IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

CITY OF CHICAGO, **a municipal corporation,**	)	
Plaintiff,	)	**11 MC1 237718**
v.	)	
	)	**Hon. Kenneth E. Wright, Jr.**
TIEG ALEXANDER, *et al.*,	)	
Defendants.	)	

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that on January 20, 2012, I filed with the Clerk of the Circuit Court of Cook County, Chicago, Illinois, a copy of **CITY OF CHICAGO'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**, a copy of which is attached and served upon you.

Respectfully submitted,
STEPHEN R. PATTON,
Corporation Counsel of the City of Chicago

BY: _____
Linda J. Pauel,
Senior Counsel

Attorney No. 90909
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CERTIFICATE OF SERVICE

I hereby certify that I served this Notice and Filing on each person to whom it is addressed by way of U.S. mail, postage prepaid to the address identified in the enclosed Service List on January 20, 2012.

_____
Docket Clerk/Paralegal

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CITY OF CHICAGO'S MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

Plaintiff, the City of Chicago ("City"), by its attorney Stephen R. Patton, Corporation Counsel of the City, responds to Defendants' Motion to Dismiss as follows:

I. BACKGROUND

On or about September 22, 2011, members of the "Occupy Chicago" movement began their protest on the sidewalks in front of the Federal Reserve and Chicago Board of Trade buildings at the intersection of Jackson and LaSalle Streets. See Affidavit of Commander Kennedy, attached as Exhibit 1 at ¶ 4. Although Jackson and LaSalle is a busy intersection in the heart of downtown Chicago, protesters were allowed to congregate on the sidewalks and engage in first amendment activities, subject to the restriction that they abide by the laws of the Municipal Code which regulate health, safety and welfare. Id. at ¶ 5. From September to mid-October, 2011, in addition to their sidewalk protests, Occupy Chicago members have engaged in numerous rallies, assemblies and marches with little or no incident. Id. at ¶ 6.

On October 15, 2011, Occupy Chicago held a rally in the vicinity of Jackson and LaSalle Streets. Id. at ¶ 7. After the rally, protesters marched around the downtown "loop" area for approximately an hour before making their way to Grant Park (alternatively "the Park"). Id. In the Park they made speeches, chanted slogans and erected tents. Id. at ¶ 8. By 7:15 p.m., the crowd had swelled to approximately 3,000 people but then dwindled to roughly 700 by 8:00 p.m. Id. at ¶¶ 8, 10. Throughout the evening, the Chicago Police Department made it known that no one would be allowed to remain in the Park after it closed at 11:00 p.m. Id. at ¶ 9.

Prior to 11:00 p.m., CPD used Occupy Chicago's public address ("PA") system to remind protesters that the Park would close at 11 p.m. and anyone who refused to leave the Park would be in violation of the law and subject to arrest. Id. at ¶ 11. By 10:45 p.m., approximately 200-300 protesters chose to leave the Park and relocate across the street where they continued their protest; another 300 people remained in the Park. Id. at ¶ 12. Despite the 11:00 p.m. closure, CPD gave the protesters an additional two hours to leave before issuing a final warning at 1:00 a.m. Id. at ¶ 13. Even then, no arrests were made before each person was individually approached by an officer and asked whether he or she wanted to leave the Park or stay and be arrested. Id. A total of 173 people declined to leave the Park and were placed under arrest. Id. Unclaimed tents and personal property were inventoried by CPD but later returned to Occupy Chicago members. Id. at ¶ 15.

A similar pattern was repeated the following weekend. On October 22, 2011, approximately 1,500 protesters marched from Jackson and LaSalle Street to Grant Park. See Affidavit of Deputy Chief Tobias, attached as Exhibit 2 at ¶ 5. Throughout the evening there

were between 1,500 and 3,000 protestors in the Park making speeches and chanting: "The Occupation is not leaving!" Id. at ¶¶ 6,7. As before, CPD used Occupy Chicago's loud speaker system to remind the crowd that the Park closed at 11:00 p.m. and individuals would be subject to arrest if they did not leave after its closing. Id. at ¶¶ 9, 10. Many protesters chose to heed CPD's warning and relocate across the street to the west side of Michigan Avenue in front of Roosevelt University or line-up on the east sidewalk of Michigan Avenue immediately adjacent to Grant Park. Id. at ¶ 11. As before, after CPD's final warning, each protester was individually approached and given an opportunity to leave the Park. This time 130 people chose to remain and were placed under arrest. Id. at ¶ 12.

