**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

BETTER PATH COALITION PLANNING GROUP, an unincorporated association; and KAREN FERIDUN, : : : :		
Plaintiffs, : :		
v. : :	**Case No. 1:22-cv-00623**	
CITY OF HARRISBURG; and Hon. WANDA R. D. WILLIAMS, Mayor, City of Harrisburg, : : : :		
Defendants. : :		

**PLAINTIFFS' MOTION FOR A
TEMPORARY RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

Plaintiffs hereby move, pursuant to Fed. R. Civ. P. 65, for entry of a

temporary restraining order and preliminary injunction ordering Defendants City of

Harrisburg and the Hon. Wanda R. D. Williams to waive several unconstitutional

burdens on Plaintiffs' ability to engage in expressive conduct, which violate the

First Amendment. In support thereof, Plaintiffs hereby incorporate their Verified

Complaint, exhibits, and accompanying Memorandum of Law.

As set forth in the accompanying Memorandum of Law:

1. Plaintiffs will likely succeed on the merits of their claim that Defendants' fees, requirements, and restrictions violate Plaintiffs' First Amendment rights;

2. Substantial and irreparable injury to Plaintiffs will occur unless Defendants are ordered to waive their unconstitutional restrictions, as Plaintiffs may suffer the loss of their First Amendment rights because they lack adequate time to plan and publicize the event;

3. Greater injury will be inflicted upon Plaintiffs by the denial of relief than will be inflicted upon Defendants by the granting of relief;

4. The public interest will be served by a temporary restraining order protecting First Amendment rights; and

5. Plaintiffs lack an adequate remedy at law.

Plaintiffs therefore request that the Court enter a temporary restraining order enjoining Defendants from imposing the following unconstitutional restrictions on Plaintiffs' applications for use of Riverfront Park and City streets:

a. Permit and "service fees" for use of Riverfront Park and City streets;

b. Cost-shifting conditions requiring Plaintiffs to pay staffing and equipment costs for traffic control;

c. A parking-space-rental-fee requirement, committing Plaintiffs to pay a per-space fee for an undisclosed number of metered parking spaces located on their march route;

d. Insurance requirements for use of Riverfront Park and City streets;

e. Indemnification and waiver of liability requirements, including agreements to reimburse the City for any damage, harm and/or litigation;

f. The 90-day advance-notice requirement;

g. A requirement that Plaintiffs develop a traffic control plan; and

h. A requirement that Plaintiffs individually notify area residents and businesses 30 days prior to the event.

After ordering expedited discovery and holding a preliminary injunction hearing, Plaintiffs also request that the Court enter a preliminary injunction ordering Defendants to waive the restrictions until final resolution of Plaintiffs' case.

Dated: April 29, 2022   Respectfully submitted,

                                          /s/ Stephen A. Loney, Jr.
                                          Stephen A. Loney, Jr. (No. 202535)
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing Plaintiffs' Motion for a Temporary Restraining Order and/or Preliminary Injunction, together with the accompanying Memorandum of Law, Proposed Order and all other supporting documents, were filed electronically and served on counsel via email pursuant to counsel's agreement to accept service. All documents were served on Neil Grover (ngrover@harrisburgpa.gov) and the Harrisburg Law Bureau (lawbureau@harrisburgpa.gov).

Dated: April 29, 2022   /s/ Stephen A. Loney, Jr.
                                                 Stephen A. Loney, Jr.

<u>CERTIFICATE OF NON-CONCURRENCE</u>

In accordance with Local Rule 7.1, Plaintiffs' counsel sought concurrence from Harrisburg Solicitor Neil Grover, who does not concur with the motion for temporary restraining order and preliminary injunction.

Dated: April 29, 2022   <u>*/s/ Stephen A. Loney, Jr.*</u>
                                         Stephen A. Loney, Jr.

                                         Attorney for Plaintiffs