

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

ProBLAC, an organization;
ALEXANDER MATTHEWS;
DARREN RENFROW;
JORDAN CORBIN; JOSHUA
AUGUSTINE; LIYA WHATCOTT;
RILEY WILSON; KATELYN HUCKINS;
and MELANIE BUER, as individuals;

Plaintiffs,

vs.

CITY OF OMAHA, a Municipal Corpora-
tion; and TODD SCHMADERER and
MARK MATUZA, in their Individual and
Official Capacities;

Defendants.

CASE NO.

COMPLAINT
(42 U.S.C. 1983)

I. NATURE OF THE CASE

1. This is a civil rights case about Omaha police trapping and arresting peaceful protestors for marching in the street, using excessive physical force and chemical agents to make the arrests, and then punitively jailing the protestors during a pandemic.

2. In response to a series of widely publicized instances of police brutality against and causing the death of people of color, and news regarding the conduct of federal agents toward protestors in Portland, Oregon, many have taken to the streets, sidewalks and other public forums in Omaha to protest government action (hereinafter, "Black Lives Matter protests"). Non-violent protestors, including Plaintiffs herein, hold signs, join chants, and march to stand in solidarity with Oregon protestors, support racial justice, and call for reform of policing policy and accountability.

3. The case arises from a protest march that occurred Saturday evening, July 25, 2020 when protestors gathered near the intersection of 30th and Farnam Streets and initially marched east along Farnam to Omaha's Old Market District, and then returned west along Farnam to the intersection of 28th and Farnam Streets (hereinafter, "Farnam Street March"). At least 130 people, including families and children, joined the very energetic, vocal and peaceful march. Plaintiff Alexander Matthews led the march, using a megaphone to lead chants enthusiastically joined by all who marched in the street.

4. OPD initially responded by escorting the march as it proceeded east by blocking side streets and providing safety support but near dusk, as the march proceeded west back to its starting point, began announcing over their microphones, "This is the Omaha Police Department. This has been declared an unlawful assembly. You are all subject to arrest", "Go home now", or "Failure to disperse now will result in your arrest." Chief Schmaderer publicly explained the response on July 29, stating, "Public streets are not forums for protesting."

5. Protestors continued their march from the Old Market west down Farnam Street, intending to return to their cars and disperse near 30th and Farnam. Others, including Legal Observers, journalists, and by-standers, walked along adjacent sidewalks to observe the march.

6. As the march approached the Farnam Street Bridge over the Gerald Ford Freeway near 28th Street, which protestors had to cross to return to the march's starting point, however, marchers noticed that Omaha police had positioned themselves on the far side of the bridge. As marchers continued onto the bridge, more officers positioned their cruisers behind the group, trapping not only the marchers, but also those who had followed the march, observing from the sidewalk. Police then informed all whom they trapped they were all going to be arrested for "unlawful assembly", "failure to disperse" and "obstructing a highway." Other officers fully clad in militaristic clothing subsequently ripped signs from protestors' hands and fired pepper-ball guns indiscriminately at compliant protestors huddled between the bridge's fencing and a concrete divider.

7. Despite local custom, public policy, and the serious health risks posed by the ongoing COVID-19 pandemic, officers placed almost all of those trapped on the bridge under arrest and booked them into the Douglas County Jail, where some were held until Monday morning.

II. JURISDICTION AND VENUE

8. This action arises under the United States Constitution and 42 U.S.C. § 1983. This Court has jurisdiction to adjudicate Plaintiffs' claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3).

9. This Court has jurisdiction over Plaintiffs' claims for declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

10. This court has jurisdiction pursuant to 42 U.S.C. § 1988 to award Plaintiffs their reasonable attorneys' fees, litigation expenses, and costs.

11. Venue is proper in the U.S. District Court for the District of Nebraska under 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in the District of Nebraska and because Defendants are subject to personal jurisdiction in the District of Nebraska.

III. PARTIES

Plaintiffs

12. Progressive Black-Led Ally Coalition (hereinafter, "ProBLAC") is a grass-roots organization that supports the Black Lives Matter movement, police reform and racial justice. The organization has over 100 members, meets regularly, and is led by Alexander Matthews and a small group of decision-makers.

13. Alexander Matthews is a resident of Omaha and helps organize protest activities on behalf of ProBLAC. Matthews and others founded ProBLAC in the wake of the murder of George Floyd and the protests that followed. Matthews participates as an organizer of peaceful protests for ProBLAC to lift Black and Brown voices in their call for racial justice. Matthews was the primary organizer of the Farnam Street March and led the march with a megaphone both at Turner Park

and down Farnam Street. Matthews advocated no violence and no property damage in connection with the event, though he did hope and expect that the voices of those marching would be provocative and a catalyst for thought by those who heard them. Matthews was subjected to excessive force when arrested at the Farnam Street Protest.

14. Jordan Corbin is a resident of Omaha who is a member of ProBLAC. Corbin supports ProBLAC and the Black Lives Matter movement because he is tired of walking down the street in fear police will hurt rather than protect him and because he hopes for racial justice when he decides to raise children. To Corbin's knowledge, he has participated in every Black Lives Matter protest in Omaha since Friday evening, May 29, 2020, when he joined who had participated in protests at the intersection of 72nd and Dodge Streets in Omaha ("Crossroads Protests"). Corbin was arrested at the Farnam Street March, jailed, and booked on charges of Obstructing a Highway and Failure to Disperse. Despite complying with commands of law-enforcement, and acting only as a peaceful protester, Corbin was subjected to chemical agents employed by Omaha police after trapping the protestors on the bridge, causing him excruciating pain.

