IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No. 1:15-cv-00281

ABBY LANDOW, JEFFREY ALAN, SUSAN WYMER, LAWRENCE BEAL,

individually and on behalf of others similarly situated,

GREENPEACE, INC., NANCY YORK,

Plaintiffs,

v.

CITY OF FORT COLLINS,

Defendant.

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

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Plaintiffs Abby Landow, Jeffrey Alan, Susan Wymer, Lawrence Beal, Greenpeace, Inc., and Nancy York move the Court pursuant to Federal Rule of Civil Procedure 65 for a temporary restraining order and preliminary injunction enjoining Defendant City of Fort Collins from enforcing various provisions of Section 17-127 of the Fort Collins Municipal Code, titled "Panhandling" (hereinafter, "Panhandling Ordinance" or "Ordinance"); and prohibiting Fort Collins from relying on the challenged provisions of the Ordinance as grounds for issuing citations or orders to move on to persons who are soliciting passively by means of a sign or other indication that donations are invited.¹

INTRODUCTION

The City of Fort Collins is engaged in a campaign to stop poor persons from asking for charity on the sidewalks, streets, and other public places in the city. Although City officials acknowledge that solicitation is speech that is protected by the First Amendment, Fort Collins is nevertheless actively and vigorously enforcing an unconstitutional ordinance—section 17-127 of the Fort Collins Municipal Code, titled "panhandling"—that turns constitutionally-protected expression into a crime. (*Exhibit 1*, Fort Collins Mun. Code § 17-127.) While the Panhandling Ordinance was adopted in 1995, police enforcement of the Ordinance is on the rise. In recent years, police officers have issued dozens and dozens of citations for alleged violations, and the city attorney's office actively prosecutes and obtains convictions in the Fort Collins Municipal Court. The number of police-issued citations is dwarfed by countless additional oral warnings

¹ Pursuant to Local Rule 65.1, Plaintiffs have included an Information for Temporary Restraining Order (attached as Exhibit A) in which Plaintiffs' counsel certifies that Plaintiffs provided Defendant actual notice of the filing, and with all pleadings and documents filed in the case. A Proposed Temporary Restraining Order is also attached to this Motion for the Court's convenience.

and directives that police have issued, ordering persons to cease their solicitation communications and "move on."

For years, the targets of this enforcement campaign have overwhelmingly been poor persons who are engaged in solicitation that is courteous, polite, nonthreatening and nonaggressive, such as the solicitation that Plaintiffs Abby Landow, Jeffrey Alan, Susan Wymer and Lawrence Beall carry out. Their requests for charity pose no risk to public safety, and their communications requesting assistance are squarely protected by the First Amendment. Yet, Ms. Landow and Ms. Wymer have each been warned by the Fort Collins police that they were violating the Panhandling Ordinance when they solicited charity by silently displaying a sign requesting help. The police ordered Ms. Landow and Ms. Wymer to "move-on" and, in one instance, issued a ticket to Ms. Landow.

Until recently, the City has looked the other way when canvassers for a recognized nonprofit organization—Greenpeace, Inc.—have stopped pedestrians to solicit contributions.

That has now changed. Fort Collins police recently warned Greenpeace that its canvassing activities in downtown Fort Collins violate the City's Panhandling Ordinance. Because of this warning, Greenpeace is now refraining from canvassing in downtown Fort Collins. Greenpeace and the other solicitor Plaintiffs, each of whom fears being ticketed for engaging in peaceful, nonthreatening communicative activities, are in urgent need of interim relief from this Court.

Plaintiffs ask this Court for an emergency temporary restraining order and preliminary injunction on their first (First Amendment) and second (Due Process) claims for relief.² This

². See Class Action Complaint, filed February 10, 2015.

interim relief is necessary to preserve their right and the right of others to peacefully and respectfully engage in expressive and communicative activity in the public areas of Fort Collins.

STATEMENT OF FACTS

The Text of the Challenged Ordinance

The Panhandling Ordinance consists of two parts. In subsection (a), "Panhandle" is defined as "to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value." (*Id.*)

Subsection (b) makes it unlawful for any person to "panhandle" in any of eleven circumstances:

- 1. Any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise;
- 2. In a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
- 3. In a manner that involves the person panhandling knowingly directing fighting words to the person solicited;
- 4. In a manner that involves the person panhandling knowingly touching or grabbing the person solicited;
- 5. In a manner that involves the person panhandling knowingly continuing to request the person solicited for a gift of money or thing of value after the person solicited has refused the panhandler's initial request;
- 6. In a manner that involves the person panhandling knowingly soliciting an at-risk person;3

³ Subsection (a)(1) defines an "at-risk person" as:

[[]A] natural person who is sixty (60) years of age or older, under eighteen (18) years of age, or who is a person with a disability. A *person with a disability* shall mean, for purposes of

- 7. On a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;
- 8. Within one hundred (100) feet of an automatic teller machine or of a bus stop;
- 9. On a public bus;
- 10. In a parking garage, parking lot or other parking facility; or
- 11. When the person solicited is entering or exiting a parked motor vehicle, in a motor vehicle stopped on a street, or present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink.

(*Id.* § 17-127(b).) Section 1-15 of the Fort Collins Municipal Code provides that violation of the Panhandling Ordinance is a misdemeanor punishable by imprisonment up to 180 days and a fine of up to \$2,650. (*Exhibit* 2, Fort Collins Municipal Code, Section 1-15.)

In this action, Plaintiffs challenge Subsections (b) (1), (5), (6), (8), (9), (10) and (11) of the Panhandling Ordinance.⁴ Plaintiffs seek relief from the challenged prohibitions of the ordinance as written and also as Fort Collins interprets and enforces those prohibitions.

Plaintiffs

Abby Landow

this Paragraph (1), a natural person or any age who suffers from one (1) or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person than he or she would be without such physical or mental impairments. A *substantial physical or mental impairment* shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand or foot; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; and any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person's ability to function physically or that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.

⁴ Plaintiffs do not challenge subsections (2), (3), (4) or (7).

Plaintiff Abby Landow is a resident of Fort Collins who is homeless and destitute. (*Exhibit 3*, Landow Declaration, ¶ 1.) To get by, Ms. Landow has often solicited charity in downtown Fort Collins where there is significant foot traffic. When she does so, Ms. Landow usually sits on a public bench on a public sidewalk and silently holds a sign asking for help. Her sign usually says something like: "Need help. Anything is a blessing." (Id. ¶ 3.) Ms. Landow has solicited in downtown Fort Collins after dark, in well-lit areas, as well as near outdoor seating areas of a restaurant. (Id. ¶ 5.)

In early 2014, Ms. Landow started hearing about more and more people getting tickets for panhandling. (Id. \P 6.) On at least three occasions that year, police intervened to stop Ms. Landow from soliciting. One time, she was displaying a sign while sitting on a public bench on a public sidewalk outside of a restaurant. Fort Collins police officers approached her and told her she was illegally panhandling within 100 feet of an ATM located inside the restaurant. (Id. \P 7.) Another time, officers approached her and told her that she was illegally panhandling when she was displaying a sign inviting donations from people in vehicles that were exiting a parking lot. (Id. \P 8.) In both instances, the officers ordered Ms. Landow to move on, and she did so.

In April 2014, Fort Collins police ticketed Ms. Landow for violating the Panhandling Ordinance, because she was silently soliciting donations by displaying her sign while sitting on a public bench within sight of people sitting at an outdoor café. (Id. ¶ 9.) With the help of a friend, Ms. Landow fought the ticket, and the prosecutor ultimately dismissed the charge. (Id. ¶ 10; Exhibit 4, Landow dismissal paper.) However, the prosecutor warned Ms. Landow that if she were ticketed again, she would not avoid prosecution. (Ex. 3 ¶ 10.)

Because of her interactions with the police and prosecutor last year, as well as hearing of others who were ticketed, Ms. Landow has refrained from soliciting donations in Fort Collins on several occasions. (Id. ¶ 12.) She wants to be free to resume her peaceful solicitation without fear that police will enforce the Panhandling Ordinance against her.

Jeffrey Alan

Plaintiff Jeffrey Alan is a recent resident of Fort Collins. He is homeless, disabled, and poor. (*Exhibit 5*, Alan Declaration, ¶¶ 1-2.) Mr. Alan was a truck driver for 30 years. (*Id.* ¶ 3.) His career ended abruptly when he began undergoing treatment, including two major surgeries, for lip cancer – which has since spread to his tonsils. Mr. Alan's illness has left him permanently disfigured, disabled, and unable to work. (*Id.* ¶¶ 4-5.) To pay for basic necessities, Mr. Alan sometimes solicits donations from passersby on public sidewalks. (*Id.* ¶¶ 6-7.)

In the past, Mr. Alan has solicited donations by standing on a public sidewalk, and, using his voice to stop passersby, asking if they could spare some change. He was polite and non-aggressive when he asked for money. (Id. ¶ 7.)

In the hope of avoiding tickets for a violation of the City's Panhandling Ordinance, Mr. Alan has recently refrained from stopping persons to solicit donations in downtown Fort Collins. Instead, he has silently solicited donations by displaying a sign while sitting on public benches on public sidewalks in downtown Fort Collins. His sign usually says: "Homeless/Have Cancer/Need Help." (*Id.* ¶¶ 9-10.) Even when soliciting by silently displaying his sign, he reasonably fears being ticketed for an alleged violation of the Ordinance. (*Id.* ¶¶ 9, 14.)

Mr. Alan has silently solicited donations in Fort Collins within 100 feet of ATMs and bus stops, as well as after dark. He has also solicited near a restaurant's outdoor seating area and

from people over 60 years of age. Mr. Alan has also solicited donations from people who, like himself, are disabled. Mr. Alan does not want his disability to prevent other people from approaching him and asking him for help. Although he does not have much to give, he wants to be asked. (Id. ¶¶ 11-13.)

Mr. Alan was recently sitting on a public bench on a public sidewalk outside of a restaurant in downtown Fort Collins when a restaurant employee threatened to call the police if Mr. Alan did not move away from the restaurant. The employee said Mr. Alan was illegally panhandling near a restaurant and within 100 feet of an ATM. Mr. Alan, who was silently soliciting by displaying a sign, moved away from that location because he feared being ticketed by the police. Mr. Alan wants to be free to continue soliciting as he has in the past, without fear that police will enforce the Panhandling Ordinance against him. (*Id.* ¶ 14-15.)

Susan Wymer

Plaintiff Susan Wymer is a resident of Fort Collins. She is disabled and homeless. Ms. Wymer recently lost her Section 8 apartment when it was declared uninhabitable, leaving her presently homeless. (*Exhibit 6*, Wymer Declaration ¶ 1.) Ms. Wymer walks with a cane and – because of her diabetes – suffers from neuropathy in her feet and significant back pain. Her disabilities make her unable to work. (Id. ¶ 2.) To get by, Ms. Wymer has often peacefully and politely solicited charity from passersby in Fort Collins. (Id. ¶ 3.)

When Ms. Wymer solicits, she sometimes uses her voice to stop passersby and ask them for spare change or leftover food. She has done this in parking lots and on buses in Fort Collins. Ms. Wymer is polite and non-aggressive when she solicits charity. (Id. ¶ 9.)

Most often when Ms. Wymer solicits charity, she does so by displaying a sign while sitting or standing on a public sidewalk. The sign usually reads: "Anything will help. God bless you. John 3:16." (*Id.* ¶ 3.) She sometimes sits with her sign in this manner after dark, within 100 feet of an ATM, and/or near outdoor restaurant seating. (*Id.* ¶¶ 5-6.)

On at least two occasions, Fort Collins police intervened to stop Ms. Wymer from soliciting charity. Once, police told her she was illegally panhandling because she was soliciting within 100 feet of an ATM and it was after dark (approximately 6:00 p.m.). The officer told Ms. Wymer to move on, and she did. (Id. \P 6.) Another time, Ms. Wymer was soliciting silently by displaying her sign on a public sidewalk near her Section 8 apartment. A police officer told her that panhandling was illegal and that breaking the law could mean a \$1000 fine. The officer directed Ms. Wymer to move on, and she did. Afterwards, she refrained from soliciting at that location for fear of being ticketed by the police. (Id. \P 8.)

Ms. Wymer wants to be free to continue her peaceful solicitation without fear that police will enforce the challenged ordinance against her.

Lawrence Beall

Plaintiff Lawrence Beall is a resident of Fort Collins. He is homeless and poor. (*Exhibit 7*, Beall Declaration \P 1.) Mr. Beall worked at Safeway for many years and retired with full benefits. (*Id.* \P 2.) Those benefits were recently cut in half – so that he now receives about \$500 per month. This money is not enough to cover his basic necessities, much less rent. To pay for his basic necessities, Mr. Beall sometimes solicits charity from passersby in downtown Fort Collins. (*Id.* \P 4.)

When Mr. Beall solicits charity, he usually walks up to people on public sidewalks and politely asks them for money by saying something like: "I'm down on my luck. Can you spare a couple of quarters?" Mr. Beall does not pressure people for money or get too close to them when approaching them. He thanks each person he asks for money – whether they give to him or not. (Id. ¶¶ 6, 8-9.)

Mr. Beall has solicited donations in Fort Collins at night from people leaving bars and restaurants on well-lit sidewalks in downtown Fort Collins. (Id. ¶ 11.) Mr. Beall has also solicited money from people leaving their vehicles, sometimes in parking lots. (Id. ¶ 12.)

Mr. Beall reasonably fears that if he continues to solicit donations in Fort Collins he will be ticketed by the police. (Id. ¶ 13.) He wants to be free to continue his peaceful solicitation without fear that police will enforce the Panhandling Ordinance against him.

Greenpeace, Inc.

Plaintiff Greenpeace, Inc. ("Greenpeace") is a non-profit corporation that uses peaceful protest and creative communication to expose global environmental problems and to promote solutions. (*Exhibit 8*, Flaherty Declaration, \P 1.) For approximately nine years, Greenpeace has sent a team of canvassers to solicit donations in downtown Fort Collins on at least a weekly basis. (*Id.* \P 2.) Greenpeace chose the downtown area because it has significant foot traffic. Greenpeace views its canvassing operation in Fort Collins to be highly successful, meaning that on average compared with other parts of the country, a relatively high percentage of people in Fort Collins engage in meaningful conversation with canvassers about Greenpeace's mission and choose to become members. (*Id.* \P 6.)

Greenpeace canvassers are not aggressive or threatening. They do not block the sidewalk, entrances to buildings, or any pedestrians' right of way. The canvassers initiate conversations with passersby about the environment and the mission and programs of Greenpeace. Typically, canvassers use their voice to stop or attempt to stop passersby by directing a statement like the following to particular individual walking nearby: "Let's have a conversation about Greenpeace's campaign." (Id. \P 4.)

When a passerby chooses to engage in conversation with a canvasser, the canvasser will spend some time educating the passerby on Greenpeace's mission. Then, the canvasser will encourage the passerby to join Greenpeace, which requires a donation to the organization. If the passerby agrees, the canvasser then calls Greenpeace's phone center and assists that passerby in signing up as a member and paying the membership fee via credit card. The canvasser does not accept any cash donations. The canvasser gives the new member literature about Greenpeace's programs. This literature includes instructions on how the member may increase his or her donation to Greenpeace at a later time. (Id. \P 5.)

Some of the busy downtown corners where Greenpeace canvassers solicit in Fort Collins are within 100 feet of an ATM, bus stop, and/or outdoor café. Because Greenpeace canvassers do not discriminate on the basis of age or disability, they solicit from passers by who are over 60 and/or who have a disability. (Id. ¶ 9.)

In December, 2014, a Fort Collins police officer approached a Greenpeace employee who was canvassing in downtown Fort Collins and warned him that solicitation by Greenpeace violates Fort Collins' Panhandling Ordinance. When the canvasser explained that Greenpeace

does not take actual money, and arranges all monetary transactions over the phone, the police officer said that this form of soliciting donations was still illegal. (Id. ¶ 7.)

This recent incident was the first time that Fort Collins police have contacted a Greenpeace canvasser regarding the Panhandling Ordinance. Greenpeace does not want to risk its canvassers being ticketed, fined and/or arrested for doing their jobs. Because of this incident and the need for clarity about the law, Greenpeace canvassers have ceased soliciting donations in downtown Fort Collins. (*Id.* ¶ 8,11.) Greenpeace wants to be free to continue its peaceful solicitation of donations without fear that police will enforce the Ordinance against its canvassers.

Nancy York

Plaintiff Nancy York is 76 years old and wants to hear messages of solicitation from poor and homeless people in Fort Collins. Ms. York was born and raised in Fort Collins and owns a small business there. (*Exhibit 9*, York Declaration, \P 1-2.) Although she is housed and is not poor, she is a community activist on behalf of poor people and homeless people. (*Id.*, \P 3.) Ms. York's job brings her to downtown Fort Collins on a regular basis, where she is sometimes solicited by poor people and non-profits. (*Id.*, \P 4-5.) The Ordinance prohibits persons from approaching Ms. York and asking for assistance solely because she is over sixty years old. Despite her age, Ms. York is quite capable of making decision for herself about whether or not to make a charitable donation to a person or an organization. (*Id.*, \P 6, 12.)

Ms. York appreciates interaction with solicitors, particularly poor and homeless people.

She wants to see their signs of need; she wants to be approached and asked for money so that she

can better know the plight of these people. Ms. York wants to continue receiving messages of solicitation that the Ordinance forbids. (Id., ¶¶ 10-11.)

Plaintiffs Face A Credible Threat of Enforcement

Enforcement of the Panhandling Ordinance by the Fort Collins' police is on the rise. (*See* Ex. 3 ¶ 6; Ex. 6 ¶ 11; Ex. 8 ¶ 10; Ex. 9 ¶ 9.) Since August 2012, the Fort Collins police have issued dozens and dozens of citations for violations of the ordinance, as well as countless oral warnings and move-on orders. (*See Exhibits 10-12* (citations by Fort Collins police for violations of the Panhandling Ordinance).) A review of recent citations reflects a sustained effort to invoke the ordinance to push poor beggars out of the downtown area, regardless of how humbly, quietly, or unobtrusively those individuals seek donations.

In the majority of cases, the supposedly criminal behavior that police identify in the citation is nothing more than passively displaying a sign inviting an act of charity from persons passing by. (*See, e.g., Exhibit 13*, Passive Solicitor Citations.) Passive solicitation does not constitute "panhandling" according to the text of challenged ordinance, because passive solicitors do not "approach, accost or stop" the person who is solicited. (Ex. 1, § 17-127(a)(5).) Nevertheless, it is the policy and practice of Fort Collins authorities—including the police, the City Attorney's office, and the Municipal Court—to enforce the Panhandling Ordinance against persons who peacefully and passively invite donations, such as Plaintiffs Landow, Alan, and Wymer.

Additional examples abound. Fort Collins police cited Sterling Lindbloom for sitting on a public bench on a public sidewalk and displaying a sign that said "can you give me a hand up," while leaving out an upturned cap for donations. (*See, e.g.*, Ex. 13, PLFS 000368-70.)

According to the citation, Mr. Lindbloom was cited because he engaged in this passive and peaceful solicitation after dark (6:30 p.m.) and across the street from an ATM. (*Id.*) The officer "explained" that "the combination of the hat out in front of him and the cardboard sign asking for a hand up was effectively the same as directly asking pedestrians for money." (*Id.*, PLFS 000369.) The Fort Collins Municipal Court convicted Mr. Lindbloom for violating the Panhandling Ordinance. (*Exhibit 14*, Passive Solicitor Convictions, PLFS 000362-64, 000368-69; *see also id.* (citations and case files reflecting additional convictions of passive solicitors).)

Ross Bloom, a homeless, destitute resident of Fort Collins, has been repeatedly cited and convicted for violating the Ordinance, solely because he silently displays a sign to passersby asking for help. (*See Exhibit 15*, Bloom Declaration, ¶¶ 2,5,8, 10; Ex. 11, Bloom Citations.) By way of example, one citation lists only the following "Officer's Observations" to support Mr. Bloom's panhandling ticket: "[Defendant] standing on SE corner w[ith] cardboard sign '[\$]3.00 for food.' Has been warned twice by me not to panhandle." (Ex. 11, PLFS 000153.) The municipal court, in turn, has repeatedly convicted Mr. Bloom for such passive solicitation, and Mr. Bloom has spent time in jail for these violations. (*See, e.g., Exhibit 16*, Bloom Convictions; Ex. 15, Bloom Declaration, ¶¶ 9-10.)

The Fort Collins police have also issued citations to street musicians for alleged violations of the Panhandling Ordinance. (*See, e.g.*, Ex. 12, Busker Citations.) Fort Collins has ticketed, convicted, and fined buskers simply for playing music on a public sidewalk and passively and symbolically soliciting donations by means of an upturned hat or open guitar case. (*See, e.g.*, Ex. 12, Busker Citations; *Exhibit 17*, Busker Convictions.)

While the bulk of panhandling tickets issued over the past few years have been to peaceful, passive solicitors who request donations by silently displaying a sign, the police have also ticketed individuals who were engaged in "active" solicitation – meaning the solicitors approached people or used their voice to stop persons and request donations. (*See, e.g.*, Ex. 10, Active Solicitor Citations.) The vast majority of citations issued to active solicitors reflect that the solicitors, while asking for help, did not in engage in conduct that was arguably threatening, intimidating or coercive. (*See id.*) For example, in August 2012, Fort Collins police ticketed Thomas Weiss for violating the Panhandling Ordinance after an officer said he observed Mr. Weiss "mouth the words, 'Can I get a dollar for food?" to a passerby. (*Id.*, PLFS 000462.) Similarly, in December 2013, the Fort Collins police ticketed Robin Arnold for sitting on a park bench and asking passersby for donations. *See id.*, PLFS 000028. The officer heard Mr. Arnold "offer[] a holiday greeting" to passersby and state to two female pedestrians: "Hello ladies. I accept donations." *Id.* The officer ticketed Mr. Arnold for soliciting after dark (6:18 p.m.) and within 100 feet of an ATM, which was purportedly across the street from the park bench. *Id.*

The Fort Collins Police do not limit their enforcement of the panhandling ordinance to solicitation of money. Poor solicitors who have sought and/or received food or water have also been cited for violation of the challenged Ordinance. (*See e.g.*, *Exhibit 18*, Non-Monetary Solicitor Citations, PLFS 000374 (received food after soliciting by displaying a sign stating "Anything Helps"); PLFS 000215 (asking for food); PLFS 000175 (soliciting donations of food with a sign).) For example, a mother was cited, convicted, and fined after she and her child received "water and something else in a bag" after soliciting donations by displaying a sign. (*Exhibit 19*, Tranca Citation and Case Summary, PLFS 000447-49.)

Numerous citations reflect Fort Collins police officers enforcing the Ordinance as if it were a complete ban on panhandling in the City. In several citations, the description of the allegedly illegal "panhandling" does not reflect any violation of the Ordinance's specific prohibitions regarding time of day, location, or manner of carrying out the solicitation. (See, e.g., Exhibit 20, Citations Reflecting No Apparent Violation.) For example, in April 2014, the Fort Collins Police ticketed Wayne Torrey for violating the panhandling ordinance. (Id., PLFS 000446.) The only "Officer's Observations" noted on the citation to support the ticket are: "[Defendant] standing on S/E corner with sign 'Homeless – In Need – Anything Helps.' Taking food from passersby and money." (Id.) That same month, the Fort Collins Police ticketed Twila Freel for violating the panhandling ordinance. (*Id.*, PLFS 000222.) The only "Officer's Observations" noted on the citation to explain the ticket are: "I saw male give money to Freel. She had two sign[s] on the side walk in front of her. Freel told me that the male gave her \$1.00. She was out in front [of a store]." (Id.) These citations appear to reflect a view that the Ordinance renders illegal any and all "panhandling" in Fort Collins, regardless of when, where, or how the panhandling is done. Indeed, one officer who ticketed Mr. Bloom for panhandling noted in the citation that "[Defendant] acknowledged he is aware that panhandling is illegal/prohibited." (Ex. 11, Bloom Citations, PLFS 000154.)

Clearly, the vast majority of the people Fort Collins has targeted for tickets and prosecutions under the Ordinance were engaged in polite, non-threatening, solicitation, and often solicitation that is not even prohibited by the text of the challenged ordinance.

The Need for Injunctive Relief

All of the Plaintiffs have peacefully and politely solicited charity from passersby in Fort Collins in a manner and in situations that violate the Ordinance as written or as Fort Collins interprets and enforces it. Plaintiffs want to be free to continue engaging in these peaceful, nonthreatening communicative activities, but they face a credible threat that Fort Collins police will rely on the Ordinance to issue a citation and/or order them to "move on." Without this Court's intervention, the Plaintiffs will be forced to choose to either violate the challenged ordinance as Fort Collins interprets and enforces it or forego their constitutionally-protected communicative activities.

ARGUMENT

I. **Legal Standard for Interim Injunctive Relief**

The Tenth Circuit applies a four-prong test in evaluating whether an interim injunction is warranted. The moving party must generally demonstrate "(1) a likelihood of success on the merits; (2) a likelihood that the movant will suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in the movant's favor; and (4) that the injunction is in the public interest." RoDa Drilling Co. v. Siegal, 552 F.3d 1203, 1208 (10th Cir. 2009). The Plaintiffs here easily satisfy this test.⁵

⁵ Three types of "disfavored" injunctions require a heightened standard: "(1) preliminary injunctions that alter the status quo; (2) mandatory preliminary injunctions; and (3) preliminary injunctions that afford the movant all the relief that it could recover at the conclusion of a full trial on the merits." Schrier v. University of Colorado, 427 F.3d 1253, 1259 (10th Cir. 2005). Plaintiffs' proposed injunction is clearly prohibitory rather than mandatory. The proposed injunction would not give Plaintiffs all the relief they would be entitled to if they prevailed in a full trial: it would merely provide temporary protection for their First Amendment rights until this Court can issue a final judgment on the merits. See Prairie Band of Potawatomi Indians v. Pierce, 253 F.3d 1234, 1247-48 (10th Cir. 2001). Because Greenpeace had been can vassing in downtown Fort Collins for years without police intervention until very recently, providing interim relief preserves the status quo, which is the "last peaceable uncontested status existing between the parties before the dispute developed." Schrier, 427 F.3d 1253 at 1260. To the extent that awarding interim relief to other plaintiffs would alter the status quo, this Court must apply "close[] scrutin[y]" and

II. Plaintiffs are Substantially Likely to Succeed on the Merits of Their First Amendment Claim

A. Fort Collins Prohibits or Restricts Communications of the Plaintiffs That are Protected by the First Amendment

Each of the Plaintiffs engages, and wants to continue engaging, in constitutionally-protected communicative activity in the City of Fort Collins that is forbidden by the challenged Ordinance as written or as Fort Collins interprets and enforces it.

As the Supreme Court has explained, charitable solicitation is unquestionably expression that is protected by the First Amendment, as it is carried out in conjunction with dissemination of information, expression of views, and advocacy of causes:

[C]haritable appeals for funds, on the street or door to door, involve a variety of speech interests--communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes . . . [S]olicitation is characteristically intertwined with informative and perhaps persuasive speech seeking support for particular causes or for particular views on . . . social issues, and . . . without solicitation the flow of such information and advocacy would likely cease.

Village of Schaumburg v. Citizens for a Better Env't, 444 U.S. 620, 632 (1980). Courts have recognized that the same reasoning applies to poor persons who seek charity for themselves:

Begging frequently is accompanied by speech indicating the need for food, shelter, clothing, medical care or transportation. Even without particularized speech, however, the presence of an unkempt and disheveled person holding out his or her hand or a cup to receive a donation itself conveys a message of need for support and assistance. We see little difference between those who solicit for organized charities and those who solicit for themselves in regard to the message conveyed.

Plaintiffs must make a "strong showing" that they are likely to succeed on the merits and that the balance of harms favors the requested interim relief. *Id.* at 1261. Plaintiffs meet this heightened standard.

Loper v. New York City Police Dept., 999 F.2d 699, 704 (2d Cir. 1993); accord Speet v. Schuette, 726 F.3d 867, 870 (6th Cir. 2013).

In addition, "the First Amendment includes not just a right of free speech, but also a right to receive information." *Doe v. City of Albuquerque*, 667 F.3d 1111, 1118 (10th Cir. 2012). Thus, the First Amendment protects the right of Plaintiffs York and Alan, both willing listeners, to hear the messages of poor persons who ask for assistance.

B. Like Numerous Regulations of Solicitation That Courts Have Rejected in Recent Years, the Fort Collins Ordinance is a Content-Based Regulation of Expression That Cannot Survive Strict Scrutiny

Fort Collins enforces the challenged prohibitions of expression on the streets and sidewalks of the city—traditional public forums where "the government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *McCullen v. Coakley*, 134 S. Ct. 2518, 2529 (2014) (quoting *Police Dept. of City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972)).

A regulation of expression is content-based when it "draw[s] content-based distinctions on its face." *McCullen*, 134 S. Ct. at 2531. Thus, a measure is content-based when it requires enforcement authorities to "examine the content of the message that is conveyed to determine whether" a violation has occurred. *Id.* (quoting *F.C.C. v. League of Women Voters of Cal.*, 468 U.S. 364, 383 (1984)). A facially neutral regulation is content-neutral only if it serves purposes unrelated to content and the government justifies it "without reference to the content of the regulated speech." *Id.* (quoting Renton v. Playtime Theatres, Inc., 475 U.S. 41, 48 (1986)). 6

⁶ The *McCullen* Court explained that a law is not content neutral "if it were concerned with undesirable effects that arise from 'the direct impact of speech on its audience' or '[1]isteners' reactions to speech." 134 S. Ct. at 2531-32 (*quoting Boos v. Barry*, 485 U.S. 312, 321 (1988)). Thus, the prospect

Content-based regulations are "presumptively unconstitutional" and "subject to strict scrutiny." *McCullen*, 134 S. Ct. at 2530.

In this case, the text of the Panhandling Ordinance "draw[s] content-based distinctions on its face." *Id.* at 2531. Fort Collins regulates solicitation based on the particular subject matter of the solicitation. The City targets solicitations seeking a gift of money or things of value, but it does not target solicitations that request, for example, signatures, religious conversion, or electoral support.

Noting similar distinctions, numerous courts in recent years have ruled that various restrictions on panhandling, begging, or solicitation draw content-based distinctions on their face and must be analyzed under the test of strict scrutiny. *See Speet v. Schuette*, 726 F.3d 867, 870 (6th Cir. 2013) (invalidating anti-begging statute that "prohibits a substantial amount of solicitation . . . but allows other solicitation based on content"); *Clatterbuck v. City of Charlottesville*, 708 F.3d 549, 560 (4th Cir. 2013) (ordinance regulating requests for immediate donations is a content-based regulation subject to strict scrutiny); *Berger v. City of Seattle*, 569 F.3d 1029, 1051-53 (9th Cir. 2009) (*en banc*) (holding that a ban on "actively solicit[ing] donations" is an invalid content-based regulation of speech); *ACLU of Idaho v. City of Boise*, 998 F. Supp. 2d 908, 916 (D. Idaho 2014) (preliminarily enjoining multiple provisions of ordinance that "suppress[es] particular speech related to seeking charitable donations and treats this speech content different than other solicitation speech"); *Kelly v. City of Parkersburg*, 978 F. Supp. 2d 624, 629-30 (S.D. W. Va. 2013) (holding that ordinance is content-based because it

that communications prohibited by the challenged ordinance might "cause offense or make listeners uncomfortable" does not provide a content-neutral justification for regulating those communications. *Id.* at 2532.

regulates solicitations for money but not solicitations for votes, to enter raffles, or to register for a church mailing list); *Guy v. Cnty. of Hawaii*, No. 14-00400 SOM/KSC, 2014 U.S. Dist. LEXIS 132226, at *9 (D. Haw. Sept. 19, 2014) (explaining that the ordinance "singles out some solicitation speech for regulation while leaving other solicitation speech untouched"); *see also ACLU of Nev. v. City of Las Vegas*, 466 F.3d 784,794 (9th Cir. 2006) (explaining that ordinance discriminated on the basis of content when handbills containing certain language may be distributed, while handbills requesting financial assistance are prohibited); *Lopez v. Town of Cave Creek*, 559 F. Supp. 2d 1030, 1032-33 (D. Ariz. 2008) (holding that ordinance is content-based because it bans only certain types of solicitation speech).⁷

Judge Brimmer reached the same conclusion when analyzing a provision of a Grand Junction panhandling ordinance last year:

The provision applies to "attempt[s] to solicit employment, business, or contributions of any kind." Grand Junction, Colo. Mun. Code § 9.05.050 (2014). It does not prohibit people from offering motorists political or religious literature, asking for directions, or engaging in speech on any topic other than requests for money, employment, or other "contributions." This provision, "by its very terms, singles out particular content for differential treatment" and thus constitutes a content-based restriction on speech.

Browne v. City of Grand Junction, No. 14-cv-00809-CMA, 2014 U.S. Dist. LEXIS 37515 (D. Colo. Mar. 21, 2014) (citing Berger, 569 F.3d at 1051).

The Panhandling Ordinance at issue here relies on content to distinguish between prohibited expression and expression that is not regulated. Anyone is free to stop a person walking near a bus stop to ask for directions to a hospital, but if the requester asks for help with

⁷ Two recent decisions, with flawed reasoning that is inconsistent with the Supreme Court's decision in *McCullen*, concluded that ordinances regulating solicitation were content neutral. *Thayer v. City of Worcester*, 755 F.3d 60 (1st Cir. 2014); *Norton v. City of Springfield*, 768 F.3d 713 (7th Cir. 2014).

cab fare to get there, the Ordinance is violated. Nonprofit organizations are free to distribute literature at bus stops about their work, but distributing that literature is forbidden if it includes a pitch for donations. Evangelicals are free to stop passersby 99 feet from an ATM to ask if they are saved, but not to ask for a donation to a church or charity. Petition circulators seeking to put an education measure on the ballot can stop a parent in the school's parking lot to ask for a signature, but they violate the Ordinance if they ask for help in financing the ballot measure. Anyone remains free to sit on a downtown sidewalk in the evening with a sign that says "reelect the mayor," but a person violates the Ordinance, as Fort Collins interprets and enforces it, by sitting with a sign that seeks a contribution.

The Ordinance regulates solicitations for a "gift," but leaves solicitations for sales unregulated. Girl Scouts are free to approach persons near ATMs to solicit sales of cookies, but they violate the ordinance if they ask for a donation to their organization. As the Ninth Circuit explained when analyzing a similar privileging of commercial speech in a regulation of solicitation, "[t]his bias in favor of commercial speech, is, on its own, cause for the rule's invalidation." *Berger*, 569 F.3d at 1055.

Fort Collins cannot survive the close and careful strict scrutiny required for a content-based regulation of speech, especially one that carries criminal penalties. As the Supreme Court recently explained, because of "the substantial and expansive threats to free expression posed by content-based restrictions," they have been permitted only "when confined to the few historic and traditional categories of expression long familiar to the bar," such as incitement to illegal activity, child pornography, defamation, and true threats. *United States v. Alvarez*, 132 S. Ct. 2537, 2544 (2012). To survive strict scrutiny, the City must prove not only that the challenged

restrictions are the least restrictive means of furthering a compelling government interest, *McCullen*, 134 S. Ct. at 2530, but also that the restrictions are "actually necessary" to achieve that interest, *Alvarez*, 132 S. Ct. at 2549. "There must be a direct causal link between the restriction imposed and the injury to be prevented." *Id.* Fort Collins cannot meet this test.

C. Even if the Challenged Restrictions Were Content-Neutral Regulations of Expression (and They are not), They Cannot Survive the Test of Intermediate Scrutiny

Fort Collins will undoubtedly argue that the challenged restrictions are constitutional regulations of the time, place, or manner of expression. To meet its burden, Fort Collins must demonstrate not only that the ordinance is content-neutral, (and it is not), but also that the regulation is "narrowly tailored to serve a significant governmental interest." *McCullen*, 134 S. Ct. at 2534 (quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 798 (1989)). Fort Collins will be unable to satisfy even this standard of intermediate scrutiny.