The defendants before this Court[1] were all charged with violating Chapter VII, Section B.2. of the Chicago Park District Code ("Ordinance")[2], which, except in limited circumstances, prohibits anyone from remaining in a park between the hours of 11:00 p.m and 6:00 a.m. See Chapter VII, Section B.2. Defendants now move to dismiss the City's cases against them claiming that enforcement of the Ordinance violated rights protected by the First Amendment as well as the Equal Protection Clause. Defendants' motion should be denied because the Ordinance is a reasonable time, place and manner restriction for the Park and the City's enforcement of the Ordinance was entirely proper in all respects.

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[1] Ninety-three separate cases before this Court have been consolidated by the Court's order of January 18, 2012.

[2] The complaints charge defendants with violating both Chapter VII, Section B.2. ("Section 7 B.2") of the Chicago Park District Code ("Code.") and Title 10, Chapter 36, Section 185 of the Municipal Code of Chicago ("M.C.C. § 10-36-185"). In fact, M.C.C.§ 10-36-185 merely gives Chicago Police Department ("CPD") the authority to enforce certain provisions of the Code, including Section 7 B.2. No defendants were charged under M.C.C. § 10-36-110 as stated in their motion. See, e.g., Durkin Motion at ¶ 6, p. 3.

II. STANDARD OF REVIEW

Defendants face an exacting standard in order to successfully challenge the ordinance. The Illinois Supreme Court has repeatedly held that there is a strong presumption that legislative enactments are constitutional. See, e.g., In Re Detention of Samuelson, 189 Ill. 2d 548 (2000); Chavda v. Wolak, 188 Ill. 2d 394, 398 (1999); People v. Blackorby, 146 Ill. 2d 307 (1992). One who asserts otherwise has the burden of clearly establishing the constitutional violation. See, e.g., Russell v. Dept. of Natural Resources, 183 Ill. 2d 434 (1998); People v. Jefferies, 164 Ill. 2d 104 (1995). This burden will not be met by speculation, piecemeal construction and unreasonable interpretation, for in determining a statute's constitutionality, all sections are to be construed together in light of the general purpose and plan, the evil to be remedied, and the object to be obtained. See, e.g., Orbach v. Axelrod, 100 Ill. App. 3d 973, 977-78 (1st Dist. 1981). If a challenged law can be construed in a manner that renders it constitutional, that construction should be adopted. See People v. Falbe, 189 Ill. 2d 635, 639 (2000); City of Des Plaines v. Gacs, 65 Ill. App. 3d 44, 48 (1st Dist. 1978). Finally, the fundamental rule of statutory construction is to ascertain and give effect to the true intent and meaning of the lawmakers. See, e.g., Serpico v. Village of Elmwood Park, 344 Ill. App. 3d 203, 209 (1st Dist. 2003); King v. Industrial Commission, 301 Ill. App. 3d 958, 962 (1st Dist. 1998).

As a procedural matter, defendants brought their motion to dismiss pursuant to 725 ILCS § 5/114-1(a)(8) of the Illinois Code of Criminal Procedure. See Durkin Motion at p.1. But since the ordinance in question is only punishable by fine, this case is civil in nature and the rules of criminal procedure do not apply. Danville v. Hartshorn, 53 Ill. 2d 399, 401 (1973); City of

Dekalb v. Thomas, 331 Ill. App. 3d 9, 12-13 (2d Dist. 2002); City of Chicago v. Pudlo, 271 Ill. App. 3d 107, 109-10 (1st Dist. 1995). In addition, defendants' motion does not challenge the legal sufficiency of the charging complaints but claims that the application of the ordinance to them violated their First Amendment rights. As such, the motion asserts an affirmative defense and should have been brought under Section 2-619(a)(9) of the Illinois Code of Civil Procedure. See 735 ILCS 5/2-619(a)(9) (allowing for dismissal on the pleadings if "the claim asserted against defendant is barred by other affirmative matter avoiding the legal effect of or defeating the claim.")