15. Darren Renfrow is also a resident of Omaha who peacefully marched during the Farnam Street March, only to be trapped on the bridge, arrested, jailed and booked on charges of Obstructing a Highway and Failure to Disperse. Renfrow joined the protests in an effort toward police and criminal justice accountability and often joins his partner at other protests. Renfrow believes too much tax money is invested in policing disadvantaged communities rather than providing financial assistance that would reduce crime.

16. Joshua Augustine is a resident of Omaha who peacefully marched during the Farnam Street March, only to be trapped on the bridge, arrested, jailed and booked on charges of Obstructing a Highway and Failure to Disperse. He is also a member of ProBLAC and an avid supporter of the Black Lives Matter movement.

17. Liya Whatcott had traveled from Chicago and stayed overnight in Omaha on a layover on the day of the Farnam Street March. Whatcott was staying

at the Even Hotel located on Farnam to the east of the bridge over Interstate 480. From her hotel, she could hear the march proceed west on Farnam toward the bridge. She left her hotel to observe the march and “Facetime” the event for her boyfriend to see. Whatcott did not participate in the protest. Though she only briefly observed and recorded the event on her phone, Omaha police arrested, jailed and booked Whatcott on charges of Obstructing a Highway and Failure to Disperse.

18. Riley Wilson is a resident of Omaha arrested at the Farnam Street March while acting as a Legal Observer. Wilson, who is currently a law student, became concerned about racial justice after the deaths of Trayvon Martin and Michael Brown. After deciding participation as a Legal Observer might be the best way to contribute to the Black Lives Matter movement and other important causes, he completed training to become a Legal Observer through the National Lawyers Guild. Along with his desire to support the Black Lives Matter movement, he also attended the protest in the interest of protecting the Constitutional right of everyone in the community to be heard. At the Farnam Street March, he wore a fluorescent yellow vest with “Legal Observer” markings and carried a legal notepad. Wilson walked alongside the protest and remained on the sidewalk throughout the march. Though he never marched in the street, he was arrested, jailed, and was booked on charges of Obstructing a Highway and Failure to Disperse.

19. Katelyn Huckins travelled from Portsmouth, Iowa with her sister to observe the march and take some video. Like Wilson, she also observed the Farnam Street March from the sidewalk. She stopped at intersections and waited for a walk signal. Huckins also was arrested, jailed, and booked on charges of Obstructing a Highway and Failure to Disperse.

20. Melanie Buer is a journalist who, along with a photographer and press assistant, observed the march from the sidewalk. Despite her participation as a journalist remaining on the sidewalk, Buer was detained on the bridge for more than two hours. Buer intends to continue observing the Black Lives Matter protests and publishing stories about them as a writer for Protean Magazine.

21. Each Plaintiff has refrained from engaging in any violence while participating in protest activities. Apart from Whatcott, Plaintiffs intend to continue protesting or observing protest in Omaha.

Defendants

22. Defendant City of Omaha is a City of the Metropolitan Class with the power to sue and to be sued under the laws of the State of Nebraska; its principal place of business is located at 1819 Farnam Street, Omaha, Nebraska 68183.

23. Defendant Todd Schmaderer is the Chief of the Omaha Police Department (“Department”). As Chief, he has supervision and control of the police force of the city and exercised policy-making authority regarding the establishment and execution of the Department’s response to the Plaintiffs’ protest activities, as alleged herein. Chief Schmaderer is sued in his individual and official capacities.

24. Defendant Captain Mark Matuza is among the supervisory officers of the Omaha Police Department (“Department”) who planned, approved and executed the Department’s responses to Plaintiffs’ protest activities, as alleged herein. Captain Mark Matuza is sued in his individual and official capacities.

25. All Defendants were acting under color of law at all times relevant herein.

IV. ALLEGATIONS OF FACT

A. The Killing of George Floyd

26. On May 25, 2020, a Minneapolis police officer knelt on the neck of George Floyd for over eight minutes while Mr. Floyd pleaded his distress and begged for his life. Mr. Floyd died later that day.

27. Mr. Floyd’s death, captured on video and seen by millions around the world, sparked many to take to the streets and to demand change, justice, and a collective determination that Black lives matter.

B. The Crossroads Protests

28. Beginning around 4:00 p.m., Friday, May 29, 2020, crowds gathered at 72nd and Dodge Streets in Omaha, Nebraska, near the Crossroads Mall,

("Crossroads Protests") to protest the death of George Floyd and demand reforms in American policing to eliminate police brutality and promote racial justice.

29. Hundreds of protestors were gathered along the sidewalks on all sides of the intersection, extending east and west for multiple blocks. Many held signs opposing police brutality and the disproportionate use of force by police on persons of color.

30. As the protest continued, police presence increased. More officers arrived. More positioned themselves in the middle of the protest, standing in the street in front of protestors demonstrating on the sidewalk.

31. Officers increasingly commanded protestors to stay off the street, threatened to deploy tear-gas, and reached toward the weaponry mounted on their uniforms.

32. At or about 8 p.m., Police began closing the intersection of 72nd and Dodge to automotive traffic.

33. Representatives of the Omaha Police Department would later state that they declared the entire protest unlawful and ordered all protestors to disperse due to a small number of individuals who were crossing Dodge Street outside of designated crosswalks and against traffic signals, apparently in violation of Omaha Municipal Code §20-44, which prohibits obstructing traffic, or similar provisions.

34. Although police claim to have ordered the crowd to disperse, the vast majority of protestors did not hear any such order.

35. In the absence of any clear direction from police, most of the protestors believed that the intersection was being cleared so that the intersection could be occupied by demonstrators and the peaceful protest could continue.

36. The protest soon moved into the street and many began marching east toward downtown Omaha before being blocked by police.

37. The protestors then turned around and marched west, until again being blocked by police at or near 75th Street. Most police were cloaked in riot gear, standing on foot in skirmish lines, positioned in police vehicles, or mounted on horses.