When Fort Collins adopted the Panhandling Ordinance in 1995, the City stated that it was targeting only "conduct which threatens the safety and welfare of persons toward whom these [panhandling] activities are directed." (*Exhibit 21*, Ordinance No. 70 (1995) (adding Section 17-127 to the City Code).)

The Tenth Circuit has made it clear that Fort Collins has the burden of production and proof. *See Doe*, 667 F.3d at 1131 ("When the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions."). To meet that burden, Fort Collins must provide evidence, not speculation, that the challenged restrictions "serve a substantial state interest in a direct and effective way." *Id.* at 1133. Quoting the Supreme Court, the Tenth Circuit explained further:

When the Government defends a regulation on speech as a means to redress past harms or prevent anticipated harms, it must do more than simply posit the existence of the disease sought to be cured. It must demonstrate that the recited harms are real, not merely conjectural, and that the regulations will in fact alleviate these harms in a direct and material way.

Id. (quoting *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 664 (1994)).⁸ Because the Ordinance, as written and as Fort Collins enforces it, prohibits substantial amounts of speech that poses no threat to public safety, the City will be unable to meet its burden.

1. The challenged Ordinance fails the test of narrow tailoring because it suppresses substantially more expression than is necessary to further the City's legitimate interests

The narrow tailoring requirement "demand[s] a close fit between ends and means." *McCullen*, 134 S. Ct. at 2534. A regulation cannot "burden substantially more speech than is necessary to further the government's legitimate interests." *Id.* at 2535 (*quoting Ward*, 491 U.S. at 798-99). The government "may not regulate expression in such a manner that a substantial portion of the burden on speech does not serve to advance its goals." *Id.* (*quoting Ward*, 491 U.S. at 799). Put another way, the regulation must "focus[] on the source of the evils the city seeks to eliminate . . . and eliminate[] them without at the same time banning or significantly restricting a substantial quantity of speech that does not create the same evils." *Ward*, 491 U.S. at 799, n.7. To the extent that Fort Collins argues that the "evil" it targets is danger to public safety, the City fails the test of narrow tailoring.

The Ninth Circuit's application of these principles is instructive. In explaining why a Las Vegas ordinance failed the test of narrow tailoring, the court said:

⁸ The two decisions referenced in footnote 7, which upheld regulations of panhandling, did not hold the government to this evidentiary burden.

The record indicates that aggressive pan-handling, solicitation, and handbilling were the problems confronted by the City. Yet the solicitation ordinance targets a substantial amount of constitutionally protected speech that is not the source of the "evils" it purports to combat. The ordinance therefore would fail the time, place, and manner test even if it were content neutral.

ACLU of Nevada, 466 F.3d at796, n.13. In a 2011 *en banc* decision, the court invalidated a Redondo Beach ordinance that prohibited soliciting or attempting to solicit employment, business, or contributions from the occupant of any motor vehicle. *Comite de Jornaleros de Redondo Beach v. City of Redondo Beach*, 657 F.3d 936, 940 (9th Cir. 2011) (*en banc*). The city argued that its ordinance was narrowly tailored to promote traffic flow and traffic safety. *Id.* at 947. The court explained that the ordinance was not narrowly tailored to promote these legitimate interests, because the ordinance prohibited a substantial amount of expression that did not cause problems with traffic flow or safety. *Id.* at 948-49. Similarly, in this case, Fort Collins forbids a substantial amount of expression that poses no danger to persons who are solicited.

An obvious overreach of the Fort Collins enforcement campaign is its targeting of persons who quietly solicit contributions by displaying a sign seeking donations, like Plaintiffs Landow, Alan, and Wymer. Persons who silently and passively hold a sign are not aggressive; they are not intruding; they are not interrupting; they are not intimidating, they are not harassing, and they pose no risk of physical harm. Nevertheless, Fort Collins police regularly issue citations and "move on" orders to passive solicitors (and have already issued a citation to Ms. Landow and "move on" orders to both her and Ms. Wymer). The unobtrusive nonthreatening solicitations of persons who merely display signs cannot qualify as "appropriately targeted evil[s]," *Ward* 491 U.S. at 800. Banning these peaceful and nonthreatening solicitations burdens

"substantially more speech than necessary" to further any arguable legitimate interest of the City. *McCullen*, 134 S. Ct. at 2535.

Even if Fort Collins targeted only "active" solicitation, involving face-to-face vocal requests for donations, the City nevertheless fails the test of narrow tailoring. Many active solicitors, like Plaintiffs Jeffrey Alan, Susan Wymer, Lawrence Beall, and Greenpeace, request donations in a polite, non-aggressive, non-threatening manner. In striking down a regulation that banned "actively solicit[ing] donations," the *en banc* court in *Berger* explained that the regulation barred *all* active solicitation and therefore reached innocuous verbal requests for donations. *Berger*, 569 F.3d at 1051-53.

The Fort Collins enforcement campaign unreasonably restricts a broad range of peaceful, nonintrusive, nonthreatening, constitutionally-protected expression that poses no risk to public safety. Thus, Fort Collins fails the legal test, because it fails to "focus on the source of the evils" while it also "ban[s] or significantly restrict[s] a substantial quantity of speech that does not create the same evils." *Ward*, 491 U.S. at 799 n.7.

2. Less speech- restrictive alternatives

"To meet the requirement of narrow tailoring, the government must demonstrate that alternative measures that burden substantially less speech would fail to achieve the government's interests." *McCullen*, 134 S. Ct. at 2540; *see U.S. West, Inc. v. FCC*, 182 F.3d 1224, 1238 n.11 (10th Cir. 1999) ("[A]n obvious and substantially less restrictive means for advancing the desired government objective indicates a lack of narrow tailoring.").

In *McCullen*, the Supreme Court noted that enforcing already-existing "generic criminal statutes" constituted a less speech-restrictive alternative to the 35-foot buffer zone challenged in

that case. 134 S. Ct. at 2538. Similarly, in *Berger*, the Court found: "If the City desires to curb aggressive solicitation, it could enforce an appropriately worded prohibition on aggressive behavior. If necessary, the City can also rely on constitutionally valid nuisance and aggressive panhandling laws to control street performers who will not take no for an answer when asking for money." *Berger*, 569 F.3d at 1053. The same reasoning applies here.

Fort Collins can address any legitimate public safety issues posed by truly aggressive panhandling by enforcing already-existing municipal ordinances that forbid assault, disturbing the peace, disorderly conduct, and harassment. (*See Exhibit 22*, Fort Collins Mun. Code §§ 17-21, 17-121, 17-124, and 17-126.) Fort Collins police can also enforce state statutes that forbid disorderly conduct, harassment, and menacing. *See* Colo. Rev. Stat. §§ 18-9-106, 18-9-111, 18-3-206. Enforcing the subsections of the Panhandling Ordinance that Plaintiffs do not challenge represents an additional less restrictive alternative. *See also Comite de Jornaleros*, 657 F.3d at 949-50 (in rejecting a regulation of solicitation, court explained that enforcing already-existing ordinances was an obvious and less speech-restrictive means of protecting the City's interest in traffic safety and traffic flow).

3. Particular subsections of the challenged ordinance

Each of the challenged subsections of Fort Collins's Ordinance is a content-based regulation of expression that cannot survive strict scrutiny, as each turns on the City's content-based definition of "panhandling." Even if the prohibitions were content-neutral, and they are not, Fort Collins cannot meet its burden to show that they are narrowly tailored to address legitimate interests such as protecting residents from aggressive solicitation that causes persons to fear for their safety. Additional argument on each of the challenged subsections follows.

Subsection (b)(1): after dark

Perhaps the least tailored of the City's restrictions is the blanket ban on any panhandling after dark. (Ex. 1, Ordinance, Subsection (b)(1).) Fort Collins will be unable to justify its citywide ban on any and all nighttime solicitation. The City's downtown area, where most panhandling citations are issued, is well-lit and boasts an active nightlife with significant foot traffic after dark. (See Ex. $3 \ 5$; Ex. $6 \ 7$ Ex. $7 \ 11$.) On winter nights, the sun sets as early as 4:35 p.m. and rises as late as 7:20 a.m., rendering solicitation illegal during morning and evening rush hour, hardly a time when reasonable people walking or driving home would fear for their safety when solicited.

In 2011, an Arizona court subjected a ban on nighttime solicitation to a careful and critical analysis. In reasoning that applies fully to the Fort Collins ordinance, the court held that the prohibition failed the test of narrow tailoring. *State v. Boehler*, 262 P.3d 637, 643-44 (Ariz. Ct. App. 2011). In response to the assertion that solicitations at night are more likely to prompt fear and intimidation, the court noted that the ordinance "does not distinguish between solicitations that occur in dark alleyways and solicitations that take place in lighted buildings or well-lit street corners." *Id.* at 644. Like the Fort Collins ordinance, the Arizona ordinance also failed to distinguish between harmless nonthreatening requests and those made in an abusive, aggressive, or intimidating manner. *Id.* at 643-44. (The ordinance prohibits "both a cheery shout by a Salvation Army volunteer asking for holiday change and a quiet offer of a box of Girl Scout cookies by a shy pre-teen.") The court further noted that other (unchallenged) ordinances adequately protected residents from truly aggressive panhandling conduct likely to cause fear of bodily harm. *Id.* at 643. Similarly, provisions of the Fort Collins Ordinance that Plaintiffs do

not challenge adequately protect against truly aggressive panhandling that causes persons to fear for their safety. *See*, *e.g.*, Ex. 1, Ordinance, Subsections (b)(2), (3), (4), and (7).

As noted earlier, Plaintiffs disagree strongly with the First Circuit's flawed analysis of content neutrality and narrow tailoring in *Thayer*. *See* footnote 7, *supra*. Nevertheless, *Thayer* upheld an interim injunction prohibiting the City of Worcester from enforcing a blanket ban on nighttime solicitation. *Thayer*, 755 F.3d at 73 n.7.

Subsection (b)(5): asking for reconsideration

In Fort Collins, a petition circulator can repeatedly solicit a signature even after being turned down, but someone soliciting charity is forbidden to ask for reconsideration, no matter how courteously, politely, or nonthreatening the request. This obvious discrimination on the basis of content requires analysis under strict scrutiny, which Fort Collins cannot survive. Nor is this provision narrowly tailored, as it bans polite, peaceful, and nonthreatening requests for reconsideration, which do not pose any arguable threat to public safety.

Subsection (b)(6): soliciting an "at-risk" person

Fort Collins will be unable to justify its city-wide prohibition on solicitation of "at-risk" persons, which includes persons over 60 and anyone with a mental or physical disability. As explained in the attached declarations by Randy Chapman, Director of Disability Law Colorado (formerly the Legal Center for People With Disabilities and Older People) and Julie Reisken, Director of the Colorado Cross-Disability Coalition, the only conceivable rationale for this provision for at-risk persons is an irrational stereotype that elderly persons and persons with disabilities are incapable of making a sound decision about whether to give money to a solicitor. (*Exhibit 23*, Chapman Declaration, ¶ 7; *Exhibit 24*, Reiskin Declaration, ¶ 7.) Adopting such

unjustified invidious stereotypes as law is inappropriate and discriminatory. The challenged ordinance unduly stigmatizes and isolates seniors and persons with disabilities by singling them out for differential treatment and requiring solicitors to scan public spaces for those who appear to be older or disabled, and then to avoid them. (Ex. 23 ¶¶ 6-7; Ex. 24 ¶¶ 6-7.)

The provision is clearly content-based, as a signature gatherer can ask an "at risk" person to sign a petition but cannot ask for a contribution. The City will be unable to present evidence that justifies this extraordinarily paternalistic and stigmatizing provision under any First Amendment test.

Subsection (b)(8): the 100-foot bubbles

Fort Collins has established two geographical bubbles where all requests for charity are forbidden. Fort Collins will be unable to present evidence that justifies its content-based ban of peaceful, courteous, or non-threatening requests for a donation within 100 feet of ATMs and bus stops. Last year, a federal district court ruled that a plaintiff was likely to succeed in his challenge to an ordinance that prohibited solicitation within 20 feet of an ATM. *Guy*, 2014 U.S. Dist. Lexis 132226, at *6. Earlier in 2014, another federal court enjoined a Boise ordinance that prohibited requests for donations made within 20 feet of a bus stop or an ATM. *ACLU of Idaho*, 998 F. Supp. 2d at 915, 919. The enjoined no-solicitation bubbles in Boise are less restrictive than the Fort Collins bubbles in two significant ways: first, the radius of the Boise bubbles was one-fifth the size of the Fort Collins 100-foot bubbles. Second, the Boise ordinance expressly did not apply to passive panhandlers who silently request donations by holding a sign. *Id.* at 915. In contrast, Fort Collins actively enforces its Ordinance against persons who passively display a sign inviting donations.

While some courts have upheld ordinances that create distance-based no-solicitation bubbles around ATMs, Plaintiffs have been unable to find any case that has considered or upheld a bubble anywhere close to the size of the Fort Collins 100-foot bubbles. The City will be unable to show that its content-based ban on peaceful nonthreatening solicitation within 100 feet of ATMs and bus stops meets the test of strict scrutiny or that it is narrowly tailored to advance its legitimate interest in public safety.

Subsection (b)(9): soliciting on a public bus

Fort Collins forbids a passenger on a public bus to sit quietly with a sign asking for assistance. It forbids a nonprofit organization from distributing literature to passengers if the literature requests a donation. It allows a passenger to solicit signatures for a petition but forbids asking for help in financing the cause. It forbids a passenger to ask his companion for change to pay the fare. This content-based prohibition fails both the test of strict scrutiny and the test of narrow tailoring. Last year, a federal district court ruled that a plaintiff was likely to succeed in his challenge to an ordinance that prohibited solicitation "while in any public transportation vehicle." *See Guy*, 2014 U.S. Dist. Lexis 132226, at *6.

Subsection (b)(10): soliciting in a parking garage or parking lot

Subsection (b)(10) forbids soliciting in a parking garage or parking lot, regardless of how courteous, polite and non-threatening the solicitation. Last year, federal courts in Hawaii and Idaho ruled that plaintiffs challenging similar provisions were likely to succeed on the merits. *ACLU of Idaho*, 998 F. Supp. 2d at 915, 919; *Guy*, 2014 U.S. Dist. Lexis 132226, at *6.

Subsection (b)(11)

Subsection (b)(11) prohibits directing a solicitation to a person at a sidewalk restaurant, or to someone in a car stopped on a street, or to someone entering or exiting a car. A federal district court preliminarily enjoined a portion of a Boise ordinance that prohibited soliciting a person who was waiting in line, as well as a provision that prohibited solicitation within 20 feet of a sidewalk café or a street vendor. *ACLU of Idaho*, 998 F. Supp. 2d at 915, 919. The enjoined Idaho ordinance was narrower than Fort Collins's, as it did not apply to persons quietly holding a sign seeking contributions. Similarly, the *en banc* decision in *Berger* invalidated an analogous regulation barring First Amendment activities within 30 feet of "captive audiences," which were defined as persons who were waiting in line or seated at a place serving food or beverages. *See Berger*, 569 F.3d at 1053-1057. The court concluded that the regulation failed the test of narrow tailoring, in part because the rule "prohibits both welcome and unwelcome communications." *Id.* at 1056. The same reasoning applies to Fort Collins.

III. Plaintiffs who Solicit Passively are Substantially Likely to Prevail on the Merits of Their Due Process Claim

As noted earlier, an obvious overreach of the City's campaign of anti-solicitation enforcement is its targeting of street musicians and persons who quietly and passively solicit contributions by displaying a sign inviting donations, like Plaintiffs Landow, Alan, and Wymer. The definition of "panhandle" in the challenged Ordinance applies only to persons who "approach, accost, or stop" the person solicited. Passive panhandlers do not initiate interaction, and they neither approach, accost, nor stop the passersby whose donations they invite. The application and enforcement of the Ordinance against Plaintiffs who solicit donations passively violates not only their First Amendment rights, but also their right to due process of law, as the

text of the Ordinance does not provide them with notice that their communications are prohibited. Plaintiffs who solicit passively by displaying a sign are likely to succeed on the merits of their claim that the challenged Ordinance does not prohibit their communicative activity.

IV. Plaintiffs Will Suffer Irreparable Injury if an Interim Injunction is Denied

"A plaintiff suffers irreparable injury when the court would be unable to grant an effective monetary remedy after a full trial because such damages would be inadequate or difficult to ascertain." *Awad v. Ziriax*, 670 F.3d 1111, 1131 (10th Cir. 2012). When a law chills or suppresses expression protected by the First Amendment, that is a classic example of a case where monetary damages are both inadequate and difficult to ascertain.

In addition, "[w]hen an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Id.* (quoting *Kikumura v. Hurley*, 242 F.3d 950, 963 (10th Cir. 2001)). More specifically, "loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Pacific Frontier v. Pleasant Grove City*, 414 F.3d 1221, 1235 (10th Cir. 2005) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)); *see also Heideman v. South Salt Lake City*, 348 F.3d 1182, 1190 (10th Cir. 2003) (holding that even a "minimal restriction" on the manner in which dancers may convey their artistic message constitutes irreparable injury). Accordingly, when government action threatens First Amendment rights, as in this case, there is a presumption of sufficient irreparable injury to warrant interim injunctive relief. *Cmty. Commc'ns Co. v. City of Boulder*, 660 F.2d 1370, 1376 (10th Cir. 1981).

V. The Balance of Equities Tips Sharply in Plaintiffs' Favor

Here, Fort Collins's challenged campaign of enforcement heavily burdens First

Amendment rights – a burden that constitutes irreparable injury as a matter of law – and Fort

Collins is likely violating the Constitution. Accordingly, the balance of equities tips sharply in

Plaintiffs' favor. *See Awad*, 670 F.3d at 1131 ("[W]hen the law that voters wish to enact is likely unconstitutional, their interests do not outweigh Mr. Awad's in having his constitutional rights protected"); *American Civil Liberties Union v. Johnson*, 194 F.3d 1149, 1163 (10th Cir. 1999)

("[T]he threatened injury to Plaintiffs' constitutionally protected speech outweighs whatever damage the preliminary injunction may cause Defendants' inability to enforce what appears to be an unconstitutional statute").

VI. The Injunction is in the Public Interest

The temporary injunction Plaintiffs seek, which preserves First Amendment and Due Process rights, is clearly in the public interest. "It is always in the public interest to prevent the violation of a party's constitutional rights." *Awad*, 670 F.3d at 1131. "[A]s far as the public interest is concerned, it is axiomatic that the preservation of First Amendment rights serves everyone's best interest." *Local Org. Comm., Denver Chap., Million Man March v. Cook*, 922 F. Supp. 1494, 1501 (D. Colo. 1996); *accord Elam Constr. v. Reg. Transp. Dist.*, 129 F.3d 1343, 1347 (10th Cir. 1997) ("The public interest . . . favors plaintiffs' assertion of their First Amendment rights").

VII. No Security Should be Required

"Trial courts have wide discretion under Rule 65(c) in determining whether to require security," *RoDa Drilling Co.*, 552 F.3d at 1215 (internal quotations omitted), and may decline to

require security in appropriate cases. *See, e.g., Winnebago Tribe of Neb. v. Stovall*, 341 F.3d 1202, 1206 (10th Cir. 2003) (no bond necessary where there was no showing of harm from injunction); *Moltan Co. v. Eagle-Picher Indus., Inc.*, 55 F.3d 1171, 1176 (6th Cir. 1995) (finding no bond necessary where plaintiff had strong likelihood of success on merits).

In this case, Plaintiffs have a strong likelihood of success on the merits, and Fort Collins will suffer no harm from an interim injunction. Accordingly, no security should be required.

CONCLUSION

For the foregoing reasons, Plaintiffs' Motion for a Temporary Restraining Order and a Preliminary Injunction should be granted. The Court should enjoin Fort Collins from relying on the challenged provisions of its Panhandling Ordinance as a basis for arrest, tickets, or advising persons to move on, until this Court issues a final judgment on the merits of Plaintiffs' claims.

Dated: February 10, 2015 Respectfully submitted,

/s/ Hugh Q. Gottschalk

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In cooperation with the ACLU Foundation of Colorado

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Email: msilverstein@aclu-co.org

rtwallace@aclu-co.org

Attorneys for Plaintiffs Abby Landow, Jeffrey Alan, Susan Wymer, Lawrence Beal, Greenpeace, Inc., and Nancy York

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on February 10, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and sent the same via email to the following:

Carrie Daggett
City of Fort Collins
Interim City Attorney
300 LaPorte Avenue
Fort Collins, CO 80521

Email: CDaggett@fcgov.com

/s/ Colleen Egan

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No. 1:15-cv-00281

ABBY LANDOW, JEFFREY ALAN, SUSAN WYMER, LAWRENCE BEAL,

individually and on behalf of others similarly situated,

GREENPEACE, INC., NANCY YORK,

Plaintiffs,

v.

CITY OF FORT COLLINS,

Defendant.

INFORMATION FOR TEMPORARY RESTRAINING ORDER

Attorneys for Plaintiffs

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Attorney for Defendant

Carrie Daggett

Interim City Attorney

City of Fort Collins, Colorado

Physical address: City Hall West

300 LaPorte Ave.,

Fort Collins, CO 80521

Mailing address: PO Box 580

Fort Collins, CO 80522-0580

Telephone: (970) 221-6520 Facsimile: (970) 221-6327

Email: cdaggett@fcgov.com

Statement of Type of Claim

Plaintiffs request an emergency temporary restraining order and preliminary injunction to preserve their right, and the right of others, to peacefully and respectfully engage in expressive and communicative activity in the public areas of Fort Collins, Colorado.

Jurisdiction

This action arises under the Constitution and laws of the United States, including 42 U.S.C. § 1983. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1343.

This Court has jurisdiction to issue the declaratory relief requested pursuant to the Declaratory Relief Act, 28 U.S.C. §§ 2201, 2202.

Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). The Defendant resides within the District of Colorado, and all relevant events occurred and will occur in the District of Colorado.

Hearing

Date Motion for Temporary Restraining Order filed: February 10, 2015

Case 1:15-cv-00281 Document 2-1 Filed 02/10/15 USDC Colorado Page 3 of 5

Request hearing be set: At the Court's earliest convenience.

Estimated length of hearing: 2 hours (oral argument)

Reason why immediate action is required:

Plaintiffs request an emergency hearing to be scheduled to address Plaintiffs' request for

a temporary restraining order and preliminary injunction. Such relief is necessary to preserve the

status quo as between Plaintiff Greenpeace, Inc. and Defendant City of Fort Collins. Such an

order is necessary to prevent ongoing and substantial injury suffered by remaining Plaintiffs.

Notice

Has opposing party and/or attorney been notified: Yes

If "yes," state when and by what means:

Pursuant to D.C. Colo. LCivR 65.1(a)(1), counsel for Plaintiffs, Mark Silverstein,

contacted Fort Collins Interim City Attorney, Carrie Daggett, on February 9, 2015 and informed

Ms. Daggett of Plaintiffs' intent to file the Complaint and Motion for Temporary Restraining

Order and Preliminary Injunction in this matter. On February 10, 2015, Plaintiffs' counsel

transmitted Plaintiffs' Complaint, Motion for Temporary Restraining Order and Preliminary

Injunction, and all related documents to Ms. Daggett by email at cdaggett@fcgov.com

contemporaneously with filing this action with the Court. Defendant City of Fort Collins has

actual notice of Plaintiffs' Motion and of Plaintiffs' intent to seek a hearing on the Motion at the

Court's earliest convenience.

3

Dated: February 10, 2015 Respectfully submitted,

/s/ Hugh Q. Gottschalk

Hugh Q. Gottschalk (# 9750) Thomas A. Olsen (# 43709) Wheeler Trigg O'Donnell LLP 370 Seventeenth Street, Suite 4500

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rtwallace@aclu-co.org

Attorneys for Plaintiffs Abby Landow, Jeffrey Alan, Susan Wymer, Lawrence Beal, Greenpeace, Inc., and Nancy York

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on February 10, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and sent the same via email to the following:

Carrie Daggett
City of Fort Collins
Interim City Attorney
300 LaPorte Avenue
Fort Collins, CO 80521

Email: CDaggett@fcgov.com

/s/ Colleen Egan

Exhibit 1

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Sec. 17-127. Panhandling. topt

- (a) When used in this Section, the following words, terms and phrases shall have the meanings ascribed to them in this Subsection (a):
 - (1) At-risk person shall mean a natural person who is sixty (60) years of age or older, under eighteen (18) years of age, or who is a person with a disability. A person with a disabilityshall mean, for purposes of this Paragraph (1), a natural person of any age who suffers from one (1) or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person than he or she would be without such physical or mental impairments. A substantial physical or mental impairmentshall be deemed to include, without limitation, the loss of, or the loss of use of, a hand or foot; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; and any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person's ability to function physically or that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.
 - (2) *Knowingly* shall mean, with respect to the conduct or circumstances described in this Section, that a person is aware that such person's conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.
 - (3) *Obscene* shall mean a blatantly offensive description of an ultimate sexual act or solicitation to commit an ultimate sexual act, whether or not such ultimate sexual act is normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
 - (4) *Obstruct* shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.
 - (5) *Panhandle* shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value.
- (b) It shall be unlawful for any person to panhandle if such panhandling occurs:
 - (1) Any time from one-half (½) hour after sunset to one-half (½) hour before sunrise;

- (2) In a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
- (3) In a manner that involves the person panhandling knowingly directing fighting words to the person solicited;
- (4) In a manner that involves the person panhandling knowingly touching or grabbing the person solicited;
- (5) In a manner that involves the person panhandling knowingly continuing to request the person solicited for a gift of money or thing of value after the person solicited has refused the panhandler's initial request;
- (6) In a manner that involves the person panhandling knowingly soliciting an at-risk person;
- (7) On a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;
- (8) Within one hundred (100) feet of an automatic teller machine or of a bus stop;
- (9) On a public bus;
- (10) In a parking garage, parking lot or other parking facility; or
- (11) When the person solicited is entering or exiting a parked motor vehicle, in a motor vehicle stopped on a street, or present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink.

(Ord. No. 70, 1995, § 2, 6-6-95)

Exhibit 2

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Fort Collins Municipal Code and Charter > Chapter 1

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CHAPTER 1

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Sec. 1-15. General penalty and surcharges for misdemeanor offenses, traffic offenses and traffic and civil infractions.

- (a) Except as to traffic infractions described in Subsection (b) below and any other civil infraction specified as such in this Code, any person who shall violate any provision of this Code, the Charter or any provision of any code or other regulation adopted by reference by this Code, by doing any act prohibited or declared to be unlawful thereby, or who shall engage in any business, occupation or activity for which a license or permit is required without having a valid license or permit therefor, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalty specifically provided for such violation or, if none, then by a fine not exceeding two thousand six hundred fifty dollars (\$2,650.) or by imprisonment not exceeding one hundred eighty (180) days, or by both such fine and imprisonment, in addition to any costs which may be assessed. No person under the age of eighteen (18) years as of the date of the offense shall be subject to imprisonment except in the case of failure to comply with a lawful order of the court, including an order to pay a fine, and then only in the manner provided in Section 13-10-113, C.R.S., and the Colorado Children's Code, Section 19-1-101 et seq., C.R.S. Each day upon which a violation continues shall constitute a separate misdemeanor offense unless some other specific time period is provided for any particular offense. The maximum fine set forth above shall be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, *inflation* shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index.
- (b) A violation of any provision of Chapter 28, Vehicles and Traffic, in this Code or the Fort Collins Traffic Code, shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be deemed to be a traffic infraction. All other violations under Chapter 28 of this Code or the Fort Collins Traffic Code shall be considered misdemeanors punishable as described in Subsection (a) above. Any person against whom judgment is entered for a traffic infraction under this Code shall be subject to the penalty of a fine and any surcharge, the total of which is not to exceed two thousand six hundred fifty dollars (\$2,650.), and shall not be subject to imprisonment on account of such judgment. The maximum fine set forth above shall be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, *inflation* shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index.
- (c) Except as provided in Subsection (d) below, a law enforcement officer, code enforcement officer, the City Attorney or their designees may request that the Municipal Judge order restitution of direct out-of-pocket costs incurred by any victim of a misdemeanor. By way of illustration, such direct out-of-pocket costs may include, but need not be limited to, costs to repair or replace damaged property, medical insurance deductibles, or medical costs directly paid and unreimbursed by any entity other than the victim or the victim's parent or guardian.

- (d) Restitution through Municipal Court shall not be available for victims of traffic infractions or traffic misdemeanors.
- (e) Any person convicted of violating the provisions of Chapter 4, Animals and Insects; Chapter 17, Miscellaneous Offenses; or Chapter 20, Nuisances, shall reimburse the City for costs incurred by the City or Poudre Fire Authority in enforcing the provisions of said sections if such enforcement required the use of an extraordinary number of personnel, highly trained personnel, sophisticated equipment or nontraditional methods of enforcement. The amount of such restitution shall be apportioned among multiple defendants involved in the same criminal episode as deemed appropriate by the Municipal Judge, taking into consideration the behavior of the defendant(s), the amount and kind of expenses incurred by the City or Poudre Fire Authority, the number of participants involved in the criminal activity and such other circumstances as the Municipal Judge may consider relevant. Notwithstanding the foregoing, if another provision of the Code imposes a more specific restitution requirement than the requirement imposed by this Section, then the Code provision which requires the greater amount of restitution will control.
- (f) Except as provided in Paragraph (4) below, any person found responsible for a violation of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than two thousand six hundred fifty dollars (\$2,650.). Said amount shall be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, *inflation* shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index, plus costs, damages and expenses as follows:
- (1) Each act of violation and every day upon which a violation occurs shall constitute a separate violation.
- (2) A person found responsible by the Municipal Court or Referee for any violation of this Code charged as a civil infraction shall pay the penalty and costs assessed, which may include all costs, direct and indirect, which the City has incurred in connection with the civil infraction. In addition, the Municipal Judge or Referee may issue any orders necessary to abate a nuisance.
- (3) If a defendant fails to answer a citation for a civil infraction or notice to appear in court or before a Referee for such infraction, a default judgment shall enter in the amount of the civil penalty plus all costs, expenses and damages. In the event a defendant fails to pay a civil penalty, costs, damages or expenses within thirty (30) days after the payment is due or fails to pay a default judgment, the City may pursue any legal means for collection and, in addition, may obtain an assessment lien against the property that was the subject of the violation if the Code violation is designated as a nuisance in Chapter 20, is a violation of any civil infraction contained in Chapter 5, 12, 20, 24 or 27, or is a violation of Land Use Code Section 3.18.16 and was committed by an owner or tenant of the property, as defined in Land Use Code Section 5.1.2.
- (4) If a person who is alleged to have committed a violation of any provision of this Code that is classified as a civil infraction has been found liable for two (2) or more such violations

within the twelve-month period immediately preceding the new alleged violation, then, whether or not the previous violations were committed at the same premises as the new alleged violation, the new alleged violation may be charged as a misdemeanor criminal offense that is subject to a penalty or imprisonment, costs, fees and any other orders imposed in accordance with this Section.

- (g) Assessment of traffic calming surcharge. A surcharge of thirty-five dollars (\$35.) shall be assessed by the Municipal Court as set forth in this Section and shall be in addition to court fines, costs, other surcharges and fees. Said surcharge shall be assessed against any person who:
- (1) after a trial or hearing before the Court, a hearing officer, a referee or a jury, is found guilty of operating a motor vehicle in violation of any provision of the Fort Collins Traffic Code for which the Department of Revenue has assigned a penalty of one (1) or more points, or of operating a bicycle or electric assisted bicycle in violation of any such provision, as the same has been made applicable to the operators of bicycles and electric assisted bicycles through Section 1412(1) of said Code;
- (2) pleads guilty or no contest to, or enters an *Alford* plea to, any such violation pursuant to any plea agreement; or
- (3) accepts an early payment discount in a case where the citation was issued for such a violation. Said surcharge shall be assessed at the time of disposition by the Municipal Court and shall be dedicated by the Finance Department and exclusively spent for traffic-calming expenditures, including but not limited to training, education, signage, facilities, public education and additional traffic enforcement police officers and equipment.

(Code 1972, § 1-23; Ord. No. 157, 1986, § 1-23, 11-4-86; Ord. No. 64, 1987, § 1, 5-5-87; Ord. No. 4, 1990, 2-6-90; Ord. No. 104, 1990, §§ 1, 2, 12-18-90; Ord. No. 16, 2003, § 10, 2-18-03; Ord. No. 32, 2005, 3-15-05; Ord. No. 126, 2005, 11-15-05; Ord. No. 167, 2005, 12-20-05; Ord. No. 198, 2006, § 1, 12-19-06; Ord. No. 085, 2008, § 1, 8-19-08; Ord. No. 136, 2009, 1-5-10; Ord. No. 066, 2010, 6-15-10; Ord. No. 003, 2014, 1-21-14)

Editor's note—Section 1 of Ord. No. 104, 1990 changed the word "violations" to "infractions" in the catchline of this Section.

Charter reference—Penalties for violation of Charter, Art. IV, § 10.

Cross-references—Remedies and penalties under the alcoholic beverage chapter, §§ 3-3, 3-85; penalty for violation of the animal regulations, § 4-196; additional penalties or requirements for vicious animals, § 4-197; violations and penalties under the Building Code, § 5-29; violations and penalties under the Uniform Code for the Abatement of Dangerous Buildings, § 5-47; violations and penalties under the Mechanical Code, § 5-109; violations and penalties under the Plumbing Code, § 5-127; violations of the cable communications system franchise regulations, § 6-16; violation penalties under the Fire Code, § 9-4; violations and penalties regarding the flood prevention and protection regulations, § 10-23; violations and penalties under the bazardous materials transportation regulations, § 11-11; violations and penalties under the garbage and refuse regulations, § 12-25; violations and penalties under the landmark preservation regulations, § 14-57; violations and penalties regarding alarm systems, § 15-42; violations and penalties regarding special sales, § 15-137; violations and penalties regarding licensing for contractors, § 15-159;

violations and penalties regarding secondhand dealer licensing and regulations, § 15-327; violations and penalties regarding regulations for temporary vendors, § 15-392; miscellaneous offenses, Ch. 17; Municipal Court, Ch. 19; rules for traffic infractions, §§ 19-43—19-60; violations and penalties under the noise regulations, § 20-29; penalty for violation of the prohibition for dirt, debris and construction waste on public streets and areas, § 20-66; violation of special event permit, § 23.5-15; vehicles and traffic, Ch. 28; Fort Collins Traffic Code.

Exhibit 3

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Declaration of Abby Landow

- I, Abby Landow, do hereby declare:
- 1. I am 46 years old. I live in Fort Collins, and I am homeless and destitute.
- 2. To get by, I have often panhandled in Fort Collins.
- 3. When I panhandle, I usually sit on a public bench on a public sidewalk where people walking by can see me, and I silently fly a sign asking for help. I'm not good at asking people for anything, so I just let my sign speak for me. My sign usually says something like: "Need help. Anything is a blessing."
- 4. I do not panhandle in an aggressive manner. I solicit silently. I speak to passersby only after they speak to me, and I am polite and respectful in those conversations. Most of all, I am thankful to people who choose to help me out. I have found the people of Fort Collins to be generous and concerned about my well-being.
- 5. I have generally chosen to panhandle in Old Town, because there is a lot of foot traffic there. Sometimes I have sat on public benches near the outdoor seating area of a restaurant and panhandled. Sometimes I have panhandled at night, but only in areas that are well lit and with a lot of people walking around.
- 6. Starting in early 2014, I started hearing about more and more people getting tickets for panhandling. I knew Fort Collins had an aggressive panhandling ordinance, but I thought that sitting with a sign and silently soliciting donations did not violate the ordinance. But some Fort Collins police officers started telling me that I was violating the ordinance.
- 7. One time this year, several police officers approached me when I was sitting on a public bench on a sidewalk in Old Town near a restaurant called Austin's. As

usual, I was just panhandling silently with a sign. The officers told me I had to leave that area because Austin's had put an ATM inside, and the officers told me I wasn't allowed to ask for money near an ATM. So I moved on.

