G-20 was established in 1999 to bring together important industrialized and developing nations to discuss key issues in the global economy. It includes 19 of the world’s largest national economies, plus the European Union. Government and financial

leaders from many of the world's most influential and powerful nations, including Mr. Obama, were scheduled to attend the G-20 Summit.

28. G-20 Summits have attracted and continue to attract demonstrators. The demonstrators' criticisms include, *inter alia*, that the G-20's decisions result in a concentration and privatization of economic wealth with the consequent denial of financial resources for basic human needs like food, clean water and healthcare; promote violence by waging war on, and occupying, other nations, resulting in countless casualties, including innocents; and are responsible for the failure to adopt "green" policies that protect our planet's fragile natural resources or address meaningfully the problem of global-climate change.
29. Coincidentally, Pittsburgh was scheduled to host the 26th Annual International Coal Conference at the Westin Hotel next to the Convention Center on the days immediately preceding the G-20 Summit, i.e., on September 20-23. Many of the demonstrators during the G-20, especially those involved with environmental-justice and climate-change issues, also planned to demonstrate during the Coal Conference to highlight the group's belief that the coal industry is advocating false climate solutions.
30. Almost immediately after these events were announced, demonstrators began planning a variety of demonstrations to be held in Pittsburgh's traditional public forums, e.g., streets and parks, to express their views on issues relevant to the Coal Conference and the G-20 Summit, including support for meaningful policy changes leading up to the Kyoto Protocol climate negotiations in December 2009 in Copenhagen.
31. 3RCC planned to conduct educational programming and demonstrations in Pittsburgh's traditional public forums between September 20-25.

32. SOPC planned to serve food to 3RCC attendees and other demonstrators between September 19-26.

CITY OF PITTSBURGH OFFICIALS INTENTIONALLY DISCOURAGED, HARASSED AND ULTIMATELY SUCCEEDED IN SUPPRESSING 3RCC'S CONSTITUTIONALLY-PROTECTED DEMONSTRATIONS DURING THE WEEK OF SEPTEMBER 20.

33. Beginning in June 2009, as a matter of policy and practice City of Pittsburgh officials, including Defendants Mayor Ravenstahl, Public Safety Director Huss, Police Chief Harper, Assistant Chief Bochter and Assistant Parks Director Radley, deliberately misled 3RCC leaders about the availability of traditional public forums, failed to issue and deliver permits to 3RCC after publicly claiming they had been approved, outright denied 3RCC's permit applications for specious and discriminatory reasons, and directed employees and agents to engage in various forms of harassment and intimidation, including seizing supplies that were essential to 3RCC's planned demonstrations.
34. 3RCC's story is emblematic of Pittsburgh's treatment of demonstrators during the week of the G-20 Summit, especially with respect to those groups that lacked the support of politically-influential individuals or organizations and who intended to include out-of-town demonstrators.
35. A series of incidents illuminates the deliberate nature of City officials' policy and practice to discourage, disrupt and ultimately to suppress 3RCC's First Amendment right to exercise their First Amendment rights of speech and assembly in traditional public forums throughout the City of Pittsburgh during the G-20 Summit.

The Dispute Over Point State Park

36. 3RCC's effort to organize a Convergence of activists on climate and environmental-

justice issues was heavily dependent on securing a Convergence space, where educational and political activities would be centered.

37. 3RCC recognized that the United States Secret Service was likely to establish a “secure perimeter” around the Convention Center and thus make it impossible to hold the Convergence close to the Convention Center. Accordingly, 3RCC selected Point State Park as an alternate location for the Convergence.
38. Point State Park is a large, highly-visible park in downtown Pittsburgh, located 0.7 miles from the Convention Center, that is used frequently for demonstrations and festivals.
39. The defendants’ handling of 3RCC’s request to use Point State Park was the subject of a lawsuit, *See Codepink Pittsburgh Women for Peace, et al. v. United States Secret Service, et al.*, 09-cv-1235 (W.D. Pa., Lancaster, C.J.), in which this Court granted an injunction ordering, *inter alia*, the City to issue permits to 3RCC and another group to use Point State Park.
40. We summarize here the allegations from the *Codepink* lawsuit, as they relate to 3RCC’s permit application, because the dispute over 3RCC’s use of Point State Park was the first in a series of incidents that make up plaintiff’s claim for damages in this case, and understanding defendants’ conduct during the permit-application process is essential to understanding how the City systematically prevented 3RCC from exercising its rights of speech and assembly.¹

¹ 3RCC’s permit-related claims in *Codepink* were brought only for declaratory and injunctive relief. This case, which is for declaratory relief and damages, simply incorporates the facts from *Codepink* that are relevant to plaintiffs’ First and Fourteenth Amendment claims. 3RCC’s claims in *Codepink* were dismissed, without prejudice under Fed.R.Civ.P. 41(a)(2), on November 3, 2009. Docket No. 32.