38. Police took no action to keep protestors out of the street at this time, instead using skirmish lines to force protestors to move further east toward the intersection at 72nd Street while the police prepared to respond with extreme force.

39. Within minutes, and in the absence of violence or an imminent threat of violence, police deployed tear gas canisters, pepper balls, and flash bang grenades to disperse the crowd.

40. Pepper balls are projectiles fired from paintball/airsoft guns at a high rate of speed. The pepper ball explodes on impact and releases a chemical irritant designed to burn and inflame eyes and nostrils once airborne. As instructed by the manufacturer, pepper balls are never intended to be fired directly at an individual due to the risk of severe injury. The released chemicals are designed to aerosolize and afflict the airways and eyes of nearby individuals.

41. Despite knowledge of the extreme danger of severe and permanent injury from shooting pepper balls at people, Omaha Police indiscriminately fired pepper balls directly at protestors at close, or even point-blank, range.

42. The chemical irritants deployed by police caused many protestors to flee in panic. Other protestors became confused, as it was difficult to ascertain the correct response as they were being forced into the intersection amid the chaos.

43. Many other protestors were stricken with coughing fits or tripped while attempting to flee through the fog of the chemical gasses fired at them.

44. Many fallen protestors unable to flee advancing police were shot point blank with pepper balls and assaulted by officers.

45. An officer shot at least one protester standing on the sidewalk in the head, at point-blank range, with flash-bang grenades.

46. Another officer shot a protester, from point-blank range, with a tear-gas canister.

47. Another officer fired a tear-gas canister at a protester's leg, causing severe burn injuries.

48. Another protester present, hit by a projectile fired by police, suffered devastating injuries to his eye.

49. Some protestors asked for help, only to be pushed to the ground.

50. Some protestors continued their protest, standing still with their hands in the air, only to be zip-cuffed, arrested and taken away.

51. Other protestors attempted to leave, only to face officers shooting pepper-balls or deploying tear-gas.

52. Police also “kettled” protestors by forcing them off of the sidewalk and into an adjacent private parking lot, where they were surrounded by police employing tear gas and flash-bang grenades causing physical distress and mental confusion, making it exceedingly difficult to follow commands to disperse. Kettling is a police tactic by which police cordon off and steer a crowd into a confined area so that they can be placed under arrest. Innocent people are often caught in the kettle. Police often deploy chemical agents to prevent escape from the kettle.

53. The punitive and highly dangerous actions of Omaha police served no legitimate public safety purpose and were visited upon protestors as retribution.

54. Protests continued at the Crossroads the evening of Saturday, May 30.

55. On May 30, Omaha police generally employed the same tactics. They again quickly donned riot gear, weaponry, and devices used to deploy chemical irritants.

56. They again issued a dispersal order despite the fact the vast majority of those present were protesting peacefully from the sidewalk.

57. They again used force and chemical agents to enforce the dispersal order without making the orders known to all and without providing those present reasonable opportunity to heed the order.

58. Instead, Omaha police again almost immediately deployed officers in riot gear who formed skirmish lines and, while wearing all black uniforms that left protestors unable to identify them, used physical force, flash-bang grenades, tear gas, mace, pepper-balls and other chemical agents to shut down the protest.

C. Unmarked Federal Agents Begin Taking Portland, Oregon Protestors

59. Beginning on May 28, 2020, people in Portland, Oregon began protesting police brutality and demanding racial justice.

60. Starting on July 14, 2020, apparently at the order of President Donald Trump, unmarked federal agents began seizing suspected protestors in Portland by forcing them into unmarked vans without identifying themselves as federal agents or telling protestors that they were under arrest.

61. Since then, President Trump has sent unmarked federal troops or agents into other cities, against the objections of the cities' mayors and states' governors, where the federal agents have assaulted, pepper-sprayed, and arrested Black Lives Matter protestors.

62. The protests in Portland continued daily and were ongoing at the time of the Farnam Street March.

D. The Farnam Street March

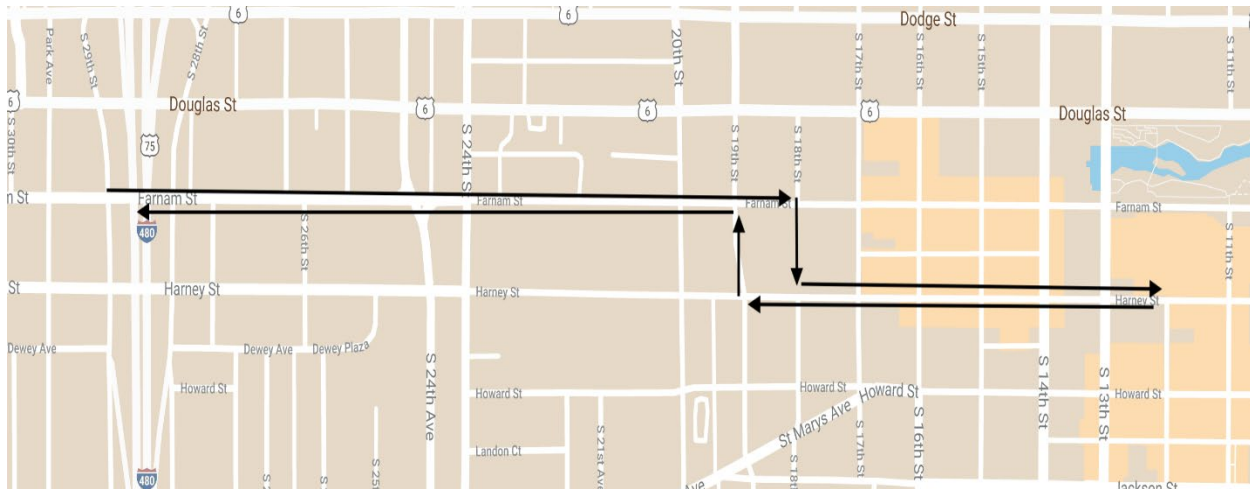
63. On July 24, 2020, Matthews and ProBLAC Omaha announced and organized a protest at Turner Park in Omaha to be followed by a march to the site of where James Scurlock was shot to death by a white supremacist during protests on May 29. The protest would be held the following day, July 25.