Section 2-619 motions admit the legal sufficiency of the complaint and all well-pleaded facts are deemed admitted. Brock v Anderson Road Ass'n, 287 Ill. App. 3d 16, 20-21 (2nd Dist. 1997); Becker v. Zellner, 292 Ill. App. 3d 116, 122 (2d Dist. 1997). Additionally, if the grounds for the motion do not appear on the face of the pleading attacked, a section 2-619 motion must be supported by affidavit. See 735 ILCS 5/2-619(a). Defendants have failed to present the Court with affidavits in support of their affirmative matter, instead asking this Court to rely on their unsupported factual claims. On that ground alone, their motion should be denied. See Illinois Graphics Co. v. Nickum, 159 Ill. 2d 469, 485 (1994) (For section 2-619 motion, any ground for dismissal not appearing on the face of the complaint must be supported by affidavit.). Lack of affidavits aside, defendants' arrests for violating the Ordinance were entirely proper under all applicable law, as we explain below.

III. ARGUMENT

Simply put, the question raised before this Court is whether defendants have an unconditional right to remain in Grant Park twenty-four hours per day, for an indefinite period of days or months, despite a Chicago Park District Ordinance which limits park hours from 6 a.m. to 11 p.m. According to the United States Supreme Court, no such right exists. See Clark v. Community For Creative Non-Violence, 468 U.S. 288, 293 (1984).

In Clark, at issue were regulations that restricted camping in national parks to designated areas. Id. at 289-92. The plaintiffs wanted to camp and sleep in Lafayette Park across from the White House and on the National Mall to demonstrate in support of the plight of the homeless, but National Park Service ("NPS") regulations prevented them from doing so. Id. at 291-92. The plaintiffs sued the NPS claiming the regulations violated the First Amendment. Id. at 293. While acknowledging that sleeping in the parks overnight is an expressive activity protected to some extent by the First Amendment, the Supreme Court nonetheless found the regulations were reasonable time, place, or manner restrictions -- they were content-neutral, see id. at 295; there were ample alternative channels left available for communication, see id.; and the Government had a substantial interest in "maintaining. . . parks in an attractive and intact condition." Id. at 296.

Recognizing that Clark "appears facially quite similar," Durkin Memo. at p. 2, defendants try to distinguish the case on the ground that the NPS granted demonstrators a permit to hold a twenty-four hour vigil and to construct symbolic tent cities, whereas the Ordinance bars all use of its parks during certain overnight hours, id. at p. 3. But this distinction is irrelevant because the

Supreme Court's holding in Clark did not turn on this factor. To the contrary, the Court specifically noted, "we seriously doubt that the First Amendment requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people." Id. at 296. Indeed, as though predicting a scenario similar to this case, the Clark Court went on to note:

> Absent the prohibition on sleeping, there would be other groups who would demand permission to deliver an asserted message by camping on Lafayette Park. Some of them would surely have as credible a claim in this regard as does [the plaintiff], and the denial of permits to still others would present difficult problems for the Park Service. With the prohibition, however, as is evident in the case before us, at least some around-the-clock demonstrations lasting for days on end will not materialize, others will be limited in size and duration, and the purposes of the regulation will thus be materially served. Perhaps these purposes would be more effectively and not so clumsily achieved by preventing tents and 24-hour vigils entirely in the core areas.

Id. at 297.

Thus, with the Supreme Court's already having weighed in and raised "serious doubts" that a complete prohibition on remaining in parks would violate the First Amendment, the query turns to whether the Chicago Park District Ordinance is content-neutral, narrowly tailored to serve a significant governmental interest, and whether it leaves open ample alternative channels for communication of the information. Ward v. Rock Against Racism, 491 U.S. 781, 791 (1989); Clark, 468 U.S. at 293. Important to the analysis here is that the constitutionality of any regulation is judged not in reference to the speech-related activities presented to the court, but rather on its more general application. Clark, 468 U.S. at 296. And, "narrowly tailoring" the regulation does not require that the least restrictive means of achieving the government's goal be used, Ward, 491 U.S. at 798, nor is the party seeking to engage in speech activities entitled to

deliver its message in the precise manner he or she believes is the most effective, Heffron v. Int'l Society for Krishna Consciousness, 452 U.S. 640, 647 (1981).