- 8. A few weeks later, I was standing on a public sidewalk silently flying a sign facing a Walmart parking lot. The sign I was flying asked for help. I was soliciting from people who were in their vehicles exiting the parking lot. The vehicles I was panhandling to were slowing down in order to stop at a stop sign. I was not panhandling in a manner that obstructed the sidewalk or street. I was only panhandling there for about five minutes when a policeman drove up to where I was standing. The officer told me that I had to move on and that if I needed to panhandle, I should go to Old Town.
- 9. Then, in April 2014, the Fort Collins police gave me a ticket for panhandling on a public bench within sight of people sitting at an outdoor café. Again, I was just sitting on a public bench with a sign that read: "Need help. Anything is a blessing." The bench was located on a public sidewalk near where some people were sitting at the outdoor café. The officers ticketed me for violating the panhandling ordinance because I was asking for help near an outdoor café. An officer told me that my sign was asking for a "thing of value" in violation of the panhandling ordinance, because it asked for "help." To be clear, my sign did not ask for money, and I happily accepted donations of food.
- 10. I fought the ticket with the help of a friend, and after we had a long conversation with the prosecutor, the prosecutor agreed to drop the charges. But, the prosecutor told me that if I got any more panhandling tickets, I wouldn't be getting out of the ticket.

- 11. Throughout this year, I have heard of more and more people getting panhandling tickets, many of them for just flying a sign.
- 12. After my experiences with the police and prosecutor, and hearing about other people getting tickets, I have on many occasions chosen not to panhandle, even though I need money or help. Specifically, even when I have wanted to sit on a public bench located on a public sidewalk and fly a sign silently asking for help, I have chosen not to do so because I don't want to get a ticket.
- 13. If not for fear of getting a ticket, I would continue to silently solicit donations as I have done in the past, including soliciting within sight of patrons at sidewalk cafes, at night, outside of Austin's, and as I did near the Walmart parking lot.

I declare under penalty of perjury that the foregoing is true and correct.

12/24/14 Date

Abby Land

Exhibit 4

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Fort Collins Municipal Court

Case Summary Report Case: 2014-0186962-MD

Filing Date:

05/12/2014

Current Status:

Closed

Status Date: **Date Assigned** 05/21/2014

To

User: KELLY

Currently Assigned

Name

Kathleen M Lane

05/12/2014

Case Status History

Case Status From

Closed

JUDGE

Closed pending clerk action

05/21/2014 05/21/2014

05/21/2014

Pending

05/12/2014

05/21/2014

Hearings

Arraignment

05/21/2014 8:00 AM

Lane, Kathleen M

Comments:

Result: Motion to Dismiss

Judge History

Judge Lane, Kathleen M

From 05/12/2014

Reason for Removal To

Defendants

Defendant Name: LANDOW, ABBY S

Mailing Address: c/o 242 CONIFER ST

FORT COLLINS, CO 80524

DL State: CO

DL Number: 133400505

DOB: 03/14/1968

Sex: Female Home Phone: (720) 362-9425

Work Phone:

Street Address:

Warrants

		Tranca	10						
Type	Status	Status Date Is	sue Date	Warrant #	Total Bond				
Bonds									
Type	Status	Date	Charge	Undisposed	d Amount				
		Charge	es						
Charge Information:	17-127 Panha	ndling							
Violation Date:	04/23/2014	Officer:	Patterson	, Tyler					
Disposition Date:	5/21/2014	Comment:							
Plea:		Finding:	Dismissed	l per Pros. Without Preju	dice				
Other Finding:									
		Sentencing Defe Date:	er						
Disposition Modified	: No	Original Disposition Date	5/21/2014 •:						
		Fines/Fe	es						
Charge		Orig. Assessed	Suspen	ded Adjusted	d Current Balance				
Panhandling		\$ 0.00	\$ (0.00 \$ 0.00	0.00 \$				

Financial Summary

Current Case Balance Due: \$ 0.00

Money Due Date:

Extension Date:

Payment Plan

Installment Amount:

Agreement Date:

End Date:

11:20 AM

of

11/12/2014

Fort Collins Municipal Court

User: KELLY

Case Summary Report Case: 2014-0186962-MD

Defendants

		Case Ledger		
Panhandling				
Fee		Amount Type	Entered Approve	ed
	٦	Total:		
		Probation Info		
		Confinement Info		
	····	Other Sentence Info		
		Defendant ROAs		
Date	Code	Judge		
05/12/2014	HRG	Lane, Kathleen M		
Hearing Scheduled	l (Arraignment 05/21/20	014)		
05/12/2014	NCF	Lane, Kathleen M		
New case filed				
05/21/2014	CSC	Lane, Kathleen M		
Case Status Chang				
05/21/2014	DPNP - FINDING	Lane, Kathleen M		
Finding - Dismissed	d per Prosecution With	out Prejudice: (17-127 Panhandling)		
05/21/2014	CSC	Lane, Kathleen M		
Case Status Chang	ge - Closed pending cle	erk action		
		Defendant Costs		
Case Number	Description	Victim		Balance
		Victim Restitution Info		
		Case Payments		
Payment Date	For	Payor	Receipt Number	Amount
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Thereby certify that		s, correct, and complete record in the above case.	SECTION PALATON	
Dated:	クリリ			
	1/1/1/1			
Signed:	V V	/nJudge or Court Clerk	TEL SEAL RE	
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			Manufacture Control	

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11:20 AM

11/12/2014

Exhibit 5

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Declaration of Jeffrey Alan

- I, Jeffrey Alan, do hereby declare:
- 1. I am 50 years old. I am homeless, disabled, and poor.
- 2. I recently moved to Fort Collins from Greely, where I had lived for the past 8 years. I moved to Fort Collins because there are better services here for homeless people.
- 3. I was a truck driver for thirty years. I drove all over the country. I loved my job I got to see the country and I got paid for it.
- 4. Nine years ago, I was diagnosed with lip cancer, which has spread to my tonsils, has required major surgeries, has disfigured my face, and causes me great discomfort.
- 5. Because of my illness, I have been unable to work on a consistent basis for the past 9 years. I became homeless shortly after my first major surgery, which left me in great pain and in a wheel chair. I am thankful that I can now walk again.
- 6. I applied for and was granted social security disability, which I still get, but the money is not enough to cover my basic necessities.
- 7. I have panhandled many times over the last nine years when I have needed money to cover my basic necessities. While in Greely, several times a week, I stood on public sidewalks and used my voice to stop people who were walking by, and ask them in a polite manner whether they could spare some change. Some people gave me money. When they did, I always said "thank you very much" and "god bless." I often said the very same thing to people who didn't give me money.

- 8. I didn't take offense when people didn't give me money. I was raised to treat people, especially women, children and animals, gently and with respect. I am not aggressive when I ask for money I am polite.
- 9. When I arrived in Fort Collins, I was told by other homeless people that certain panhandling was illegal in Fort Collins. I understood that I might get in trouble with the police if I used my voice to ask for donations here in Fort Collins. To try to abide by the law, I haven't been using my voice to ask for donations.
- 10. Instead, I've been flying a sign in downtown Fort Collins on the corner of Mountain and College on a public sidewalk outside of Austin's restaurant. I chose this corner because there is a lot of foot traffic, and there is a good place to sit where I'm not in the way. I sit on a low concrete wall. I don't block the sidewalk in any way. My sign reads: "Homeless/have cancer/need help" which is true.
- 11. I have recently read the Fort Collins panhandling ordinance and learned that it forbids panhandling after dark and to people who are over 60 or disabled. I sometimes have to panhandle after dark just to make ends meet. And I don't treat older people and disabled people differently from anyone else, when I'm panhandling or any other time.
- 12. I'm disabled. I want people to be able to approach me and ask me for help when they need it. I don't have much to share, but I want to be asked.
- 13. When I read the ordinance, I also learned that it prohibits panhandling within 100 feet of an ATM or bus stop, and soliciting from people sitting at an outdoor eating area. I believe where I have sat at Mountain and College is within 100 feet of two ATMs one inside Austin's and one across the street at the bank. I believe there are bus

stops nearby also. Also, the concrete wall I sit on is near the outdoor seating area of Austin's, where people who sit in the area would be able to see my sign.

- 14. I am concerned that the place and way I am panhandling in Fort Collins violates the panhandling ordinance. I want to continue panhandling in Fort Collins near ATMs, bus stops and outdoor seating areas, after dark, and to elderly and disabled people. But, I don't want to break the law.
- 15. If it weren't for the panhandling ordinance, I would be using my voice on the corner where I panhandle to stop passersby and ask them for donations. I want to do that, but I don't want to take the chance of getting ticketed.
- 16. I believe I have a right to ask people in a non-aggressive way for help. I believe there are some people who want to help me. I don't think it's right that Fort Collins forces me to choose between asking for help and violating the law.

I declare under penalty of perjury that the foregoing is true and correct.

1-16-15 Date

Jeffrey Alan Capt

Exhibit 6

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Declaration of Susan Wymer

- I, Susan Wymer, do hereby declare:
- 1. I am 52 years old and destitute. I have lived in Fort Collins about ten years. I have been homeless off and on during that time. I recently lost my Section 8 apartment, because the Housing Authority's unit failed inspection and was determined to be unlivable. I am homeless now, but I was recently approved to move into a new Section 8 apartment sometime in the Spring.
- 2. I am disabled. I walk with a cane. I have diabetes that has caused neuropathy in my feet and significant back pain. Because of my pain and difficulty getting around, I am unable to work.
- 3. To get by, I have often panhandled in Fort Collins. When I panhandle, I often sit on a public bench on a public sidewalk where people walking by can see me, and I silently fly a sign asking for help. My sign usually says "Anything will help. God bless you. John 3:16".
- 4. When I fly a sign, I don't block the sidewalk in any way. I'm appreciative when people give me money or food, but it's OK if they don't. I certainly don't get aggressive when I ask for help or if someone doesn't give it to me.
- 5. I have flown a sign in this way near the Aggie Theater on College Avenue in Old Town Fort Collins. There are ATMs near the spot where I sit on a public bench. I believe at least one ATM is within 100 feet. There is also outdoor restaurant seating close by where I sit on the bench. People at the outdoor seating area can see my sign.
- 6. Sometime last year, I was panhandling near the Aggie Theater, and a Fort Collins Police Officer approached me and said that I had to stop panhandling because it

was getting dark. I think it was about 6:00 p.m. The officer also said that I was not allowed to panhandle within 100 feet of an ATM. I followed the officer's order to move on, and I stopped panhandling that night. I would have continued to panhandle in that spot that night if I thought I was not going to get in trouble with the police.

- 7. I often panhandled in that spot at night. It's an area with good foot traffic, in the evening especially. I have panhandled less at night since I was warned by the officer. I don't want to get a ticket. If I wasn't concerned about a ticket, I would have panhandled at night more often.
- 8. Also, last year, a police officer drove by and stopped to talk to me from his cruiser when I was panhandling silently with a sign near the corner of Harmony and Taft, which was near my Section 8 apartment. I was standing on the public sidewalk near that corner. I wasn't blocking the sidewalk, and I was just holding my sign so that cars going by could see it. The police officer told me panhandling wasn't allowed, that there was a law, and that breaking the law could mean a \$1000 fine. He told me to pick up my stuff and leave. I followed his directions and I never panhandled in that spot again. That spot was very close to my home, and I would have panhandled there many other times if I didn't fear getting a ticket.
- 9. I have also approached people in parking lots and on buses and asked them with my voice whether they can spare some change. I am polite when I ask for change. I have also used my voice to stop passersby and ask them for their leftover food when I have panhandled outside of Aggies. I understand that some people will give to me and some people won't, and it's OK either way.

I don't discriminate against people who are over 60 or who are disabled. 10. Many older people help me, and disabled people too. I think I should be able to ask people who are disabled like me, or over 60, for help.

I have heard from several people that the Fort Collins Police are stepping 11. up enforcement of the panhandling ordinance. I know of people who have been harassed by the police for flying a sign or panhandling at night, just like me.

12. I don't want trouble with the police. I need to panhandle sometimes near ATMs and outdoor seating areas, in parking lots, on public buses, and after dark. I don't think its right that Fort Collins police won't let me do this. I don't think its right that this city's laws makes me choose between asking for help and violating the law.

13. I declare under penalty of perjury that the foregoing is true and correct.

1-16-15 Data

Susan Wymer
Susan Wymer

Exhibit 7

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Declaration of Lawrence Beall

- I, Lawrence Beall, do hereby declare:
- 1. I have lived in Fort Collins for over 50 years. I am poor and currently without a home.
- 2. I worked 32 years for Safeway and retired with full benefits in early 2000. Even those benefits, which until recently were around \$1000/month, were not always enough to cover rent and necessities. As a result, I've had periods of homelessness off and on for the past 7 or 8 years.
- 3. I don't like to sleep outside. I want to be housed and am currently working with an advocate at the Murphy Center to try to get subsidized housing. I'm having to stay at Catholic Charities right now. I appreciate that it's a dry shelter.
- 4. Recently, Safeway when it was bought by Albertsons—cut my retirement benefits to about \$500 per month. I just cannot afford to live on that amount. I can't pay for my basic necessities, much less rent. That is why I recently began panhandling in Old Town.
- 5. I often use money from panhandling to buy food, coffee, or 7-Up. I often buy drinks so that I can sit in a coffee shop or restaurant and stay out of cold.
- 6. When I panhandle, I usually walk up to people on public sidewalks and politely ask them for money. I usually say something like, "I'm down on my luck. Can you spare a couple of quarters?"
- 7. I am a devout Christian. My faith is super-big. I talk to the Big Guy all time. One way I stay close to God is by singing in a men's choir. But most importantly, I try to treat people as He would want me to. Even when I'm homeless and broke, I do

what I can to help people. I'm known as "Bicycle Larry", because I fix bicycles for other homeless people. I enjoy giving to people in this way.

- 8. When I panhandle, I don't pressure people to give me money. I know that I am not in control of whether they help me God is. I don't get aggressive. I'm not that kind of person.
- 9. I am soft-spoken and, when I approach people, I don't get too close. If someone does not give me money, that is perfectly OK. I say thank you to anyone I ask for money, whether they give me money or not. If anything, I'm more likely to thank the person who doesn't give me money just because I'm embarrassed to have asked them.
- 10. But I find that many people do want to give me money or food. I think people in Fort Collins are truly generous, and I am deeply appreciative of their willingness to help me out.
- 11. I often panhandle at night, when I walk up to people on public sidewalks who are leaving bars or restaurants in Old Town and ask if they can spare some change. Old Town is well-lit and people don't seem to mind me asking for help. Some of them have been in the same situation as me. College kids and others leaving the bars at night are generous and often kind to me. That's one of the reasons I choose to panhandle at night. Also, I have to panhandle at night to get money when there was no room in the shelter and it was cold outside. I used the money from panhandling to order basic food and drink in an all-night coffee shop, so that I could have shelter in the coldest part of the night. I was afraid if I slept on the streets that night, I would freeze.
- 12. I often ask people who are leaving their vehicles, sometimes in parking lots, for change. I do this because people often have loose change in their vehicle and

Case 1:15-cv-00281 Document 2-8 Filed 02/10/15 USDC Colorado Page 4 of 4

they can easily get that change and give it to me, if they want to, when they are leaving

their car. I don't get too close to people leaving their car – I make sure to respect their

personal space.

I have recently read Fort Collins panhandling ordinance. I believe the way 13.

I have panhandled violates the panhandling ordinance because I approach people at night,

in parking lots, and exiting their cars, and ask those people for money. Although I don't

like to have to panhandle, it's a necessity right now. I want to continue to panhandle as I

have in the past in Fort Collins. But now I am scared the police are going to ticket me or

even arrest me just for asking people for help.

I think I have a right to panhandle as I have in the past in Fort Collins. I 14.

shouldn't have to choose between exercising that right and violating the law.

I declare under penalty of perjury that the foregoing is true and correct.

Date Date Bull Dayrence Reall

Exhibit 8

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Declaration of Jennifer Flaherty, Regional Coordinator for Greenpeace

- I, Jennifer Flaherty, do hereby declare:
- 1. I am a Regional Coordinator for the non-profit corporation, Greenpeace, Inc.

 Greenpeace is the leading independent campaigning organization that uses peaceful protest and creative communication to expose global environmental problems and to promote solutions that are essential to a green and peaceful future.
- 2. I run Greenpeace's Denver office and am charged with planning all canvassing trips in the Mountain Time zone. For approximately the past 9 years, Greenpeace has regularly canvassed in downtown Fort Collins.
- 3. Greenpeace's public education and fundraising model is predicated on our canvassers actively soliciting new members in public spaces. As Greenpeace is an independent, fully member-driven non-profit, our canvass operations provide not only the financial support but also the public outreach the organization needs to be successful.
- 4. When canvassing, Greenpeace sends out a team of four to five people to stand in public areas with significant foot traffic. We direct our canvassers to take care not to block the sidewalk, entrances to buildings, or any pedestrians' right of way. The canvassers initiate conversations with passersby about the environment and the mission and programs of Greenpeace. We direct our canvassers to be non-aggressive, to not follow individuals, and to never block the way of any passersby. Typically, our canvassers use their voice to stop or attempt to stop passersby by directing a statement like the following to a particular individual walking nearby: "Let's have a conversation about Greenpeace's campaign."
- 5. When a passerby chooses to engage in conversation with a canvasser, the canvasser will spend some time educating the passerby on Greenpeace's mission. Then, the

canvasser will encourage the passerby to join Greenpeace, which requires a donation to the organization. If the passerby agrees, the canvasser then calls Greenpeace's phone center and assists that passerby in signing up as a member and paying the membership fee via credit card or check. The canvasser does not accept any cash donations. Once signed up as a member, the canvasser gives the member literature about Greenpeace's programs. This literature includes instructions on how the member may increase his or her donation to Greenpeace at a later time.

- 6. For approximately the past 8 years, Greenpeace has sent canvassers to downtown Fort Collins at least once every week. Greenpeace chose the downtown area because of the high concentration of foot traffic. Greenpeace views its canvassing operation in Fort Collins to be highly successful, meaning that on average compared with other parts of the country, a relatively high percentage of people in Fort Collins engage in meaningful conversation with canvassers about Greenpeace's mission and choose to become members. This leads Greenpeace to believe that many people in Fort Collins want to engage in conversation with and give donations to Greenpeace.
- 7. In December 2014, a Fort Collins police officer approached a Greenpeace employee who was canvassing in downtown Fort Collins and warned him that solicitation by Greenpeace violates Fort Collins' panhandling ordinance. When the canvasser explained that Greenpeace does not take actual money, and arranges all monetary transactions over the phone, the police officer said that this form of collecting donations was still illegal.
- 8. This recent incident in December was the first contact a Greenpeace canvasser has had with the police regarding the Fort Collins panhandling ordinance. Because of this incident, I reviewed Fort Collin's panhandling ordinance. I concluded that solicitation by Greenpeace falls within the definition of "panhandling" in the ordinance, because Greenpeace canvassers use their

voice to approach and/or stop passersby in order to solicit those individuals for money. The ordinance forbids our canvassers from soliciting within 100 feet of an ATM or bus stop, or near an outdoor café, and wholly forbids soliciting from "at risk" people, which includes people who are over 60 years old or disabled.

- 9. Our canvassers are quite often within 100 of an ATM or bus stop, or near an outdoor cafe, because many of the corners of downtown Fort Collins with the highest-density foot traffic are near ATMS, bus stops, or out-door cafes. Regarding the ban on solicitation against soliciting from "at risk" people our canvassers do not discriminate. Our canvassers often solicit donations from people who appear to be over 60 or disabled who happen to be passing by the area where the canvasser is standing. We do not single out people who are elderly or disabled for differential treatment. In my opinion, someone in their sixties is not even elderly. I cannot imagine training a Greenpeace canvasser not to interact with people who appear to be over 60 or disabled.
- 10. I also recently reviewed dozens of citations by Fort Collins police officers enforcing the panhandling ordinance against non-aggressive solicitors, many of whom solicit on the same corners in downtown Fort Collins as do Greenpeace canvassers. I understand the Fort Collins police have stepped up enforcement of the ordinance, as is suggested by the recent warning of a Greenpeace canvasser by the police.
- 11. Because of this incident, and because of my review of the text of the panhandling ordinance and the citations, I am very concerned that continuing to place canvassers in Fort Collins exposes those canvassers to being ticketed and criminally prosecuted. To avoid this risk, I have directed our canvassers to stop soliciting donations in downtown Fort Collins.

- 12. As the regional coordinator, I do not want my canvassers placed in a position where they may be ticketed, fined, and/or arrested just for doing their jobs. Given this recent interaction with the police and our decision to forego solicitation in downtown Fort Collins, Greenpeace is in urgent need of clarity about its rights under the law.
- 13. Greenpeace believes it has a First Amendment right to spread the word about its work in public places to passersby and, when the passerby so desires, to facilitate a contribution to the organization. Greenpeace wishes to engage in outreach and fundraising efforts within 100 feet of ATMs and bus stops in Fort Collins. Greenpeace does not wish to treat people who are older or disabled differently from the rest of the population. Greenpeace wants to continue to have its canvassers approach people who appear to be over sixty or disabled and solicit those people for donations, just as the canvassers solicit other passersby. Fort Collins's panhandling law forces Greenpeace to choose between: (a) following through on our outreach and fundraising plans while violating the ordinance; or (b) complying with the ordinance and foregoing the exercise of constitutional rights. Greenpeace should not have to make this choice. I declare under penalty of perjury that the foregoing is true and correct.

07/65/15 Date

Jennifer Flaherty

Exhibit 9

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Declaration of Nancy York

- I, Nancy York, do hereby declare:
- 1. I am 76 years old, and I was born and raised in Fort Collins.
- 2. Since 1979, I have owned a small business in Fort Collins called Poster It. I distribute event posters in Northern Colorado and Southern Wyoming.
- 3. I am involved in and concerned about issues related to homelessness and poverty in Fort Collins. I consider myself a community activist on these issues. I have spoken publicly on these issues. I have made food for the homeless and distributed it at a park.
- 4. My job brings me to downtown Fort Collins regularly since 1979. Typically twice a week, I walk or bike the streets of downtown Fort Collins and put up posters.
- 5. I have seen panhandlers in the downtown area for all those years. Many have signs asking for help; some have approached me and asked for help. I have never been aggressively solicited for money in Fort Collins, and I have never seen anyone else solicited in an aggressive manner.
- 6. Sometimes I give money to panhandlers. Not every time, but frequently I give. I choose to give money because I have it. I am personally secure with a home and with money, and I choose to share my money with others who need it.
- 7. Non-profits have approached me in the downtown area, including Greenpeace and the American Civil Liberties Union, and asked me to donate money.

- 8. Whether I give or do not give, it's important that people be allowed to be out there in public places and ask for money if they need it.
- 9. I have seen that Fort Collins has stepped-up enforcement of the panhandling ordinance over the last year or so. Since that time, I see fewer and fewer panhandlers in the downtown area. I take great offense to the City of Fort Collins' efforts to push homeless and poor people out of sight.
- 10. This is my hometown, and I take issue with the growing gap between the well-to-do and the poor. I know that some well-off people would prefer not to see homeless or poor people. I do want to see these people. I want to know that they are out there, so I am reminded of why I am an activist on their behalf. It is important that our public spaces be for all people, and not just for the well-off.
- I want panhandlers to be able to show me their signs of need, and to approach me and ask for money. I want to hear what they have to say. Whether I choose to give money or not, I learn about that person. Panhandling also creates opportunities to engage in small talk with people facing poverty and homelessness. It's a simple human gesture to look another person in the eyes and talk about simple things but I think it's meaningful. I do not think it is right for the government to make these interactions illegal.
- 12. I am 76, but I do not think my age should deter someone from soliciting from me.

 I am quite capable of making decisions for myself about whether or not to share my

money. It is paternalistic and stigmatizing for the government to decide that because I'm 76 years old, I can't make that decision for myself.

I declare under penalty of perjury that the foregoing is true and correct.

Exhibit 10

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

ADAMS, CARNELL

Supplement No ORIG

FORT COLLINS POLICE SERVICES

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M JOHNSON/maz

On 071214 at approximately 1040 hours, I was standing on the northeast corner of the intersection of Mountain and College observing a male suspect who was seated across the street on the northwest side of Mountain and College, panhandling from passers by. As I watched I observed that the suspect was seated on the flower planter immediately next to the crosswalk entrance on the Mountain Avenue side of the intersection. The suspect's seated position placed him within approximately one foot of any pedestrians who were walking passed him. I observed the suspect speak several times to people as they were walking past and observed that some of them handed him what appeared to be money. The suspect was also holding a sign that said, "Need Weed and Feed." I observed that the suspect was eating from a box at his feet, and I also saw him reaching down next to him and grabbing a drink on several occasions.

Officer Gallimore, Sgt. Hopkins and I began walking across the street towards the male and I saw him immediately fold up his sign, grab his backpack and walk away from the location leaving his trash and drink on the sidewalk. I contacted the male and instructed him to return to his location. I explained to him that I was detaining him for Panhandling and also for Littering. I requested that the male pick up all the trash that he had left at the location. The male picked up several pizza boxes and several drink containers. The male made several sarcastic comments indicating that he would have picked up the trash but, "the cops were coming" and he had to run. I explained to the male that it was illegal for him to panhandle after dark and I also pointed out that he was within 100 feet of an ATM on both sides of College Avenue.

I identified the male as Mr. Carnell ADAMS by his verbal statement. Mr. Adams did not possess a state or federal identification. I issued Mr. ADAMS a summons for Panhandling under 17-127 of the Fort Collins Municipal Statute and also Littering under 17-141 of the Fort Collins Municipal Statute. Mr. ADAMS was sarcastic and disrespectful during our contact.

Officer Gallimore contacted a male who had been with Mr. ADAMS at the time of my contact and told me that the other male was not associated with Mr. ADAMS, but had given him money.

There's no further action by this officer.

Case status: CF-Charges Filed.

Report Officer Printed At FC251/JOHNSON, MATTHEW 08/28/2014 08:24

PLFS 000013 Page 2 of 2

FORT COLLINS POLICE SERVICES

14-10083 Supplement No 0001



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Reported Date
07/12/2014
Rpt/incident Typ
LOITERING
Officer#
GALLIMORE, JUSTIN

Phone 970-221-6540 Fax 970-221-6284

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JU. GALLIMORE/FC240

On 071214 at approximately 2249 hours, I assisted officer Matthew Johnson at the intersection of W Mountain Ave and N College Ave with a male who was panhandling.

While walking in the area of W Mountain Ave and N College Ave, I saw a male, later identified as Carnell ADAMS, sitting on a planter on the northwest corner of the intersection holding a sign. There was another male, Riley BILLS, next to ADAMS. When we approached them, ADAMS and BILLS began walking away south across W Mountain Ave. We contacted the group in the street and asked them to return to the planter area they were just at.

I spoke to BILLS while Officer Johnson spoke to ADAMS. BILLS told me he only gave ADAMS \$1 multiple times and did not do anything wrong. I advised him he was not in trouble and asked him to clarify how much money he gave ADAMS. He then said he gave him "whatever change he had in his pocket" which he thought was about \$1. After that, BILLS left the scene and I remained with Officer Johnson until he finished writing and issuing ADAMS a citation.

Report Officer
FC240/GALLIMORE, JUSTIN

Printed At 08/28/2014 08:24

PLFS 000014 Page 1 of 2 Case 1:15-cv-00281 Document 2-11 Filed 02/10/15 USDC Colorado Page 5 of 31

14-10083

Supplement No

FORT COLLINS POLICE SERVICES

Narrative

There's no further information for this report.

PEREKERELE ASI

PLFS 000015 Page 2 of 2

City Of FTC Traffic Code Offense Summons Piss Penalty Assessment Summons Summons Piss Pins	☐ Fingerprinted ☐ Traffic Accident ☐ Injuries ☐ Ço	n of Offense, Style of Colorado City	e ·	Municipal C.R.S.	County LARIMER 06 Dir of Travel N S E W
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ARNOLD, ROBIN

Supplement No ORIG

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Phone 970-221-6540 Fax 970-221-6284 Reported Date
12/27/2013
Rpt/Incident Typ
LOITERING
Officer#
JOHNSON, MATTHEW

Administrative Ir	nformation			2/ 2/ 2	ed fe				
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FC251/JOHNSON, MA	TTHEW			FCC197		Assignment FCPS RECORI	os/w:	DERMAN	
RMS Transfer Approving Successful FC7	Officer	0.000	val Date /03/2	2014		proval Time 1:15:43			
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M JOHNSON/adw

OFFICER CLASSIFICATION: MUNICIPAL PANHANDLING

A male suspect was observed panhandling at the corner of Mountain and College. The suspect was contacted and cited for Municipal Panhandling.

Case Status: Closed, Charges Filed (CF)

Matt Johnson/FC251/School Resource Officer

CURLE RELASI

Printed At 08/28/2014 08:28 Pa

Supplement No ORIG

FORT COLLINS POLICE SERVICES

CITED (REPOR	RTED AS A	N ARREST	ΓΕΕ) 1:	ARNOLD, F	ROBI	Notice	Asa 海湖	
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Name						MNI	Race	Sex
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Involvement Arrest Type		Arrest D		Arrest Time	Book D	ate	Book Time	Status
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FC-17-127		5315		ge Literal - PANHANDLI I	NTC'	IBR		
Other Arrest No		3313	MO	-EWINDWINDET!	MG	91	0B	
13-19369A								
Narrative			St 12 2 2					4

M JOHNSON/adw

On 122713 at approximately 1820 hours, I was on routine foot patrol in Downtown Fort Collins walking through Old Town Square. As I walked out of the south side of Old Town Square, and began walking towards College Av. I observed a male whom I recognized as Robin ARNOLD seated on a park bench on the north and east corner of the intersection of Mountain and College Av. I observed that Robin had a cardboard sign held out in front of him stating "anything helps" and also offering a holiday greeting to pedestrians walking past. I observed when pedestrians were walking past Robin, they frequently turned and looked at him as if they had been spoken to by Robin.

I walked over and began speaking with Robin. I explained to him it was against the Municipal Code to panhandle in Fort Collins within 100 feet of an automated teller machine (ATM) or after dark. Robin told me he did not believe my statements and he stated he did not believe he was within 100 feet of an ATM. I explained to him the ATM was directly across Mountain Av. to the south and it was within 100 feet. I also explained to Robin the sun had set at approximately 4:45 p.m. and in my training and experience it was past sunset and dark. While I was standing there speaking with Robin I observed two female pedestrians walking past behind me. Robin turned and looked at them and said "hello ladies, I accept donations." I told Robin I was going to issue him a summons for Panhandling into Municipal Court. Robin was very upset and stated I should only give him a warning. I explained to him we had received multiple complaints on panhandlers at this location and I issued him the summons. Robin refused to sign the summons and I wrote refused to sign at the bottom of the summons.

I noted I had inadvertently written the court date as 2013 instead of 2014. I corrected that on my copy of the summons and also on Robin's.

Case Status: Closed, Charges Filed (CF)

There is no further action by this officer.

Matt Johnson/ FC251/ School Resource Officer

PUBLIC RELEASE

Report Officer
FC251/JOHNSON, MATTHEW

Printed At 08/28/2014 08:28

PLFS 000028 Page 2 of 2 BARBU, GHEORGHE

Iniform Sumimons & Compilaint or Penalty Assessment Docket # 3 - 145% \$316026
Defendant (Last Name) (First) (Middle) Date of Birth O3 05 8 9 Age Registered Owner Name Same as Defendant, or Defendant (Last Name) (First) (Middle) Date of Birth O3 05 8 9 Registered Owner Address Registered Owner Address Plant
Defendant (Lest, Name) (First) (Model) (Class) (First) (Model) (Class) (First) (Model) (Class) (First) (Model) (First)
Driver's License Driver's Li
Vehicle License Number Lic Type State Veh Year Vehicle Make Vehicle Model Body Style Color (Top/Bottom) VIN
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City Of FTC Traffic Code Code Code City Of FTC Traffic Code C
110_ (1) Speeding in a zone 140 237 (2) No Seat Belt 575 Penalty Assessment Summons 141 237 (2) No Seat Belt 575 Penalty Assessment Summons 141 237 (2) No Seat Belt 575 Penalty Assessment Summons 140 1409 No Proof Of Insurance 1409 No Pr
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Summons - See Instructions on reverse side I hereby promise to pay the fines listed or without admitting guilt, appear in court at the time and place below. Defendant Fine+Surcharge: \$ Fine+Surcharge: \$ Court Costs: \$
Print Last Name (CAAD ALL) Fine+Surcharge: \$ Court Costs: \$ Court
Court Costs: \$ Court Costs: \$ Court Costs: \$ O Points: Total Due: \$ Points: Total Due: To
You are summoned and ordered to appear to answer charges as stated above in: On: DCT 21 20 13 At: 820 Am Print Last Name Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant. Officer Share Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant. Officer Share Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant. Officer Share Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant. Officer Share Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant. Officer Share Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant. Officer Share Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant. Officer Share Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant. Officer Share Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant. Officer Share Charges and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment was duly served upon the defendant.
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Case 1:15-cv-00281 Document 2-11 Filed 02/10/15 USDC Colorado Page 12 of 31

CROOKS, PATRICK

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SIMONS, JOSHUA

Supplement No ORIG

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Reported Date
03/21/2014
RpVIncident Typ
LOITERING
Officer#
JOHNSON, MATTHEW

Phone 970-221-6540 Fax 970-221-6284

Agency	шие	Grative	Information		Report No		Supplement No.	Reported	Date	Reporte		THE R. P. LEWIS CO.
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Race	Sex	DOB										
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Invl	Invi No	Туре	Name								MNI	
WIT	2	I	SCOBEE, JE	NNIFER							162	2045
	Sex	DOB										
Race W	F	ن میں ا	06/1991									

M JOHNSON/PT

OFFICER CLASSIFICATION: MUNI VIOLATION

A male suspect was observed panhandling for money at the intersection of Mountain and College after dark. The suspect was contacted and cited for Panhandling. Case Status: Closed - Charges Filed - CF

PUBLIC RELEASE

Report Officer FC251/JOHNSON, MATTHEW

Printed At 08/28/2014 08:26

PLFS 000403 Page 1 of 3

Supplement No ORIG

FORT COLLINS POLICE SERVICES

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SIMONS, JOSHUA T DOB Age Ethnicity		Juvenile? Height	1622043 Weight Hair Color		IALE es Status
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OPERATOR LICENSE OR ID NUMBER			COLORADO		
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City State Date	04/0010				
Phone Type Phone No	04/2013				
HOME (720)260-6119	02/04/2013				
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DOB		PRN 1.630E.43			
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HOME 1602 ROBERTSON ST #C					
FORT COLLINS State Date Date COLORADO 02/6	04/2013				
Phone Type Phone No	Date				
HOME (720) 989-6992	02/04/2013				
Narrative			The Second		
M JOHNSON/PT					

OFFICER CLASSIFICATION: MUNI VIOLATION

On 032114 at approximately 2240 hours, Officer Chris Tibbets, Officer Mark Clitnovici and I were on routine foot patrol in the area of Downtown Fort Collins. As we were walking south bound on College Ave. approaching Mountain we observed a male, who was on the south side of Mountain on College Ave., jump out in front of several pedestrians and speak to them. It appeared that the male had asked them for money.

The two pedestrians were a male and female who continued walking north bound on College. I contacted the two

Report Officer PLFS 000404
FC251/JOHNSON, MATTHEW PRINTED 1 08/28/2014 08:26 Page 2 of 3

Supplement No ORIG

FORT COLLINS POLICE SERVICES

Narrative

pedestrians and identified them as Michael JOHNSON and Jennifer SCOBEE. I asked Michael and Jennifer if the male, whom had jumped out in front of them, had asked them for money and they told me that he had asked for change. Jennifer mentioned that the male had specifically asked for .76 cents. I asked Michael and Jennifer if the male had harassed them and they stated he had not. I thanked Michael and Jennifer for their assistance and I walked across Mountain Ave. to speak with Officer Clitnovici and Officer Tibbets, who had contacted the male suspect, who was wearing a tan trench coat and was a white male.

The suspect in the case was identified as Joshua SIMONS. Joshua did not have a Colorado State ID with him, however, he provided a Medical Indigent Insurance Card, which showed his name and a search of his name revealed a Colorado State ID Card number, which was noted on his summons.