64. The stated purpose of the demonstration and march were to stand in solidarity with the protestors in Portland, Oregon, to demand justice for James Scurlock, and to join a "national and global march against the institution of policing."¹

¹ The description of the event stated, "On July 25th, youth abolitionists are calling for a national and global march against the institution of policing...The time for discussing reform is over, we need full abolition for our communities to be safe and free from rampant police terror. We are calling on all abolitionists, youth or non-youth, to coordinate mass protests on July 25th to show the world that the fire of this uprising is still burning strong, and that flames will just keep getting bigger until the police state has been dismantled once and for all."

65. At approximately 7:30 p.m., protestors met and organized at Turner Park, a park located at 31st Avenue and Farnam Street in Omaha. Most drove vehicles to the protest and parked them in public parking areas nearby.

66. After some demonstrations in and near Turner Park, the assembled crowd was led on a march east down the middle of Farnam Street from Turner Park, eventually proceeding through the Old Market area and then returning west on Farnam Street to the meeting point, a round-trip distance of about three miles. The march's route is highlighted on the map below.



67. Along the way, the crowd marching in the street, and others marching along the sidewalk, observed Omaha Police cruisers blocking streets intersecting with Farnam Street. This action had both the effect of cordoning protestors to stay along Farnam Street and to block potential traffic from entering Farnam Street. It also indicated to protest participants the march was condoned or sanctioned by the Omaha Police Department.

68. At no time during the march did the crowd encounter traffic along Farnam Street. From their observations of police re-directing traffic, protestors were left with the impression that the march would not obstruct any Farnam Street traffic and, in fact, no traffic was obstructed.

69. When the march reached the intersection of 20th and Farnam Streets while heading east, an officer using his cruiser's public address microphone (PA)

began issuing announcements that the march had been declared illegal and the protestors were subject to arrest.

70. Some protestors may have heard the announcements. A few protestors gestured toward police. Others abandoned the march. However, the cruiser was far removed from the crowd and use of the PA was ineffective at notifying the bulk of protestors, who were loudly participating in chants led by Matthews with a megaphone, of any unlawful assembly declaration, any dispersal order, or the reasons for them.

71. At the time any announcements were made, no protester had engaged in violence and there was no reason for anyone to anticipate violence, riots or other lawless action.

72. Any such announcement did not cite street occupancy or obstruction and did not attempt to redirect or order marchers out of the street; rather any announcement simply stated, “This is the Omaha Police Department. This has been declared an unlawful assembly. You are all subject to arrest”, “Go home now”, or “Failure to disperse now will result in your arrest.”

73. At the time of any announcement, it would have been clear to police that Matthews was leading the march and that Riley Wilson was the Legal Observer.

74. No officer approached either Matthews or Wilson during the march and informed them of any need to limit the march to the sidewalk, of any unlawful assembly declaration, or of any order to disperse. This could have been easily done, either by approaching Matthews, Wilson or others at the front of the march on foot, or by blocking the street and making the announcement to Matthews at the front of the march, within Matthews’ earshot.

75. As the march continued east on Farnam, the protestors turned south on 18th Street and proceeded one block before turning on Harney Street to proceed east toward the Old Market.

76. Eventually the group arrived outside the former location of the Hive, at 12th and Harney Streets, the site of James Scurlock's killing.

77. After stopping to mourn James Scurlock's death, the march continued through Omaha's Old Market district and then began marching westward along Harney Street to return to Turner Park.

78. Throughout the march, no Plaintiff, nor any protestor, legal observer, journalist, or bystander, engaged in violence or caused damage to property, though some moved or tipped over traffic cones in the Old Market. Omaha police could have received no credible reports of violence, threatened violence, or property damage.

79. At 19th Street, the march turned north from Harney to Farnam Street where it turned left and continued west along Farnam Street toward Turner Park.

80. As the march continued west, Omaha Police continued to block off intersecting streets.

81. Around this time, Omaha police devised and executed a scheme to "kettle" the protestors on to the Farnam Street Bridge where police could execute a mass arrest.

82. Later that evening, Captain Matuza acknowledged that law-enforcement initially supported the march by blocking traffic and "escorting" the march as it proceeded east down Farnam Street. Captain Matuza explained the decision to declare the march "unlawful" and to issue dispersal announcements by reference to night falling and the increased traffic dangers he attributes to nightfall.

83. At some point as the march proceeded west along Farnam, police cruisers began following behind the protestors as they marched. This was the first step of kettling the protestors toward the arrest staging area on the Farnam Street Bridge.

84. The Farnam Street Bridge, only one block in length, lies approximately two and half city blocks east of the march's original point of departure at Turner Park. The bridge is a freeway overpass, comprised of four traffic lanes and narrow sidewalks on both sides. Each sidewalk is bordered by a concrete barrier and high-sided chain-link fence.

85. By the time the protestors reached the bridge, they had marched approximately three and a half miles since departing Turner Park. It was now approximately 9:30 in the evening.

86. When the bridge came into view, protestors saw approximately two police cruisers occupying Farnam Street on the west end of the bridge, and a handful of officers standing by them.

87. At this time, the march was proceeding to its end at Turner Park with protestors intending to return to their cars and disperse.

88. As the protestors came within one block of the bridge, while they were still marching in the street, additional officers wearing military fatigues began to emerge onto Farnam Street.

89. The protestors that arrived on the bridge included families and small children.

90. As the protestors continued west on the bridge, other Omaha police cruisers and officers approached and blocked the east end of the bridge behind them, preventing any of those present from leaving the bridge.