A. The Ordinance Is Narrowly Tailored To Serve A Significant Government Interest.

Proudly referred to as Chicago's front yard, Grant Park is among the city's loveliest and most prominent parks. http://www.chicagoparkdistrict.com/about-us. Three world-class museums are located in Grant Park: the Art Institute, the Field Museum of Natural History, and the Shedd Aquarium. Id. More than 20 million people visit Grant Park annually, making it the second most visited park landmark in the United States. Id.

A central mission of the Chicago Park District - which owns and maintains Grant Park - is to "provide safe, inviting and beautifully maintained parks and facilities." http://www.chicagoparkdistrict.com/about-us/mission-core-values. The Park District's core values reflect this mission. The Park District attempts to ensure that every Chicagoan has access to facilities and can enjoy the parks, that parks make a positive contribution to the ecological health of the city, and that responsible practices preserve parks for future generations. Id. Since its formation in 1934, the Park District has enacted various ordinances that regulate park use and hours in furtherance of its mission. See Affidavit of Alonzo Williams, Deputy Director of Park Services, Chicago Park District, attached as Exhibit 3 at ¶ 2. One such regulation is the Ordinance at issue. Id.

The park's closing hours – from 11:00 p.m. until 6 a.m. – directly advance the intent that "the parks remain safe, clean, attractive, and in good condition for millions of Chicago residents and visitors." Id. at ¶ 1. During closure hours, park district employees collect trash, make repairs to park facilities, and maintain landscaping. Id. at ¶ 4. Park closures also ensure that park facilities do not become over-fatigued. Id. Finally, limited access during night-time hours

reduces crime against park patrons and property. Id. The Supreme Court has already held these justifications to represent narrowly-tailored and substantial government interests. See Clark, 468 U.S. at 296. As the Clark court duly noted, there is "a substantial Government interest in conserving park property, an interest that is plainly served by, and requires for its implementation, measures such as the proscription of sleeping, that are designed to limit the wear and tear on park properties." Id.

B. The Ordinance Leaves Open Ample Alternative Channels For Communication

As defendants acknowledge, "an adequate alternative forum does not have to be the speaker's best or first choice. . . .," it need only provide them with sufficiently adequate alternatives. Durkin Memo. at p. 7. The Ordinance provides ample adequate alternatives channels for defendants to engage in speech or symbolic activities since it only prohibits them from being in the Park for seven hours overnight. A simple mathematical calculation reveals that there still remain 17 hours per day for defendants to conduct their activities in the Park. Beyond that, the hours available to defendants are those in which they might more likely find an audience while those that are unavailable include far fewer prospective listeners.[3] Furthermore, the Ordinance only applies to the Park District parks and not to sidewalks or other public venues where protestors have already been allowed to demonstrate for up to twenty-four hours per day.

[3] Defendants suggest that the "wee hours of the morning" may be significant to certain protests. Durkin Memo. at pp. 4-5. But given that it is constitutional to close the park for some hours each day, it would not be permissible to allow defendants an exemption based on their speech while enforcing the closing hours against others. Defendants' reliance on Hodgkins ex rel. Hodgkins v. Peterson, 355 F.3d 1048 (7th Cir. 2004), which involved Indiana's curfew law, is therefore misplaced.

Courts across the country facing similar Occupy protests have rejected the idea that park-closing hours do not leave adequate alternative channels for communication. For example, in Occupy Sacramento v. City of Sacramento, 2:11-cv-02873-MCE-GGH, protestors sought a temporary restraining order ("TRO") to prevent Sacramento's police from enforcing an ordinance which is virtually identical to the one before this Court. See Memorandum and Order dated November 4, 2011, attached as Exhibit 4. The District Court denied the TRO finding there was no likelihood of success on the merits. Relying heavily on Clark, the court found that protecting the parks from overuse and unsanitary conditions, and protecting the public's health, safety and welfare were substantial interests to which the regulation was narrowly-tailored. Id. at 17. Important here, the court found adequate alternative avenues for expression because "[t]he ordinance is limited to City parks and limited to five or six hours a day between the hours of 11:00 p.m. and 5 a.m. [The ordinance] does not prevent [protesters] from conducting their expressive activities twenty-four hours a day on adjoining sidewalks or in other public spaces if they so choose." Id. at 16. Courts in Boston and San Diego have made similar rulings. See e.g., Occupy Boston, et. al. v. City of Boston, *et al.*, No 11-4152-G, Memorandum of Decision and Order of December 7, 2011, attached as Exhibit 5; Davidovich, *et al.* v. City of San Diego, 11cv2675 WQH-NLS, Order of December 1, 2011, attached as Exhibit 6.