41. In July, before 3RCC or any other group could submit a permit application, City officials announced that the police and Secret Service had secured a permit to use all of Point State Park as a “staging area” for the entire week, thereby precluding all demonstrators from using any portion of the Park during that week.
42. Discouraged by City officials from pursuing a permit for Point State Park by the City’s announcement, 3RCC eventually submitted a permit application, in late July, to use a portion of the Park everyday from Sunday through Friday, September 20-25.
43. City officials claimed that they never received the application. 3RCC re-submitted it on or about August 14.
44. 3RCC’s application requested permission for the following activities:

A visitor and family friendly educational and informational Event to inform the public on crucial issues in the environment and the scope of climate change, to celebrate the diversity of people and the biosphere and to engage citizens by demonstrating alternative energy, agriculture and cooperative ways to solve our planetary crisis. * * * A crucial part of this plan is to hold an encampment along with the festival to demonstrate alternative culture and to allow citizens from outside of Pittsburgh to participate and enjoy our great city.
45. By early August, City police had decided they would need only half of Point State Park (from the portal bridge to the fountain).
46. City officials failed to tell the public or 3RCC about this change in deployment and continued to insist that 3RCC and other groups could not use Point State Park during the week of the G-20.
47. In late August, Mayor Ravenstahl’s and Director Huss’s central role in deciding which groups were allowed to exercise their First Amendment rights in Pittsburgh’s traditional public forums became apparent. On August 21 and 22, Pittsburgh media reported that

Ravenstahl and Huss decided to approve an event entitled the “Pittsburgh Free Speech Festival” to take place in Point State Park on Wednesday evening, September 23, just one day before G-20 dignitaries were scheduled to arrive in Pittsburgh.

48. The Festival’s sponsors expected between 10,000 and 17,000 people to attend the event.
49. The Festival was co-sponsored by politically-influential people and organizations, including Pennsylvania State Senator Jim Ferlo, the United Steel Workers Union, the Blue Green Alliance and the Alliance for Climate Protection, which is an organization founded in 2006 by Al Gore, Nobel Laureate and former Vice President of the United States. Mayor Ravenstahl and Allegheny County Executive Dan Onorato were featured speakers at the event.
50. 3RCC modified its request to reduce the duration of its events, to just Sunday through Tuesday, September 20-22, in order to accommodate both the City’s claimed security needs and Wednesday’s Free Speech Festival, and withdrew their request to stay overnight.
51. The City still refused to issue a permit, insisting that it now would be impossible to allow 3RCC to hold even these more limited events in Point State Park because the City needed those three days to set up for the Great Race, an annual event that attracts more than 10,000 athletes and that was scheduled for Sunday, September 27, and to dismantle the Junior Great Race, a much smaller, children’s version of the Great Race that was scheduled for Sunday morning, September 20.
52. On September 8, however, when the politically-influential organizers of the Free Speech Festival requested permission to use Point State Park all day on Tuesday, September 22, to set up for Wednesday evening’s event, the City agreed. The City granted the approval

- even though, unlike 3RCC, the Free Speech Festival sponsors had never filed a permit application to use Point State Park on Tuesday, September 22.
53. 3RCC once again adapted in response to this new development, requesting that the City allow it to use the Park from Sunday afternoon through Monday.
 54. City officials again refused the request, now claiming that dismantling the Junior Great Race could not possibly be completed before Tuesday morning.
 55. On September 11, 2009, 3RCC and five other groups sued the City, claiming that, *inter alia*, the City's refusal to allow 3RCC to use Point State Park was unconstitutional. *Codepink Pittsburgh Women for Peace, et al, v. United States Secret Service, et al.*, 09-cv-1235.
 56. Documents obtained through discovery in that lawsuit revealed that the permit application submitted by the Junior Great Race indicated that the event would be completely dismantled by 2:00 p.m. on Sunday afternoon, September 20.
 57. Nevertheless, City witnesses at the *Codepink* preliminary-injunction hearing, including Defendant Michael Radley, still insisted that the City could not allow 3RCC and Codepink to use Point State Park on Sunday afternoon through Tuesday.
 58. On September 17, this Court granted 3RCC an injunction ordering the City to make Point State Park available on Sunday and Monday (3RCC had already negotiated with Free Speech Festival organizers the right to use a portion of the Park on Tuesday).
 59. The City's refusal to allow 3RCC to use Point State Park for any part of the week beginning September 20 was based not on any legitimate interest in security or preservation of the forum for permit holders, but on a desire to obstruct 3RCC's efforts to organize and demonstrate around the G-20 by denying 3RCC a forum to conduct its

Convergence.

