

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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<b>POOR PEOPLE’S ECONOMIC HUMAN RIGHTS CAMPAIGN,</b>	:	
	:	
	:	<b>No. 16-cv-3281</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>CITY OF PHILADELPHIA,</b>	:	
	:	
<b>Defendant.</b>	:	

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**PLAINTIFF’S EMERGENCY MOTION FOR EXPEDITED DISCOVERY**

Plaintiff Poor People’s Economic Campaign for Human Rights (“PPEHRC”) has filed a motion for a preliminary injunction. In anticipation of the hearing on that motion, PPEHRC requests that the Court order limited expedited discovery. In support of this motion, Plaintiff avers:

1. Plaintiff seeks a permit to conduct a march on Broad Street from City Hall to FDR Park in South Philadelphia, starting at 3 PM on Monday, July 25, in anticipation of the beginning of the Democratic National Convention (“DNC”) to be held at the Wells Fargo Center from July 25-28, 2016. The City has refused to authorize any marches in Center City between the hours of 3 PM and 6 PM on weekdays.
2. Plaintiff applied for a permit for that march on April 5, 2016. The City denied Plaintiff’s application by letter dated May 5, 2016.
3. Plaintiff believes, and has alleged, that the reason for the permit denial is the City’s unwritten policy of denying all permit requests for marches in Center City between the hours of 3 PM and 6 PM on weekdays.

4. Plaintiff believes, and has alleged, that the City has an unwritten policy of allowing some unpermitted marches to proceed, with police management to reduce interference with traffic, including in Center City between the hours of 3 PM and 6 PM on weekdays.

5. Plaintiff believes, and has alleged, that the strategies that the City uses to manage unpermitted marches could be used to minimize traffic or safety concerns for permitted marches, including in Center City between the hours of 3 PM and 6 PM on weekdays.

6. Plaintiff believes, and has alleged, that the City regularly permits the closure of streets for myriad purposes other than demonstrations in Center City between the hours of 3 PM and 6 PM on weekdays.

7. Plaintiff's legal theory is that the City's refusal to permit marches in Center City at the same time that it allows streets closures for other reasons in Center City constitutes an impermissible content-based restriction on political speech, and that the City's refusal to permit marches is not narrowly tailored to serve the City's interests in traffic and safety because the City has a readily available less restrictive alternative, in that it can manage permitted marches in the same way that it manages non-permitted marches.

8. Plaintiff moves for an Order that Defendant provide the following discovery on an expedited basis, discovery that is limited in scope and narrowly tailored to issues that will be germane to the preliminary injunction hearing:

- a) Production of all permit applications, permits, and disapproval or other response letters for demonstrations or parades planned to occur in Philadelphia from July 24-29, 2016.
- b) Production of all permit applications, permits, and disapproval or other response letters for marches or parades sought to be held in Center City in

whole or in part between the hours of 3 PM and 6 PM from January 1, 2014 to the present.

- c) Production of all applications, permits, and disapproval letters or other responses for proposals to close streets (other than for construction projects) in Center City between the hours of 3 PM and 6 PM from January 1, 2014 to the present.
- d) Production of all reports prepared by members of the Civil Affairs Unit of the Philadelphia Police Department that relate to permitted demonstrations in Center City, any part of which occurred between the hours of 3 PM and 6 PM, from January 2014 to the present, including but not limited to copies of any relevant “Information Report – Demonstration Format,” “Information Report – Recap,” or “75-48” forms or their equivalent.
- e) Production of all reports prepared by members of the Civil Affairs Unit of the Philadelphia Police Department that relate to non-permitted demonstrations in Center City, any part of which occurred between the hours of 3 PM and 6 PM, from January 2014 to the present, including but not limited to copies of any relevant “Information Report – Demonstration Format,” “Information Report – Recap,” or “75-48” forms or their equivalent.
- f) Production of all documents evidencing any reason(s) or justification(s) for the City’s decision to ban all applications for permits to march down Broad Street during the DNC, and for the City’s reversal of that decision.

- g) Production of all documents evidencing any reason(s) or justification(s) for the City's decision to ban all street protest in "Center City" between 7 AM and 9 AM and between 3 PM and 6 PM.
- h) 30(b)(6) Deposition of Captain Stephen Glenn of the Philadelphia Police Department, or of someone with comparable experience and knowledge of the practices of the Civil Affairs Unit of the Philadelphia Police from January 2014 to the present.

Plaintiff requests that the Court order Defendant to produce the above-requested documents by July 8, 2016, and to schedule the above-requested deposition to take place as soon thereafter as practicable, and order the parties to work in good faith to identify responsive documents and a mutually acceptable date for the deposition.

WHEREFORE, Plaintiff respectfully requests that this Court grant this motion.

Dated: June 24, 2016.

Respectfully submitted,

/s/ Mary Catherine Roper

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, the foregoing PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY, together with the accompanying MEMORANDUM OF LAW and PROPOSED ORDER, were filed electronically and served on all counsel of record via the ECF system of the United States District Court for the Eastern District of Pennsylvania.

Dated: June 24, 2016

/s/ Mary Catherine Roper  
Mary Catherine Roper