C. The Ordinance is Content Neutral

To determine whether a regulation is content neutral, the principal inquiry is whether the government has adopted a regulation of speech because of disagreement with the message. Ward, 491 U.S. at 791. If a regulation serves purposes unrelated to the content of expression it is deemed neutral, even if the regulation has an incidental effect on some speakers or messages but

not others. Id. The regulation is also considered content neutral so long as it is "justified without reference to the content of the regulated speech." Id.

Here, there is no dispute that the language and purpose of the Ordinance is patently content-neutral -- the prohibition against remaining in the Park after hours applies to *all* persons, regardless of whether their activities relate to expressive conduct or recreational activities. See Chapter VII, Section B.2.; see also Thomas v. Chicago Park District, 534 U.S. 316, 322 (2002) (Chicago Park District Ordinance relating to permit scheme was content-neutral where not directed to communicative activity but to "picknicker or soccer player" and "political activist or parade marshal" alike).

Defendants admit the Ordinance is facially content-neutral but argue that it has been enforced in a discriminatory way.[4] More specifically, they claim they have been treated disparately to people attending a rally held for President Obama in Grant Park who were allowed to remain in the Park after 11 p.m., and to senior citizens involved in a separate protest who were issued Administrative Notice of Violation ("ANOV") citations instead of being physically taken into custody. Durkin Memo. at pp. 9-11. In making these comparisons defendants are, in essence,

[4] Defendants also mention in passing that the City's enforcement of the Ordinance violated the First Amendment because their conduct did not pose "a clear and present danger." Reghian Motion ¶ 26, p. 8. As support, they cite to Carroll v. President and Com'rs of Princess Anne, 393 U.S. 175, 180-81 (1968), but it has absolutely no bearing on the instant case. In Carroll, the government obtained an ex-parte restraining order against a white supremacist group, barring all expressive activity based on the content of the group's message. Id. at 177. The Supreme Court found that the failure to give notice and to provide an opportunity for an adversary proceeding before issuing the injunction was incompatible with the First Amendment. Id. at 185. Those facts are not before this Court. The City has never sought to enjoin defendants from engaging in any expressive conduct. The City has merely enforced the Ordinance against defendants after the fact because their conduct violated the reasonable time, place and manner restrictions imposed on use of the Park.

making a selective prosecution claim in violation of equal protection principles. See United States v. Armstrong, 517 U.S. 456, 465 (1996) (the requirements for a selective-prosecution claim draw on "ordinary equal protection standards"); City of Champaign v. Sides , 349 Ill. App. 3d 293 (4th Dist. 2004) (courts must decide whether selective enforcement is actually invidious discrimination in violation of equal protection principles).[5] And it is no wonder they failed to identify it as such because an equal protection violation requires that defendants were "intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment." Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000); United States v. Moore, 543 F.3d 891, 896 (7th Cir. 2008). To be similarly situated the comparators must be "prima facie identical in all relevant respects or directly comparable . . . in all material respects." Racine Charter One, Inc. v. Racine Unified Sch. Dist., 424 F.3d 677, 680 (7th Cir. 2005). Defendants fall well short of that mark because there are no factual similarities between their situation and the Obama rally or the senior citizen protest.

First, the Obama rally was a permitted one-day event and the participants made no attempt to remain in the Park after the rally concluded; it took several hours for over 500,000 people to safely leave the area. By contrast, defendants never applied for a permit and made it absolutely clear that they had no intention of leaving the Park. As such, their claim that the City has refused to negotiate with them about obtaining a permit to use Grant Park for their protest is disingenuous.

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[5] Defendants contend this is an as-applied First Amendment challenge, see Durkin Memo. at p. 9, but they cite no cases to support this claim. In Hoye v. City of Oakland, 653 F.3d 835, 855 (9th Cir. 2011), the City of Oakland admitted to a policy of selective enforcement based on the content of the speaker's message. Similarly, Vergara v. City of Waukegan, 590 F.Supp. 2d 1024 (N.D. Ill. 2008), and Forsyth County, Ga. v. Nationalist Movement, 505 U.S. 123 (1992), dealt with content-based fee determinations, which are not at issue here.