Joshua explained he believed he was allowed to panhandle and explained that they had been panhandling for, "the spirit of 76 and had been asking pedestrians for .76 cents. Joshua explained he believed he was being appropriate in his panhandling and explained they had rules and they did not panhandle from old people or from the handicapped. I explained it was illegal to panhandle in Fort Collins after dark and also discussed other issues of panhandling ordinance, including being more than 100 feet away from ATM.

I issued Joshua a summons for panhandling into Municipal Court with a court date of 041714 at 8 o'clock in the morning.

Case Status: CF - Charges Filed

Report Officer
FC251/JOHNSON, MATTHEW

Printed At 08/28/2014 08:26

PLFS 000405 Page 3 of 3

FORT COLLINS POLICE SERVICES

14-3899

Supplement No



2221 S TIMBERLINE RD FORT COLLINS, CO 80525 Reported Date
03/21/2014
Rpt/Incident Typ
LOITERING
Officer#
CLITNOVICI, MARK

Phone 970-221-6540 Fax 970-221-6284

Administrative Information					
Agency	Report No	Supplemen	CONTRACTOR CONTRACTOR CONTRACTOR		Reported Time
FORT COLLINS POLICE SERVICES	14-389		1 03/2	1/2014	22:43
CAD Call No Dispo	Rpt/Incident				
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Assignment RMS Transfer	Prop Trans S	ital Approving	Officer		Approval Date
FCPS DISTRICT ONE Successful	Succes	ssful FC99			05/08/2014
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21:49:51					
Property					
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Rcv Location					Rcv City
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COLORADO J51113 P1 Success:	tul				
Narrative					

M CLITNOVICI/FC244/PT

On 032114 at approximately 2243 hours, myself, Officer Chris Tibbets, and Officer Matthew Johnson were walking at the intersection of N. College and E. Mountain Ave. Officer Johnson alerted me to a male that he had observed approaching pedestrians as they were walking by him and asking for money. I looked across from the north side of the intersection at Mountain on College, and observed the male he was speaking about approach another group of people walking by. Officer Tibbets and I then walked towards that male as Officer Johnson contacted a group of pedestrians that the male had approached seconds earlier.

I contacted the male, who provided me with an medical assistance card indicating his identity. The card showed the name of Joshua SIMONS. He indicated to me that he was from the State of New Jersey, and had not obtained an ID in the State of Colorado. I attempted to explain to him the reason for the contact. He was argumentative until Officer Tibbets explained the panhandling statute to him. Officer Johnson then came back after speaking to the pedestrians and completed a citation for SIMONS for Panhandling.

He was issued his citation. There is video of the incident, which I up loaded to Evidence.com as FC244-1.

There is nothing further from this officer on this case.

PUBLIC RELEASE

Report Officer
FC244/CLITNOVICI, MARK

Printed At 08/28/2014 08:27

PLFS 000406 Page 1 of 1

Uniform Summons & Complaint or Penalty Assessment Docket #	D-TITC/Case # 14-38991 \$308796
Data Mon fair / Colorado, Approximate Location of Offense, State of Colorado, All Mon fair / Coll	
☐ Fingerprinted ☐ Traffic Accident ☐ Injuries ☐ Construction Zone ☐ Schoo	
The People of Colorado / City Of Fort Collins vs. Defendant flast Name) (Rist) (Middle)	Age Registered Owner Name D'Same as Defendant, or
Divors Licenson C. C. C. C. C. Cass State Rac Sex Eth Lies	With Half Syles Registered Owner Address
Home Address Colly	
Vehicle License Number Lic Type State Veh Year Vehicle Make Vehicle Model	Body Style Color (Top/Bottom) VIN
1/2 City Of FTC Traffic Code Offense Code 2/4 City Of FTC Traffic Co	
110 (1) Speading in a zone 1402 Careless Driving Pts Penalty Assessment Summons Pts.	141 237 (2) No Seat Belt 575
604 (1c) Red Light Violation 304 703 (3) Stop Sign Violation D Penalty Assessment D. Summons 4 Pts. Penalty Assessment	319 L409 No Proof Of Insurance
CRS/Code Of the City Of Fort Collins/City Of FTC Traffic Code	Offense Code Fine Surcharge Pts.
Section []- [] Van kan // Sn g	\$ \$
Section	5 \$
Section Sec	s ticket may be handled without coming to court) - See instructions on reverse
I hereby promise to pay the fines listed or without admitting If plead or found g	ullty in court: If EARLY SETTLEMENT/AGREEMENT is accepted:
Court Costs:	Court Costs: \$ 0
You are summoned and ordered to appear to answer charges as stated above in:	\$ Points: Total Due: \$ Points: The undersigned has probable cause to believe that the defendant committed
Fort Collins Municipal Court, 215 N. Mason Ave, Fort Collins, CO	the offense(s) against the peace and dignity of the people of the State of Colorado and affirms that a copy of this Summons & Complaint or Penalty Assessment Value of the Complaint of of the Compla
Larimer County Court, 201 LaPorte Ave, Port Collins, CO	Officer No. 17.5/
On: April 1 20 14 At; 8:00 A M	Print Last Name JISh 4 504 Date Issued: 632114
Distribution: White - COURT, Pink - CITY DEFENDANT, Blue - CC	DUNTY DEFENDANT, Green - MDV TRANSCRIPT, Yellow - DISP/D.A.
Attitude: D-Polite/Cooperative D-Rude/Poor D-Uncooperative D-Argumenilative Weather: D-Clear D-Clouds D-Mist D-Rain D-Snow D-Fog D-Wind D-Hot D-Cold Road Type: D-Pavement D-Dirt Light Conditions: D-Day D-Wet D-Muddy D-Slushy D-Snow packed D-Hot D-Colder Road Type: D-Pavement D-Dirt Light Conditions: D-Dawn D-Day D-Usk D-Night Speed Measurement: D-Radar D-Lidar D-Pace Test Times: D-Bay D-Dusk D-Night Speed Measurement: D-Radar D-Lidar D-Pace Test Times: D-Pavement D-Pace Measurement: D-Radar D-Lidar D-Pace Test Times: D-Pavement: D-Radar D-Lidar D-Pace Test Times: D-Pavement: D-Stationary D-Möving D-Same D-Opposite Estimated Speed: Confirmed Speed: D-Increasing D-Decreasing # Vehicles Present: Vehicle Position: D-Increasing D-Decreasing # Vehicles Presented?: D-Y D-N D-N D-N D-State: D-Co D-Other Presented?: D-Y D-N State: D-CO D-Other Presented?: D-Y D-N State: D-Aggressive Driving OFFICER'S OBSERVATIONS / DRIVERS STATEMENTS: D-Aggressive Driving D-Aggressive Driving D-Aggressive Driving D-Pace D-CO D-Other Presented?: D-Y D-N State: D-Aggressive Driving D-Aggres	
	PLFS 000407

Case 1:15-cv-00281 Document 2-11 Filed 02/10/15 USDC Colorado Page 20 of 31

SMALL, BRANDIS

Date of Viole	ation ,		mplali	tion Ap			of Offens	Docket e, State of C	olorado, City	of Fort Callins		ins	ттс/с	nse # /	4-5	745	1 S	County	435	5 3
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SP/D.A.	Attitude: St-Polite/Cooperative D-Rude/Poor D-Uncooperative (Weather: D-Clear D-Clouds D-Mist D-Rain D-Snow D-Fog D	Road Conditions: D-Dry D-Wet Road Type: D-Pavement D-Dirt	Speed Measurement: Ll-Kadar Ll-Lidar Ll-Pace (est limes: Veh # Device Make:	Patrol Direction:	# Passengers: License;	Registratio Insurance:	CER'	-y 2	18/	13 6									1	-

PLFS 000408

Case 1:15-cv-00281 Document 2-11 Filed 02/10/15 USDC Colorado Page 22 of 31

THORNBURG, TIMOTHY

FORT COLLINS POLICE SERVICES

12-16428 Supplement No ORIG



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Reported Date
10/21/2012
Rpt/Incident Typ
LOITERING
Officer#
BARNES, BRANDON

Phone 970-221-6540 Fax 970-221-6284

Administrative Information					
Agency	Report No	Supplement No	Reported Date	Reported Time	
FORT COLLINS POLICE SERVICES	12-16428	ORIG	10/21/2012	00:01	
	Rp/Incident Typ				
122950001 REPORT TO FOLLOW	950001 REPORT TO FOLLOW LOITERING/PANHANDLING/CAMPING OFFENSE				
Location					
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Officer#		Assignment	E	ntered By	
FC280/BARNES, BRANDON		FCPS DISTR	ICT ONE I	FCC194	
Assignment RMS Transfer	Approving Office		Approval Date		
FCPS RECORDS/DANIEL Successful	I FCC150		11/05/	11/05/2012	
Approval Time					
17:09:31					
# Offenses Offense Description			Complaint '	1772	
1 FC-17-127	A STATE OF THE STA	HANDLING		C 5315 N	
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Person Summary					
Invi No Type Name				MNI	
CIT 1 THORNBURG, TIMOTHY	JAMES			1450274	
Race Sex DOB					
W M 04/19/1972					
Summary Narrative					

B BARNES/mry

OFFICER CLASSIFICATION: MUNI

On 102112, officers witnessed Timothy THORNBURG panhandling outside of the Aggie Theater. THORNBURG was contacted. It was determined that he had several warrants out of Fort Collins Police. He was arrested for the warrants and booked into the Larimer County Detention Center. He was also cited again for Panhandling. The citation will be 1S304300.

Case Management: CF - Charges Filed.

PUBLIC RELEASE

Report Officer
FC280/BARNES, BRANDON

Printed At 08/28/2014 08:34

PLFS 000437 Page 1 of 3

Supplement No ORIG

FORT COLLINS POLICE SERVICES

CITED (REPORTED AS AN A	RRESTEE) 1: THORNBURG	S,TIMOTHY JAMES
Involvement CITED (REPORTED AS AN ARREST	EE) 1 INDIVIDUAL	
Name	EE) 1 INDIVIDUAL	MNI Race Sex
THORNBURG, TIMOTHY JAMES		1450274 WHITE MALE
DOB Age Ethnicity		Velght Hair Color Eye Color Res Status
04/19/1972 40 NOT HISPANI	C OR LATINO No 5'10" 1	170# BROWN BLUE UNKNOWN
OFN_INVL Vic/Olnd Age		D. D
1 40		
Type Address		
HOME TRANSIENT		
City State Date		
FORT COLLINS COLORADO 02	/04/2013	
Туре	ID No	OLS
OPERATOR LICENSE OR ID NUMBE	R 110680502	COLORADO
Involvement Arrest Type	processing the second control of the second	k Date Book Time Status
CITED SUMMONS/CITED (NIBRS)	10/21/2012 00:01:00 10	0/21/2012 00:01:00 CITED
Arrest Location		City
204 S COLLEGE AV		FORT COLLINS
Rep Dist Citation No Armed	Multi-arrests Area	
J51232 18304300 UNARMED	COUNT ARRESTEE P1	
Charge	NCIC Offense Level Charge Literal	IBRS
FC-17-127	5315 M0 FC-PANHANDLING	90B
Other Arrest No		
12-16428A		
Narrative		

B BARNES/mry

On 102112, I was working the Old Town area on foot with Officer Clitnovici and Officer O'Loughlin. At approximately 0001 hours, we were at the corner of Oak and College, walking southbound. I noticed that there was a transient male who was sitting just north of the Aggie along the sidewalk. It appeared as if he had asked two males who had just passed him walking northbound for money, and that they had not given him any. At that time, as the two males passed us, Officer O'Loughlin asked them if the male that was sitting on the ground had just asked them for money, and both of them said "yes".

At this time, Officer Clitnovici, myself, and Officer O'Loughlin went and contacted the suspect. He was identified as Timothy THORNBURG. Officer O'Loughlin cleared THORNBURG through Dispatch and NCIC/CCIC (national and state computer systems), and it was determined that THORNBURG had several warrants out of Fort Collins Police. THORNBURG's warrants were for: four counts of Open Container, two counts of Camping on Public Property, two counts of Panhandling/Depositing Bodily Waste. I then heard Officer O'Loughlin request that Dispatch confirm the warrants, and they came back an advised that the warrants were confirmed.

At this time, Officer O'Loughlin instructed THORNBURG into the standing arrest control and placed him into custody. THRONBURG was placed into custody at approximately 0007 hours. Officer O'Loughlin then checked the handcuffs for tightness and made sure that they were double locked. A search of THORNBURG revealed that he had a small pocket knife on him, along with other miscellaneous items, and currency. All of the items that were on THORNBURG were placed into an Evidence bag and transported with him to the Larimer County Detention Center (LCDC). THORNBURG also had a large backpack with him, which I placed in my patrol vehicle and booked into Evidence for safekeeping under FC280-1. This item can be released to THORNBURG once he is released from the jail.

Because I was working on foot this evening, my vehicle was parked near the Aggie Theater, and Officer O'Loughlin and Officer Clitnovici and myself led THORNBURG over to my vehicle. I then did another search of THORNBURG and did not find any additional weapons or contraband. I then checked the handcuffs for tightness and made sure that they were double locked. The handcuffs had the appropriate tightness and were also double locked. I then had THORNBURG sit in the rear part of my patrol car. At approximately 0014 hours, I began to transport THORNBURG to LCDC. At approximately 0024 hours, I arrived on scene at LCDC. The jail advised that they were extremely busy this evening. They also advised that the sally port was full, so I had to wait outside with THORNBURG in my vehicle until there was space available inside for myself and THORNBURG to be booked.

Report Officer
FC280/BARNES, BRANDON

Printed At 08/28/2014 08:34

PLFS 000438 Page 2 of 3

Supplement No ORIG

FORT COLLINS POLICE SERVICES

Narrative

Once inside the jail, I completed a Part 1 booking form for THORNBURG. I also completed a FCPS (Fort Collins Police Services) Custody Report for THORNBURG; that will be associated with the warrants under case number 12-6661. A copy of the Part 1 and warrants, along with the FCPS Custody Report were turned in to Records.

THORNBURG was also cited with Panhandling once we arrived at the jail. THORNBURG was cited into Municipal Court. THORNBURG's citation is 1S304300. While I was explaining to THORNBURG the citation, he told me, "I don't know why you're doing this, I'm not going to go." I assumed that THORNBURG was referring to his court date. I then removed the appropriate copy of his summons and placed it in his property which I gave to the deputy at the LCDC.

Case Management: CF - Charges Filed.

Report Officer
FC280/BARNES, BRANDON

Printed At 08/28/2014 08:34

PLFS 000439

Page 3 of 3

Supplement No

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525 Reported Date
10/21/2012
Rpt/Incident Typ
LOITERING
Officer#
BARNES, BRANDON

Phone 970-221-6540 Fax 970-221-6284

Admin	istrat	ive Inf	ormat	ion									
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BBarnes/FC280

On 102112 at approximately 0415 hours I remanded the following into evidence:

FC280-1 A back pack containing miscellaneous items.

Please hold this item for safe keeping. It can be released to Timothy James Thornburg (04/19/1972).

Nothing further by this officer.

PUBLIC RELEASE

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Case 1:15-cv-00281 Document 2-11 Filed 02/10/15 USDC Colorado Page 28 of 31

WEISS, THOMAS

Supplement No ORIG

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Reported Date
08/24/2012
Rpt/Incident Typ
LOITERING
Officer#
LESLIE, ANDY

Phone 970-221-6540 Fax 970-221-6284

Administrativ	e Informati	ion							
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CIT 1	WEISS, TH	OMAS E							1518738
Race Sex DOB									
W M 05	/10/1967								
Summary Na	rrative							Tarity !	

A LESLIE/jbf

MUNICIPAL: 092712 AT 0800 HRS.

OFFICER CLASSIFICATION: Municipal Ordinance

Thomas WEISS was contacted for Panhandling and issued a summons.

Case status: CF - Charges Filed

Report Officer
FC192/LESLIE, ANDY

Printed At 08/28/2014 08:36

PLFS 000461 Page 1 of 2

Supplement No ORIG

FORT COLLINS POLICE SERVICES

CITED (REPOR	RTED AS A	N ARRE	STEE)	1: W	EISS,THO	DMAS	E		
Involvement			Invi No	Туре					
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Name						MNI		Race	Sex
WEISS, THOMAS E						15	18738	WHITE	MALE
DOB Age	Ethnicity			4	nile? Height	Weight	Hair Color	Eye Color	Res Status
05/10/1967 45	NOT HISP	ANIC OR	LATINO	N	lo 5'09"	157#	BROWN	HAZEL	RESIDENT
OFN_INVL Vic/Ofnd Age									
1 45									
Type Address HOME 300 N COL	T W C W T								
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FORT COLLINS	COLORADO	80524		2/04/	2012				
	COTOKADO	80324	ID No	2/04/	2013	1000			
Type OPERATOR LICENS	E OR ID NO	JMBER	PN7221	11D		OLS	АНО		
Phone Type Phone No	D OR ID IN	Date	EM/223			44	Ano		
HOME (970)599	-8344		04/201	3					
Involvement Arrest Type		Am	est Date	Ā	rrest Time	Book Date		Book Time	Status
CITED SUMMONS/	CITED (NIE	RS) 01	3/24/20	12 (1:34:00	08/24	/2012	01:34:0	0 CITED
Arrest Location						1		City	
23 OLD TOWN SQ								FORT	COLLINS
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FC-17-127		531	.5 M0	FC-P	ANHANDLIN	IG	90	В	
Other Arrest No									
12-12972A									
NAME AND ADDRESS OF TAXABLE PARTY.									

Narrative A LESLIE/jbf

Report Officer

On 082412 at approximately 0134 hours, I observed Thomas WEISS contact a male who was later identified as Mathew RUDRO, date of birth 090583, and ask him for \$1. I specifically observed WEISS mouth the words, "Can I get a dollar for food?" When I approached RUDRO, he stated that WEISS approached him and asked a dollar for food and then stated that he needed one dollar.

It should be noted that I observed WEISS throughout the evening for approximately an hour prior to contact with him walking up to several people and asking them for money and/or food.

WEISS was contacted and issued Summons #1S305087 for Panhandling with a court date of 092712 at 0800 hours.

Case status: CF - Charges Filed.

FC192/LESLIE, ANDY

08/28/2014 08:36

PLFS 000462 Page 2 of 2

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Exhibit 11

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

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guilt, appear in court at the time and place below.	Fine+Surcharge: \$
Defendant 4 055 + 10011 Court Costs: \$ Total Due: \$	Court Costs: \$ 0/ Points: Total Due: \$ Points:
You are summoned and ordered to appear to answer charges as stated above in: The und	ndersigned has probable cause to believe that the defendant committed
Colorad	Tense(s) against the peace and dignity of the people of the State of Ido and affirms that a copy of this Summons & Complaint or Penalty
Larimer County Court, 201 LaPorte Ave, Fort Collins, CO	smont was duly served upon the defendant.
Officer	
On: April 20 14 At: 0000 AM Print La	Last Name Hthlico Date Issued: 032(0)4
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Exhibit 12

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

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FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525 Reported Date
10/31/2012
Rpt/Incident Typ
LOITERING
Officer#
HOPKINS, TODD

Phone 970-221-6540 Fax 970-221-6284

Administrat	ve Information				
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T HOPKINS/jbf

MUNICIPAL: 120612 0800 HRS.

OFFICER CLASSIFICATION: PANHANDLING

Michael Jeff TANNER was observed at the northeast corner of Mountain Av. and College Av. sitting on benches playing several musical instruments. In front of him was a white food grade plastic bucket where he was collecting money and a small cardboard sign and a large novelty dollar bill lying in front of the bucket. Mr. TANNER was playing music from a one-man-band musical instrument, sat and soliciting money from passersby. He was cited into the Fort Collins Municipal Court and assigned a court date of 120612 at 8 AM.

Case status: Charges Filed - CF

Report Officer
FC165/HOPKINS, TODD

Printed At 08/28/2014 08:33

PLFS 000426 Page 1 of 2

Supplement No

FORT COLLINS POLICE SERVICES

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Involvement	invi No Tyj				
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TANNER, MICHAEL JEFF			1538075	1	ALE
DOB Age Ethnicity Juven	1 "	Hair Color		Eye Color	Res Status
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HOME TRANSIENT					
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FORT COLLINS COLORADO 02,	/04/2013				
Туре	ID No				
OPERATOR LICENSE OR ID NUMBE	R K02412301				
OLS					
KANSAS (NOT FOR BOAT RES-SEE	KA)				
Involvement Arrest Type	Arrest Date	Arrest Time Book I		Book Time	Status
CITED SUMMONS/CITED (NIBRS)	10/31/2012	16:16:00 10/	31/2012	16:16:00	CITED
Arrest Location				City	
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FC-17-127	5315 M0 FC-	-PANHANDLING	90E	3	
Other Arrest No					
12-17028A					
Narrative					

T HOPKINS/jbf

While on routine patrol in the downtown area of Fort Collins, I was in full police uniform and using a police issued marked mountain bike to conduct my patrol. At approximately 4:15pm, I came upon a Caucasian male at the intersection of Mountain and College. This is the northeast corner of that intersection, and he was seated on some benches that are in front of the Beau Jeau's Pizza business. I observed Mr. TANNER playing several pieces of musical instruments in a one-man-band formation. He had a high hat type symbol, a guitar or harmonica and a PA (public address) system. Lying before him on the pavement area of the sidewalk was a square white plastic food grade container bucket with a small cardboard sign with writing on it and a large oversize novelty piece of U. S. currency. The cardboard signage and the novelty currency were lying beneath the white bucket where he was collecting monies from passersby.

I contacted this individual, and I asked him if he had an opportunity to review any laws or regulations about panhandling in Fort Collins, and he told me that he had not. I asked him where he was from. He told me that he was from Boulder. I explained to him that because he had a PA system, he would likely incur some sort of a noise complaint and that he was currently performing and soliciting money within 100 feet of an ATM. The exact location in which Mr. TANNER was seated I had previously mentioned to be approximately 94-90 feet.

I explained to him that there were several prohibitions regarding panhandling in Fort Collins, and that his solicitation within 100 feet of an ATM qualified as a violation; I told him I would be writing him a ticket. Mr. TANNER was cooperative, but he was at times, argumentative, telling me that the panhandling ordinances in most United States cities are unconstitutional and that he plans to bring suit against the city and that he has been successful in doing so in other areas of the country, specifically mentioned was Kansas City. He continued to want to debate the constitution with me, and I told him that he and I would not be trying the case on the street. I asked him if he had any questions regarding his charges. He told me that he did not, but that he would see me in court.

I issued Mr. TANNER a Panhandling violation ticket into the Fort Collins Municipal Court. Assigned him a court date of 120612 at 8 AM.

Case status: Charges Filed - CF

Report Officer
FC165/HOPKINS, TODD

Printed At 08/28/2014 08:33

PLFS 000427 Page 2 of 2

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Exhibit 13

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Supplement No ORIG

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Phone 970-221-6540 Fax 970-221-6284 Reported Date
09/03/2014
Rpt/Incident Typ
LOITERING
Officer#
HOPKINS, TODD

Administrative Information			
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ORT COLLINS POLICE SERVICES	14-13212	ORIG 09/03/	/2014 14:37
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42460350 REPORT TO FOLLOW	LOITERING	/PANHANDLING/CAME	PING OFFENSE
calion			City
MOUNTAIN AV/N COLLEGE AV			FORT COLLINS
P Code Rep Dist DArea Area	From Date	From Time To Date	To Time
0524 J51142 FC P1	09/03/2014	14:37 09/03/20	14 15:00
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Person Summary			
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ace Sex DOB			to the but to the the territory to the strategies to the territory to
M 01/29/1979			
Summary Narrative			

T HOPKINS/scc

OFFICER CLASSIFICATION: Municipal Violation

Brian Keith ANDERSON was cited for Panhandling. An hour before, he was contacted and cited for the same violation. On this occurrence, Mr. Anderson was taken into custody and transported to Fort Collins Police Headquarters where he was summonsed and released.

Case Status: Charges Filed

Report Officer
FC165/HOPKINS, TODD

PUBLIC RELEASE 10:06

Page 1 of 2 PLFS 000018

Supplement No ORIG

FORT COLLINS POLICE SERVICES

CITED (REPORTED AS AN A	RRESTEE) 1: ANDERSO	N,BRIAN KEIT	Н
Involvement	Invi No Type		
CITED (REPORTED AS AN ARREST	EE) 1 INDIVIDUAL		
Name	- 1 1 1 1	MNI	Race Sex
ANDERSON, BRIAN KEITH		19655	WHITE MALE
DOB Age Ethnicity	Juvenile? Height	Weight Hair Color	Eye Color Res Status
01/29/1979 35 NOT HISPANIC	C OR LATINO No 6'01	" 165# BROWN	HAZEL RESIDENT
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Туре	ID No		
SID (STATE CRIMINAL ID NUMBE	R) 1231136		
Involvement Arrest Type	Arrest Date Arrest Time	Status	
CITED SUMMONS/CITED (NIBRS)	09/03/2014 14:52:00	CITED	
Arrest Location			City
E MOUNTAIN AV/N COLLEGE AV			FORT COLLINS
Rep Dist Citation No Armed	Multi-arrests Area		
J51142 332448 UNARMED	COUNT ARRESTEE P1		
Charge	NCIC Offense Level Charge Literal	IBRS	
FC-17-127	5315 M0 FC-PANHANDLI	NG 90B	
Narrative			

T HOPKINS/scc

I assisted Officer Chernak on a welfare check at Mountain and College Ave. The report was a homeless male panhandling next to an ATM which is prohibited by local law. The sign that he was flying said that he was asking for assistance and medication. I stood by Officer Chernak as he prepared a charging document for the violator. The violator was identified as Brian Keith ANDERSON. He was summonsed and released at the scene. He was also given the information about the local panhandling ordinances and the prohibitions and conditions of which panhandling was legal and illegal within the city limits of Fort Collins. He was then asked to collect his belongings and move from the area. Mr. ANDERSON took his things and walked southbound on the east sidewalk towards Oak St. Myself, Officer Younger, and Chernak left the area.

A few minutes later, Officer Younger received a telephonic communication from the bank that the same violator had returned to that same location and was again flying his sign. Officer Younger and I contacted Mr. ANDERSON a short distance from the bank, but within 100 feet of the ATM, flying a sign. He was sitting in front of one of the other merchant buildings on the bench. He was then placed into handcuffs, seated in my right rear passenger compartment of my police vehicle and transported to Fort Collins Police Headquarters. Once inside the prisoner sallyport, I prepared a municipal charging document for Mr. ANDERSON, again charging him with municipal panhandling violation and I released him at the scene. During this contact, I activated my Axon Flex Point of View camera and footage of this contact has been uploaded to Evidence.com under this case number as item #FC165-1.

Case Status: Charges Filed

Supplement No 0001

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Reported Date
09/03/2014
Rpt/Incident Typ
LOITERING
Officer#
HOPKINS, TODD

Phone 970-221-6540 Fax 970-221-6284

Administrative Infor	mation			
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Supplement No

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Phone 970-221-6540 Fax 970-221-6284 Reported Date
11/20/2014
Rpt/Incident Typ
LOITERING
Officer#
WALLACE, GEORGETTE

Agency	Report No	Supplement No	Reported Date	Reported Tim	ne
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G WALLACE/FCC10

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Uniform Summons	& Complaint o	r Penalty Asse	ssment	Docket #	AND THE REST OF THE PARTY OF TH		ò	TTTC/Cas	e#12 ·	-13 33.2	152	92221
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The People of Colora	Traffic Accident			DIRE C	3010012	Sine C. II		Sala a	Tall the			
Defendant (Last Name)	(First) (Middle)				Date of Bi		Age	Registered	Owner Name	: Same as Di	efendant, or	
Driver's License		Class State	Rac Sex	Eth	082 Hgt 1	Wht Hair		Registered	Owner Addr	25		
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Vehicle Lidense Number	Lic Type State		hide Make	Vehicle	Model	Body Style	Color (Top	(Bottom)	VIN			***************************************
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Defendant /	- GG	flores		Total Due			Points:		Total Due			Points:
You are summoned	and ordered to a	ppear to answe	charges as	stated at	ove in:	The under	signed has	probable	cause to I	elleve that t	ne defend	lant committed to State of
o Fort Collins Munic			-	xo		Colorado I	and affirm:	s that a co	py of this	Summons & (Comptaint	or Penalty
Larimer County C	ourt, 201 LaPort	e Ave, Fort Colli	1 s, CO				nt was dul	y carvea u	pon the a	erentiant.	N-	FAIRD
CERT 16	th man)	10	m Car	, 'A	<u></u>	Officer	CI. May	77,			NO	00 7017
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the People of Colorado / City Of Fort Collins vs. Constant Colorado / City Of Fort Collins vs. Date of Birth Age / Registered Owner Name Same of Same	as Defendant, or	
BLOOM KOSS ARLAN 082368 ST wher's License DOL Class State Ray; Sex Eth Hot Whit Holy Eyes Registered Owner Address 92-022, 0587 COWM SCO (70) BWBU		
lome Address / State Za Phone	11	Aba
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Court Costs: \$ Court Costs: \$	-0/	
fou are summoned and ordered to appear to answer charges as stated above in: The undersigned has probable cause to believe the	Points	nitted
**Export Collins Municipal Court, 215 N. Mason Ava, Fort Collins, CD the offense(s) against the peace and dignity of the Colorado and affirms that a copy of this Summons	a people of the State of the Complaint or Penal	#
2 Larimer County Court, 201 LaPorte Ave, Fort Collins, CO Assessment was duly served upon the defendant. Officer	m Icq	7
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Distribution: White - COURT, Pink - CITY DEFENDANT, Blue - COUNTY DEFENDANT, Green - MDV TRANSCRIPT, Yellow - D	15P/D.A.	

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Uniform Summons & Complaint or Penalty Assessment Docket #		-TITC/Case # 4 - 4	167418	3273	27
Date of Violation Time of Violation Approximate Location of Offense, State of Colorado,	CITA di HOUTTOININE	•	d.	County LARIMER	No. 06
☐ Fingerprinted ☐ Traffic Accident ☐ Injuries ☐ Construction Zone ☐ School	I Zone D'Traffic DI	Penal (S Municipal	C) C.R.S. Dir	of Travel N 5	E W
The People of Colorado / City Of Fort Collins vs. Defendent (Last Name) (First) (Hiddig) Date	of Birth Age	Registered Owner Name	☐ Samp as Defenda	nt or	STORY S
Isloom Koss A	82558	Registered Owner Addres			
92 022 0587 CO W M 50					
Home Address Oty Transient	State	Zip Phone		77	ype
Vehicle License Numbér Lic Type Staté Veh Year Vehicle Make Vehicle Model	Body Style Color (Top	/Bottom) VIN			
Gity Of FTC Traffic Code Offense Code Jii City Of FTC Traffic C	ode Offense Co	de w City, Of FTC		Offense	Code
☐ 110(1) Speeding in a zone ☐ 1402 Careless Driving ☐ Penalty Assessment ☐ Summons ☐ Pts. ☐ ☐ Penalty Assessment	□ Summons 4	Pts. 237 (2) No Sent	ssessment - Sun	птопя	575 0 Pts.
D Pensity Assessment D Summons 304 703 (3) Stop Sign Violation D Pensity Assessment	Ci Summone 4	319 1409 No Pro	oof Of Insurance		4 Pts.
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∀ - Summons - See Instructions on reverse side □ - Penalty Assessment (Ti hereby promise to pay the fines listed or without admitting			urt) - See Instru		THE PERSON NAMED IN
guilt, appear in court at the time and place below.	· · · /	Fine+Surd	narge; \$/		-
Defendant 1095 1 Court Costs: Total Due:	\$Points:	Court Costs Total Due:	s: \$_0/_	Points:	ľ
You are summoned and ordered to appear to answer charges as stated above I	n: The undersigned has	probable cause to be	alleve that the de	fendant comm	itted
Fort Collins Municipal Court, 215 N. Mason Street, Fort Collins, CO	the offense(s) against Colorado and affirms Assessment was dul	that a copy of this \$	ummons & Comp	plaint or Penalty	y
Larimer County Court, 201 LaPorte Ave, Fort Collins, CO	Officer 11 11/2/6/6			10. FC228	
On: April 21 20 14 At: 0800 A M	Print Last Name A	11		red: 032614	
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4831 E CK 70 hicle License Number Lic Type S	itate Veh Year Vehicle Make	Vehicle Model		SUS49 (Top/Bottom) V	ли <u>а.р.с.</u>	0.717		
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Supplement No ORIG

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Reported Date
10/17/2014
Rpt/Incident Typ
LOITERING
Officer#
ALCORN, IAN

Phone 970-221-6540 Fax 970-221-6284

Administrat	ive Information				
gency		Report No	Supplement No	Reported Date	Reported Time
FORT COLLINS	POLICE SERVICES	14-15940	ORIG	10/17/2014	15:26
CAD Call No	Dispo	Rpt/Incident Typ			
142900395	REPORT TO FOLLOW	LOITERING	PANHANDLI	NG/CAMPING (OFFENSE
Location		,			City
100 S COLLEG	E AV				FORT COLLINS
ZIP Code	Rep Dist DArea Area	From Date	From Time To I	Date T	o Time
80524	J51232 FC P1	10/17/2014	15:26 10	/17/2014	L5:47
Officer#			Assignment		Entered By
FC320/ALCORN	I TAN			WEEK DAYS	FCC194
Assignment FCPS RECORDS Approval Date 11/02/2014	S/DANIEL Successi Approval Time 08:58:38	Prop Trans Stal	Ful FCC19		and and an artist of the second secon
# Offenses Offense		Description		Complaint	Type AC NCIC Offense Use
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Person Sun	ımary				
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CIT 1 I	DRAUGHON, ROBER	ľ			226167
Race Sex D	OB				
W M (3/20/1968				
Summary N	arrative				

I ALCORN/mry

OFFICER CLASSIFICATION: PANHANDLING

On 101714 at 1547 hours, officers were dispatched to 100 S. College reference a male panhandling in front of the First Bank ATM. Upon arrival, officers contacted Robert DRAUGHON, who was panhandling approximately 25 feet from the ATM located on the side of the First Bank building. DRAUGHON was then cited for Panhandling Within 100 Feet of an ATM and was released from the scene without further incident.

Case Status: Closed - Charges Filed.

Report Officer FC320/ALCORN, IAN

PUBLIC RELEASE 10:12

Supplement No ORIG

FORT COLLINS POLICE SERVICES

CITED (REPORTED AS AN ARREST	EE) 1: DRAUGHO	N,ROBERT	
Involvement	Invi No Type		
CITED (REPORTED AS AN ARRESTEE)	1 INDIVIDUAL		
Name			ace Sex
DRAUGHON, ROBERT			HITE MALE
DOB Age Ethnicity Juvenile? Height	Weight Hair Color	Eye	
03/20/1968 46 UNKNOWN No 5'10	" 180# BLOND OR S	TRAWBERRY BL	UE RESIDENT
OFN_INVL Vic/Ofnd Age PRN 1 46 1679882			
Type Address			
HOME TRANSIENT City State Date			
FORT COLLINS COLORADO 10/17/201	4		
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SID (STATE CRIMINAL ID NUMBER)	13397060	OREGON	
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	1691346		
Involvement Arrest Type Arrest D		Status	
	7/2014 16:00:00	CITED	
Arrest Location			City
100 S COLLEGE AV			FORT COLLINS
Rep Dist Citation No Armed Multi-arrests J51232 328651 UNARMED COUNT	ARRESTEE P1		
Charge NCIC Offense		IBRS	describes Markellon will be a con-
FC-17-127 5315	MO FC-PANHANDLIN		
Other Arrest No	NO EC PANIAMOLIN	, 30B	
14-15940A			
Name (Care			

Narrative

I ALCORN/mry

On 101714 at 1547 hours, I was dispatched to 100 S. College reference a male panhandling in front of the First Bank ATM. Upon my arrival, I contacted Robert DRAUGHON, who was seated on the park bench on the sidewalk approximately 25 feet from the First Bank ATM. DRAUGHON was seated holding a cardboard sign which was asking citizens to spare anything that they could.