60. The City's refusal to grant a permit for Point State Park prevented 3RCC from being able to plan the event, organize programs, raise money and advertise for people to attend.

Without a venue, the necessary planning was irreparably hampered.

Overnight Camping in Schenley Park

61. In addition to the request for overnight use at Point State Park, 3RCC also requested permission to erect a Climate Camp, to accompany the Convergence, at Schenley Park.

62. Mayor Ravenstahl and Public Safety Director Mike Huss initially claimed that City law prohibited all overnight camping in municipal parks and thus all requests for permission to camp overnight would be denied. Once again, however, this claim was not accurate.

63. The relevant provision in the Pittsburgh City Code states: "(d) *Camping*. No person in a park shall camp *except* with permission of the Director and only for groups of persons with adequate supervision." Pittsburgh City Code, § 473.04(d) (emphasis added).

64. Moreover, 3RCC's research disclosed that in 2007 the City had exercised the discretion conferred by the Code to allow 200 school and college students (sponsored by a group called "Invisible Children") to participate in an overnight camp to raise awareness about Ugandan children displaced and made homeless by war.

65. City officials responded to this revelation by telling 3RCC that the City had made an administrative decision, because of problems after the 2007 Invisible Children event, to henceforth prohibit all overnight camping in City parks. Once again, this claim was untrue.

66. Overnight camping at Schenley Park was an issue raised in the *Codepink* case, but on this matter the Court denied relief. Presumably, plaintiffs' inability to rebut the City's claim

that no overnight camping had been permitted in City Parks since 2007 played a role in the Court's decision. The City's claim, however, was based on further deceit.

67. At the *Codepink* preliminary-injunction hearing on September 16, plaintiffs introduced evidence that the City had allowed Invisible Children to hold another overnight tent encampment in Schenley Park on April 25-26, 2009. If true, this evidence undermined the City's claims that the Invisible Children event in 2007 was problematic and that no camping had been allowed since 2007.
68. The City's witnesses, in sworn testimony, denied that the camping in April 2009 had taken place, and proclaimed that the City had never issued a permit for that event.
69. In fact, evidence acquired by *Codepink* attorneys after the September 16 preliminary-injunction hearing showed that the Invisible Children demonstration did take place and that the City had issued a permit for the overnight event at Schenley Park, which was held as scheduled on April 25-26, 2009.
70. Furthermore, upon information and belief, Plaintiffs have since learned that the City allows drivers participating in the Vintage Grand Prix, an annual car race run through Schenley Park, to camp in the Park before the race.
71. Consequently, as with the permits at Point State Park, City officials engaged in deceit and misrepresentation to justify denying 3RCC permission to camp overnight in Schenley Park, an activity the City has previously authorized for other organizations.
72. The City's refusal to allow 3RCC to erect overnight encampments that modeled sustainability and provide critical support for the demonstrations shows further the City's true intentions, which were to discourage and ultimately suppress 3RCC's right to engage in constitutionally protected demonstrations in traditional public forums around the City.

The City Delays Issuing and Delivering Permits

73. It is extremely difficult for 3RCC, as it is for most groups, to plan a demonstration, raise financial and other support, organize people to do the work, and attract participants when the government entity refuses to issue the actual permit for an event. Most organizing activities relating to such a political Convergence are dependent on identifying and securing a suitable venue.
74. Beyond the City's refusal to issue a permit to 3RCC to use Point State Park, which was discussed above, the City delayed issuing 3RCC a permit to use Schenley Park. Many groups experienced the same problem.
75. The City began announcing in late August that various permit applications for demonstrations had been approved, but the actual permits were not issued.
76. Indeed, the City's failure to deliver the permits was an issue in the *Codepink* litigation. Not until after that lawsuit was filed on September 11 did the City actually deliver permits to many of the groups.
77. 3RCC had applied for a permit to use Schenley Park in early September. It was not, however, until September 16 (the morning of the *Codepink* preliminary-injunction hearing), literally 5 days before the event was supposed to begin, that the City delivered to 3RCC a permit to use Schenley Park.
78. The City's denial of 3RCC's permit to use Point State Park and the delay in delivering a permit for Schenley Park left 3RCC with only five days to plan, organize, raise money and advertise the events, greatly compromising 3RCC's effort and causing a significant decrease in participation at 3RCC's events and virtually destroying the group.
79. This in turn significantly injured 3RCC's ability to exercise its rights to free speech and

assembly, including the hosting of educational activities and petitioning the government for redress of grievances.