Second, unlike defendants, the seniors were not protesting in Grant Park and were not charged under the Park District ordinance. See Affidavit of Commander Kennedy, Exhibit 1 at ¶ 17. Besides, a group of approximately 43 senior citizens who momentarily stopped traffic but willingly stood up and left the street when asked is hardly comparable to hundreds of protestors who, despite repeated requests over several hours, refused to leave the Park more than two hours after its closing.

Even assuming defendants could show they were somehow similarly situated to the senior citizens, the decision to physically arrest them instead of issuing ANOVs was entirely rational and warranted under the circumstances. Chicago Police Department Special Order 4-22 outlines the restrictions and exemptions for issuing ANOVs and specifically states that ANOV citations will not be used when "there is a reasonable likelihood that the offense will continue [or] recur. . . if the violator is not arrested and removed from the scene of the occurrence." Chicago Police Department Special Order 4-22, Section II.D.4, attached as Exhibit 7. Defendants' adamant refusal to leave Grant Park despite repeated requests and warnings was a clear indication to CPD that defendants' would either continue to remain in the Park or return there after receiving an ANOV citation. As such, issuing ANOVs would not only have been completely ineffective but also in direct contradiction to CPD Special Order 4-22.

In sum, because defendants are not similarly situated to the Obama rally participants or the senior protesters, and, even if they were, there was a rational basis for the difference in treatment, their selective prosecution claim fails. There is simply no basis to conclude that the Ordinance has been selectively enforced against defendants because of the content of their speech. CPD

routinely enforces the Ordinance and, in the appropriate situations, makes physical arrests.[6] It was defendants' failure to leave the Park that led to their arrests, not the content of their expression. "All those who would resort to the parks must abide by otherwise valid rules for their use, just as they must observe the traffic laws, sanitation regulations, and laws to preserve the public peace." Clark, 468 U.S. at 298.

VI. CONCLUSION

Despite defendants' desire to "occupy" Grant Park and turn it into a long-term campground for their expressive conduct, the Constitution does not require that the City allow them to do so. The Ordinance is a reasonable time, place or manner restriction. It is clearly content-neutral in that it applies to all activities in the park, not just speech or other First Amendment related conduct. The Ordinance is narrowly tailored to achieve the Park District's substantial interest in the efficient maintenance and operation of Grant Park and the park system in general. Finally, the Ordinance leaves open ample alternative opportunities for defendants to participate in the Occupy Chicago movement and express their ideas, since it closes the park only for the seven hours of the day that are least useful for expression.

Morever, defendants have failed to establish a selective enforcement or equal protection claim because they cannot show that they are similarly situated to any comparable individuals or groups. Based on all of the foregoing, the City respectfully requests that defendants' motion be denied.

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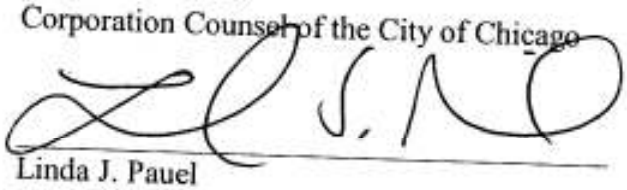
[6] Defendants' assertion that they have been criminally charged is also incorrect. As previously noted, the Ordinance is a fine only offense and, as such, the case is civil in nature. The burden of proof and the possible penalties faced by defendants are the same whether prosecuted in Circuit Court or before the Department of Administrative Hearings.

Respectfully submitted,
Stephen R. Patton
Corporation Counsel of the City of Chicago

By: 

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CITY'S APPENDIX OF EXHIBITS

Exhibit 1.	Affidavit of Commander Christopher J. Kennedy
Exhibit 2.	Affidavit of Deputy Chief Matthew E. Tobias
Exhibit 3.	Affidavit of Alonzo Williams, Deputy Director of Park Services
Exhibit 4.	Memorandum and Order of November 4, 2011, Occupy Sacramento v. City of Sacramento, 2:11-cv-02873-MCE-GGH.
Exhibit 5.	Memorandum of Decision and Order of December 7, 2011, Occupy Boston, et. al. v. City of Boston, *et al.*, No 11-4152-G.
Exhibit 6.	Order of December 1, 2011, Davidovich, *et al.* v. City of San Diego, 11cv2675 WQH-NLS.
Exhibit 7.	Chicago Police Department Special Order 4-22