I then spoke with DRAUGHON and explained to him the Municipal Law that he could not panhandle within 100 feet of an ATM. DRAUGHON said he understood and that he wasn't trying to cause anybody harm, but he understood that he was breaking the law. I then cited DRAUGHON for Panhandling Within 100 Feet of the ATM and had him sign and take a copy of his summons. I then asked DRAUGHON if he would stop panhandling in that particular area, to which he agreed, gathered his belongings, and left the scene with no further issues.

Nothing further.

Case Status: Closed - Charges Filed.

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Summons - See Instructions on reverse side - Penalty Assessment (This ticket may be handled without coming to court) - See Instructions on reverse
Thereby promise to pay the fines listed or without admitting guilt, appear in court at the time and place below. Court Costs: Defendant Weather: Underly Service Se
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You are summoned and ordered to appear to answer charges as stated above in: Fort Collins Municipal Court, 215 N. Mason Ave, Fort Collins, CO
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DISP/D.A.		Road Conditions: II-Dry II-Wet Road Type: II-Pavement II-Dirt	Speed Measurement:	Estimated Speed:	# Passengers:	ä	OFFICER'S OBSERVATIO	"Theyer had	sign t	on a separa	blowing up	of bucks "	Ling to	in the m			PLFS	000	220		

Supplement No ORIG

FORT COLLINS POLICE SERVICES

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DOB Age	Ethnicity Juvenile		Hair Color Eye Color	Res Status	OFN_INVL									
06/27/1993 20	UNKNOWN No	5'06" 140#	BROWN BROWN	NON-RESIDE	ENT 1									
Vic/Ofnd Age PRN														
20 1649479														
Type Address HOME 826 PARKER ST														
City State ZIP Code Date														
State ZIP Code Date BOSTON MASSACHUSETTS 02120 06/19/2014														
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	JLBERRY WB ST				FORT COLLINS									
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Other Arrest No														
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Cat	-	Article	IBRS Type											
DISC/RADIO/TV/S		COMPACT DI	SK RECORDING	s - AUDIO,	VISUAL									
	ed Time RMS Transfer	Control												
06/28/2014 10	:25 Successfu	1 FCC81 (0629140917											
Narrative														

YOUNGER

Sophie HOUSE was observed panhandling from the middle median at Mulberry and Lemay. She was contacted and issued a summons for panhandling. I watched as she held a sign up asking for money and approaching vehicles. She stated she did not know it was illegal. She also stated that she was travelling and on her way back east.

A mobile video was uploaded to evidence.com

Case status: CF

PLFS 000238 Page 2 of 2

Date of	m Summons	-			ation of Offen		Colorado, City		ilins	pk	TITC/Ca	se # /4	-8-	189	S3	09	No	
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Supplement No ORIG

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Phone 970-221-6540 Fax 970-221-6284 Reported Date
12/27/2013
Rpt/Incident Typ
LOITERING
Officer#
JOHNSON, MATTHEW

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Summary Narrative

M JOHNSON/adw

OFFICER CLASSIFICATION: MUNICIPAL OFFENSE/PANHANDLING

A male suspect was observed panhandling in Downtown Fort Collins. He was contacted and cited.

Case Status: Closed, Charges Filed (CF)

Matt Johnson/FC251/School Resource Officer

PLFS 000368

Supplement No ORIG

FORT COLLINS POLICE SERVICES

CITE	D (REPOR	TED AS A	N ARRES	ΓΕΕ) 1:	LINDBLOC	M,STERLING	GLEE	
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TINDB	LOOM, STERI	ING LEE				1535668	WHITE M	ALE
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FC-17			5315	MO F	C-PANHANDLI	NG 90	0B	
Other Arres								
13-19	370A							
Name	ative							

M JOHNSON/adw

On 122713 at approximately 1830 hours, I was on routine foot patrol in Downtown Fort Collins walking south on the east side of College Av. approaching Oak St. As I observed the pedestrian traffic ahead of me, I noticed that all of the pedestrians who were walking past the bench on the north and east corner of Oak and College in front of the glasses store, were turning and looking at two males seated on a bench. I continued towards the two males and as I approached them I observed one of the male's, who was later identified as Sterling LINDBLOOM, was holding a cardboard sign which stated "can you give me a hand up." I noticed on the ground in front of Sterling was a brown stalking cap which had been turned inside out and placed in a position to collect money from passersby.

I contacted Sterling reference the issue and I pointed out to him that it was already after dark, which prohibited panhandling in Fort Collins. I also pointed out to him that he was directly across the street from an ATM (Automated Teller Machine) which prohibited him from panhandling within 100 feet of an ATM. LINDBLOOM told me he had never heard of this before and he was not directly asking people for money. I explained the combination of the hat out in front of him and the cardboard sign asking for a hand up was effectively the same as directly asking pedestrians for money.

I issued LINDBLOOM a summons into Municipal Court for Panhandling with a court date of 012914 at 8:00 in the morning.

There is no further action by this officer.

Matt Johnson/FC251

Case Status: Closed, Charges Filed (CF)

PLFS 000369

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Supplement No ORIG

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525 Reported Date
08/30/2012
Rpt/Incident Typ
LOITERING
Officer#
CALAHAN, DANIEL

Phone 970-221-6540 Fex 970-221-6284

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CALAHAN/dnc

MUNICIPAL: 092712 AT 0800 HRS.

OFFICER CLASSIFICATION: PANHANDLING

On 083012 Michael WHEELER was cited for Panhandling at the corner of Oak St/College Ave. WHEELER was holding a sign and taking money from people passing on the sidewalk. WHEELER was issued his summons and released.

Nothing further to report. Case is closed by arrest. Case status: CF - Charges Filed.

Report Officer
FC234/CALAHAN, DANIEL

Printed At 08/28/2014 08:35

PLFS 000464 Page 1 of 2

Supplement No ORIG

FORT COLLINS POLICE SERVICES

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Narrative CALAHAN/dnc

OFFICER CLASSIFICATION: PANHANDLING

On 083012 I was walking on foot patrol with Officer Josh Golden. I saw Michael WHEELER sitting on a couch cushion against a tree at the corner of Oak/College. WHEELER was holding a sign and taking money from people passing on the sidewalk. I saw WHEELER look toward us and then turn his sign around and lay down on the cushion. He then tried to pretend that he was sleeping. When I contacted WHEELER he said he wasn't asking for money or holding up his sign.

Michael WHEELER was cited for Panhandling at the corner of Oak St/College Ave. WHEELER was issued his summons and released.

Nothing further to report. Case is closed by arrest. Case status: CF - Charges Filed.

Report Officer
FC234/CALAHAN, DANIEL

Printed At 08/28/2014 08:35

PLFS 000465 Page 2 of 2

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	□-Rude/Poor I-Misf □-Rain	24-Dry Cl-Wel Cl-Muddy Cl-Stushy IJ-Snow par vement Cl-Dint Light Conditions: Cl-Dawn Cl-D	dar (Confirmed Speed:	Location of Stop: D-Close to Violation	Presented7: O-Y O-N Presented7: O-Y O-N	Prosented?: O-Y D-N	2 /2	40500	35	16	12	2									
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DISP/D.A.	Attit	Roa	Speed Measurement: O-Radar O-Lidar O-Pace Test Times: Veh # Device Make:	Patrol Oirection: Estimated Speed:	# Venicles Present: # Passengers:	Lice	Insurance:	7	100	1 1			2	67								
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Supplement No ORIG

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525 Reported Date
12/27/2013
Rpt/Incident Typ
LOITERING
Officer#
HOPKINS, TODD

Phone 970-221-6540 Fax 970-221-6284

	ve Information			表本等提出"一生	
Agency		Report No		Reported Date	Reported Time
FORT COLLINS	POLICE SERVICES	13-19358	ORIG	12/27/2013	14:49
CAD Call No	Dispo	RpVIncident Typ	*-		
133610336	REPORT TO FOLLOW	LOITERING/PA	ANHANDLIN	G/CAMPING OF	FFENSE
Location					City
N COLLEGE AV	E MOUNTAIN AV				FORT COLLINS
Rep Dist DArea	Area From Date	From Time To Date	To Ti	me	, had a completibulity papage a constitution
J51113 FC	P1 12/27/2013	14:49 12/27/	2013 14	: 49	
Officer#	I I I I I I I I I I I I I I I I I I I	Ass	ignment	Ent	ered By
FC165/HOPKINS	J. TODD	F	CPS DISTR	ICT ONE FO	CC150
Assignment	RMS Transfer	Prop Trans Stat	Approving Of	ficer	
FCPS RECORDS	DANIEL Successfu	1 Successfu	1 FCC86		
Approval Date	Approval Time				· · · · · · · · · · · · · · · · · · ·
01/12/2014	10:13:38				
Offenses Offense	a according to the contract of	Description		Complaint Ty	pe AC NCIC Offense Use
1 FC-17-1	27	FC-PANHAN	DLING		C 5315 N
Bias Loc #Pr MOE	Act Weapon/Force	IBRS No Cargo	Theft?		
88 13		90B 1			
Person Sumi	marv		k strike in the		(1000年) (1000年) (1000年) (1000年) (1000年)
nvi Invi No Type	Name				MNI
CIT 1 I	WILLIAMSON, SHANE	E R			940931
Race Sex DO	8				
W M O	8/06/1992				
Project of State					
nvolvement					
EVD					
rescription					
	C/RADIO/TV/SOUND DE	VICES VIDEO	FC165-1	uploaded to	
	C/RADIO/TV/SOUND DE	VICES VIDEO	FC165-1	uploaded to	
		VICES VIDEO	FC165-1	uploaded to	

Summary Narrat

OFFICER CLASSIFICATION: PANHANDLING

Shane WILLIAMSON was observed at the northeast corner of Mountain and College Av. within 100 feet of an ATM, flying a handmade sign, asking passerbys for financial contributions. He was contacted and cited into the Fort Collins Municipal Court and assigned a court date of January 30, 2014 at 8:00 AM. At the time of this contact I activated my Axon Flex Point Of View camera and footage of this contact has been uploaded to Evidence.com under this case number as item number FC165-1.

Case Status: Charges Filed (CF).

PLFS 000485 8 Page 1 of 2

Supplement No ORIG

FORT COLLINS POLICE SERVICES

CITED (REPORTED AS AN ARRESTEE	:) 1: WILLIAWSON, SHANE R
Involvement Invi	- N -
CITED (REPORTED AS AN ARRESTEE) 1	INDIVIDUAL
Name	MNI Race Sex
WILLIAMSON, SHANE R	940931 WHITE MALE
DOB Age Ethnicity	Juvenile? Height Weight Hair Color Eye Color Res Status
08/06/1992 21 NOT HISPANIC OR LATIN	NO No 5'07" 120# BROWN BROWN UNKNOWN
OFN_INVL Vic/Ofnd Age	
1 21	
Type ID No	OLS
OPERATOR LICENSE OR ID NUMBER 0935	10795 COLORADO
Involvement Arrest Type Arrest Date	Arrest Time Book Date Book Time Status
CITED SUMMONS/CITED (NIBRS) 12/27/2	2013 14:49:00 12/27/2013 14:49:00 CITED
Arrest Location	City
N COLLEGE AV/E MOUNTAIN AV	FORT COLLINS
Rep Dist Citation No Armed Multi-arrests	Area
J51113 1S309194 UNARMED COUNT ARE	RESTEE P1
onorgo	vel Charge Literal IBRS
FC-17-127 5315 M	0 FC-PANHANDLING 90B
Other Arrest No	
13-19358A	
Property	
Item Involvement In Custody? Security	/ Tag No Item No
1 EVIDENCE (IN CUSTODY) Yes No	13F019358 1
Description	Тур
FC165-1 uploaded to Evidence.com	A
Cat Article	IBRS Type RMS Transfer
DISC/RADIO/TV/SOUND DEVICES VIDEO	RECORDINGS - AUDIO, VISUAL Successful
Narrative	

T HOPKINS/mr

OFFICER CLASSIFICATION: PANHANDLING

Shane WILLIAMSON was observed at the northeast corner of Mountain and College Av. within 100 feet of an ATM, flying a handmade sign, asking passerbys for financial contributions. He was contacted and cited into the Fort Collins Municipal Court and assigned a court date of January 30, 2014 at 8:00 AM. At the time of this contact I activated my Axon Flex Point Of View camera and footage of this contact has been uploaded to Evidence.com under this case number as item number FC165-1.

Case Status: Charges Filed (CF).

PLFS 000486 Page 2 of 2

Soo Injuries Control Injuries Injuries Control Injuries Injur	of Offense, State of Colorado, City of Fort Collins IN CAN-CLL Instruction Zone	Gode 1/2 City Of FTC Traffic Code Offense Code 1/4 C 237 (2) No Seat Belt S 30 91 94 County
□ Penalty Assessment □ Summons □ Pts. □ 604 (1c) Red □ght Violation □ 304 □ □ Penalty Assessment □ Summons ■ 4 Pts. □ CRS/Code Of the City Of Fort Collins/City Of FTC Tr	Penalty Assessment Summons 703 (3) Stop Sign Violation Penalty Assessment Summons raffic Code Offense	4 Pts. Penalty Assessment Summons 0 Pts 319 1409 No Proof Of Insurance Summons 4 Pts Code Fine Surcharge Pts
Section 17-12.7 Pan handli'n Section Section G-Summons - See Instructions on reverse side G-I hereby promise to pay the fines listed or without admiguilt, appear in court at the time and place below.	Penalty Assessment (This ticket may be	\$ \$
	Total Due: Darges as stated above in: Collins, CO CO Assessment Officer Print Last N	Points: Points:
D-Uncooperative □-Argumentative □-Snow □-Fog □-Wind □-Hot □-Cold -Slushy □-Snow packed □-lcy □-Other -Ions: □-Dawn □-Day □-Dusk □-Night -Test Times: □-Test Ok -1st □-Arcreasing □-Same □-Opposite □-Increasing □-Decreasing -1st □-2rd □-3rd □-3rd □-5rd □-Other se to Violation □-Other □-Y □-N Other Identification: □-Y □-N State:	OFFICER'S OBSERVATIONS / DRIVERS STATEMENTS: Compared to the compared to th	PLFS 000487

Exhibit 14

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Case 1:15-cv-00281 Document 2-15 Filed 02/10/15 USDC Colorado Page 2 of 17

LINDBLOOM, STERLING

User: KELLYLYNN

Case Summary Report Case: 2014-0181350-MD

Filing Date:

01/03/2014

Current Status:

Closed pending clerk action

Lane, Kathleen M

To

Status Date:

09/18/2014

Currently Assigned

Name

Date Assigned

JUDGE

Kathleen M Lane

01/03/2014

Case Status History

Case Status

From

Hearings

To

Closed pending clerk action

09/18/2014

09/18/2014

Pending

01/03/2014

01/29/2014 8:00 AM

Fort Collins Municipal Court 1

Arraignment Comments:

Result: Failed to Appear

Judge History

From

Reason for Removal

Lane, Kathleen M

01/03/2014

Defendants

Defendant Name: LINDBLOOM, STERLING LEE

Mailing Address: c/o 242 CONIFER ST

Judge

FORT COLLINS, CO 80524

DL State: DL Number:

DOB: 11/07/1990

Sex: Male

Home Phone: (603) 669-4047

Work Phone:

Warrants

Type Bench Status Served Status Date 09/10/2014

Issue Date 02/06/2014 Warrant # 19175

Total Bond \$ 0.00

Bonds

Undisposed Amount Status Date Charge Type

Charges

Charge Information:

Citation Number:

Street Address:

17-127 Panhandling 308779

9/18/2014

Pol Ref Number:

13-19370

Violation Date:

12/27/2013

Officer:

Johnson, Matt

Disposition Date:

Guilty

Comment: Finding:

Jail Suspended on Condition(s)

Other Finding:

Plea:

Sentencing Defer

Disposition Modified:

No

Original

Date:

9/18/2014

Charge Information:

Disposition Date:

Citation Number:

17-3 Failure to Appear 308779

Pol Ref Number:

13-19370

Violation Date:

12/27/2013

Officer:

Johnson, Matt

Disposition Date: Plea:

9/18/2014

Comment:

Guilty

Finding:

Jail Suspended on Condition(s)

Other Finding:

Sentencing Defer

Date: Original

Disposition Date:

9/18/2014

Disposition Modified:

PLFS 000362 of 5.28 AM

User: KELLYLYNN

Case Summary Report Case: 2014-0181350-MD

		Defendants			
		Fines/Fees		The state of the s	
Ch	arge Or	ig. Assessed	Suspended	Adjusted	Current Balance
Panhandling		\$ 0.00	\$ 0.00	\$ 0.00	•
Failure to Appear		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
		Financial Summa	ry		and the second second second second second second second second second second second second second second second
	Current Case B	alance Due: \$ 0.00			
	Mone	y Due Date:			
		ension Date:		0.00 \$ 0.00 \$ 0.00	
		ayment Plan			
	Installme	ent Amount:		•	
	Agre	ement Date:			
		End Date:			
		Case Ledger			
Panhandling					
Fee		Amount Type		Entered	Approved
	Total:				
Failure to Appear					
Fee		Amount Type		Entered	Approved
	Total:				
		Probation Info			
		Confinement Inf	0	**************************************	
Danhandling		Commencial in			
Panhandling 09/14/2014	lail confinement ordered to	n start on 09/14/2014	and be complete	ed by 09/18/2014. N	Maximum
03/14/2014	confinement: A years, A mo	onths, and 10 days. M Vears, 0 months, and	Ainimum confiner	nent: 0 vears: 0 mo	nths, and 0 days.
		Other Sentence In	nfo		

Panhandling

Program:

No (non-traffic) Misdemeanors in Fort Collins

Program is currently undefined and the defendant has been given 364 days to complete; with a completion date of 09/16/2015. Hours Assigned: 0. Hours Completed: 0. Completion Terms:

PLFS 000363

User: KELLYLYNN

Case Summary Report Case: 2014-0181350-MD

Defendants Defendant ROAs Date Judge Code 01/03/2014 HRG Lane, Kathleen M Hearing Scheduled (Arraignment 01/29/2014) NCF Lane, Kathleen M 01/03/2014 New case filed 01/29/2014 FTA Lane, Kathleen M Failed to Appear (01/29/2014 Arraignment) 02/06/2014 **AWARB** Lane, Kathleen M. Bench Warrant Issued WARRSB Lane, Kathleen M 09/10/2014 Bench Warrant Returned, Served **JSC** Lane, Kathleen M 09/18/2014 Jail Suspended with Condition(s) CSC Lane, Kathleen M 09/18/2014 Case Status Change - Closed pending clerk action UPDT OTHER SENT Lane, Kathleen M 09/18/2014 Other Sentencing - updated **JAIL** Lane, Kathleen M 09/18/2014 Jail Time Assessed **Defendant Costs** Case Number Description Victim Balance Victim Restitution Info Case Payments **Payment Date** For Payor **Receipt Number** Amount Total: I hereby certify that the foregoing is a true, correct, and complete record in the above case. InJudge or Court Clerk Signed:

SEAL STANSON

PLFS 000364_{2/23/2614}

Supplement No ORIG

FORT COLLINS POLICE SERVICES



2221 S TIMBERLINE RD FORT COLLINS, CO 80525

Phone 970-221-6540 Fax 970-221-6284 Reported Date
12/27/2013
Rpt/Incident Typ
LOITERING
Officer#
JOHNSON, MATTHEW

Administrativ	e Information	Section 1			
Agency		Report No	Supplement No	Reported Date	Reported Time
FORT COLLINS	POLICE SERVICES	13-19370	ORIG	12/27/2013	18:29
CAD Call No	Dispo	RpVIncident Typ	·		
133610465	REPORT TO FOLLOW	LOITERING/F	ANHANDLIN	NG/CAMPING O	FFENSE
Location					City
S COLLEGE AV/	E OAK ST				FORT COLLINS
Rep Dist DArea	1	rom Time To Date	To T	ime	
J51232 FC	P1 12/27/2013 1	18:29 12/27	/2013 18	1:29	
Officer#		A	ssignment		
FC251/JOHNSON	, MATTHEW	F	CPS SCHOO	OL RESOURCE	OFFICER
Entered By Assi	gnment	RMS Transfer	Approving	Officer	
FCC197 FC	PS RECORDS/WIDERMA	N Success:	ful FC7		
Approval Date	Approval Time	· · · · · · · · · · · · · · · · · · ·			
01/03/2014	11:15:52				
# Offenses Offense		Description		Complaint Ty	/pe AC NCIC Offense Use
1 FC-17-1	.27	FC-PANHA	NDLING		C 5315 N
Bias Loc #Pr MOE	Act Weapon/Force	IBRS No Care	go Thelt?		
88 13		90B 1			
Person Sumr	Marv				
Transportation of the Control of the	Name				I MNI
Invi Invi No Type	11,500	NC TOD			1535668
CIT 1 I	LINDBLOOM, STERLI	NG LEE			1232008
1	, ./07/1990				
M W TT					

Summary Narrative

M JOHNSON/adw

OFFICER CLASSIFICATION: MUNICIPAL OFFENSE/PANHANDLING

A male suspect was observed panhandling in Downtown Fort Collins. He was contacted and cited.

Case Status: Closed, Charges Filed (CF)

Matt Johnson/FC251/School Resource Officer

Supplement No ORIG

FORT COLLINS POLICE SERVICES

CITED (REPORTED AS AN		TINDB100	M,STERLING	BLEE	
Involvement	Invi No Typ				
CITED (REPORTED AS AN ARRES	TEE) 1 II	NDIVIDUAL			
Name	*		MNI	Race Sea	(
LINDBLOOM, STERLING LEE			1535668	WHITE M	ALE
DOB Age Ethnicity Jur	enite? Height Weight	Hair Color		Eye Color Res State	15
11/07/1990 23 UNKNOWN	No 6'00" 175#	BLOND OR S	STRAWBERRY	BLUE UNKN	IOWN
OFN INVL Vic/Ofnd Age	1 1			1 .1 .	
1 23					
Type Address					- Marie Marie Colonia de Carte
HOME TRANSIENT					
City State Da	le				
	2/04/2013				
Involvement Arrest Type	Arrest Date	Arrest Time	Book Date	Book Time	Status
CITED SUMMONS/CITED (NIBRS) 12/27/2013	18:29:00	12/27/2013	18:29:00	CITED
Arrest Location	·			City	1 7 7 7
S COLLEGE AV/E OAK ST				FORT CO	LLINS
Rep Dist Citation No Armed	Multi-arrests	Area		1	
J51232 1S308779 UNARMED	COUNT ARRESTE	E P1			
Charge		e Literal	LIBR	S	
FC-17-127		PANHANDLIN	IG 90)B	
Other Arrest No	1 3323 1 120 1 2 3			-	
13-19370A					
Narrative					

M JOHNSON/adw

On 122713 at approximately 1830 hours, I was on routine foot patrol in Downtown Fort Collins walking south on the east side of College Av. approaching Oak St. As I observed the pedestrian traffic ahead of me, I noticed that all of the pedestrians who were walking past the bench on the north and east corner of Oak and College in front of the glasses store, were turning and looking at two males seated on a bench. I continued towards the two males and as I approached them I observed one of the male's, who was later identified as Sterling LINDBLOOM, was holding a cardboard sign which stated "can you give me a hand up." I noticed on the ground in front of Sterling was a brown stalking cap which had been turned inside out and placed in a position to collect money from passersby.

I contacted Sterling reference the issue and I pointed out to him that it was already after dark, which prohibited panhandling in Fort Collins. I also pointed out to him that he was directly across the street from an ATM (Automated Teller Machine) which prohibited him from panhandling within 100 feet of an ATM. LINDBLOOM told me he had never heard of this before and he was not directly asking people for money. I explained the combination of the hat out in front of him and the cardboard sign asking for a hand up was effectively the same as directly asking pedestrians for money.

I issued LINDBLOOM a summons into Municipal Court for Panhandling with a court date of 012914 at 8:00 in the morning.

There is no further action by this officer.

Matt Johnson/FC251

Case Status: Closed, Charges Filed (CF)

Report Officer FC251/JOHNSON, MATTHEW

Printed At 08/28/2014 08:27

PLFS 000369 Page 2 of 2 Case 1:15-cv-00281 Document 2-15 Filed 02/10/15 USDC Colorado Page 8 of 17

MARTIN, BRANDON

User: KELLY

Case Summary Report Case: 2014-0187207-MD

Filing Date:

05/16/2014

Current Status:

Closed pending clerk action

Status Date:

07/16/2014

Currently Assigned

JUDGE

Name

Kathleen M Lane

Date Assigned

05/16/2014

Case Status History

From

Hearings

Case Status

07/16/2014

To

Closed pending clerk action Pending

05/16/2014

07/16/2014

Arraignment

05/28/2014 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Lane, Kathleen M

Result: Failed to Appear

Judge History

Defendants

Judge

From 05/16/2014 To

Reason for Removal

Defendant Name: MARTIN, BRANDON ROSS

Mailing Address: 242 CONIFER ST

FORT COLLINS, CO 80524

DL State: CO

DL Number: 013400299

DOB: 07/20/1985 Sex: Male

Street Address:

Home Phone:

Work Phone:

Warrants

Type Bench

Plea:

Status Served **Status Date** 07/14/2014

Issue Date 06/05/2014 Warrant # 19356

Total Bond

\$ 0.00

Amount

Undisposed

Bonds

Charges

Charge Information:

Type

17-127 Panhandling

04/22/2014

7/16/2014

Status

Officer: Comment:

Date

Patterson, Tyler

Charge

Violation Date: Disposition Date:

Guilty

Finding:

Other Finding:

Jail Suspended on Condition(s)

Disposition Modified:

No

Date:

Original Disposition Date:

Sentencing Defer

7/16/2014

Charge Information:

Violation Date:

17-3 Failure to Appear 04/22/2014

Officer:

Patterson, Tyler

Disposition Date:

7/16/2014

Comment:

Plea:

Guilty

Finding:

Jail Suspended on Condition(s)

Other Finding:

Sentencing Defer Date:

7/16/2014

Disposition Modified:

No

Original

Disposition Date:

10:48 AM

of

3

11/12/2014

User: KELLY

Case Summary Report Case: 2014-0187207-MD

Def	end	ants
-----	-----	------

		Defendants		······································		~~~~
		Fines/Fees				
Ch	narge (Orig. Assessed	Suspended	Adjus	ted Curre	nt Balance
Panhandling		\$ 0.00	\$ 0.00	\$ 0	.00	\$ 0.00
Failure to Appear		\$ 0.00	\$ 0.00	\$ 0	.00	\$ 0.00
		Financial Summ	nary			
	Current Case	Balance Due: \$ 0.00)			
	Moi	ney Due Date:				
	Ex	tension Date:				
	:	Payment Plan				
	Installr	ment Amount:				
	Agı	reement Date:				
		End Date:				
		Case Ledge	r			
Panhandling						
Fee		Amount Typ	e	Entered	Approved	t
	Total:					
Failure to Appear						
Fee		Amount Typ	e	Entered	Approved	1
	Total:				• •	
		Probation In	fo			
		Confinement I	nfo			
Panhandling			anny dan-dan na yddyndinin ad inna en en ym ddined ad af bener bedd blyb yn ddydar ddineddyddyd.			
07/07/2014	Jail confinement ordered confinement: 0 years, 0 r Suspended confinement and 10 days. Days Serve	months, and 20 days. : 0 years, 0 months, a	Minimum confinen	nent: 0 vears. 0	months, and	0 days. nonths,

Other Sentence Info

Panhandling

Program:

No (non-traffic) Misdemeanors in Fort Collins

Program is currently undefined and the defendant has been given 364 days to complete; with a completion date of 07/14/2015. Hours Assigned: 0. Hours Completed: 0. Completion Terms:

10:48 AM 2 of 3 11/12/2014

User: KELLY

Case Summary Report Case: 2014-0187207-MD

Defendants

		Defendant ROAs		
Date	Code	Judge		
05/16/2014	HRG	Lane, Kathleen M		
Hearing Schedule	d (Arraignment 05/28/2014)			
05/16/2014	NCF	Lane, Kathleen M		
New case filed				
05/28/2014	FTA	Lane, Kathleen M		
Failed to Appear (05/28/2014 Arraignment)			
06/05/2014	AWARB	Lane, Kathleen M		
Bench Warrant Iss	sued			
07/14/2014	WARRSB	Lane, Kathleen M		
Bench Warrant Re	eturned, Served			
07/16/2014	JSC	Lane, Kathleen M		
Jail Suspended wi	th Condition(s)			
07/16/2014	JSC	Lane, Kathleen M		
Jail Suspended wi	ith Condition(s)			
07/16/2014	UPDT OTHER SENT	Lane, Kathleen M		
Other Sentencing	- updated			
07/16/2014	UPDT OTHER SENT	Lane, Kathleen M		
Other Sentencing	- updated			
07/16/2014	CSC	Lane, Kathleen M		
Case Status Chan	ige - Closed pending clerk action			
07/16/2014	JAIL	Lane, Kathleen M		
Jail Time Assesse	d			
		Defendant Costs		
Case Number	Description	Victim		Balance
		Victim Restitution Info		
		Case Payments		
Payment Date	For	Payor	Receipt Number Total:	Amount
I hereby certify the		and complete record in the above ca	ise.	
Dated: 기가 스		The second	. 194 Eliftique.	
	Man la t		English A. C. C.	
Signed:		/nJudge or Court Clerk		
	÷	And the second s		
			SI A	
			Communication of the Contraction	

10:48 AM

3 of

11/12/2014

iform to of viole 4-22	Summons	& Compl		Арргох	ty Asses	on of	Offense,			, City o	Fort C	oilins	,		.1110	/Case	# / 4	<u> -5</u>	47	0	1 S	County		54 No.
Finger	7-1	Traffic Acci	dent C	l Injuri			iction Z		☐ Sch	ool Zo	ne	Õ Tr	affic	1984	enal)RI.N	lunicip	al	П¢.	R.S.	Dir of	Travel		
	ole of Color			ollins	vs.										S. S.				D.C.		fondin	According to some	-	
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(A.	1	Road Type: □-Pavement □-Dirt Light Conditions: □-Dawn N-Day □-Dusk □-Night Speed Measurement: □-Radar □-Lidar □-Pace Test Times: □-Test OK Veh #	Anterna: D-Stationary D-Moving D-Same D Confirmed Spead: D-Increasing D-Decrea	# Vehicles Present: Vehicle Position: □-1" □-2" □-3" □-4" □-5" □-0ther # Passengers: Location of Stop: □-Close to Violation □-0ther	License: C-CO C-Other Presented?: C-Y C-N Other Identification: Registration: C-CO C-Other Presented?: C-Y C-N # Incurrence: C-CO C-Other Presented?: C-Y C-N # Incurrence: C-CO C-Other Presented?: C-Y C-N #	SSERVATIONS / DRIVERS STATEMENTS:	Take as A Beach P	ST/S COLLEGE AVE. I ORIGING I	HAT BE HAD A CARDENALD SIGN. HERET LAND TO HIS TO ACRORN WAS LEADED	A TERE JEST TO HEM. THE SEC-	Thurst PLACES In A Warred	WAS USERIGE TO RESENTE TO DESTRUCTIONS HE PS. HE SE	A HE EMMED	ED IT ALLAY SO THEN IT WAS NOT	COMPLED HE STATED HE HAD I	KOOD SITERS BUT DID NOT BE	MONEY TO YOU ALL STATED THAT HE KNEW	, ·			JEST LOCATION DEVERSEDA.			
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Case 1:15-cv-00281 Document 2-15 Filed 02/10/15 USDC Colorado Page 13 of 17

THOMPSON, NATHANIEL

User: KELLY

Case Summary Report Case: 2014-0187685-MD

Filing Date:

05/28/2014

Current Status:

Closed pending clerk action

Status Date:

08/20/2014

Currently Assigned

JUDGE

Name

Kathleen M Lane

Date Assigned

05/28/2014

Type

Name

Party Represented

Court Appointed

Case Status History

From

Hearings

THOMPSON, NATHANIEL LEE

Case Status

Closed pending clerk action

08/20/2014

Pending

05/28/2014

Beach, Eric

08/20/2014

Arraignment

06/05/2014 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Result: Failed to Appear

Judge History

Judge

From 05/28/2014 To

Reason for Removal

To

Lane, Kathleen M

Defendants

Defendant Name: THOMPSON, NATHANIEL LEE

Mailing Address: TRANSIENT

Street Address:

DL State: CO

DL Number: 111440483 DOB: 05/18/1993

Sex: Male

Home Phone:

Work Phone:

Warrants

		TTGITGIT	•		
Type St	tatus S	Status Date Issu	ue Date	Warrant #	Total Bond
		Bonds			
Type	Status	Date	Charge	Undisposed	Amoun
		Charges	S		
Charge Information:	17-127 Panhandlii	ng			
Violation Date:	05/05/2014	Officer:	Renn, Christo	pher	
Disposition Date:	8/20/2014	Comment:			
Plea:	Guilty	Finding:	Jail Suspende	d on Condition(s)	
Other Finding:					
		Sentencing Defer Date:			
Disposition Modified:	No	Original Disposition Date:	8/20/2014		
		Fines/Fee	es		
Char	ge	Orig. Assessed	Suspended	Adjusted	Current Balance
Panhandling	-	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

11:13 AM

11/12/2014

User: KELLY

Case Summary Report Case: 2014-0187685-MD

		Defendants			
		Financial Summary	***************************************		
	Current Case	Balance Due: \$ 0.00			***************************************
	Mor	ney Due Date:			
		tension Date:			
		Payment Plan			
		nent Amount: eement Date:			
	Agi	End Date:			
		Case Ledger			
Panhandling					
Fee		Amount Type	Entered	Approved	t
	Total:				
***************************************		Probation Info			·····
		Confinement Info			
		Other Sentence Info			
Panhandling					
Program:	No (non-traffic) Misdeme Program is currently und- completion date of 08/19	anors in Fort Collins efined and the defendant has been /2015. Hours Assigned: 0. Hours C	given 365 days to co ompleted: 0. Comple	omplete; with	a
	·	Defendant ROAs			
Date	Code	Judge			
05/28/2014	HRG	Lane, Kathleen M			
	I (Arraignment 06/05/2014)				
05/28/2014	NCF	Lane, Kathleen M			
New case filed	r~r	l and Wattalana BA			
06/05/2014	FTA	Lane, Kathleen M			
06/07/2014	06/05/2014 Arraignment) AWARB	Lane, Kathleen M			
Bench Warrant Issi		Lane, Natinger W			
08/20/2014	JSC	Lane, Kathleen M			
Jail Suspended wit		,,			
08/20/2014	UPDT OTHER SENT	Lane, Kathleen M			
Other Sentencing -	updated				
08/20/2014	csc	Lane, Kathleen M			
Case Status Chang	ge - Closed pending clerk action	า			
		Defendant Costs			
Case Number	Description	Victim			Balance
		Victim Restitution Info		······································	······································
		Case Payments			
Payment Date	For	Payor	Receip	t Number Total:	Amount

I hereby certify that the foregoing is a true, correct, and complete record in the above case.