City Police Attempt to Intimidate Participants

80. On Monday, September 21, as 3RCC was still trying to make up for the lost set-up time caused by the City's delay in issuing permits, City police attempted to intimidate people participating in the Schenley Park demonstration. After the denial of permission for an overnight Climate Camp, 3RCC scaled back their plans and proceeded to organize a "Sustainability Fair."
81. Approximately every 10-15 minutes, a mobile-field force comprising 5-8 vans and cars full of uniformed police officers would drive slowly by, sometimes pausing in front of, the Sustainability Fair, which was being set up at Schenley Overlook. Officers in at least one or two police cars kept the event under constant surveillance.
82. People who wanted to participate in or visit the Sustainability Fair were discouraged from doing so by the large police presence.

City Police Prevent "Permaculture Bus" From Participating in Demonstrations

83. Meanwhile, on Thomas Boulevard in the City's Point Breeze neighborhood, a bus that had come to Pittsburgh to be part of the 3RCC's Convergence, was parked in a private driveway with the owner's permission.
84. The bus, referred to either as the "Permaculture Bus" or the "Bus for the New Millennium," is a re-modeled school bus that is used to demonstrate sustainable living. Two people live on the bus, and it includes animals, composting toilet and educational life-cycle exhibits about sustainable living.
85. Because of the defendants' harassment and intimidation, the bus was unable to

participate, as 3RCC had planned, in the demonstrations at Schenley and Point State Parks.

86. Police cars, often many at one time, parked in on the street near the bus. A police helicopter hovered overhead for much of the week.
87. On Monday, September 21, a police vehicle parked in front of the driveway, blocking the bus from leaving the property to participate in the 3RCC demonstrations in Point State Park and Schenley Park.

City Seizes All 3RCC Props and Supplies

88. As a result of the City's overnight camping ban, 3RCC was posed with a logistical problem: the Sustainability Fair at Schenley Overlook, required tents, tables, chairs, educational materials, etc. Taking down the tent and removing all of the materials every evening would be extremely burdensome.
89. On Sunday afternoon, September 20, Defendant Radley gave 3RCC permission to store its tent and supplies overnight in Schenley Park. He wrote to 3RCC that the City did not "plan to remove your vehicle or overnight tent."
90. 3RCC had asked permission to leave one or two people to provide security for the supplies during the night, but Radley and other City officials had refused, claiming that would be illegal overnight camping.
91. Relying on Radley's assurance, 3RCC did in fact leave the afore-described items in Schenley Park overnight between Monday, September 21, and Tuesday, September 22. 3RCC members left the park at approximately 11:00 p.m. on Monday night.
92. When they returned early on Tuesday morning, all of the items were gone. This did not appear to be the work of looters or vandals, as all of the pamphlets and other educational

materials had been removed, and the area appeared to have been swept clean.

93. Later that morning, the City's spokeswoman, Joanna Doven, denied 3RCC's allegation that Pittsburgh Police had taken their property. According to the Pittsburgh Tribune-Review, she told a reporter that the removal "wasn't a police thing. It was Public Works."
94. 3RCC and its lawyers repeatedly attempted, on that day and on subsequent days, to contact City officials about the confiscated property. City officials failed to return any of those calls or emails, despite the fact that they were returning calls and emails about other G20-related matters.
95. Now, on top of the problems already caused by the City's delays in issuing permits, the City had seized all of the props and materials needed for the Sustainability Fair at Schenley Oval, thereby completely preventing any meaningful demonstration and public education, and negating literally thousands of hours of planning and organizing work.
96. To this day 3RCC has not recovered the property confiscated by the City or been reimbursed for it.

The City Further Impedes 3RCC's Access to Remnants of Sustainability Fair

97. Even after the City's Monday night property seizure had left the Sustainability Fair a mere skeleton operation, the City continued to interfere with the remains of the demonstration.
98. On Monday, September 21, the City alerted 3RCC to the fact that the Secret Service would be limiting access to Schenley Park on Thursday, September 24, to prepare security for the G-20 meeting at the nearby Phipps Conservatory. The City gave assurances that while there would be restrictions on vehicular traffic, pedestrian and

bicycle access would be unimpeded, and that the Fair could take place.

99. But on Thursday morning, September 24, City police and other law-enforcement agencies working with City police, prohibited 3RCC organizers from entering the park, either on bicycle or foot, and in particular refused them access to Schenley Overlook, where the remnants of the Sustainability Fair were being held.
100. Only after 3RCC's attorneys complained to the City's lawyers were they told that only one entrance to the park was open, but by then it was too late to set up the day's planned activities.

Conclusion

101. The City's actions effectively prevented 3RCC from holding a Convergence of climate and environmental-justice activists in Pittsburgh.
102. The City wrongfully denied 3RCC a permit. By the time 3RCC could secure court remedy, the event was severely compromised. After that, the City took additional steps to ensure that even a small-scale Convergence did not occur.

CITY OF PITTSBURGH OFFICIALS HARASSED AND DELIBERATELY INTERFERED WITH SOPC'S RIGHT TO ENGAGE IN CONSTITUTIONALLY PROTECTED SPEECH AND ASSEMBLY.