91. At that point, the protestors were trapped on the crowded sidewalks suspended above Interstate traffic with no reasonable means to disperse or otherwise protect themselves.

92. Although there were protestors in the street, police still had never explicitly requested or directed any protestor out of the street over the preceding two hours of the march.

93. In addition to the protestors in the street, there were dozens of protestors, observers, journalists and others on the sidewalk and who had been following along with the march the entire time.

E. Mass Arrest and Use of Force on Peaceful Crowd by Omaha Police

94. When the vanguard of the protest reached the west end of the bridge, officers present announced that everyone was being arrested.

95. Several of those who had been trapped were initially told they would be cited and released. On information and belief, Captain Matuza, Defendant, commanded the arrest of all present after arriving at the scene.

96. Police detained approximately 128 people on the bridge and subsequently arrested 125 – not for acts of violence, or property damage, looting or rioting, but for alleged city ordinance violations for “unlawful assembly”, “obstructing a highway”, and “failure to disperse.”

97. One protestor, Mark Vondrasek, was at the front of the crowd on a bicycle. One officer violently shoved Vondrasek and his bicycle into two other officers who immediately struck him, causing him to fall off of his bicycle.

98. As Vondrasek stood still with his arms at his side, two Omaha police officers shot him from point blank range with pepper balls although he posed no perceivable threat to the officers.

99. The use of pepper balls at that moment was clearly intended to harm, inflict severe pain, and punish Vondrasek and violated the proper use of such pepper balls.

100. Around this same time, three protestors on the north side of the bridge were holding a banner which was forcibly grabbed away by police officers without provocation.

101. Also around this time, a group of police officers forcibly arrested Cole Christensen, tackling him to the ground, zip-cuffing his wrists and commanding him to remain on the ground near the sidewalk on the south side of the bridge.

102. When individuals along the south sidewalk of the bridge expressed their disapproval of the officers' actions when arresting Christensen, the officers fired pepper balls toward them as well.

103. The deployment of pepper balls into the crowd was clearly designed to harm and punish the protestors for expressing their disapproval of police action while trapped along a narrow three-foot strip of sidewalk with a nine-foot chain-link fence behind them.

104. These protestors included children under the age of seventeen. In the melee, an adult attempted to insert herself between the shooting police and the children to protect them from the projectiles.

105. Around this same time, Omaha Police officers approached a car on the bridge, which was occupied by two individuals providing support for the demonstrators. As they were in a car, these individuals were of course permitted to drive along the street.

106. Officers asked the occupants of the car if they were with the protest. The individuals told the officers they were just trying to get through to leave, to which the officer responded, "You look like you're with them," and commanded the occupants from the car and arrested them. A short while later, these two individuals were ticketed and released.

107. As officers proceeded to arrest those present, Vondrasek was seated near the concrete divider awaiting processing. During this time, multiple officers pointed at him and loudly celebrated his arrest, saying "That's Vondrasek!" and "We got Vondrasek!"

108. Vondrasek was alarmed and frightened by the officer's jubilation as he has always been a non-violent activist with no previous criminal convictions or history of violence. He did not understand why he was known to all the officers or why his arrest would be celebrated as if he were a long-hunted fugitive.

109. Under the command of Chief Schmaderer and Captain Matuza, Defendants, Omaha police continued zip-cuffing and arresting those who had been trapped on the bridge, commanding them to wait, in many cases for two hours or more, before they were transported to the Douglas County Jail.

110. Upon arrival at the jail, protestors were ordered to sit for hours lined up in the parking lot, without water or a restroom, their hands zip-cuffed and numb, before being taken into the jail's carport, where they would wait more before being taken into the jail and booked.

F. Protestors Unnecessarily Jailed During Pandemic

111. For many years, it has been the custom of the Omaha Police Department and its officers to cite and release compliant local residents arrested for low-level misdemeanors, even misdemeanors far more serious and implicating public safety much more directly than the offenses at issue here, including DUI.

112. The custom is consistent with the state public policy of issuing “citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law and the protection of the public.”² Exceptions to this policy were inapplicable to virtually all of the protestors arrested³ and, in any event, officers were commanded to arrest all present, regardless of the public policy.

113. Recognizing the risks to arrestees, jail officials, and the community presented by the COVID-19 pandemic, local law-enforcement followed the cite and release custom to the greatest extent possible during the four-month period preceding the events alleged herein.

114. Since the outset of the pandemic, local criminal justice stakeholders, including the Omaha Police Department, the Douglas County Sheriff’s Department, the Omaha City Attorney, the Douglas County Attorney, the Douglas County Public Defender and the Douglas County Corrections Director, have worked collaboratively to reduce and maintain at a minimum the inmate population of the Douglas County Jail by limiting arrests for minor offenses in favor of citing and releasing alleged offenders. All Defendants were aware of and had participated in these efforts prior to the protest events alleged herein.

115. Defendants were also aware that the Douglas County Jail was not equipped to process mass arrests and that, consequently, it would be necessary to detain those arrested during the Farnam Street March on the street, in parking lots, in cruisers, vans, or other vehicles for lengthy periods of time, extending up to six hours, until they could be processed into the jail.

² Neb. Rev. Stat. § 29-422.

³ Neb. Rev. Stat. § 29-427.

116. By July 25, all Defendants were aware of the hardship and delays experienced when Omaha police made mass arrests during protests in the months preceding the Farnam Street March.

117. Defendants were also aware that for many years, even when there are relatively fewer inmates who are released on a given day, it takes several hours to process a single inmate out of the Douglas County Jail.

118. In sum, all officers knew that the arrest of the Farnam Street protestors would necessarily mean they would likely spend several hours zip-cuffed outside and then many more hours in a crowded jail in the midst of the COVID-19 pandemic.