11:13 AM 2 0f 3 11/12/2014

User: KELLY

Case Summary Report Case: 2014-0187685-MD



11:13 AM

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11/12/2014

Uniform Sur Date of Violation	ted T	Time of	Violation	Approximate	Locution of C	Offense, State	of Colorado, City		why:	Penai X	e# M	- L e	-14	COUNTY LARIME of Travel N	R 06
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Cooperative X Rude/Poor	Weather: G-Clear G-Clouds G-Mist D-Rain G-Snow D-Fog D-Wind G-Hot G-Cold Road Conditions: G-Dry G-Wet G-Muddy G-Slushy G-Snow packed G-lcy G-Other Road Type: G-Pavement G-Dirt Light Conditions: G-Dawn G-Day G-Dusk G-Night	Times: D-Test OK	Patrol Direction: Antenna: □-Stationary □-Moving □-Same □-Opposite Estimated Speed: Confirmed Speed: □-Increasing □-Decreasing # Vehicles Present: Vehicle Position: □-3" □-3" □-4" □-5" □-Other	Location of Stop:	□-Other Presented?: □-Y □-N State: □-Aggressive Driving	51,2 to park that said # 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	ATM	In adverted to partiand or in their land	Contracted feited a the same sound	purhapelly by said he will not		1 to Sign was taken of will be layed			

Exhibit 15

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Declaration of Ross Bloom

- I, Ross Bloom, do hereby declare:
- 1. I am 56 years old. I have lived in Fort Collins for most of my life. My father, Arvid Bloom, was the mayor of Fort Collins in the late 1970s.
 - 2. I have been homeless for the last nine years. I am destitute.
- 3. I was a landscaper for 32 years. More recently, I did spot jobs that involved handy work. However, my poor health has made it difficult to work. I have a bad heart and walk with a cane because my back is injured. In October, I suffered brain trauma after being physically beaten on the street by men I did not know.
 - 4. To get by, I often panhandle in Fort Collins.
- 5. When I panhandle, I do not panhandle in an aggressive manner. I usually stand on a public sidewalk and silently fly a sign facing cars that are stopped at a red light. After people give a clear signal that they want to donate money, such as by rolling down the window and using their voice to say that they have change to give me, I approach the car and they drop the donations in my hat. Sometimes, after people have seen my sign, they pull their car into a nearby parking lot and wave me over so that they can hand me some change. My sign usually says something like: "\$4.00 for food please."
- 6. Sometimes I silently fly my sign at night so that I have enough change to buy coffee the following morning.
- 7. I usually stand when I'm flying my sign, but sometimes I have to sit because of my back pain. When I sit on the sidewalk, I silently fly my sign facing customers who are exiting a restaurant. When people hand me change, I try to stand up to receive the money as a show of respect. Some officers have said that when I sit, I block the sidewalk, but I always

sit cross-legged and put my cane and bag in a nearby bush to make sure that I'm not in people's way.

- 8. I do not direct my sign towards anyone in particular. The only time I talk to someone is after they give me money, and I politely say "thank you" when that happens.

 Sometimes people give me money and sometimes they don't. That's their choice. It doesn't upset me when people choose not to give me money.
- 9. I feel that I have been consistently harassed by the police just for being poor and asking for money. I have been cited upwards of fifteen times for panhandling in Fort Collins and spent time in jail for some of those violations. The citations show that I am not aggressive they show how I get ticketed for just quietly panhandling with a sign, asking people for a little help.
- 10. I have read the panhandling ordinance, and I do not think I violate the ordinance when I am flying my sign. I do not "approach, accost, or stop" anyone when I'm flying my sign; so I do not believe I am "panhandling" under the ordinance. Still, I have been cited many times for just silently flying a sign, sometimes just sitting or standing on a public sidewalk in a location that I do not think conceivably violates any part of the panhandling ordinance.
- 11. I do not want trouble with the police. I am just trying to get by as best I can. Even though I am worried about more tickets and jail time, I have no choice but to continue to panhandle in order to survive.
- 12. I think I have a right to ask people for help, including for money. I don't think the police should be able to make me choose between exercising that right and breaking the law.

I declare under penalty of perjury that the foregoing is true and correct.

// 27/15 Date

Ross Bloom

Exhibit 16

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 2 of 49

CONVICTION 1

User: TAMMY

Case Summary Report Case: 2012-0159783-MD

From

Hearings

Filing Date:

08/31/2012

Current Status:

Closed

Status Date:

03/13/2013

Currently Assigned

JUDGE

Name Kathleen M Lane **Date Assigned**

08/31/2012

Case Status History

Closed

03/13/2013

Closed pending clerk action

12/17/2012 08/31/2012 03/13/2013 12/17/2012

Pending

09/10/2012 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

To

Arraignment Comments:

Result: Failed to Appear

Case Status

Bond Return Hearing

11/19/2012 9:30 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Notify Date

Amount

Comments:

Result: Failed to Appear

Exhibits

Defendants

Item Number **Assigned To Storage Location** Property No. Judge History Judge From To

Lane, Kathleen M

08/31/2012

Date

Reason for Removal

Undisposed

Defendant Name: BLOOM, ROSS ARLAN

Status

Mailing Address: TRANSIENT

DL State: CO

DL Number: 920220587

DOB: 08/23/1958

Street Address:

Type

Sex: Male

Home Phone: 482-1706

Work Phone:

Charge

Warrants

Туре	Status	Status Date	Issue Date	Warrant #	Total Bond
Bench	Served	10/30/2012	09/18/2012	17531	\$ 0.00
Bench	Served	12/14/2012	12/09/2012	17897	\$ 0.00
Bonds					

User: TAMMY

Case Summary Report Case: 2012-0159783-MD

Defendants

Charges 17-127 Panhandling Charge Information: Citation Number: Pol Ref Number: 12-13332 292221 **Violation Date:** 08/29/2012 Officer: Langley, Mike Comment: Disposition Date: 12/17/2012 Finding: Plea: Guilty Jail Other Finding: Sentencing Defer Date: Original Disposition Modified: 12/17/2012 Disposition Date: Charge Information: 17-3 Failure to Appear Citation Number: Pol Ref Number: 12-13332 292221 **Violation Date:** 08/29/2012 Officer: Langley, Mike **Disposition Date:** 12/17/2012 Comment: Finding: Jail Plea: Guilty Other Finding: Sentencing Defer Date: Disposition Modified: Original 12/17/2012 Disposition Date: Fines/Fees Adjusted **Current Balance** Orig. Assessed Suspended Charge \$ 0.00 \$ 0.00 \$ 0.00 \$ 0.00 Panhandling \$ 0.00 \$ 0.00 \$ 0.00 \$ 0.00 Failure to Appear **Financial Summary** Current Case Balance Due: \$ 0.00 Money Due Date: **Extension Date:** Payment Plan **Installment Amount:** Agreement Date: End Date: Case Ledger Panhandling Entered **Approved Amount Type** Fee Total Failure to Appear Entered Approved Fee **Amount Type** Total: **Probation Info**

Panhandling

12/14/2012

Jail confinement ordered to start on 12/14/2012 and be completed by 12/17/2012. Maximum confinement: 0 years, 0 months, and 10 days. Minimum confinement: 0 years, 0 months, and 0 days. Suspended confinement: 0 years, 0 months, and 6 days. Credited confinement: 0 years, 0 months, and 4 days. Days Served: 0 Status: Closed

Confinement Info

FREEDRICE

Case Summary Report Case: 2012-0159783-MD

Defendants

Other Sentence Info

Panhandling

Program:

No (non-traffic) Misdemeanors in Fort Collins

Program is currently Did Not Comply and the defendant has been given 365 days to complete; with a completion date of 12/16/2013. Hours Assigned: 0. Hours Completed: 0. Completion Terms: 6 days jail

assessed

Defendant ROAs Date Code Judge HRG Lane, Kathleen M 08/31/2012 Hearing Scheduled (Arraignment 09/10/2012) Lane, Kathleen M 08/31/2012 New case filed Lane, Kathleen M 09/10/2012 FTA Failed to Appear (09/10/2012 Arraignment) Lane, Kathleen M 09/18/2012 **AWARB** Bench Warrant Issued WARRSB Lane, Kathleen M 10/30/2012 Bench Warrant Returned, Served - PRBP Lane, Kathleen M **HRG** 10/30/2012 Hearing Scheduled (Bond Return Hearing 11/19/2012) - PRBP FTA Lane, Kathleen M 11/19/2012 Failed to Appear (11/19/2012 Bond Return Hearing) Lane, Kathleen M 12/09/2012 **AWARB** Bench Warrant Issued WARRSB Lane, Kathleen M 12/14/2012 Bench Warrant Returned, Served - in cust 12/17/2012 **JAIL** Lane, Kathleen M Jail Time Assessed **UPDT OTHER SENT** 12/17/2012 Lane, Kathleen M Other Sentencing - updated 03/13/2013 Lane, Kathleen M Jail Time Assessed 6 days reassessed on old JSC master case #2012-164772 Concurrent w/all open cases as of 03/13/13 and as a result all cases will be closed with 6 days time served on 03/17/13. TR **UPDT OTHER SENT** Lane, Kathleen M 03/13/2013 Other Sentencing - updated Lane, Kathleen M 03/13/2013 CSC Case Status Change - Closed

Defendant Costs

Victim Case Number Description

Victim Restitution Info

Case Payments

Payment Date Payor Receipt Number For Amount Total:

Subpoena / Witness Summary

Witness Type **Issue Date Status** Appearance Date Party

Balance

User: TAMMY

User: TAMMY

Case Summary Report Case: 2012-0159783-MD

	Interested Parties	
Party Name	Interested Party Type	Send Notices
I hereby certify that the foregoing is a true, correct, a Dated:	and complete record in the above case	, 10 ¹⁰ Oue,
Signed:	/nJudge or Court Clerk	

giornia de la company

Jniform Summon	s & Compla	int or l				Docket	,		<u> </u>	hmc/c	ase # 12	-13	332 1	\$292	221
Date of Violation	Time of Vic	lation	Approximate	Locatio	n of Offens	a, sum of c	olorado, Oty	of Fort Collins				<u>,</u>		County	No.
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The People of Colo					C		, in the same	, satisti;				6 . W S.			المحاد وفرو
Defendant (Last Name)		Hiddle)	LAN				Datn of B	358	Age	Register	ed Owner Nam	e 0'S	ime as Defendi	ant, or	
BLOOM Privar's Ligense	<u>, '\(\)225</u>		ass Sto	te R	tac Sex	EUh	Ha	Wht Hair	Eyes	Register	ed Owner Add	725		Managed Market Processing Control of the Control of	
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Home Address HOMEU	EKK IT	RAA	SIEN	1			City	•	Hole	ωp	FINALE				, 180
Vehicle Lioense Number	Lic Type	State	Veh Year	Vehi	de Make	Veh	lde Model	Body Style	Color (Top	/Bottom)	VIN				
in: City of FTC Tra	ffic Code *	offense	ع مرتبا	ode -	'ww. City	offact	raffic Cod	e Offense	,	ode. ;	City Of F	C Trai	fic Code	Offense <i>r: 🕟</i>	Code
110(1) Speeding		7000			T 1402 (Careless Dri	Λήρ			141	237 (2) No Si	at Bek	ment D Su		57 0 Pt
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										1, 3.00 F	J-Other Presented?: CI-Y CI-N # J-Other Presented?: CI-Y CI-N State: NS/DRIVERS STATEMENTS:	Passengers: Location of Stop: U-Close to Violation U-Clins Jeonse: D-CO II-Cliner Presented?: D-Y II-N Other Iden	n:Antenna: D-Stationary	Conditions: G-Dry Cl-Wet Cl-Anaddy Cl-Sinshy Cl-Snow packed Cl-loy Cl-Ciher Type: Cl-Pavement Cl-Dirt Light Conditions: Cl-Dawn Cl-Day Cl-Dirist: Cl-Night d Measurement: Cl-Radar Cl-Lidar Cl-Paco Test Fines: Cl-Cay Cl-Dirist: Cl-Test Ck: Device Make:	Attitude: D-Polite/Screparative Cl-Rude/Poor D-Uncooperative Cl-Argun Weather: D-Clear Cl-Clouds Cl-Alist Cl-Rain Cl-Snew Cl-Fog Cl-Wind
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							1						PLFS	000153	

Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 8 of 49

CONVICTION 2

User: TAMMY

Case Summary Report Case: 2013-0167037-MD

Filing Date:

02/08/2013

Current Status:

Closed

Status Date:

03/13/2013

Currently Assigned

Name

Date Assigned

JUDGE

Kathleen M Lane

02/08/2013

Case Status History From

To

Closed

Closed pending clerk action

03/13/2013 03/13/2013

03/13/2013

Pending

02/08/2013

03/13/2013

Arraignment

03/04/2013 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Result: Failed to Appear

Exhibits

Hearings

Item Number **Assigned To**

Case Status

Storage Location **Judge History** Property No.

Notify Date

Judge

From

To

Reason for Removal

Lane, Kathleen M

02/08/2013

Defendants

Defendant Name: BLOOM, ROSS ARLAN

Mailing Address: TRANSIENT

Street Address:

DL State: CO

DL Number: 920220587

DOB: 08/23/1958

Sex: Male

Home Phone: 482-1706 Work Phone:

Warrants

Туре	Status	Status Date	Issue Date	Warrant #	Total Bond
		Be	onds		
Type	Status	Date	Charge	Undisposed	Amount
		Ch	arges		
Charge Information:	: 17-127 Panhandl	ing	- Yes		
Citation Number:	301925	Pol Ref Num	iber: 13-1738		
Violation Date:	02/06/2013	Officer:	Noe Mau	reen	
Disposition Date:	3/13/2013	Comment:			
Plea:	Guilty	Finding:	Jail		
Other Finding:					
		Sentencing Date:	Defer		
Disposition Modifier	d: No	Original Disposition	3/13/2013 Date:	3	
		Fine	s/Fees		
Ch	arge	Orig. Assess	ed Suspen	ded Adjusted	Current Balance
Panhandling		\$ 0.1	00 \$	0.00 \$ 0.00	\$ 0.00

1/22/20 F

User: TAMMY

Case Summary Report Case: 2013-0167037-MD

		Defendants			
		Financial Summary			
The state of the s	Current Case I	Balance Due: \$ 0.00	yda chafadhan y gan y ha Gallain d'Al CE Saidh ann aige an a' a Bhilliann ann an Airinn ann an Airinn an Airinn	amen und Kashiner (1987) Ar de York free free free free free mandamen en samble bere de suit de februggigg en 19 de geg	***************************************
	Mon	ey Due Date:			
		ension Date:			
		ayment Plan			
		ent Amount:			
	Agre	eement Date:			
		End Date:			
		Case Ledger			
Panhandling		A construct Them a	F**	A	_
Fee	Total	Amount Type	E.n	tered Approve	C)
	Total:				
		Probation Info			
		Confinement Info			
		Other Sentence Info	W. V. J. V. V. V. V. V. V. V. V. V. V. V. V. V.		
		Defendant ROAs			
Date	Code	Judge			
02/08/2013	HRG	Lane, Kathleen M			
-	ed (Arraignment 03/04/2013)				
02/08/2013	NCF	Lane, Kathleen M			
New case filed					
03/04/2013	FTA	Lane, Kathleen M			
Failed to Appear	(03/04/2013 Arraignment) - see r				
03/06/2013	AWARB	Lane, Kathleen M			
Bench Warrant Is	ssued - see master case				
03/13/2013	JAIL	Lane, Kathleen M			
Jail Time Assess					
03/13/2013	CSC	Lane, Kathleen M			
Case Status Cha	inge - Closed pending clerk action				
03/13/2013	CSC	Lane, Kathleen M			
Case Status Cha	inge - Closed				
		Defendant Costs			AND THE PROPERTY AND TH
Case Number	Description	Victim			Balance
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		Case Payments			
Payment Date	For	Payor		Receipt Number Total:	Amount
		ibpoena / Witness Summary			Pos.
Party	Witness		Status	Appearar	ice Date
		Interested Parties		and the second s	
	Party Name	Interested	d Party Type	Send N	otices

thereby certify that the foregoing is a true, correct, and complete record in the above casa

Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 11 of 49

Fort Collins Municipal Court

User: TAMMY

Case Summary Report Case: 2013-0167037-MD

Dated: <u>6/43/5</u>

gned: /nJudge of Court Clerk

day do .

ilform Summons & Complaint or Penalty Assessmen		78:111	C/Case#13 -	1 (38 1	S30192	<u> </u>
	Offerse, State of Calogedo, City of PROS	Fort Collins Pect			County LARIMER	№. 06
	uction Zone 🔲 School Zon	ne 🗆 Traffic 🗀 Penal	SX Municipal	CI C.R.S. C	Xe of Travel N S	. W
the People of Colorado / City Of Fort Collins vs.	Date of Birth		istered Owner Name	C Same as Defer	ndant, or	
Hyer's Ucense GOL Class State Rec	J 087.3		Istered Owner Addres	5		
92-022 0587 COW	1	708WBU	I Phone		Typ	
TRANSIENT /HOMELESS	FColly	JS CO 8052	5 N	/A		
'chicle License Number Lic Typer State Veh Year Vehicle Ma	ike Vehicle Model	Body Style Color (Top/Botts	m) VIN	•		
	City Of FTC Traffic Code			Traffic Code	Offense	Code: 575
110(1) Speeding in a zone	L402 Careless Orlving El Permitty Assaultment II	Summons 4 Pts.	237 (2) No Seat Penalty A	neimony C:	Surremens	O Ptas.
, as 1 (and 1000 ag 10 1000 ag 10 1000 ag 10 1000 ag 10 1000 ag 10 1000 ag 10 1000 ag 10 1000 ag 10 1000 ag 10	703 (3) Stop Sign Violation D. Penatty Assessment D :	319 Summone 4 Pts.	1409 No Pri	oof Of Insurance		4 Pta.
CRS/Code Of the City Of Fort Collins/City Of FTC Traff		ense		Lode Fine	Surchargi	Pts
ection 17-127 PANHANDU	Ne				\$	1
ection	,			* *	\$ 5	+
lection				\$	\$	
	unalty Assessment (This ti				<i>tructions on reven</i> LEEMENT is accepted	
Thereby promise to pay the fines listed or without admitti- juit, appear in court at the time and place below.	ing If plead or found guilty Fine+Surcharge: \$	y in court	Fine Surd			'
Petendant & ASSA PLOO	Court Costs: \$	Points:	Court Tost Total Out:	s: \$0	Points	
(ou are summoned and ordered to appear to answer change		The understaned has pro	bable cause to b	alleve that the	defendant commi	tted
Sefort Collins Municipal Court, 215 N. Mason Ave, Fort Col	ilms, CD	the offense(s) against the	e peace and dign t a copy of this S	ity of the peop	ple of the State of	- 1
2 tarimur County Court, 261 LaPorta Ave, Fort Collins, CO)	Assessment was duly se	rved upon the de P	rendant.	Na Fc97	7
In MON MARCH 4 20 13 ALL	800 An	Print Last Name	Loe MAUR	P. Ca Photo ?	esued:0206 (
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the town of house	The sacra	1195	D-CO D	Loc Cast	D-Clear D-Clea	Septile/Conversitive ClaudePror
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Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 13 of 49

CONVICTION 3

User: TAMMY

Case Summary Report Case: 2013-0168252-MD

Filing Date:

03/05/2013

Current Status:

Closed

Status Date:

03/13/2013

To

Currently Assigned

Case Status

Name

Kathleen M Lane

Date Assigned

03/05/2013

JUDGE

Case Status History From

Closed

03/13/2013

Closed pending clerk action

03/13/2013

03/13/2013

Pending

03/05/2013

03/18/2013 8:00 AM

03/13/2013

Fort Collins Municipal Court 1

Arraignment Comments:

Item Number

Result: In Custody

Exhibits

Hearings

Assigned To

Storage Location **Judge History** Property No.

Notify Date

Judge

From

03/05/2013

То

Lane, Kathleen M

Reason for Removal

Lane, Kathleen M

Defendants

Defendant Name: BLOOM, ROSS ARLAN

Street Address:

Mailing Address: TRANSIENT

Charge

Panhandling

DL State: CO

DL Number: 920220587 DOB: 08/23/1958

Sex: Male

Home Phone: 482-1706

Work Phone:

Suspended

\$ 0.00

Warrants

Type S	tatus S	tatus Date	Issue Date	Warrant #	Total Bond
		Bon	ıds		
Туре	Status	Date	Charge	Undisposed	Amount
		Char	ges		
Charge Information:	17-127 Panhandlin	g			
Citation Number:	304734	Pol Ref Number	er: 13-3091		
Violation Date:	03/03/2013	Officer:	Langley, Mi	ke	
Disposition Date:	3/13/2013	Comment:			
Plea:	Guilty	Finding:	Jail		
Other Finding:					
		Sentencing De Date:	efer		
Disposition Modified:	No	Original Disposition Da	3/13/2013 ate:		
		Fines/	Fees		

Orig. Assessed

\$ 0.00

Current Balance

\$ 0.00

Adjusted

\$ 0.00

User: TAMMY

Case Summary Report Case: 2013-0168252-MD

			Defendants			- Physician and the State of th
		Finar	ncial Summary			
	Cur	rrent Case Balance Money Due I Extension I Payment Installment Amo Agreement I End I	Date: Date: Plan ount: Date:			
		C	ase Ledger			
Panhandling						
Fee		Aı Total:	mount Type	Entered	Approved	d
		Pr	obation Info		100 yyyai 100 yyyai 100 yyyyai 100 yyyyyi 100 yyyyyi 100 yyyyyyi 100 yyyyyyi 100 yyyyyyi 100 yyyyyyyyyy	
		Cor	finement Info			
		Othe	r Sentence Info			
		Def	endant ROAs			
Date	Code		Judge			
03/05/2013	HRG		Lane, Kathleen M			
Hearing Scheduled	d (Arraignment 03/18	8/2013)				
03/05/2013	NCF		Lane, Kathleen M			
New case filed						
03/13/2013	JAIL		Lane, Kathleen M			
Jail Time Assesse	d					
03/13/2013	CSC		Lane, Kathleen M			
Case Status Chan	ge - Closed pending	clerk action				
03/13/2013	JAIL	•	Lane, Kathleen M			
Jail Time Assesse as a result all case	d 6 days reassessed es will be closed with	d on old JSC master of 6 days time served	case #2012-164772 C on 03/17/13. TR	oncurrent w/all open	cases as of 03/	13/13 and
03/13/2013	CSC		Lane, Kathleen M			
Case Status Chan	ge - Closed					
03/18/2013	CUST		Lane, Kathleen M			
In Custody						
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Payment Date	For	Payor		Rece	eipt Number Total:	Amount
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Party		Witness Type	Issue Date	Status	Appearar	nce Date
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	Party Name		Intereste	ed Party Type	Send N	lotices

User: TAMMY

Case Summary Report Case: 2013-0168252-MD

l hereby	certify that the foregoing is a true, correct, and c	omplete record in the above case.
Dated: _	01/23/15	
Signed:	and a supplementary of the sup	/nJudge or Court Clerk

PLFS 000102

form Summons	Time of Vio	ation	Arxoroats	nate Lo	cation of	Offense.	State of C	olomon, City of	Fort Collins		STITC/C				<i></i>	T	County	T	No.
30313	1400		COL	uf	GE	rro	SPE	:		_ 10-			·				LARIM		06
	Traffic Accide		Injurie		Const	ruction 2	Zone	C School Zor	xe □Tr	affic 10	enal	Municip	a)	D C.R.	.S.	Dir of T	ravel N	5 E	. W
e People of Color endant (Last Name)	ado / City O (Finst) (Hort Co	ollins v	/5,				Date of Birth		Age	Registe	red Owner I	lame	() Same	as Def	endant, o	1		
BLOG	2M.B	<u>055</u>		JKI	AN	<i>,</i>		082		1					-		·····		
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nicle License Number	Lic Type	State	Veh Y	ear	AGURDIC L	TAKE	VETIN	uc Proci	DOG DIA	(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,								
City Of FTC Trail		Offense	1	Cod	E 114			raffic Code	Offense	Cı	141 p	City 0 237 (2) N			Code	Offe	nse		ode 57
110(1) Speeding	ina ment DSw	enos anomi			<u></u>		reless Driv matity Assu	ing ssament D∶	Summons	4	Pros.				nt D	Summo	ns		O Pts
604 (1c) Red Light Vi					MIT		Stop Sign '		*		319	1409		of O! Ins	MLSU08				4 Pts
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Summons - See							THE REAL PROPERTY AND ADDRESS OF THE PERSON	nent (This ti		e nandled	Withou	If FAR	TO COL	TLEMF	NT/AG	struction Reemen	VT is acc	epted:	<i>(7</i>
ereby promise b lit, appear in cou	o pay the fin irt at the tin	te and p	lace b	elow.	aumit	MIR		rcharge: \$, 11 WUIL	-		Fine-	Surch	arge: \$				AF 144.	
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Fort Collins Mun Larimer County	-									and affirm int was du						embry:	iii or Pi	-marry	
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	J-Day D-Dusk D-Night D-Test OK	D-Same D-Opposite g □-Decreasing		Presented?: 🗆-Y 🗇-N Other Identification:	C-Y C-N State:	STATEMENTS: STATE	m < &	THAVE CITE BLOOM AT THIS LOCATION	DEALS **	t Name		ANG		4	Date	Issued	. 03	303	13

Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 18 of 49

CONVICTION 4

User: TAMMY

Case Summary Report Case: 2013-0177192-MD

Filing Date:

09/18/2013

Current Status:

Closed

Status Date:

09/24/2014

To

Currently Assigned

JUDGE

Name

Kathleen M Lane

Date Assigned

09/18/2013

Case Status History From

Hearings

Closed

09/24/2014

Closed pending clerk action Pending

01/15/2014 09/18/2013 09/24/2014 01/15/2014

Arraignment

09/30/2013 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Result: Failed to Appear

Case Status

Bond Return Hearing

12/19/2013 9:30 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Result: Failed to Appear

Bond Return Hearing

11/07/2013 9:30 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Result: Failed to Appear

Exhibits

Storage Location Item Number Assigned To Judge History

Property No.

Notify Date

From

To Reason for Removal

Lane, Kathleen M

09/18/2013

Defendants

Defendant Name: BLOOM, ROSS ARLAN

Judge

Mailing Address: TRANSIENT

Street Address:

DL State: CO

DL Number: 920220587

DOB: 08/23/1958

Sex: Male

Home Phone: 482-1706

Work Phone:

Warrants

				NATIONAL CONTRACTOR OF THE PROPERTY OF THE PRO	
Type	Status	Status Date	Issue Date	Warrant #	Total Bond
Bench	Served	01/15/2014	12/31/2013	19119	\$ 0.00
Bench	Served	10/29/2013	10/08/2013	18869	\$ 0.00
Bench	Served	12/18/2013	11/29/2013	19023	\$ 0.00
			Bonds		
Type	Status	Date	Charge	Undisposed	Amount

User: TAMMY

Case Summary Report Case: 2013-0177192-MD

Defendants

Charges Charge Information: 17-3 Failure to Appear Citation Number: 314226

Pol Ref Number: Officer:

13-12354 Lang, Jason

Violation Date: Disposition Date: 08/21/2013 1/15/2014 No Contest

Comment: Finding:

Jail Suspended on Condition(s)

Plea:

Other Finding:

Sentencing Defer

Date: Original

1/15/2014

Disposition Modified:

No Charge Information:

17-127 Panhandling 314226

Disposition Date: Pol Ref Number:

13-12354 Lang, Jason

Citation Number: Violation Date:

08/21/2013 1/15/2014

Officer: Comment:

Disposition Date: Plea:

No Contest

Finding:

Jail Suspended on Condition(s)

Other Finding:

Sentencing Defer

Date:

Disposition Modified:

Total:

Total:

Original **Disposition Date:**

1/15/2014

Fines/Fees

Orig. Assessed Suspended Adjusted **Current Balance** Charge \$ 0.00 Failure to Appear \$ 0.00 \$ 0.00 \$ 0.00 \$ 0.00 \$ 0.00 \$ 0.00 \$ 0.00 Panhandling

Financial Summary

Current Case Balance Due: \$ 0.00 Money Due Date: 01/15/2014

> **Extension Date:** Payment Plan **Installment Amount:** Agreement Date: End Date:

> > Case Ledger

Failure to Appear

Fee

Amount Type

Entered

Approved

Panhandling

Fee

Amount Type

Entered

Approved

Probation Info

Confinement Info

Panhandling

01/14/2014

Jail confinement ordered to start on 01/14/2014 and be completed by 01/15/2014. Maximum confinement: 0 years, 0 months, and 10 days. Minimum confinement: 0 years, 0 months, and 0 days. Suspended confinement: 0 years, 0 months, and 0 days. Credited confinement: 0 years, 0 months, and 0 days, Days Served: 8. Status:

User: TAMMY

Case Summary Report Case: 2013-0177192-MD

Defendants

Other Sentence Info

Panhandling

Program:

No (non-traffic) Misdemeanors in Fort Collins

Program is currently Reassessed, Revoked, or Amended Back and the defendant has been given 364 days to complete; with a completion date of 01/13/2015. Hours Assigned: 0. Hours Completed: 0. Completion Terms: Jail not reass'd per CA by sentencing on 2014-185028 (an associated cases); jail IS reass'd due to 2014-189735 + assoc. KML 09/24/2014

Program:

No Contact with Business/Residence/Intersection:

Program is currently Reassessed, Revoked, or Amended Back and the defendant has been given 364 days to complete; with a completion date of 01/13/2015. Hours Assigned: 0. Hours Completed: 0. Completion Terms: area of intersection of Prospect Rd and College Av (except to pass through); sm condition also applies to assoc case

User: TAMMY

Case Summary Report Case: 2013-0177192-MD

Defendant				

		Defendant ROAs	
Date	Code	Judge	
09/18/2013	HRG	Lane, Kathleen M	
Hearing Scheduled	(Arraignment 09/30/2013)		
09/18/2013	NCF	Lane, Kathleen M	
New case filed			
09/30/2013	FTA	Lane, Kathleen M	
Failed to Appear (0)	9/30/2013 Arraignment)		
10/08/2013	AWARB	Lane, Kathleen M	
Bench Warrant Issu	ied		
10/29/2013	HRG	Lane, Kathleen M	
	(Bond Return Hearing 11/07/2013)	,	
10/29/2013	WARRSB	Lane, Kathleen M	
Bench Warrant Reti			
11/07/2013	FTA	Lane, Kathleen M	
	1/07/2013 Bond Return Hearing)		
11/29/2013	AWARB	Lane, Kathleen M	
Bench Warrant Issu			
12/18/2013	WARRSB	Lane, Kathleen M	
Bench Warrant Retu		Edito, Hadrison W	
12/19/2013	FTA	Lane, Kathleen M	
	2/19/2013 Bond Return Hearing)	cano, radinosti w	
12/20/2013	HRG	Lane, Kathleen M	
		Laile, Madileen M	
12/31/2013	(Bond Return Hearing 12/19/2013) AWARB	Lane, Kathleen M	
Bench Warrant Issu		Lane, Natheen W	
	ea WARRSB	Long Kathloon M	
01/15/2014		Lane, Kathleen M	
Bench Warrant Retu		1 am a 1/attula am 14	
01/15/2014	JSC	Lane, Kathleen M	
Jail Suspended with	• •		
01/15/2014	JSC	Lane, Kathleen M	
Jail Suspended with	· •		
01/15/2014	CSC	Lane, Kathleen M	
	e - Closed pending clerk action		
01/15/2014	JAIL	Lane, Kathleen M	
Jail Time Assessed			
01/15/2014	UPDT OTHER SENT	Lane, Kathleen M	
Other Sentencing - (·		
01/15/2014	UPDT OTHER SENT	Lane, Kathleen M	
Other Sentencing - u			
09/24/2014	UPDT OTHER SENT	Lane, Kathleen M	
Other Sentencing - ι	updated		
09/24/2014	CSC	Lane, Kathleen M	
Case Status Change	e - Closed		
	α	Defendant Costs	
Case Number	Description	Victim	Balance
	*		

User: TAMMY

Case Summary Report Case: 2013-0177192-MD

		C	Defendants			
		Victim	Restitution Info			
		Cas	se Payments			
Payment Date	For	Payor			Receipt Number Total:	Amount
		Subpoena	/ Witness Summary	у		
Party		Witness Type	Issue Date	Status	Appearar	ice Date
		Inte	rested Parties			
	Party Name		Interest	ted Party Type	Send N	otices
		true, correct, and com	iplete record in the a	bove case.		
Dated: < / /	<u> </u>				, and the engine	
Signed:	an January and the second	/n	Judge or Court Clerk	No.		
				: :		

) Z.J. 1001

Company Comp		Summons		•								je rri	TC/Cas	e#13	- 12	35,413		<u> 1226</u>
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Section Continued and ordered to appear to answer charges as rated above in particular county court, 201 LaPorte Ave, Fort Collins, CO Collins, Col				terrent Management	************		·*								╂			
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The are summoned and ordered to appear to answer charges as stated above in: The continue of the continue o	= 	1	414 د .	<u> </u>	1	```	-			,			/			\$ _9/		
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PLFS 000157

Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 25 of 49

CONVICTION 5

User: TAMMY

Case Summary Report Case: 2013-0180517-MD

Case Status History

From

Hearings

Filing Date:

12/10/2013

Current Status:

Closed

Status Date:

09/24/2014

To

Currently Assigned

JUDGE

Name

Kathleen M Lane

Date Assigned

12/10/2013

Case Status Closed

09/24/2014

Closed pending clerk action

01/15/2014 12/10/2013 09/24/2014 01/15/2014

Arraignment

Pending

12/30/2013 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Result: Failed to Appear

Exhibits

Item Number **Assigned To** Storage Location

Judge History

Defendants

Property No.