103. In a decision made at the highest levels of the Pittsburgh Police Bureau, a decision that included Defendants Huss, Harper and Bochter, the City targeted SOPC and other organizations providing support to demonstrators, like medics and independent media (Indymedia), for intensive surveillance, harassment, intimidation and other tactics designed to neutralize these groups' ability to feed, provide medical aid to, educate and inform the public about the G-20 protests, and lend other support to demonstrators.
104. From the moment SOPC arrived in the City of Pittsburgh, City officials and agents

subjected group members to round-the-clock surveillance and daily harassment.

City Officials Direct Impoundment of the Bus Without Just Cause

105. After driving their bus from Montana, SOPC arrived in the Pittsburgh area on Sunday, September 13, 2009. That night, the bus parked outside Pittsburgh City limits.
106. On Monday, September 14, 2009, SOPC members parked the bus on Melwood Avenue in Pittsburgh's Oakland neighborhood.
107. The bus was parked against traffic, but was not obstructing vehicular movement, driveways, or fire hydrants.
108. SOPC members saw other vehicles parked against traffic on that street.
109. The owner of the Melwood Avenue property consented to SOPC parking their bus in front of the residence.
110. The bus remained parked at the Melwood Avenue location from Monday, September 14, 2009, until Friday, September 18, 2009, without incident. The bus was not moved between Monday and Friday, remaining parked in the exact same place.
111. It was apparent that Pittsburgh Police officials were not only aware of SOPC members' presence in the City, but that they directed rank-and-file police to monitor the bus and SOPC activities.
112. During that week, many Pittsburgh police cars drove past the bus, and on several occasions, cars or vans carrying police officers parked nearby and simply sat and observed the bus and SOPC members who were in the vicinity.
113. On Friday morning, September 18, 2009, SOPC members left the bus unattended for about an hour.
114. Upon returning to the bus at about 1:00 p.m., SOPC members saw a Pittsburgh police

officer (later identified as Officer Kurvach) on the bus, while Defendant Sellers stood in the vehicle's doorway.

115. At no time did the defendant police officers indicate that they had a search warrant to board the bus, nor did they ever show the SOPC members a search warrant.
116. The SOPC members' inquiries to the police about why the officers were on the bus were never answered.
117. SOPC members advised the officers that they did not consent to any entry or search of the bus.
118. The defendant police officers responded belligerently, demanding that the SOPC members provide proof of the vehicle's ownership.
119. The defendant police officers also loudly ordered everyone to produce identification cards and social security numbers. Pennsylvania does not have a statute requiring people to produce identification upon demand.
120. Although the SOPC members had a key to the bus and could have moved it, Defendant Sellers refused to discuss the matter and instead called for a tow truck.
121. It is unclear why the police would not let SOPC simply move the bus.
122. A tow truck arrived quickly and towed the bus to an impound lot.
123. No one had reported the vehicle as being stolen and the defendants never informed SOPC members that they believed the bus was stolen.
124. At no time during the course of this incident did the defendant police officers tell SOPC members that the bus had been illegally parked. The defendant officers claimed at one point that the bus was towed because it was "over tonnage" for the neighborhood.
125. Even if the bus had been illegally parked, which the police at the time never claimed, the

proper procedure would have been to issue the operator a citation for illegal parking and instruct him to move the vehicle, not to impound it. According to the Pittsburgh City Code, a vehicle parked in violation of the Commonwealth Vehicle Code can only be removed or towed “upon authorization of the Superintendent of Police” and then only if neither the owner or operator is present to move the vehicle. See Sections 523.02(a), 525.05. Defendant Harper is the Superintendent of Police.

126. SOPC was able to regain possession of the bus, but not until after they paid \$220.00 and were forced to retrieve the vehicle from the City’s tow pound at approximately 9:30 p.m. on Friday night.
127. During the time that the City had control of the SOPC bus, the bus’s large side mirrors were shattered.
128. The individual defendant police officers’ actions on September 18 were not a random, unauthorized seizure of the bus.
129. As noted above, Pittsburgh police had the SOPC bus under surveillance since at least the morning of Tuesday, September 15, 2009.

City Police Keep SOPC Under Constant Surveillance

130. On that Friday night, September 18, after SOPC retrieved the bus from the tow pound, they drove it to a scrap-metal-art studio on the 3600-block of Sassafras Street in Pittsburgh’s Lawrenceville neighborhood. The proprietors of the property, who were long-time lessees (hereafter “lessees”), gave SOPC permission to park its bus on the premises and begin food preparation.
131. Almost immediately, several Pittsburgh police cars arrived on the scene and asked to speak with the property’s owner about the SOPC bus. The lessees advised the police that

they had given permission for the bus to be parked on their property.