119. The arrests of the Farnam Street protestors violated the state's public policy to issue citations; was contrary to customs and norms in the City of Omaha existing for many years; was contrary to the recent effort to reduce the jail population in response to the COVID-19 pandemic; and in clear retaliation for their protest activities.

120. Once they arrived at the jail, over forty of the arrestees were collectively placed in Holding Cell #1. This cell is approximately 8 feet by 12 feet, is not air-conditioned or ventilated, and is secured by a solid door prohibiting a view to its exterior. On information and belief, its maximum legal occupancy is fourteen arrestees.

121. While at the jail, many of the arrestees heard law-enforcement and/or corrections officials make remarks suggesting the arrests were designed and intended to cause those arrested to discontinue their participation in the protests.

122. As all Defendants were aware would occur, many of those arrested were not processed out of the jail until approximately twenty-four hours after their arrest.

G. The Arrest of Plaintiffs

Alexander Matthews

123. Alexander Matthews was still leading the march when protestors attempted to cross the Farnam Street bridge a few blocks from where the march would have ended, and participants would have left the area in their vehicles.

124. After approximately fifteen officers alighted from their vehicles and announced everyone was being placed “under arrest”, Matthews observed several “bum rush” Mark Vondrasek on his bicycle and place him under arrest, shooting him with pepper balls in the process.

125. As officers arrested Vondrasek, Matthews continued to repeat, “We are peacefully protesting!” using his megaphone. As he did so, one officer rushed Matthews from behind and placed his hands on Matthews’ neck, throwing him to the ground as other officers jumped in, zip-cuffing Matthews and ordering him to remain by the concrete divider separating the street from the bridge’s sidewalk.

126. Officers eventually transported Matthews to the Douglas County Jail, where he was immediately placed in solitary confinement despite his cooperation and compliance with jail officials.

127. Matthews was booked on the charges of obstructing a highway, unlawful assembly and resisting arrest. He was not released until 9:45 p.m. Sunday night, nearly 24 hours after his arrest.

Jordan Corbin

128. Jordan Corbin had also joined the group at Turner Park, participated in the demonstration there, and was present for the duration of the march. He learned of the march through announcements made by ProBLAC and is unaware of any plan, or talk of a plan, involving the commission of violence or property damage in the Old Market, or anywhere, by participants in the protest.

129. Corbin did not commit any acts of violence or cause any property damage while participating in the protest. His activities were limited to peacefully demonstrating with his voice and by joining the march.

130. Corbin is unaware of any efforts by police to shut down the protest or disperse the crowd prior to their arrival at the bridge. He was near the front of the march most of the time and did not observe, for example, any officers approach the group and advise them to stay on the sidewalks or to disperse.

131. As the protestors reached the Farnam Street Bridge, Corbin was still toward the front of the group and heard an officer announce that everyone was being detained and arrested. He witnessed two groups of officers “bum rush” and arrest two different participants who had helped lead the march, Vondrasek and Christensen, discharging pepper balls first toward one of the arrestees, and then toward Corbin and indiscriminately toward compliant protestors.

132. The pepper balls fired at Corbin caused him to suffer severe pain as he lay on the ground after being arrested and throughout the evening.

133. Because of the severe pain, paramedics, who arrived about forty-five minutes later, treated Corbin with a saline solution, both on his forehead and on his stomach. The solution washed the chemical irritant from his forehead into his eyes, and from his stomach on to his genitals, causing even more excruciating pain in both areas.

134. After officers present arrested protestors who were in the street, Corbin witnessed officers forcibly rip protest signs from the hands of protestors. On one sign, approximately eight foot in length and blue in color, protestors had painted over the original “Blue Lives Matter” lettering with the phrase “Fuck 12”.

135. After being transported to jail, Corbin was placed in a small holding cell for at least an hour with over forty other arrestees, while adjacent holding cells remained empty. Corbin was eventually released at around 1:30 a.m., July 26, 2020, discharged quickly by jail officials, apparently in recognition of the pain he was suffering.

Darren Renfrow

136. Darren Renfrow had initially joined the group at Turner Park prior to the march, where protestors stood on the sidewalk holding signs and chanting. He

then joined the protestors when they marched east along Farnam to the Old Market area before returning west toward the meeting spot near Turner park.

137. During the March, Renfrow did not engage in any acts of violence or cause any property damage.

138. Renfrow is not aware of any law-enforcement officers declaring the march unlawful or ordering people to disperse. No officer approached the group on foot to deliver such a message. No officers used police cruisers to intercept or approach the vanguard of the march and deliver an “unlawful assembly” declaration, “dispersal order” or threat to arrest participants in the march. If these commands were given, they were given from side streets in a manner inadequate for Renfrow to receive the message.

139. When the protestors reached the Farnam Street Bridge, Renfrow heard an officer announce that everyone was being detained and arrested. He was aware of police cruisers pulling behind the group, making it impossible for them to leave the bridge.

140. Renfrow remained on the bridge’s crowded sidewalk for approximately an hour while officers gathered names. Eventually, he was arrested without incident and, after waiting perhaps another hour, was transported to the Douglas County Jail in a cruiser.

141. Upon arrival at the jail, officers sat Renfrow and the others, still in zip-cuffs, in lines in the jail’s parking lot for at least an hour. It was a hot summer evening. Nobody was provided water or a restroom. Some were complaining their hands were numb from the zip-cuffs. When finally taken into the jail, Renfrow was placed in a cell approximately 8 feet by 12 feet with over forty other protestors.

142. Renfrow was not released from jail until 11:00 p.m., Sunday, July 26, 2020, more than 24 hours after his arrest.

Joshua Augustine

143. Plaintiff Joshua Augustine arrived at the Farnam Street March late. Finding nobody near Turner Park, he walked down Farnam Street and joined the march as it proceeded west back toward the park. While with the group, Augustine

was unaware of any declarations made by police that the march was “unlawful” or of any orders to disperse.