Warrant #

Notify Date

Judge Lane, Kathleen M

Street Address:

From 12/10/2013 To

Reason for Removal

Defendant Name: BLOOM, ROSS ARLAN

Mailing Address: TRANSIENT

DL State: CO

DL Number: 920220587 DOB: 08/23/1958

Sex: Male Home Phone: 482-1706

Work Phone:

Warrants

Bonds

Status Date Type

Status

Charges

Charge

Issue Date

Total Bond

Amount

Charge Information:

17-127 Panhandling

Pol Ref Number:

Status Date

13-18084

Citation Number: **Violation Date:**

12/01/2013 1/15/2014

325240

Officer: Comment: Lang, Jason

Disposition Date: Plea:

Type

Guilty

Finding:

Jail Suspended on Condition(s)

Other Finding:

Sentencing Defer Date:

Disposition Modified:

Original Disposition Date:

1/15/2014

Fines/Fees

Charge

Orig. Assessed

Suspended

Adjusted

Undisposed

Current Balance

\$ 0.00

\$000

\$ 0.00

\$ 0.00

Panhandling

User: TAMMY

Case Summary Report Case: 2013-0180517-MD

Defendants

Financial Summary

Current Case Balance Due: \$ 0.00 Money Due Date: 09/24/2014

Extension Date: Payment Plan **Installment Amount:**

Agreement Date:

End Date:

Case Ledger

Panhandling

Fee

Amount Type

Entered

Approved

Total:

Probation Info

Confinement Info

Other Sentence Info

Panhandling

Program:

No (non-traffic) Misdemeanors in Fort Collins

Program is currently Reassessed, Revoked, or Amended Back and the defendant has been given 364 days to complete; with a completion date of 01/13/2015. Hours Assigned: 0. Hours Completed: 0. Completion Terms:

Program:

No Contact with Business/Residence/Intersection:

Program is currently Reassessed, Revoked, or Amended Back and the defendant has been given 364 days to complete; with a completion date of 01/13/2015. Hours Assigned: 0. Hours Completed: 0. Completion Terms: area of intersection of Prospect Rd and College Av (except to pass through); sm condition also applies to assoc case

User: TAMMY

Case Summary Report Case: 2013-0180517-MD

Defendants

Defendant ROAs Judge Code Date Lane, Kathleen M HRG 12/10/2013 Hearing Scheduled (Arraignment 12/30/2013) Lane, Kathleen M NCF 12/10/2013 New case filed FTA Lane, Kathleen M 12/30/2013 Failed to Appear (12/30/2013 Arraignment) **AWARB** Lane, Kathleen M 12/31/2013 Bench Warrant Issued Lane, Kathleen M **JSC** 01/15/2014 Jail Suspended with Condition(s) Lane, Kathleen M 01/15/2014 CSC Case Status Change - Closed pending clerk action **UPDT OTHER SENT** Lane, Kathleen M 01/15/2014 Other Sentencing - updated UPDT OTHER SENT Lane, Kathleen M 01/15/2014 Other Sentencing - updated Lane, Kathleen M UPDT OTHER SENT 01/15/2014 Other Sentencing - updated UPDT OTHER SENT Lane, Kathleen M 09/24/2014 Other Sentencing - updated Lane, Kathleen M 09/24/2014 CSC Case Status Change - Closed pending clerk action **Defendant Costs** Balance Description Victim Case Number Victim Restitution Info Case Payments **Receipt Number** For **Amount Payment Date** Payor Total: Subpoena / Witness Summary Party Witness Type **Issue Date** Status **Appearance Date** Interested Parties Party Name Interested Party Type **Send Notices** I hereby certify that the foregoing is a true, correct, and complete record in the above case. C(/23/03

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S. Budelborr Literannestine	D-Wind D-Hot w packed D-Icy	L-Lay L-Dusk L-Night	D-Stationary Cl-Moving Cl-Same Cl-Opposite of Speed: Clincresing Cl-Decreasing	-3"	Other Identification:	Plake:	C C CARRIESSIVE DIMING C	A DELEGATION OF THE PROPERTY O	NDANT I	العادم ا	NITY DEFE	NDANT			TRAN	SCRIPT	, Yellov		P/D.A.	30, 40 A			
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R.RudelPoor	D-Wind D-Hot w packed D-Icy	L-Lay L-Dusk L-Night	D-Stationary Cl-Moving Cl-Same Cl-Opposite of Speed: Clincresing Cl-Decreasing	1	Presented?: C-Y C-N: Other Identification:	Plake:	C C CARRIESSIVE DIMING C	45 King Toy Monta, R	NDANT I	العادم ا	NITY DEFE	NDANT			TRAN	SCRIPT	, Yellov		P/D.A.				
R-RindelPoor	D-Wind D-Hot w packed D-Icy	L-Lay L-Dusk L-Night	Antenna: D-Stationary Cl-Moving Cl-Same Cl-Opposite Confirmed Speed: Cl-Increasing Cl-Decreasing	Vehicle Position: □-1 ⁴ □-2 ⁴ □-3 ⁴ □-3 ⁵ □-6her Location of Stap: □:Close to Violation □-0ther	D-Other Presented?: D-Y D-N Other Identification:	Plake:	C C CARRIESSIVE DIMING C	45 King Toy Monta, R	NDANT I	Blue - con	INTY DEFE	NDANT			TRAN	SCRIPT	, Yellov		P/D.A.				
R-RindelPoor	D-Wind D-Hot w packed D-Icy	L-Lay L-Dusk L-Night	Antenna: D-Stationary Cl-Moving Cl-Same Cl-Opposite Confirmed Speed: Cl-Increasing Cl-Decreasing	Vehicle Position: □-1 ⁴ □-2 ⁴ □-3 ⁴ □-3 ⁵ □-6her Location of Stap: □:Close to Violation □-0ther	D-Other Presented?: D-Y D-N Other Identification:	Plake:	C C CARRIESSIVE DIMING C	45 King Toy Monta, R	NDANT I	Blue - COI	NATA OF A PARTIE O	,			TRAN	SCRIPT	Yellov		P/D.A.				
R-RindelPoor	D-Wind D-Hot w packed D-Icy	L-Lay L-Dusk L-Night	Antenna: D-Stationary Cl-Moving Cl-Same Cl-Opposite Confirmed Speed: Cl-Increasing Cl-Decreasing	Vehicle Position: □-1 ⁴ □-2 ⁴ □-3 ⁴ □-3 ⁵ □-6her Location of Stap: □:Close to Violation □-0ther	D-Other Presented?: D-Y D-N Other Identification:	Plake:	C C CARRIESSIVE DIMING C	a Sign asking for money.	NDANT I	Blue - COI	NATA OF A PART O	,			TRAN	SCRIPT	, Yellov		P/D.A.				
Delial Constains S. Budelbor D. Invonserius	D-Wind D-Hot w packed D-Icy	L-Lay L-Dusk L-Night	Antenna: D-Stationary Cl-Moving Cl-Same Cl-Opposite Confirmed Speed: Cl-Increasing Cl-Decreasing	Vehicle Position: □-1 ⁴ □-2 ⁴ □-3 ⁴ □-3 ⁵ □-6her Location of Stap: □:Close to Violation □-0ther	D-Other Presented?: D-Y D-N Other Identification:	Plake:	C C CARRIESSIVE DIMING C	a Sign asking for money.	NDANT I	it he quickly trained to hide	NATA OF A PART O	,			TRAN	SCRIPT,	, Yellov		P/D.A.	500, 500 A			
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Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 30 of 49

CONVICTION 6

User: TAMMY

Case Summary Report Case: 2014-0186333-MD

Case Status History

Filling Date:

Closed

Pending

04/25/2014

Current Status:

Closed

Status Date:

07/18/2014

Currently Assigned

JUDGE

Name Kathleen M Lane **Date Assigned**

04/25/2014

Closed pending clerk action

Case Status

From

07/18/2014

06/06/2014 04/25/2014 07/18/2014 06/06/2014

Arraignment

05/05/2014 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

To

Comments:

Lane, Kathleen M

Result: Failed to Appear

Exhibits

Hearings

Item Number **Assigned To** Storage Location Judge History

Defendants

Property No.

Notify Date

Judge

From 04/25/2014 То

Reason for Removal

Defendant Name: BLOOM, ROSS ARLAN

Mailing Address: TRANSIENT

Street Address:

DL State: CO

DL Number: 920220587

DOB: 08/23/1958 Sex: Male

Home Phone: 482-1706

Work Phone:

Warrants

Type S	tatus St	atus Date Issu	re Date W	arrant #	Total Bond
		Bonds			
Type	Status	Date	Charge	Undisposed	Amount
		Charges			
Charge Information:	17-127 Panhandling			Application of the second seco	Constitution of the Consti
Citation Number:	311755	Pol Ref Number:	14-4045		
Violation Date:	03/25/2014	Officer:	McGregor, Mich	ael	
Disposition Date:	6/6/2014	Comment:	· ·		
Plea:	No Contest	Finding:	Jail		
Other Finding:		•			
-		Sentencing Defer Date:			
Disposition Modified:	No	Original Disposition Date:	6/6/2014		
		Fines/Fee	s		
Char	ge	Orig. Assessed	Suspended	Adjusted	Current Balance
Panhandling		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

User: TAMMY

Case Summary Report Case: 2014-0186333-MD

Defendants **Financial Summary** Current Case Balance Due: \$ 0.00 Money Due Date: **Extension Date:** Payment Plan Installment Amount: **Agreement Date:** End Date: Case Ledger Panhandling **Entered Approved** Fee **Amount Type** Total: **Probation Info** Confinement Info Other Sentence Info **Defendant ROAs** Date Code Judge **HRG** Lane, Kathleen M 04/25/2014 Hearing Scheduled (Arraignment 05/05/2014) NCF Lane, Kathleen M 04/25/2014 New case filed **FTA** Lane, Kathleen M 05/05/2014 Failed to Appear (05/05/2014 Arraignment) - see master 05/26/2014 **AWARB** Lane, Kathleen M Bench Warrant Issued - see master Lane, Kathleen M 06/06/2014 JAIL Jail Time Assessed Lane, Kathleen M CSC 06/06/2014 Case Status Change - Closed pending clerk action CSC Lane, Kathleen M 07/18/2014 Case Status Change - Closed **Defendant Costs** Case Number Victim Balance Description Victim Restitution Info **Case Payments Payment Date** Payor Receipt Number Amount For Total: Subpoena / Witness Summary Party Witness Type **Issue Date** Status Appearance Date **Interested Parties Interested Party Type Send Notices Party Name** I nereby certify that the foregoing is a true-correct, and complete record in the above case

User: TAMMY

Case Summary Report Case: 2014-0186333-MD

Dated: $\mathbb{O}(\sqrt{23/3})$

Signed /nJudge or Court Clerk

PLFS 000124

Date of Violatic O3/25 □ Fingerprin The People	nted Traffic of Color ado / (st Name) (first)	e of Violation A	pproximate Location COLLE njuries Col Col Ulins vs.	n of Olfense, State of GE AUE Instruction Zone	Colorado, Cky of Colorado, Cky of School Z	one D Traff	AUF ic D Pe	nal State	unicipal	☐ C.R.S.	Dir of Trave	ity #	No. ! 06 i.
Home Address Track Vehicle Likense 111 City Of	22-058	pe State de Offense a zone) (6 <u> </u> L	City Of FTC 1402 Careless Dr	City Coura	Body Style Offense	Calor (Top/B Calor (Top/B Cad 1/ 4 Pt	25 C/ ottom) e s/4 C 11 237 s. C	(2) No Seat Penalty As	sessment	O Summons		ode 575) Pts
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Fort Coll	immoned and o lins Municipal C County Court,	Court, 215 N. M 201 LaPorte Av	leson Ave, Fort re, Fort Collins,	harges as stated Collins, CO	above in:	The undersigned the offense (Colorado an Assessment Officer MPrint Last No.	s) against d affirms i was duly mae M	orobable c the peace that a cop served up GREGA	and dign of this So on the def	ş / lieve that t ty of the p immons & endant.	eople of the Complaint o No. — e Issued: Q	State of or Penalty	ed
D-Argumentativ	Weather: Li-Clear Li-Clouds Li-Moldy Li-Show Li-Fog Li-Wind Li-Hot Li-Cold Road Conditions: □-Dry □-Wet □-Moldy □-Slushy □-Show packed □-Lcy □-Other Road Type: □-Pavement □-Dirt Light Conditions: □-Dawn □-Day □-Dusk □-Night Speed Weasurement: □-Radar □-Lldar □-Pace Test Times: □-Test OK Veh #	Direction: ated Speed: cles Present: sengers:	00000000000000000000000000000000000000	A west gar Hardwar Rean Cerish, and a land with the Entlex of the and the contest of the contest	2.								

Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 35 of 49

CONVICTION 7

User: TAMMY

Case Summary Report Case: 2014-0185441-MD

Filing Date:

04/03/2014

Current Status:

Closed

Status Date:

07/18/2014

Currently Assigned

Name

Date Assigned 04/03/2014

JUDGE

Kathleen M Lane

Case Status History From

Closed

Case Status

Closed pending clerk action

Pendina

07/18/2014

06/06/2014 04/03/2014

07/18/2014

06/06/2014

Arraignment

04/21/2014 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

To

Comments:

Result: Failed to Appear

Exhibits

Storage Location

Hearings

Item Number **Assigned To**

Judge History From

Property No.

Notify Date

Judge

To

Reason for Removal

Lane, Kathleen M

04/03/2014

Defendants

Defendant Name: BLOOM, ROSS ARLAN

Mailing Address: TRANSIENT

Street Address:

V. Park

DL State: CO

DL Number: 920220587 DOB: 08/23/1958

Sex: Male

Home Phone: 482-1706

Work Phone:

Warrants

Type S	itatus St	atus Date Is:	sue Date	Warrant #	Total Bond
		Bonds	3		
Type	Status	Date	Charge	Undisposed	Amount
		Charge	es		
Charge Information:	17-127 Panhandling	}			
Citation Number:	325909	Pol Ref Number:	: 14-4117		
Violation Date:	03/26/2014	Officer:	Horton, Craid	1	
Disposition Date:	6/6/2014	Comment:			
Plea:	No Contest	Finding:	Jail		
Other Finding:		-			
-		Sentencing Defe Date:	r		
Disposition Modified:	No	Original Disposition Date	6/6/2014 •:		
		Fines/Fe	es		
Char	·ge	Orig. Assessed	Suspende	d Adjusted	Current Balance
Panhandling		\$ 0.00	\$ 0.00	0 \$ 0.00	\$ 0.00

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User: TAMMY

Case Summary Report Case: 2014-0185441-MD

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		Extension I					
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	In	stallment Amo	ount:				
		Agreement (
		End (Date:				
		С	ase Ledger				
Panhandling							
Fee			nount Type	En	tered Ap	proved	
	Tot	al:					
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		Def	endant ROAs				
Date	Code		Judge				
04/03/2014	HRG		Lane, Kathleen M				
_	l (Arraignment 04/21/2014						
04/03/2014	NCF		Lane, Kathleen M				
New case filed							
04/21/2014	FTA		Lane, Kathleen M				
	14/21/2014 Arraignment)						
05/26/2014	AWARB		Lane, Kathleen M				
Bench Warrant Iss							
06/06/2014	JAIL		Lane, Kathleen M				
Jail Time Assesse							
06/06/2014	CSC		Lane, Kathleen M				
	ge - Closed pending clerk						
07/18/2014	CSC		Lane, Kathleen M				
Case Status Chan	ge - Closed						
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		Cas	se Payments				
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		Subpoena	/ Witness Summary		Albert 11.5 & Al	management and constitution as a serial of	
Party	Wit	ness Type	Issue Date	Status	Арр	earanc	a Date
and advantage of the second of		Inter	rested Parties			de la contraction de la contraction de la contraction de la contraction de la contraction de la contraction de	
	Party Name		Intereste	d Party Type	S	end Not	ices

User: TAMMY

Case Summary Report Case: 2014-0185441-MD

Dated: 0/ /23/75

Signed:

/nJudge or Court Clerk

PLFS 000128

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		D-Argumentativ	g □-Wind □-Hol w packed □-lcy.	C-Day C-Dis	Speed Measurement: Li-Radar Li-Pace 19st 11mes: Li-Test OK Veh #	Antenna: D-Stationary D-Moving D-	# Vehicles Present: Vehicle Position: 10-1" 10-2" 10-4" 10-5" 10-Other	Location of Stop: D-Close to Violation D-Other	License: G-CO G-Other Presented?: G-Y G-N Other Identification:	Presentad?: D-Y D-N	OFFICER'S OBSERVATIONS / DRIVERS: STATEMENTS: Driving		Pan ban Ding in a series	Sold of the sold o		when seemed on the	Corner of Plos/Content													置いた

Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 40 of 49

CONVICTION 8

User: TAMMY

Case Summary Report Case: 2014-0185904-MD

Filing Date:

04/16/2014

Current Status:

Closed

Status Date:

07/18/2014

Currently Assigned

Name Kathleen M Lane **Date Assigned**

04/16/2014

JUDGE

Case Status

Case Status History From

To

Closed

Closed pending clerk action

07/18/2014 06/06/2014

07/18/2014

Pending

04/16/2014

06/06/2014

Arraignment

04/28/2014 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Result: Failed to Appear

Exhibits

Hearings

Item Number

Assigned To

Storage Location Judge History Property No.

Notify Date

Judge

From

To

Reason for Removal

Lane, Kathleen M

04/16/2014 **Defendants**

Defendant Name: BLOOM, ROSS ARLAN

Mailing Address: TRANSIENT

DL State: CO

DL Number: 920220587

DOB: 08/23/1958 Sex: Male

Street Address:

Home Phone: 482-1706

Work Phone:

Warrants

Туре Ѕ	tatus St	atus Date Is:	sue Date	Warrant #	Total Bond
		Bonds	s		
Type	Status	Date	Charge	Undisposed	Amount
		Charge	es :		
Charge Information:	17-127 Panhandling				
Citation Number:	325910	Pol Ref Number:	: 14-4314		
Violation Date:	03/30/2014	Officer:	Horton, Craig)	
Disposition Date:	6/6/2014	Comment:		-	
Plea:	No Contest	Finding:	Jail		
Other Finding:		-			
		Sentencing Defe	er		
Disposition Modified:	No	Original Disposition Date	6/6/2014 e:		
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Char	ge	Orig. Assessed	Suspende	d Adjusted	Current Balance
Panhandling	-	\$ 0.00	\$ 0.0	0 \$ 0.00	\$ 0.00

User: TAMMY

Case Summary Report Case: 2014-0185904-MD

End Date: Case Ledger Amount Type Probation Info Confinement Info Other Sentence Info Defendant ROAs Judge Lane, Kathleen M Lane, Kathleen M Lane, Kathleen M Lane, Kathleen M Lane, Kathleen M Lane, Kathleen M Dane, Kathleen M Lane, Kathleen M	Ente	Pred	Approved	Balance
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12 82015

User: TAMMY

Case Summary Report Case: 2014-0185904-MD

I hereby certify that the foregoing is a true, correct, and complete record in the above case. Dated:								
			/nJudg e or Cou	urt Clerk				

rm Summons & Complaint or Penalty Assessment Docket #	or Colors	E-mic.	/come # 14 -	<u>4314</u>	, Cos	LECS INTY ARIMER	L
33014 1548 PROSPECT (GILTLE		P Penal	D Municipal	C.R.S.	Dir of Tres	rel N S	E
Partie of Colorado / City Of Fort Collins Vs.		Nge Regis	tered Owner Name	C) Same as D	efendant, or	in the second	
clant (Last Name) (First) (Middle)							
's Ligense D COL Class Apate Rac Sex Eth High W		3 LJ Regul	tered Owner Addr	ess			
92.022.0587 10 CO WM W 31011	State	Zip	Phone			Ту	ype
Address	Body Style Co	or (Topi/Botton	NEV (<u>_</u>	
de License Number Lic Type State Veh Year Vehicle Make Vehicle Model	BOOY Style						
CITY OF FTC Traffic Code Offense Code in City Of FTC Traffic Code	Offense	Code 141	City Of FT 237 (2) No Se	C Traffic Cod at Belt	ie Unens	se	C
10(1) Speeding in a zone 1402 Careless Driving D Penalty Assessment D Summons Pts. 1402 Careless Driving	Summons	4 Pts.		Assessment Proof Of Insuran			_
504 (1c) Red Light Violation 304 703 (3) Stop Sign Violation	Summoņs	319 4 Pts.	Summons	TOOL OF BISOLOGI	œ		ž
Penalty Assessment D Summans 475.	ense					Surcharge	2
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on Summons - See instructions on reverse side	cket may be ha	ndled with	out coming to	court) - See	Instruction	s on rever	rse
ereby promise to pay the fines listed or without admitting If plead or found guilb	y in court:		n Contra	ETTLEMENT// charge: \$	NGREEMENT	is accepted	a:
it, appear in court at the time and place below. Fine+Surcharge: \$			Court Co		0	,	
rendant 7 755 4 Total Due: \$		Points:	Total Du		the dele-	Points:	
u are summoned and ordered to appear to answer charges as stated above in:	The undersign the offense(s)						
Fort Collins Municipal Court, 215 N. Mason Street, Fort Collins; CO	Colorado and Assessment w	affirme that	A COOV OF UNIS	Summuna 6	. complaint	or renam	ι¥
Larimer County Court, 201 LaPorte Ave, Fort Collins, CO	Officer	Se	d Horre	<u> </u>	No	10	r-
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PLFS 000161

Case 1:15-cv-00281 Document 2-17 Filed 02/10/15 USDC Colorado Page 45 of 49

CONVICTION 9

User: TAMMY

Case Summary Report Case: 2014-0185509-MD

From

Hearings

Filing Date:

04/09/2014

Current Status:

Closed

Status Date:

07/18/2014

To

Currently Assigned

Name

Date Assigned 04/09/2014

JUDGE

Kathleen M Lane

Case Status History

Case Status

07/18/2014

Closed pending clerk action

06/06/2014

07/18/2014

Pending

Closed

04/09/2014

06/06/2014

Arraignment

04/21/2014 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Result: Failed to Appear

Exhibits

Item Number **Assigned To** Storage Location Judge History

Defendants

Property No.

Notify Date

Judge

From 04/09/2014 To

Reason for Removal

Lane, Kathleen M

Defendant Name: BLOOM, ROSS ARLAN

Mailing Address: TRANSIENT

DL State: CO

DL Number: 920220587

DOB: 08/23/1958 Sex: Male

Street Address:

Home Phone: 482-1706

Work Phone:

Warrants

Bonds

Charges

Type

Status **Status Date** Issue Date

Warrant #

Total Bond

Amount

Type Charge Information:

17-127 Panhandling 327327

Pol Ref Number:

14-4674

Charge

Citation Number: **Violation Date:**

03/26/2014

Status

Officer:

Athearn, Ben

Disposition Date: Plea:

6/6/2014 No Contest

Comment: Finding:

Date

Jail

Other Finding:

Sentencing Defer

Date:

Disposition Modified:

Original Disposition Date: 6/6/2014

Fines/Fees

Charge

Orig. Assessed

Suspended

Adjusted

Undisposed

Current Balance

Panhandling

\$ 0.00

\$ 0.00

\$ 0.00

\$ 0.00

User: TAMMY

Case Summary Report Case: 2014-0185509-MD

			Defendants			
		Fin	ancial Summary			
	Cui	rrent Case Balanc Money Due		And different materials and an extensional and death Annual of Conference on State Land Conference on State Land Conference on State Land Conference on State Land Conference on State Land Conference on State Land Confere	- more mensual and more mensual containing and an analyzing and analyzing the set of any property and the second	
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		Agreemen				
		End	d Date:			
			Case Ledger			
Panhandling						
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			Probation Info	200000000000000000000000000000000000000		
		C	onfinement Info			
		Oth	ner Sentence Info	uulkista kelikkuusikkaasa 1900 olka Programmata Hannatkansikka		***************************************
		D	efendant ROAs			
Date	Code		Judge			
04/09/2014	HRG		Lane, Kathleen M			
Hearing Schedule	d (Arraignment 04/2	1/2014)				
04/09/2014	NCF		Lane, Kathleen M			
New case filed						
04/21/2014	FTA		Lane, Kathleen M			
	04/21/2014 Arraignr	ment)				
05/26/2014	AWARB		Lane, Kathleen M			
Bench Warrant Iss						
06/06/2014	JAIL		Lane, Kathleen M			
Jail Time Assesse 06/06/2014	CSC		Lane, Kathleen M			
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07/18/2014	nge - Closed pending CSC	g cierk action	Lane, Kathleen M			
Case Status Char			Edito, National W			
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		Int	terested Parties			PMNSEEWSYSMASSAMAAA
	Party Name		Intereste	d Party Type	Send N	Notices
I hereby certify tha	of the foregoing is a t	rue, correct, and co	omplete record in the ab-	ove case.		
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User: TAMMY

Case Summary Report Case: 2014-0185509-MD

Dated: $\frac{O(1/33/75)}{O(1/33/75)}$	Sala lay
Signed:inJudge of Court Clerk	·

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Defendant 10	57 HJ	$n \circ \sim r$	tal Due: \$		Points:	Tc	otal Due:	ţ	7	Points	
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	Court, 215 N. Mason Stre , 201 LaPorte Ave, Fort Co) (Colorado ar	d affirms the was duly se	it a copy	of this Sur	nmons &	Complaint	or Penal	
1 1	,			Officer A	11	•			No. 🗹	2228	···········
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Exhibit 17

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

Case 1:15-cv-00281 Document 2-18 Filed 02/10/15 USDC Colorado Page 2 of 9

DUNN, MICHAEL

User: KELLY

Case Summary Report Case: 2012-0159970-MD

Filing Date:

JUDGE

Closed

09/04/2012

Current Status:

Closed

Status Date:

09/18/2012

Currently Assigned

Name

Kathleen M Lane

Date Assigned

09/04/2012

Case Status History

From

Hearings

Case Status

09/18/2012

Closed pending clerk action

09/18/2012 09/04/2012 09/18/2012 09/18/2012

Pending

09/24/2012 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Arraignment Comments:

Result: Paid Fines/Costs

Judge

Judge History

From

To

Reason for Removal

To

Lane, Kathleen M

10.25 AM

09/04/2012 **Defendants**

Defendant Name: DUNN, MICHAEL ZACHARY

Mailing Address: TRANSIENT

Fort Collins, CO

DL State: TX

DL Number: 15981949

DOB: 04/30/1984 Sex: Male

Street Address:

Home Phone:

Work Phone:

Warrants

		TVQII	anto		
Type S	tatus S	tatus Date	Issue Date	Warrant #	Total Bond
		Bor	nds		
Туре	Status	Date	Charge	Undisposed	Amoun
		Char	ges		
Charge Information:	17-127 Panhandlin	g			
Violation Date:	08/31/2012	Officer:	Hopkins, To	odd	
Disposition Date:	9/18/2012	Comment:			
Plea:	Guilty	Finding:	Guilty		
Other Finding:					
		Sentencing De Date:	efer		
Disposition Modified:	No	Original Disposition Da	9/18/2012 ate:		
		Fines	/Fees		
Char	ge	Orig. Assessed	Suspend	ed Adjusted	Current Balance
Panhandling		\$ 100.00	\$ 0.	00 \$ 0.00	\$ 0.00
		Financial	Summary		
	Current C	Case Balance Due:	\$ 0.00		

Money Due Date: 09/18/2012

Extension Date: Payment Plan **Installment Amount:** Agreement Date: End Date:

11/12/2014

User: KELLY

Case Summary Report Case: 2012-0159970-MD

		Defendants		
		Case Ledger		
Panhandling				
Fee		Amount Type	Entered Approve	d
Fine		100.00 Assessment	09/18/2012	
Fine		100.00 CasePayment	09/18/2012	
	Total:	\$ 200.00		
		Probation Info		
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Date	Code	Judge		
09/04/2012	HRG	Lane, Kathleen M		
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09/04/2012	NCF	Lane, Kathleen M		
New case filed 09/18/2012	CSC	Lane, Kathleen M		
Case Status Cha		Lane, Namieen W		
09/18/2012	nge - Closed PYMT	Lane, Kathleen M		
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Hearing Result: F		Latto, Nasmooti W		
09/18/2012	CSC	Lane, Kathleen M		
	nge - Closed pending clerk ac			
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		Defendant Costs		
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Payment Date	For	Payor	Receipt Number	Amount
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			Total:	\$ 100.00
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Dated:				·
Signed:	h //	/nJudge or Court Clerk		
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			January Williams	

10:25 AM

PLFS 000209

11/12/2014

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4			-	N. Mason		-			the offens	e(s) again	st the pea	ce and dignit	y of the peo	ple of t	he State of	
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Case 1:15-cv-00281 Document 2-18 Filed 02/10/15 USDC Colorado Page 6 of 9

PALMER, CALEB

User: KELLY

Case Summary Report Case: 2012-0159803-MD

Filing Date:

08/31/2012

Current Status:

Closed

Status Date: **Date Assigned** 08/31/2012

Currently Assigned JUDGE

Name

Kathleen M Lane

08/31/2012

Case Status History **Case Status** From

To

Closed

08/31/2012

08/31/2012

08/31/2012

Pending

08/31/2012

08/31/2012

Arraignment

09/27/2012 8:00 AM

Lane, Kathleen M

Fort Collins Municipal Court 1

Comments:

Result: Guilty

Closed pending clerk action

Judge History

Hearings

Judge

From

То

Reason for Removal

Lane, Kathleen M

10:24 AM

08/31/2012 **Defendants**

Defendant Name: PALMER, CALEB DANIEL

Mailing Address: 1648 ALDER ST

Street Address:

EUGENE, OR 97405

DL State: OR

DL Number: 8914044

DOB: 08/16/1990

Sex: Male

Home Phone: (503) 490-1754

Work Phone:

Warrants

		vvarra	IIIIS		
Type S	tatus St	atus Date Is	ssue Date	Warrant #	Total Bond
		Bond	ds		
Туре	Status	Date	Charge	Undisposed	Amount
		Charg	ges		
Charge Information:	17-127 Panhandling	}			
Violation Date:	08/31/2012	Officer:	Hopkins, Tod	ld	
Disposition Date:	8/31/2012	Comment:			
Plea:	Guilty	Finding:	Guilty		
Other Finding:					
		Sentencing Def Date:	fer		
Disposition Modified:	No	Original Disposition Da	8/31/2012 te:		
		Fines/f	Fees		
Char	ge	Orig. Assessed	Suspende	d Adjusted	Current Balance
Panhandling		\$ 100.00	\$ 0.00	0 \$ 0.00	\$ 0.00
		Financial S	ummary		
	Current C	ase Balance Due: \$	0.00		
			0.004.0040		

Money Due Date: 08/31/2012

Extension Date: Payment Plan Installment Amount: **Agreement Date:**

End Date:

11/12/2014

User: KELLY

Case Summary Report Case: 2012-0159803-MD

		Defendants		
		Case Ledger		
Panhandling				
Fee		Amount Type	Entered Approv	ved
Fine		100.00 Assessment	08/31/2012	
Fine		100.00 CasePayment	08/31/2012	
	Tota	il: \$ 200.00		
*****		Probation Info		
		Confinement Info		
		Other Sentence Info		
		Defendant ROAs		
Date	Code	Judge		
08/31/2012	HRG	Lane, Kathleen M		
-	(Arraignment 09/27/2012)			
08/31/2012	NCF	Lane, Kathleen M		
New case filed	0 //5/5/10 550			
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08/31/2012	G - FINDING	Lane, Kathleen M		
Finding: Guilty (17-		17 (11)		
08/31/2012	CSC	Lane, Kathleen M		
	ge - Closed pending clerk a			
08/31/2012	CSC	Lane, Kathleen M		
Case Status Chang		Lana Wathlasa M		
08/31/2012 Payment Received	PYMT	Lane, Kathleen M		
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Case Number	Description	Victim	**************************************	Balance
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10:24 AM

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11/12/2014

her's Licepse 044 CDL Sme Address Address Address Number Lic Type St	Injuries Construction ort Collins vs. dle Daniel Class Stop Rac Sep Swell Latte Veh Year Vehicle Make	Date of Birth 40 N Et Sto 165 Bo Experie R Sta	Age Registered Owner Name Eves Registered Owner Address F 7 2 Phone Color (Top/Bottom) VIN	County LARIMER OF LARI
110(1) Speeding in a 20 Penalty Assessment Summo 604 (1c) Red Light Violation Penalty Assessment Summo CRS/Code Of the City Of Fort action 2 2 2 action 2 3 action 3 4 action 3 4 action 3 4 action 5 action 6 action 7 e — 1402 de pts. Ons — Pts. — 703 (3 4 Pts.) — 703 (5 1 Pts.) — 705 (5 Pts.) — 705 (5 Pts.) — 705 (7 Pts.) —	Careless Driving Penalty Assessment Summons 1) Stop Sign Violation Penalty Assessment Summons Odic Offense	141	Jeit 57 sessment D Summons 0 Pt of Of Insurance 4 Pt 5 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	
Summons - See Instructions or hereby promise to pay the fines I uilt, appear in court at the time a efendant or are summoned and ordered to Fort Collins Municipal Court, 21! Larimer County Court, 201 LaPo	ilsted or without admitting and place below. o appear to answer charges a 5 N. Mason Ave, Fort Collins, orte Ave, Fort Collins, CO	CO the offense(If EARLY SET Fine+Surcha Court Costs: Points: Total Duor Ined has probable cause to bel against the peace and dignit affirms that a copy of this Su was fully served upon the defe	TLEMENT/AGREEMENT is accepted: arge: \$ \$ Points: Eleve that the defendant committed by of the people of the State of mmons & Complaint or Penalty and ant. No. 65 Date Issued: (183/12
□-Argumentaive □-Wind □-Hot □-Cold packed □-lcy □-Other □-Day □-Dusk □-Night □-Test OK □-Same □-Opposite g □-Decreasing	t: Vehicle Position: □-1 st □-2 rd □-4 rd □-5 th □-Other Location of Stop: □-Close to Violation □-Other Co □-Other Presented?: □-Y □-N Other identification: Co □-Other Presented?: □-Y □-N # Co □-Other Presented?: □-Y □-N # Altons / DRIVERS STATEMENTS: □-Y □-N State: Co □-Other Presented?: □-Y □-N State: Co □-Other Pre	ed Holling of widay a a a b		

Exhibit 18

Motion for Temporary Restraining Order and Preliminary Injunction

Landow, et al. v. City of Fort Collins

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Date of Violation 0508/3	Time of Violation 0855	Approximate Loca									County LARIN	1ER	Νο. 06
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Uniform Summons & Complaint or Pen	THIS IS THE (alty Assessment Docket #	CASE VITTO Case	14. 5745 1 S326	836
	roximate Location of Offense, State of Colorado, Cit 130 KEMLVG HA	y of Fart Collins:	County	No.
☐ Fingerprinted ☐ Traffic Accident ☐ Inj	uries 🔲 Construction Zone 🔲 School	Zone 🗆 Traffic 🗇 Penal 🕱 Mui	nicipal C.R.S. Dir of Travel	
The People of Colorado / City Of Fort Collin Defendant (Last Name) (Erst) (Middle)	Date of		ner Name 🔲 Same as Defendant, or	
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604 (1c) Red Wint Violation	Pts. Penalty Assessment 703 (3) Stop Sign Violation	1409	Penalty Assessment Cl Summons No Proof Of Insurance	0 Pts.
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O - Summons - See Instructions on revers I hereby promise to pay the fines listed or	without admitting If plead or found go	ticket may be handled without comi	ng to court) - See Instructions on ARLY SETTLEMENT/AGREEMENT is ac	Annual of the latest and the state of the st
guilt, appear in court at the time and place	E below. Fine+Surcharge: S Court Costs:		ne+Surcharge: \$:
Defendant	Total Dug.	· · · · · · · · · · · · · · · · · · ·		oints:
You are summoned and ordered to appear To Fort Collins Municipal Court, 215 N. Mas	,	The undersigned has probable can the offense(s) against the peace a Colorado and affirms that a conve	ise to believe that the derendant c and dignity of the people of the Sta of this Summons & Complaint or P	ite of
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The People of Cold			ollins vš.	400	NAMES OF TAXABLE STREET	200							
Defendant (Last Name)	~ /	(Middle) han Le	K). DN 69		Date of Bit	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	A9°/	Kegistered	owner Name	ID Same as Defe	engant, Of	
Driver's License		COL C	155 Sta		ex Eth		Whit Hair	Eyes	Registered	Owner Addres	\$	······································	13
Home Address	841		(`	OWF		135 I.		ate Cory	<u> </u>	Phone			Type 8
110111011201200										<u></u>			<u> </u>
Vehicle License Number	Lic Type	State	Veh Year	Vehicle Make	Vehic	de Model	Body Style	Color (Top,	(Bottom)	VIN			{
in. City Of FTC Tr	affic Code	Offense	c	ode_1/4_Cl	ty Of FTC To	affic Code	Offense	C ò	de_ s/o	City Of FTC	Traffic Code	,Offense	Code
110(1) Speedin		zone			2 Careless Drivi Penalty Asse		Summons			17 (2) No Seat	Belt ssessment D	Summons	575 0 Pts.
D Penalty Asse		20minous		_ 7 MM	(3) Stop Sign \						of Of Insurance		
☐ Penalty Asse	ssment 🖸				Penalty Asse			4	Pts. L.J	Summons			4 Pts.
CRS/Code Of	the City O				Code	Of	lense				ode Fin	e Sürcha \$	rge Pts.
Section 17-16	<i>J.1</i>		an hana	eling							- *	\$	┯┼
Section											- '	\$	1 1
Section						*	*************************************				\$	\$	<u> </u>
🗆 - Summons - Se	-							handled				tructions on re	
I hereby promise guilt, appear in co					1	r found gull	•		-		•	REEMENT IS acce	pted:
gang appear in C	12 0	/	ve velui	•••	Court Co	rcharge: \$ _ ists: \$ _				Fine+Surd Court Cost	-		ļ
Defendant 20	Ketu	15ed			Total Du	ie: \$_		Points;		Total Due:	\$		nts:l
You are summone Fort Collins Mu Larimer County	nicipal Cou	rt, 215 N.	Mason Str	eet, Fort Coll		bove in:	the offense	(s) agains	st the peac that a co	e and dign by of this S	ity of the peo ummons & Co	e defendant co ple of the State implaint or Per	e of
11						<i>a</i>	Officer <u></u>	10h	typni	<u>e</u>		_No. <u>FCS</u>	6
On: //ay	22_		_20 <u>/ </u>	At: OP	00	HM	Print Last	lame	Kurick		Date I	Issued: <u>FC&</u>	6
□-Polite/Cooperative R-Rude/Poor B-Uncooperative □-Argumentation C-Clear □-Clouds □-Mist □-Rain □-Snow □-Fog □-Wind □-Hot ndittons: □-Dry □-Wet □-Muddy □-Slushy □-Snow packed ⊡-toy	Road Type: □-Pavement □-Dir Light Conditions: □-Dawn □-Day □-Dusk □-Night Speed Measurement: □-Radar □-Lidar □-Pace Test Times: □-Test OK Veh # □-Device Make: □-Test OK	Patrol Direction: Antenna: □-Stationary □-Moving □-Same □-Opposite Estimated Speed: □-Increasing □-Decreasing # Vehicles Present: Vehicle Position: □-1 st □-2 rd □-3 rd □-4 rd □-5 rd □-0ther	Location of Stop: G-Close to Violation G-Other G-Other Presented?: G-Y G-N ##	D-Other Presented?: D-Y D-N State: DNS / DRIVERS STATEMENTS: DAGGressive Driver A 5.9 n and r	s many 8		but received summers thats was			LOCA TION CLIVETSION	requested		
DISP/D.A Attitude: Weather: Road Cor	Speed Veh#	Patr Esti	# Pa	In Series	1 a g	g=3/2	年がに				 PLFS	000401	