132. During the approximately three days the SOPC bus was parked on the Sassafras Street property, Pittsburgh police parked one or more large vans filled with officers next to the property and drove by the property in marked and unmarked cars dozens of times per day.
133. Even at night, the police frequently drove by the property, and on several occasions shined a large spotlight onto the property and into the windows of the SOPC bus.

Pittsburgh Police Stage a Warrantless Raid of the Property Where the SOPC Bus Is Parked

134. At about 11:30 on Sunday night, September 20, approximately forty Pittsburgh police officers in riot gear, with semi-automatic weapons, arrived at the Sassafras Street property.
135. Although they had no warrant, the police came approximately 25 feet onto the property before they demanded that the lessees allow them entry onto the premises.
136. They informed lessees that the search was part of a “national security investigation” and that no warrant was necessary.
137. After about twenty minutes of discussion, the lessees allowed the police onto the property. The police searched the entire property, except for the buses.
138. The Police asked SOPC members for consent to search the bus, but group members refused. The police were told they could not search SOPC’s refrigeration unit containing food for the week, but the police nevertheless searched the cooler without consent, probable cause or exigent circumstances.
139. The warrantless search of the premises resulted in no arrests or confiscation of any items.

Pittsburgh Police Detain Four SOPC Members for “Loitering”

140. Shortly after the Sunday evening raid on the Sassafras Street property, at about 1:30 a.m. on Monday, September 21, four people, including two SOPC members and two other people working with them, left the area to walk less than a mile to the house where they were staying.
141. Almost immediately upon leaving the Sassafras Street site, the four people were pulled over by a van load of riot-gear-clad police.
142. The officers demanded to know what the four people were doing on the street, stated that this was an “official investigation” and demanded that the four produce identification, which they did.
143. The police also searched a bag belonging to one of the four people, again without warrant, probable cause or exigent circumstances. Police found no contraband items.
144. When the people asked if they were free to leave, the police said that they were not, stating that they were being “detained,” and when pressed further for a reason were told that it was for “loitering.”
145. The four group members were detained for nearly half an hour and then released to continue walking.
146. The police issued no citations and did not arrest anyone.

City Building and Zoning Officers Coerce Sassafras Street Property Owner to Evict SOPC

147. After daylight on Monday morning, September 21, Pittsburgh police intensified their surveillance and harassment of SOPC. Again, without warrants, police demanded that SOPC members, who had not ventured off the private property, produce identification. SOPC members complied with the request.

148. Also early on Monday morning, a building inspector came to advise the lessees that they were in violation of the City Zoning Code because they had failed to obtain an occupancy permit for the buses, and that failure to evict them immediately could result in \$1000-per-day fines.
149. After the lessees consulted with lawyers, who advised them that the Zoning Code did not in fact require them to obtain an occupancy permit to authorize the buses to park on the property, they advised the building inspector that they would not evict the buses.
150. Thereafter, at about noon on Monday, the lessees were summoned to a meeting with the property owner, two of his lawyers, a City of Pittsburgh Building Inspector and several Pittsburgh police officers.
151. The property owner advised the lessees that the City had informed him that he could be fined \$1000 per day if the buses were allowed to remain on the property, and that he was instructing the lessee to evict the buses or face termination of the lease.
152. The lessee promptly acceded to the demand and directed SOPC to immediately vacate the premises.

The Lincoln-Larimer Neighborhood Traffic Stop

153. SOPC obtained permission from the owner of an abandoned school in Pittsburgh's Lincoln-Larimer neighborhood to park the bus on the premises. The School is located at the corner of Larimer Avenue and Winslow Street.
154. At approximately 6:30 p.m. on Monday evening, the bus left the Sassafras Street property to make the three-plus mile drive to the Lincoln-Larimer school building.
155. The bus was immediately followed by Pittsburgh police in a variety of vehicles.
156. The bus turned right from Larimer Avenue onto Winslow Street, a one-way road, from

- which it planned to pull into the abandoned school yard.
157. Just as the bus was about to make the left turn into the school, a Pittsburgh police van pulled into the entrance, blocking the bus from entering the school and forcing it to pull partially onto the sidewalk.
 158. A Pittsburgh police officer immediately approached the SOPC-bus driver and advised him that he was being issued a citation for illegal parking on the sidewalk.
 159. When the SOPC-bus driver objected that he was forced up onto the sidewalk by the police vehicle, that he was not “parked,” and that the engine was still running, the police officer directed the driver to turn off the engine.
 160. As soon as the driver complied with the directive, the Pittsburgh police officer issued him a citation for illegal parking.
 161. Meanwhile, nearly 100 Pittsburgh police officers, some in riot gear and several with large police dogs, arrived on the scene within minutes of the traffic stop. Sirens and barking dogs could be heard for miles around, while helicopters hovered overhead.
 162. Police parked dozens of vehicles on Winslow Street, Larimer Avenue and other nearby streets, blocking all traffic.
 163. Pittsburgh police detained the bus for over two hours, apparently attempting to find some violation for which to cite SOPC.
 164. The police first argued with the SOPC driver that he was illegally transporting goods in interstate commerce without a license.
 165. Then police then claimed that the bus was illegal because it did not have a Pennsylvania inspection sticker. Since the bus was registered in Montana, it did not need a Pennsylvania sticker.