144. Augustine did not engage in violence during the march, did not observe violence by others, and is unaware of any participant who intended to commit violence or cause damage to property.

145. Shortly after the march made its way on to the Farnam Street Bridge, Augustine observed that Omaha police had blocked both the east and west ends of the bridge, trapping the protestors. He then observed officers shooting pepper balls toward the crowd and arresting and zip-cuffing those present.

146. Like other protestors, Augustine waited on the bridge for approximately two hours before being taken downtown to the jail, where he sat, still zip-cuffed, in the parking lot for about two more hours and then in a garage for another hour before being booked into the jail and placed into a holding cell with approximately forty other protestors. His zip-cuffs were not removed until approximately 4:00 a.m. the next morning.

Riley Wilson

147. When the group marched on to the bridge, Riley Wilson was toward the front of the group on the north sidewalk of the bridge.

148. Shortly after officers announced everyone was being detained and arrested, an officer kick-swiped and took Wilson to the ground where he was subsequently placed under arrest. Other officers dusted Wilson, Jordan Corbin and others standing next to him on the sidewalk with pepper balls.

149. Wilson was commanded to remain on the ground for approximately two hours before being transported by cruiser to the Douglas County Jail.

150. After waiting in the parking lot for hours only to be booked and placed in a holding cell with approximately forty-three other arrestees from the protest, Wilson was eventually released just after 7:00 p.m. on Sunday after being detained roughly twenty-two hours.

Katelyn Huckins

151. Along with up to thirty others, Katelyn Huckins had observed the march from the sidewalk from its beginning near 30th and Farnam Streets and was walking near Wilson as the march neared the bridge.

152. Huckins suffered severe emotional distress while detained on the bridge. When officers arrested Huckins, they placed the zip-cuff very tightly on her wrist, causing her fingers to go numb.

153. Huckins was not booked into the jail until 1:15 a.m. and was not released until 4:45 p.m. on Sunday.

Melanie Buer

154. Melanie Buer was with a group of journalists toward the front of the protest when it reached the west end of the Farnam Street bridge.

155. When officers approached Buer on the bridge, she declared she was a journalist and displayed her credentials. The officers responded by violently shoving Buer and continuing to detain her before eventually letting her leave the bridge.

156. While on the bridge's sidewalk, Buer also observed officers fire pepper balls at Vondrasek's chest.

Liya Whatcott

157. After exiting the Even Hotel to observe the march, Liya Whatcott ran down the sidewalk on the north side of Farnam Street, catching up to the march just before it reached the bridge. Whatcott did not participate in the protest in any way and simply wanted to briefly observe the demonstration and photograph the signs protestors were holding.

158. Within a few minutes, officers announced that everyone was under arrest. No officers were firing pepper balls in her area at the east end of the bridge, but Whatcott could hear the pepper ball guns being discharged at the front of the group.

159. Complying with the officers' commands, Whatcott remained on the bridge until she was placed under arrest and transported to Douglas County Jail.

160. When jail officials informed Whatcott she was allowed one local call, she explained she did not know anyone locally.

161. Whatcott was eventually released around 6:00 p.m., Sunday, July 26, 2020.

H. Many of the Arrests Were Unsupported by Probable Cause and Were Unlawful

162. Omaha Police booked virtually all of the Farnam Street protestors on the charges of “Obstructing Public Ways” (City Ordinance § 20-44), “Failure to Disperse” (City Ordinance § 20-43), or both, under the Omaha Municipal Code. A few were also charged with Unlawful Assembly (City Ordinance § 20-48), Resisting Arrest or Obstructing an Officer. Most protestors were required to post \$500.00 cash to be released from jail.

163. Only 29 of the 125 arrested were subsequently charged by the Omaha City Attorney’s office. The charges for all but 5 of these 29 were limited to Obstructing Public Ways.

164. “Obstructing Public Ways,” as prohibited by Section 20-44 of the Omaha Municipal Code provides:

It shall be unlawful for any person purposely or knowingly to obstruct any highway or other public passage, whether alone or with others, *without being licensed or privileged to do so.* (a) This section shall include games and sports which obstruct the roadway; (b) If the offender under subsection (a) is under 16 years of age, no arrest shall occur until the parent or guardian had been warned of the conduct, after which subsequent violation may result in arrest of such minor or their parent.

(*emphasis added*). “Obstruct” shall mean to “render impassable *without causing unreasonable inconvenience or hazard.*” O.M.C. §20-41.

165. Though nobody was cited under Section 20-45, that ordinance provides:

It shall be unlawful for any person purposely or knowingly to fail or refuse to obey a reasonable official request or order to move to: (a) Prevent an obstruction of a highway or other public passage; or (b)

Maintain public safety by dispersing persons gathered in dangerous proximity to a fire or other emergency.

O.M.C. §20-45.

166. As to Section 20-44, protestors were “licensed” by the “escort” provided by OPD as they headed east, “privileged” by the First Amendment to participate in a peaceful political march in the street that did not obstruct traffic, and officers had successfully re-routed traffic to proceed east on Dodge or Leavenworth streets, eliminating any obstruction of traffic on Farnam Street.

167. Many of those arrested for obstructing a public way, including Wilson, Huckins, Buer and Whatcott never joined the protest in the street and could not have obstructed any traffic at all, even if vehicles had been traveling along Farnam Street.

168. “Failure to Disperse,” prohibited by Omaha Municipal Code Section 20-43 provides, “It shall be unlawful for any person purposely or knowingly to fail or refuse to obey an official order to disperse if the person is: (a) Participating in a course of disorderly conduct with two or more persons; (b) In the immediate vicinity of any disorderly conduct; or (c) At any outside location after 1:00 a.m. and before 6:00 a.m. in the vicinity of or as part of any group creating a disturbance of the peace or unreasonable noise.” Under 20-42 of the Code, “disorderly conduct” means to “purposely or knowingly to cause inconvenience, annoyance or alarm or create the risk thereof to any person by: (a) Engaging in fighting, threatening or violent conduct; or (b) Using abusive, threatening or other fighting language or gestures.”