Motion for Temporary Restraining Order and Preliminary Injunction

Fort Collins Municipal Court

User: KELLY

Case Summary Report Case: 2013-0177426-MD

Filing Date:

09/24/2013

Current Status:

Closed

Status Date:

09/26/2013

Currently Assigned JUDGE

Name

Kathleen M Lane

Date Assigned 09/24/2013

Case Status History Case Status From

To

Closed

09/26/2013

09/26/2013

Closed pending clerk action Pending

09/26/2013 09/24/2013

09/26/2013

Arraignment

10/03/2013 8:00 AM

Lane, Kathleen M

To

Fort Collins Municipal Court 1

Comments:

Result: Guilty

Judge History

Hearings

Judge

From

Reason for Removal

Lane, Kathleen M

09/24/2013 **Defendants**

Defendant Name: TRANCA, ANAMARIA ANDREA

Mailing Address: 3808 E MULBERRY ST #109

DL State: **DL Number:**

FORT COLLINS, CO 80524

DOB: 12/21/1990

Street Address:

Sex: Female

Home Phone: (970) 484-5515

Work Phone:

Warrants

Type	Status St	atus Date	Issue Date	Warrant #	Total Bond
		_	Bonds		
Туре	Status	Date	Charge	Undisposed	Amount
		C	harges		
Charge Information:	17-127 Panhandling				
Violation Date:	09/03/2013	Officer:	Weis, Ehric	h	

Disposition Modified:

Disposition Date:

9/26/2013

Guilty

No

Comment: Finding:

Guilty

Other Finding:

Plea:

10:07 AM

Sentencing Defer

Date:

Original Disposition Date: 9/26/2013

Fines/Fees

1 HUOT VOV									
Charge	Orig. Assessed	Suspended	Adjusted	Current Balance					
Panhandling	\$ 100.00	\$ 0.00	\$ 0.00	\$ 0.00					
	Fig								

Financial Summary

Current Case Balance Due: \$ 0.00

Money Due Date: 09/26/2013

Extension Date: Payment Plan Installment Amount:

> Agreement Date: End Date:

11/12/2014

Fort Collins Municipal Court

User: KELLY

Case Summary Report Case: 2013-0177426-MD

		Defendants		
		Case Ledger		
Panhandling				
Fee Fine		Amount Type 100.00 Assessment	Entered Approve 09/26/2013	a
Fine		100.00 Assessment	09/26/2013	
rine	Total:	\$ 200.00 Caser ayment	09/26/2013	
		Probation Info		
		Confinement Info		
		Other Sentence Info		
		Defendant ROAs		
Date	Code	Judge		
09/24/2013	HRG	Lane, Kathleen M		
	Arraignment 10/03/2013)			
09/24/2013	NCF	Lane, Kathleen M		
New case filed	G - FINDING	Long Kathlaga M		
09/26/2013		Lane, Kathleen M		
Finding: Guilty (17-1) 09/26/2013	CSC CSC	Lane, Kathleen M		
	- Closed pending clerk action	Lane, Named W		
09/26/2013	CSC	Lane, Kathleen M		
Case Status Change				
09/26/2013	PYMT	Lane, Kathleen M		
Payment Received				
10/03/2013	G - HEARING RESULT	Lane, Kathleen M		
Hearing Result: Guilty	y			
		Defendant Costs		
Case Number	Description	Victim		Balance
	. Ober 1841 Sen Sen Sandrage - Streether Streether Streether Streether Streether Streether Streether Streether	Victim Restitution Info		
		Case Payments	estational and an analysis and a second seco	
Payment Date Fo	or ne	Payor TRANCA	Receipt Number 176955	Amount
09/26/2013 Fi	ne	IRANCA	Total:	100.00 \$ 100.00
			i Otai.	\$ 100.00
I hereby certify that the	ne foregoing is a true, correct,	and complete record in the above of	case.	
Dated: ハンパケイ	4		and the later of t	
17.,4A.	1911		and Charles Charles	
Dated: <u>ハハか</u>	1000 120 A	/nJudge or Court Clerk		
,		/nJudge or Court Clerk	TO SCAL R	
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10:07 AM

of

11/12/2014

Time of Violation O 10313 Time of Violation O 10313 Time of Violation O 10313 Time of Violation O 10313 Traffic Accident Injuries Construction Tranca (First) (Middle) Tranca And Maria Andreca Fromania ID Color Orne Address 3806 Malbury Childress State Norme Address Malbury SH 109 Childress Childress Compania Construction Andreca From Address Compania Construction Andreca From Address Construction Andreca From Address Construction Andreca From Address Construction Construction Andreca From Address Construction Andreca From Andreca From Address Construction Construction Andreca From Andreca From Address Construction Construction Andreca From Address Construction Construction Andreca From Address Construction Andreca From Address Construction Andreca From Andreca From Address Construction Andreca From Address Construction Construction Andreca From Address Construction Andreca From Address Construction Construction Andreca From Andreca From Address Construction Construction Andreca From Andreca From Address Construction Construction Andreca From Andreca From Address From	Zone School Zo Date of Bin /ZZ/ Eth Hgt 5'0" Cliv	f Fort Collins one	Registered Owner Name C Registered Owner Address Zip Phone 970	Co. L. Dir of Trav 1 Same as Defendant, or 484 - 5515	inty No. ARIMER 06 vel N S E W
110(1) Speeding in a zone 1402 C	Of FTC Traffic Code areless Driving enalty Assessment ©	Offense Co	ode 5/A City Of FTC Tr 141 237 (2) No Seat Be	74L7) B6987 affic Code Offens I ssment O Summons	
) Stop Sign Violation enalty Assessment D orde Off	Summons 4	319 1409 No Proof Summons Con M	de Fine S	
A Summons - See Instructions on reverse side : Penalty hereby promise to pay the fines listed or without admitting uilt, appear in court at the time and place below.	If plead or cound guilt Fine+Surcharge: \$ _ Court Costs: \$ _ Total Due: \$	y in court:	Fine+Surchar Court Costs: Total Due:	\$ \$ \$ R) - See Instructions LEMENT/AGREEMENT ge: \$ 0 \$	s on reverse Is accepted: - - - - - - - - - - - - -
Ou are summoned and ordered to appear to answer charges a Fort Collins Municipal Court, 215 N. Mason Ave, Fort Collins, Co Larimer County Court, 201 Laronte Ave, Fort Collins, CO on: Octobel 3rd 20 13 At: 0800	CO A M	the offense(s) again Colorado and affirm Assessment was de Officer Print Last Name	s probable cause to bellest the peace and dignity as that a copy of this Sun to served upon the defermance of the served upon the defermance of the served upon the defermance of the served upon the defermance of the served upon the defermance of the served upon the serv	of the people of the imons & Complaint dant. No Date Issued:	e State of or Penalty
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Motion for Temporary Restraining Order and Preliminary Injunction

Iniform Sumi	mons & Comp	laint or Penalty	/ Assessment	ocket #	is is	CASCI	*/4/ . **C/Case	F41	51	S3268	34
Date of Violation	_		nate Location of Offense, S	itate of Colorado, C	ity of Fort Collins					County	No.
☐ Fingerprinted	☐ Traffic Acc	ident Injuries	Construction Ze	one D School	Zone DT	raffic 🖸 Pena	i & Munic	ipal 🗆 C	R.S. Di	r of Travel N S	
The People of	Colorado / City	Of Fort Collins v		<u> </u>		لإسابيا					
Delendant (Last Na		(Middle)	TANK H	Date o	01-65	Age Re	gistered Owner	rName □ Sa	me as Defend	lant, or	
Driver's License		ICDL CLASS	State Rac Sex	Eth Hgt	Wht Hair		gistered Owner	Address			
Home Address	34178		COLWIF	U/ 609	1239 140	State Zin	Pho	ne			Туре
242	CONIFE	**************************************	. Nuhiala dania	r Co	Ufins Rody Style	Color (Top/Bott	om) VIN		45		
Vehicle License Nu	mber Lic Type	State Veh Ye			DOLLY SUPE	Color (10p/80ta	om) viv				
(/) City Of F.(C Traific Code	Offense		7 (C Traffic Co less Driving	de Offense	Code 141		Of FTC Traff No Seat Belt	ic Code	Offense,	Code 57
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ection	······································			***************************************			·/·		\$	\$	
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efendant	· · · · · · · · · · · · · · · · · · ·	*77.7Y		Fotal Due:	\$	Points: reigned has pro		Duc!	S	Points	
J t		• •	answer charges as s Street, Fort Collins,	,	the offens	se(s) against th	e peace an	d dignity of	the peopl	e of the State o	of
		LaPorte Ave, For		مسي		and affirms the int was duly se				しんか	· r y
Nox	0/10	<i>t</i> ,	MARA L	∇	Officer	MAS' 1	AWI	¥7		No. TUPI	t U
u:	KIL Y	20 1	1 At: 0900		Print Last	Name	NAS		_ Date Iss	aved: 6471	<u> </u>
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Direct Vision Preparative Constructions on Previous Construction Constr	niform Summons	& Compla	int or I	Penaity	Assessmei	ņt Doci	ket #			% -121	rc/Case#/	4- 71491	S323	868
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Direct Lugger Direct Lugge				ollins vs.			Date of B	Krith .	Age	Re	gistered Owner Na	me 🗆 Same as Defe	ndant, o	
South Address South Addres	Kruse	Chigi		M		F 1 F0			3.					
Vehicle License Number Lic Tipe State Vich Year Vehicle Make Vehicle Model Body Style Cotor (Troy(Bottom) VIS			DC G					230 8	1 17		gistered Owner Ad	oress	,	
City Of FIC Traffic Code Offense Code 1	fome Address	alas	~				City		State	Zip	Phone 2	290-	0822	Туре
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1402 Cardess Driving 1402 Cardess Driving	a City OF FTC Traff	ic Code	Offense		Code 2/4	City Of FT	C Traffic Cod	e Offense		Code	sia City Of	TC Traffic Code	Offense	Code
Secretion Secr	110(1) Speeding	in a	zone		—П	402 Careless	Driving			141	237 (2) No	Seat Belt		575 O Pts.
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Section \$ \$ \$ Section \$ \$ Section \$ \$ \$ Section \$ \$			2 7	ins/City (n e realism	ic cous	P-1-1-1		Q	4				arge Pts.
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Summons - See Instructions on reverse side Penalty Assessment (This bloket may be handled withiout coming to court) - See Instructions on reverse thereby promise to pay the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines listed or without admitting guilt, appear in court by the fines guilt appear in court by the fines guilt guilt appear in court by the fines guilt gui	 			·							· · · · · · · · · · · · · · · · · · ·	\$		
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Court Costs: \$ Count	hereby promise to	pay the fir	ies liste	d or with	out admitti	ng If plea	ad or found gu		/				***************************************	
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b Fort Collins Municipal Court, 215 N. Mason Street, Fort Collins, CO Larimer County Court, 201 LaPorte Ave, Fort Collins, CO Larimer County Court, 201 LaPorte Ave, Fort Collins, CO Consumer County Court, 201 LaPorte Ave, Fort Collins, Court	Defendant	<u>M</u> S	VIM	KAMP	لا		• • • • • • • •		Point	s:			Pc	oints:
Colorado and affirms that a copy of this formmons & Complaint or Penalty Assessment was only served upon the defendants On: On: On: On: On: On: On: On							ed above in:							
Distribution: White - COURT, Pink - CITY DEFENDANT, Blue - COUNTY DEFENDANT, Green - MDV TRANSCRIPT, Yellow - DISP/D.A. Distribution: University Distribution: White - COURT, Pink - CITY DEFENDANT, Green - MDV TRANSCRIPT, Yellow - DISP/D.A. Distribution: University Dist		•				collins, CO		Colorado	and affin	ms the	t a copy of the	s Summons & Co	mplaint or Pe	nalty
Distribution: White COURT, Pink - CITY DEFENDANT, Blue - COUNTY DEFENDANT, Green - MDV TRANSCRIPT, Yellow - DISP/D.A. Distribution: White - COURT, Pink - CITY DEFENDANT, Green - MDV TRANSCRIPT, Yellow - DISP/D.A.	a Lanmer County Co	A	'a coure	•			,	i					7/	19
D-Snow D-Fog D-Wind D-Hot D-Cold D-Snow D-Fog D-Wind D-Hot D-Cold D-Snow D-Fog D-Wind D-Hot D-Cold D-Snow D-Fog D-Wind D-Hot D-Cold D-Snow D-Fog D-Wind D-Hot D-Cold D-Snow D-Fog D-Wind D-Hot D-Cold D-For	on: June	13rd		20.14	At: 8	:00	AM		Name		Vigil	Date I	ssued: 5/	21/14
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Motion for Temporary Restraining Order and Preliminary Injunction

ORDINANCE NO. 70, 1995 OF THE COUNCIL OF THE CITY OF FORT COLLINS AMENDING SECTION 17-126 OF THE CITY CODE AND ADDING SECTION 17-127 TO THE CITY CODE PERTAINING TO PANHANDLING

WHEREAS, during the past few years, the City of Fort Collins has experienced an increase in the number of people who engage in panhandling within the City, particularly in the City's downtown area; and

WHEREAS, this panhandling is often accompanied by conduct that creates an inconvenience and a public nuisance for persons solicited and, at times, even threatens the safety and welfare of such persons; and

WHEREAS, such persons solicited are often at-risk persons who because of age or disability are less able to emotionally and physically protect themselves and, therefore, are particularly susceptible to being emotionally and physically harmed by such conduct; and

WHEREAS, the Council has determined that it is necessary in the interest of public safety and welfare to impose reasonable time, manner and place restrictions on panhandling within the City; and

WHEREAS, the Council's intent in adopting this Ordinance is to impose only those time, manner and place restrictions that are reasonably necessary to eliminate conduct which threatens the safety and welfare of persons toward whom these activities are directed, without infringing upon the First Amendment rights that any person engaged in panhandling may have related to that activity.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That subparagraph (6) of paragraph (a) of Section 17-126 of the City Code is deleted in its entirety.

Sec. 17-126. Harassment.

- (a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:
- Section 2. That the Code of the City of Fort Collins is hereby amended by adding a new section, to be numbered Sec. 17-127, which section reads as follows:

Sec. 17-127. Panhandling.

(a) When used in this Section, the following words, terms and phrases shall have the meanings ascribed to them in this paragraph (a):

- At-risk person shall mean a natural person who is sixty (60) years of age or older, under eighteen (18) years of age, or who is a person with a disability. A "person with a disability" shall mean, for purposes of this subparagraph (1), a natural person of any age who suffers from one or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person than he or she would be without such physical or mental impairments. A "substantial physical or mental impairment" shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand or foot; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; and any developmental disability, psychological disorder, mental illness, or neurological condition that substantially impairs a person's ability to function physically or that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.
- (2) Knowingly shall mean, with respect to the conduct or circumstances described in this Section, that a person is aware that such person's conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.
- (3) Obscene shall mean a blatantly offensive description of an ultimate sexual act or solicitation to commit an ultimate sexual act, whether or not such ultimate sexual act is normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
- (4) *Obstruct* shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.
- (5) Panhandleshall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value.
- (b) It shall be unlawful for any person to panhandle if such panhandling occurs:
 - (1) Any time from one-half hour after sunset to one-half hour before sunrise;

- (2) In a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
- (3) In a manner that involves the person panhandling knowingly directing fighting words to the person solicited;
- (4) In a manner that involves the person panhandling knowingly touching or grabbing the person solicited;
- (5) In a manner that involves the person panhandling knowingly continuing to request the person solicited for a gift of money or thing of value after the person solicited has refused the panhandler's initial request;
- (6) In a manner that involves the person panhandling knowingly soliciting an at-risk person;
- (7) On a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;
- (8) Within one hundred (100) feet of an automatic teller machine or of a bus stop;
- (9) On a public bus;
- (10) In a parking garage, parking lot or other parking facility; or
- (11) When the person solicited is entering or exiting a parked motor vehicle, in a motor vehicle stopped on a street, or present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink.

Section 3. Severability. If any word, clause, sentence, paragraph or other part of this ordinance shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or other part thereof, directly involved in the controversy in which such judgment shall have been rendered.

Introduced, considered favorably on first reading, and ordered published this 16th day of May, A.D., 1995, and to be presented for final passage on the 6th day of June, A.D., 1995.

ATTEST:

Passed and adopted on final reading this 6th day of June, A.D., 1995.

Mayor

ATTEST:

Motion for Temporary Restraining Order and Preliminary Injunction

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ARTICLE I. topt IN GENERAL

Sec. 17-1. Definitions. topt

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

Enter or *remain unlawfully* shall mean:

- (1) To enter or remain in or upon privately owned property when not licensed, privileged or otherwise authorized to do so;
- (2) To enter or remain in or upon publicly owned property that is not open to the public;

- (3) To fail to leave property, whether privately or publicly owned, after being directed to do so by a person lawfully in control of the property; or
- (4) To conduct oneself in a public place in violation of any rule or regulation issued by any officer or agency having the power of control, management, or supervision thereof, which limits or prohibits the use, activities or conduct in such public place, provided that the rule or regulation is: (i) prominently posted at all public entrances to the property; (ii) posted in such a way as to be clearly visible from the site of the infraction; or (iii) actually known to the offender.

Escape shall mean a continuing activity commencing with the conception of the design to escape and continuing until the escapee is returned to custody or the attempt to escape is thwarted or abandoned.

Public place shall mean a place to which the public or a substantial number of the public has access, and includes but is not limited to highways including sidewalks, transportation facilities, schools, places of amusement, parks, playgrounds and the common areas of public and private buildings and facilities.

Thing of value shall include real property, tangible and intangible personal property, contract rights, choses in action, services, confidential information, medical records information and any other rights of use or enjoyment connected therewith.

(Code 1972, § 84-10; Ord. No. 127, 1993, 11-2-93; Ord. No. 37, 2003, § 1, 3-18-03)

Cross-reference—Definitions and rules of construction generally, § 1-2.

Sec. 17-2. Legislative intent. topt

It is the intent and purpose of this Chapter to cover and include offenses occurring in the City. It is not the intent and purpose of this Chapter to cover and include those offenses which are classified as felonies under the C.R.S. This Chapter shall be so construed notwithstanding any language contained in this Chapter which might otherwise be construed to the contrary.

(Code 1972, § 84-9)

Sec. 17-3. Failure to obey summons or notice. topt

For the purposes of this Code, tender by a peace officer or other service of a summons or penalty assessment notice shall constitute notice to the defendant to appear in Municipal Court at the time specified on such summons or penalty assessment notice or pay the required fine within the time specified and to appear in court at any further time set by the court for arraignment, trial or other hearings. No person shall fail to appear at such times or pay the fine within the time specified.

(Code 1972, § 84-8)

Cross-reference—Municipal Court, Ch. 19.

Secs. 17-4—17-20. Reserved.

ARTICLE II. topt OFFENSES AGAINST THE PERSON

Sec. 17-21. Assault. top†

No person shall knowingly or recklessly cause bodily injury to another person or with criminal negligence cause bodily injury to another person by means of a deadly weapon. This provision does not apply in the event of serious bodily injury or if the assault is otherwise felonious.

(Code 1972, § 84-7)

Secs. 17-22—17-35. Reserved.

ARTICLE III. topt OFFENSES AGAINST PROPERTY

Sec. 17-36. Theft. topt

No person shall knowingly obtain or exercise control over anything of value of less than one thousand dollars (\$1,000.) of another without authorization or by threat or deception when such person:

- (1) Intends to deprive the other person permanently of the use or benefit of the thing of value; or
- (2) Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit; or
- (3) Uses, conceals or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person permanently of its use or benefit; or
- (4) Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person.

(Code 1972, § 84-3(E); Ord. No. 11, 1993, § 1, 2-16-93; Ord. No. 139, 1997, 10-21-97; Ord. No. 118, 2011, § 1, 9-20-11)

Sec. 17-37. Theft of rental property. topt

No person shall:

- (1) Obtain the temporary use of personal property of another, which is available only for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the personal property; or
- (2) Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire, knowingly fail to reveal the whereabouts of or to return the property to the owner thereof or a representative of the owner or to the person from whom the property was received within seventy-two (72) hours after the time at which the person agreed to return it where the value of the thing involved is less than one thousand dollars (\$1,000.).

- (4) The application fee for a permit shall be one hundred dollars (\$100.) and the permit fee shall be one hundred dollars (\$100.), both of which must be submitted upon application for a permit. Said fees shall be nonrefundable, except that the permit fee may be refunded if the application is denied. The Chief may waive the fee for governmental entities or agencies.
- (5) Any permit issued hereunder is nontransferable.
- (d) No person shall violate the terms of any permit granted hereunder. Any violation shall, in addition to criminal penalties, result in the revocation of the permit.

(Ord. No. 145, 2006, 10-3-06)

Sec. 17-102. Throwing of missiles. topt

No person shall throw any stones, snowballs or other objects or missiles upon or at any vehicle, building or other public or private property or upon or at any person in any public place.

(Code 1972, § 84-5(B))

Sec. 17-103. Bodily waste. topt

No person shall deposit, or permit to be deposited, on publicly or privately owned property, any human excrement, vomit, spittle or other human bodily waste unless such waste is deposited in a toilet, urinal, or other receptacle designed, intended and made available for such use.

(Ord. No. 39, 2003, § 2, 3-18-03)

Secs. 17-104—17-120. Reserved.

ARTICLE VII. top† OFFENSES AGAINST PUBLIC PEACE

Sec. 17-121. Disturbing the peace. topt

No person shall disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive, disorderly or obstreperous conduct and no person shall knowingly permit such conduct upon any premises owned or possessed by that person or under that person's control.

(Code 1972, § 84-1(A))

Sec. 17-122. Staying on medians prohibited. topt

- (a) No person shall stand or be upon a median of any street for longer than is reasonably necessary to cross the street.
- (b) For the purposes of this Section, median shall mean:
 - (1) The area of a street, generally in the middle, which separates traffic traveling in one direction from traffic traveling in another direction, or which, at intersections, separates traffic turning left from traffic proceeding straight. Such an area is physically defined by

curbing, landscaping or other physical obstacles to the area's use by motor vehicles, or by traffic control markings which prohibit use of a portion of the pavement of a street by motor vehicles other than to drive generally perpendicularly across the markings, or to wait there awaiting the opportunity to cross or merge with the opposing lanes of traffic (also known as painted medians, which are wider than a double yellow line); or

- (2) The area of a street at an intersections between the streets and a right turn only lane, roughly triangular in shape, and separated from the motor vehicular traffic lanes by curbing, landscaping or other physical obstacles to the area's use by motor vehicles (also known as a right turn island).
- (c) This Section does not apply to medians which are thirty (30) or more feet wide or to persons maintaining or working on the median for the government which owns the underlying right-of-way or for a public utility.

(Ord. No. 117, 2011, 9-20-11)

Sec. 17-123. Loitering about schools. topt

No person shall, with intent to interfere with or disrupt the school program or with intent to interfere with or endanger school children, loiter, idle, wander, stroll or play in a school building or on school grounds or within one hundred (100) feet of school grounds, either on foot or in or on any vehicle, when persons under the age of eighteen (18) years are present in the building or on the grounds, when such person has no reason or relationship involving custody of, or responsibility for a pupil or any other specific, legitimate reason for being there, and has been asked to leave by a school administrator or representative or by a peace officer.

(Code 1972, § 84-1(D))

Sec. 17-124. Disorderly conduct. topt

It is unlawful for any person to intentionally, knowingly or recklessly:

- (1) Make a coarse and obviously offensive utterance, gesture or display in a public place when such utterance, gesture or display tends to incite an immediate breach of the peace; or
- (2) Fight with another in a public place except in an amateur or professional contest of athletic skill; or
- (3) Not being a peace officer, display a deadly weapon in a public place in a manner calculated to alarm.

(Code 1972, § 84-1(F); Ord. No. 66, 1996, 6-4-96; Ord. No. 114, 2011, §1, 9-20-11)

Sec. 17-125. Use of parking areas. topt

Those portions of College Avenue (between Magnolia Street and Maple Street) and Mountain Avenue (between Howes Street and Peterson Street) designated for parking between the curbs of said avenues shall only be used for parking purposes. Any person not remaining inside a vehicle in such parking area shall immediately leave the parking area by the safest direct route. No person shall remain outside a vehicle in such parking area.

(Code 1972, § 84-1(G); Ord. No. 68, 1996, 6-4-96)

Sec. 17-126. Harassment. topt

- (a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:
 - (1) Strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact; or
 - (2) In a public place directs obscene language or makes an obscene gesture to or at another person; or
 - (3) Follows a person in or about a public place; or
 - (4) Initiates communication with a person, anony—mously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, re—quest, suggestion or proposal by telephone, computer, computer network or computer system which is obscene; or
 - (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
 - (6) Makes repeated communications at inconvenient hours that invade the privacy or another and interfere in the use and enjoyment of another's home or private residence or other private property; or
 - (7) Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disor—derly response.
- (b) As used in this Section, unless the context otherwise requires, *obscene* means a blatantly offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
- (c) Any act prohibited by Paragraph (4)(a) of this Section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.

(Ord. No. 78, 1990, § 1, 7-17-90; Ord. No. 70, 1995, § 1, 6-6-95; Ord. No. 114, 2011, § 2, 9-20-11)

Sec. 17-127. Panhandling. topt

- (a) When used in this Section, the following words, terms and phrases shall have the meanings ascribed to them in this Subsection (a):
 - (1) At-risk person shall mean a natural person who is sixty (60) years of age or older, under eighteen (18) years of age, or who is a person with a disability. A person with a disability shall mean, for purposes of this Paragraph (1), a natural person of any age who suffers from one (1) or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person than he or she would be without such physical or mental impairments. A substantial physical or

Motion for Temporary Restraining Order and Preliminary Injunction

Declaration of Randy Chapman

- I, Randy Chapman, do hereby declare:
- 1. Since 1980, I have been the Director of Disability Law Colorado. My professional biography, of which I attest to the truth of, is attached hereto as Attachment A.
- Disability Law Colorado is headquartered at 455 Sherman Street, Suite
 Denver, Colorado 80203.
- 3. Disability Law Colorado is a nonprofit organization protecting the human, civil and legal rights of people with disabilities and older people. As Colorado's Protection and Advocacy System, Disability Law Colorado has authority under federal law to gain access to facilities and records in order to investigate allegations of abuse and neglect. The organization also helps people obtain state and federally funded services, such as special education, mental health services, developmental disabilities services, and vocational rehabilitation. Disability Law Colorado specializes in civil rights and discrimination issues.
- 4. Disability Law Colorado works for systematic change in our goal to improve the quality of life for people with disabilities and seniors. Disability Law Colorado provides direct legal representation, education, advocacy, and legislative analysis to promote the independence, self-determination, empowerment and community participation of its clients. Similar organizations exist in every state and territory as part of a national protection and advocacy network.
- I have reviewed the Fort Collins panhandling ordinance, located at Section17-127 of the Fort Collins Municipal Code, ("Ordinance") and in particular the blanket

prohibition against approaching "at risk" individuals and asking them for money ("panhandling"). In the ordinance, an "at risk person" includes any "natural person who is over (70) and any "person with a disability." "Disability" is broadly defined as any "substantial physical or mental impairment" including:

the loss of, or the loss of use of, a hand or foot; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; and any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person's ability to function physically or that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.

- 6. It is my view, and the view of Disability Law Colorado, that the Ordinance unduly stigmatizes and isolates older persons and people with disabilities by singling them out for differential treatment.
- 7. The only conceivable rationale for the provision prohibiting solicitation from older persons and people with disabilities throughout the City of Fort Collins is an erroneous belief that most, if not all, older persons and people with disabilities are incapable of making a sound decision about whether to give money to a solicitor. Our organization is dedicated to working with these two populations and can report that older persons and people with disabilities are perfectly capable of making a sound decision about whether to give money to a solicitor in a public space. That the Ordinance suggests to the contrary serves to feed a paternalistic and ill-deserved stereotype that older persons and people with disabilities are incompetent to make even the smallest of autonomous decisions. Enforcement of such a stereotype of individuals who are solely physically disabled is particularly nonsensical.

- 8. The significant isolation and public stigmatization that many older persons and people with disabilities face on a daily basis is plainly encouraged by the Ordinance. The Ordinance requires solicitors to scan public spaces for people who appear to be disabled or over 60 years of age, and then avoid those people. Most older persons and people with disabilities, however, do not wish to be defined by their age and/or disability. Many older persons and people with disabilities welcome interaction in public places from a wide variety of people, including homeless and non-profit solicitors. Those who do not desire such interaction, by and large, have the ability to tell the solicitor: "No" or to move away.
- 9. Disability Law Colorado receives and investigates complaints from older persons and people with disabilities from all over the state who feel they have faced discrimination and harassment. We have not received any complaints from older persons or people with disabilities in Fort Collins, Colorado regarding panhandling or solicitation, whether aggressive or non-aggressive.

I declare under penalty of perjury that the foregoing is true and correct.

Date

' Randy Chapmar

Randy Chapman, Esq.

Director of Legal Services

Randy Chapman has worked with Disability Law Colorado since 1977, and has been the director of legal services since 1980. He played a pivotal role in the development of disability law and helped break ground in implementing special education law.

Randy's influence is reflected in Colorado statute and policy. In the developmental disabilities area, he established human rights committees in legislation to review medications, behavioral programs, and ensure investigation of abuse and neglect. He added the requirement that people with developmental disabilities be represented on the boards of directors of community service organizations. He also drafted the due process language in the state statute and had significant input in the development of the Colorado Department of Education's complaint process for children in special education.

Randy has overseen legal representation to more than 25,000 people with disabilities in Colorado and made more than 700 presentations on disability law. In 1998, he was awarded the Martin Luther King Jr. Humanitarian Award by the Martin Luther King Jr. Colorado Holiday Commission. In 2010, he was recognized by the Parents Encouraging Parents program of the Colorado Department of Education for 30 years of "making a difference in the lives of students with disabilities and their families."

Randy is the author of Assistive Technology: Universe of Opportunities, The New Handbook for Special Education Rights, three editions of The Everyday Guide to Special Education Law, and co-author of Preventing Litigation in Special Education Workbook. He has also written numerous articles for both legal and lay publications and two video scripts. Randy holds a law degree from the University of Texas at Austin. rchapman@disabilitylawco.org

Motion for Temporary Restraining Order and Preliminary Injunction

Declaration of Julie Reiskin

I, Julie Reiskin, do hereby declare:

- Since 1997, I have been the Director of the Colorado Cross-Disability
 Coalition (CCDC). My professional biography, of which I attest to the truth of, is
 attached hereto as Attachment A.
- CCDC is a statewide organization. Our office is at 655 Broadway, Suite
 Denver CO 80203. We have members throughout the state, including in Fort
 Collins.
- 3. CCDC is a private non-profit organization in good standing operating in the state of Colorado. Our mission is to advocate for social justice for people with all types of disabilities. Cross-Disability means that people with different types of disabilities work together for similar or shared goals.
- 4. CCDC provides individual and systemic advocacy, works with all branches of government to improve services and programs, and enforces the civil rights of people with disabilities. CCDC provides education to people with and without disabilities on a variety of issues. CCDC is guided by a vision and values which are posted on our website (www.ccdconline.org). Our values include the importance of people with disabilities being treated as full citizens with all of the attendant rights and responsibilities. We believe that people with disabilities have a lot to give, and should be expected to do so. Disability is not a tragedy and people with disabilities are not victims.
- 5. I have reviewed the Fort Collins panhandling ordinance ("Ordinance"), located at Section 17-127 of the Fort Collins Municipal Code, and in particular the blanket prohibition against approaching "at risk" individuals and asking them for money

("panhandling"). In the ordinance, an "at risk person" includes any "person with a disability." "Disability" is broadly defined as any "substantial physical or mental impairment" including:

the loss of, or the loss of use of, a hand or foot; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; and any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person's ability to function physically or that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.

- 6. It is my view, and the view of CCDC, that the Ordinance unduly stigmatizes and isolates people with disabilities by singling them out for differential treatment. The ordinance is assuming that people with disabilities are victims and assuming that people with disabilities are not capable of the human compassion that drives one to give to someone who is down on his or her luck, and forced to panhandle.
- 7. The only conceivable rationale for the provision of the Ordinance prohibiting solicitation from people with disabilities throughout the City of Fort Collins is the erroneous belief that most, if not all, disabled people are incapable of making a sound decision about whether to give money to a solicitor. The Americans with Disabilities Act specifically prohibits local governments from making policy based on assumptions (especially incorrect assumptions) about people with disabilities. Our organization is run by and for people with disabilities. We know that most people with disabilities are perfectly capable of making a sound decision about whether to give money to a solicitor in a public space. That the Ordinance suggests to the contrary serves to feed a paternalistic and ill-deserved stereotype that people with disabilities are incompetent to make even the smallest of autonomous decisions. Enforcement of such a stereotype of

individuals who are solely physically disabled is particularly nonsensical and discriminatory.

- 8. The significant isolation and public stigmatization that many people with disabilities face on a daily basis is exacerbated and encouraged by the Ordinance. The Ordinance requires solicitors to scan public spaces for people who appear to be disabled, and then avoid those people. People with disabilities are as diverse as the rest of the population. Some welcome interaction by solicitors or people in general, others do not. Some like to give to charity, others do not. Those who enjoy such interactions should have the right to respond to solicitations. Those who do not have the ability to tell the solicitor: "No" or to move away.
- 9. CCDC receives and investigates complaints from people with all types of disabilities from all over the state who feel they have faced discrimination or harassment. We have not received any complaints from any person with a disability anywhere in Colorado, including in Fort Collins, regarding panhandling or solicitation, whether aggressive or non-aggressive.

I declare under penalty of perjury that the foregoing is true and correct.

1/28/2015

Julie Reiskin, LCSW

Julie Reiskin is the Executive Director of the Colorado Cross Disability Colation. Under Julie's leadership CCDC has taken a leadership role within Colorado on publicly funded long-term health care. Julie has proposed and helped to implement many solutions to create a sustainable and client friendly Medicaid program, acted as a respected advocate for individuals and has trained many others in health advocacy and health policy. Prior to becoming the Executive Director for CCDC in 1996, she served as the organizations policy analyst. Julie moved to Colorado from Connecticut in 1994. In Connecticut, she was a partner in a consulting firm, specializing in diversity issues throughout Southern New England. She also had a private psychotherapy practice. Previous work includes, but is not limited to, several positions working with hard to serve youth and positive youth development, AIDS/HIV Education, and grassroots community organizing. Julie has taught extensively in the areas of disability rights, disability culture and disability policy, along with other areas related to diversity in human services. Julie got her Masters in Social Work from the University of CT, with a major in community organizing in 1989. She obtained a BS. in Women's Studies from the University of CT in 1985.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No. 1:15-cv-00281

ABBY LANDOW, JEFFREY ALAN, SUSAN WYMER, LAWRENCE BEAL,

individually and on behalf of others similarly situated,

GREENPEACE, INC., NANCY YORK,

Plaintiffs,

v.

CITY OF FORT COLLINS,

Defendant.

PROPOSED TEMPORARY RESTRAINING ORDER

THIS MATTER having come before the Court upon Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, notice having been given to the appropriate parties, and the Court being fully advised, the Court concludes that Plaintiffs will suffer irreparable injury if Defendant's conduct is not enjoined; that there is a substantial likelihood Plaintiffs will prevail on the merits; that the threatened injury to Plaintiffs outweighs any harm the proposed injunction may cause the Defendant; that the injunction would not be contrary to public interest; and, therefore, a Temporary Restraining Order is warranted.

IT IS HEREBY ORDERED that Plaintiffs' Motion for a Temporary Restraining Order is GRANTED; and it is

FURTHER ORDERED that the City of Fort Collins and its officers, agents, servants, employees, and attorneys are enjoined from enforcing Fort Collins, Colo. Mun. Code §§ 17-127(b)(1), (5), (6), (8), (9), (10) and (11); and it is

FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 65(b)(2), this order shall expire on February 24, 2015; and it is

FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 65(c), Plaintiffs will not be required to post a bond because the Court is unable to identify any costs the City of Fort Collins will incur through non-enforcement of the above-cited sections of the Fort Collins Municipal Code.

Dated:	, 2015	
		BY THE COURT:
		United States District Judge