166. The police then summoned a “commercial inspection team” to examine the bus, literally from top to bottom. The inspection team tested the brakes, examined the engine and tires, measured clearances and, for over an hour, performed every conceivable safety test.
167. Finding no safety problem, the police then pored over vehicle, safety and traffic manuals in search of some reason to cite SOPC.
168. After two hours police issued a \$500 (plus costs) citation to the SOPC driver for failure to have a “passenger endorsement” on his license. This was the first time SOPC had been issued such a citation despite having driven the bus for hundreds of thousands of miles, across many states.
169. The parking-on-the-curb citation was for \$94.
170. The police also advised SOPC that they could not move the bus, even the 20 yards into the school yard, unless they had a driver with a passenger endorsement on the license.
171. Accordingly, the police ordered the bus to remain parked in the same spot, partially on the sidewalk, even though they had just issued SOPC a citation for parking there.
172. The Pittsburgh police also told SOPC that they would tow and impound the bus (again) if it was not removed by daybreak.
173. After a two-hour-plus seizure and extensive search of the bus involving about 100 officers, Pittsburgh police issued two citations: one for illegally parking on a sidewalk onto which the police had forced the bus; and the other for an unusual license violation.
174. An off-duty Port Authority bus driver eventually volunteered to move the SOPC bus into the schoolyard. He advised SOPC that the “passenger endorsement” applied only to commercial buses that transported 16 or more passengers. The SOPC was neither commercial nor capable of seating 16 people.

175. In November, both citations were dismissed by a District Magistrate.

The City Again Coerces the Property Owner to Evict SOPC from the Lincoln-Larimer School

176. Several hours after police left the bus in Lincoln-Larimer, they returned at about 2:00 a.m. on Tuesday morning, September 22.

177. A large field force of police amassed on an the adjacent street.

178. The police had with them the property owner. He told SOPC that he had received so many complaints – not about SOPC but about sirens and police flooding the neighborhood – that he was revoking their permission to stay at the school and that they needed to leave.

179. Later that morning, after SOPC again packed its gear to leave the school, the bus driver – the same one from the night before who did not have the passenger endorsement – asked the Pittsburgh police officers on the scene whether he could drive the bus. They told him that he was free to do so.

SOPC Moves the Bus for a Third Time and Again Experiences Harassment

180. On Tuesday morning, September 22, for the third time in five days, SOPC was forced by the City actions to move its bus.

181. SOPC received permission from a Lutheran Church on Pittsburgh's Northside to park the bus in the church parking lot.

182. The bus remained parked there for several hours without incident. In the meantime, SOPC's attorneys were in court for a hearing on their request for a temporary restraining order in this case.

183. Almost immediately after this Court denied SOPC's TRO motion, uniformed Pittsburgh

police officers arrived at the church parking lot.

184. The officers approached the church's pastor to question him about allowing the bus to use the church's lot.
185. The pastor confirmed that he had authorized SOPC to park its bus in the church lot.
186. Pittsburgh police officers then attempted to convince the pastor to evict the bus. They argued that the City could exercise "eminent domain" over the lot. The pastor knew enough to reject that argument.
187. Pittsburgh police then told the pastor that the SOPC bus's parking spot blocked a City easement and could not remain parked in that location. Again, the pastor knew that was not the case and resisted the police officers' efforts to force him to evict the bus.
188. With a steadfast pastor who refused to be intimidated by the Pittsburgh police, the bus remained at the church parking lot for the next week until SOPC left the City on or about September 29.

DEFENDANTS DELIBERATELY HARASSED AND INTERFERED WITH BOTH 3RCC'S AND SOPC'S PROTEST-RELATED ACTIVITIES IN A CONCERTED EFFORT TO STOP THE GROUPS FROM EXPRESSING THEIR POLITICAL MESSAGES DURING THE COAL CONFERENCE AND G-20 SUMMIT IN PITTSBURGH

189. Defendants' many acts of deceit, obstructionism, harassment and intimidation, as chronicled above, reflect a deliberate attempt by Defendants Ravenstahl, Huss, Harper, Bochter and other high-ranking City officials to prevent 3RCC and SOPC from staging and participating in constitutionally protected political demonstrations during the G-20 Summit.
190. As a result of defendants' actions, 3RCC was unable to stage the planned climate Convergence in Pittsburgh. Defendants' actions silenced the group's political message

about the perils of global-climate change and the need for environmental justice.

191. As a result of defendants' actions, SOPC was unable to participate in the Convergence or even move their bus to participate in any demonstrations, so that they could model sustainable living, during the week of September 20, and SOPC's ability to provide food to demonstrators was greatly compromised.
192. The strategy to interfere with and subvert Plaintiffs' demonstration-related activities, adopted by Defendants Ravenstahl, Huss, Harper and Bochter, was a deliberate, outrageous and malicious effort to prevent plaintiffs from exercising their First Amendment rights.
193. In addition to interfering with plaintiffs rights of expression and assembly, defendants' actions caused plaintiffs to suffer emotional distress.

CLAIMS

3RCC

Claim 1: First Amendment (against all Defendants)

194. Defendants' refusal to award permits, and then delays in delivering the actual permits, for protests in Point State Park and Schenley Park violated Plaintiff 3RCC's rights under the First Amendment to the U.S. Constitution, as that provision is applied to municipal governments and their officials by the Fourteenth Amendment to the U.S. Constitution.
195. Defendants' refusal to award permits for overnight tent cities in Point State Park and Schenley Park violated Plaintiff 3RCC's rights under the First Amendment to the U.S. Constitution, as that provision is applied to municipal governments and their officials by the Fourteenth Amendment to the U.S. Constitution.

196. Defendants' decisions and actions to a) initially deny and then delay issuing permits; b) deny permission for overnight tent cities; c) harass, discourage and interfere with the SOPC food service; d) confiscate 3RCC's property from Schenley Park; and e) the other harassment tactics discussed in this First Amended Complaint subverted and in some cases completely prevented 3RCC from exercising its rights under the Speech and Assembly Clauses of the First Amendment to the U.S. Constitution, as that provision is applied to municipal governments and their officials by the Fourteenth Amendment to the U.S. Constitution.

Claim 2: Fourth Amendment (against Defendants City of Pittsburgh and Radley)

197. Defendants' confiscation of 3RCC's property from Schenley Park was a deliberate seizure of property in violation of Plaintiff 3RCC's rights under the Fourth Amendment to the U.S. Constitution, as that provision is applied to municipal governments and their officials by the Fourteenth Amendment to the U.S. Constitution.

SOPC

Claim 3: First Amendment (against Defendants City of Pittsburgh, Huss, Harper and Bochter)

198. Defendants' harassment of SOPC members, impoundment of and interference with the operation of the bio-diesel bus, and other actions that interfered with SOPC's ability to participate in 3RCC's demonstrations and to provide food support for G-20 demonstrators violated SOPC's rights under the First Amendment's speech and assembly clauses, as applied to municipal governments and their officials by the Fourteenth Amendment to the U.S. Constitution.

199. Alternatively, Defendants' harassment of SOPC members, impoundment of and

interference with the operation of the bio-diesel bus, and other actions that impeded SOPC's ability to participate in 3RCC's demonstrations and to provide food support for G-20 demonstrators, constituted unlawful retaliation against SOPC in violation of the group's right to engage in constitutionally-protected expressive activities, a right protected by the First Amendment to the U.S. Constitution, as that provision is applied to municipal governments and their officials by the Fourteenth Amendment to the U.S. Constitution.

Claim 4: Fourth Amendment (against Defendants City of Pittsburgh, Huss, Harper, Bochter, Sellers, Kurvach and Doe Police Officers)

200. Defendants' decisions and actions to search and impound the SOPC bus on Friday, September 18, which caused the destruction of the bus's two side mirrors; to search the SOPC refrigeration unit on Sunday night, September 20; to stop and detain four SOPC activists for loitering on Monday morning, September 21; and to seize and then constructively impound the SOPC bus on September 21-22, violated Plaintiff SOPC's right to be free from unreasonable searches and seizures under the Fourth Amendment to the U.S. Constitution, as that provision is applied to municipal governments and their officials by the Fourteenth Amendment to the U.S. Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Honorable Court:

- a. Declare that the Defendants' actions violated the Plaintiffs' rights under the First, Fourth and Fourteenth Amendments to the U.S. Constitution;
- b. Award compensatory damages to Plaintiffs in an amount to be decided at trial;

- c. Award punitive damages against Defendants Ravenstahl, Huss, Harper and Bochter for their deliberate, outrageous and malicious conduct in violating Plaintiffs' First, Fourth and Fourteenth Amendment rights;
- d. Award Plaintiffs reasonable costs and attorneys' fees;
- e. Grant such other relief as this Court may deem just and appropriate to protect Plaintiffs' constitutional rights.

Respectfully submitted,

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Date: December 11, 2009