169. As to the failure to disperse, officers lacked probable cause because nobody present was involved in “disorderly conduct.”

170. “Unlawful Assembly,” prohibited by Section 20-48 of the Omaha Municipal Code provides, “It shall be unlawful for any two or more persons to assemble in this city with the intent to commit an unlawful act, or, being assembled, to mutually agree to act in concert to commit an unlawful act with force or violence against any public or private property or to the annoyance or injury of others.”

171. In response to the Black Lives Matter protests, Omaha police have repeatedly relied upon “unlawful assembly” declarations to shut down protests where no violence is occurring and to escalate matters by attacking protestors with violence, including multiple protests that occurred in Omaha between May 29 and June 6, 2020.

172. As to the offense of unlawful assembly, officers had no evidence that the group gathered for any purpose other than to peacefully march in support of police reform and racial justice, and no evidence the group intended to use force or violence for any purpose. Indeed, the group of protestors displayed no force or violence at any time during the preceding three hours of their protest.

173. Furthermore, the decision to declare the gathering illegal was apparently made well over an hour before the arrests, thus indicating that an imminent threat to public safety was not a motivating factor for the declaration. At the direction of Captain Matuza, Omaha Police spent the intervening hour amassing its armed forces at the Farnam Street Bridge and choreographing its planned kettling maneuvers in order to deploy force and arrest all demonstrators, whether marching in the street or the sidewalk, and whether actively protesting or observing.

I. Defendants’ Conduct Has Chilled Free Speech

174. ProBLAC, Matthews, Corbin, Augustine and Renfrow, as well as individual members of ProBLAC, are committed to continuing to protest police brutality and racial injustice, and to the national movement to protect Black lives.

175. Each hope to continue to protest the instances of police brutality visited upon people of color across the country and to exercise their freedom of expression to call upon government officials to pursue police reform and racial justice.

176. These Plaintiffs should be free to exercise their constitutional right to protest and participate in peaceful demonstrations against police brutality without becoming victims of police brutality themselves.

177. Due to the Department’s repeated use of force and other retaliatory and punitive responses exhibited during the Crossroads Protests and Farnam

Street March, however, these Plaintiffs, including many of the members of ProBLAC, are hesitant to continue their support as a result of their fear of continued reprisal by the Department.

178. Indeed, ProBLAC has not organized a march since the July 25 mass arrests. Some of its members are afraid that they will be arrested under the foregoing ordinances if they continue to participate. On Monday, August 24, 2020 ProBLAC organized a protest at 11th and Howard Streets in the Old Market, but turnout was low. The chilling effect of the Ordinances on Plaintiffs' expressive activity is based on their reasonable belief that they will be subject to arrest and/or prosecution if protests spill into the street, even if it is blocked off or no vehicles are approaching.

V. CLAIMS FOR RELIEF

COUNT I: Omaha Municipal Code Sections 20-44 and 20-45 are Overbroad and Unconstitutionally Vague in Violation of the First and Fourteenth Amendments.

Plaintiffs ProBLAC, Matthews, Corbin, Augustine and Renfrow Against All Defendants in their Individual and Official Capacities

179. Plaintiffs incorporate all paragraphs above by reference as if fully set forth herein.

180. Plaintiffs were arrested under Section 20-44 O.M.C. and subject to citation or arrest under Section 20-45 O.M.C. while engaged in constitutionally protected activity as they marched up and down Farnam Street.

181. Sections 20-44 and 20-45 ("the Ordinances") represent the official municipal policy of the City of Omaha and the Omaha Police Department. As reflected by his public statement issued July 29 and September 3, 2020, Chief Schmaderer interprets and directs application of the ordinances to forbid political protest in public streets.

182. The Ordinances are unconstitutionally overbroad on their face in violation of the Free Speech Clause of the First Amendment because they restrict

substantially more speech than is justified by any governmental purpose and provide law-enforcement unfettered enforcement discretion. The Ordinances thereby relegate the contours of Plaintiffs' First Amendment rights to the moment-to-moment opinions of police and create undue risk the Ordinances will be used to burden substantially more speech than necessary, either through the response of police, or by chilling participation in lawful expressive activity.

183. The Ordinances violate the Free Speech Clause of the First Amendment, as applied to Plaintiffs' expressive conduct during the Farnam Street March.

184. The Ordinances are also unconstitutionally vague in violation of due process because they fail to put protestors on notice, or provide minimal guidelines to govern law-enforcement, under circumstances involving a peaceful political march conducted in the street. Consequently, the Ordinances are not only susceptible to application in violation of protected speech, they were in fact applied in violation of the First Amendment to suppress expressive activity of participants in the Farnam Street March.

185. As a result of the arrest of themselves and those with whom they stood in solidarity during the march, Plaintiffs have been chilled from participating in future marches out of fear they will again be arrested.

186. On September 3, 2020, Chief Schmaderer published a statement continuing to forbid protests of police conduct without first asking police for a permit. Citing Section 20-44 as a basis, the statement provided, "Mass arrests remain an option after being reviewed by a Captain" and noted that "OPD has improved its documentation process to include additional video documentation and a new mass arrest form in an effort to bolster successful prosecution [of those arrested]."

187. ProBLAC's demonstrations are ongoing and expected to continue, especially in light of the current volatile political environment.

COUNT II: Omaha Police Arrested Innocent Citizens Without Probable Cause, in Violation of Fourth and Fourteenth Amendments

Plaintiffs Wilson, Huckins, Whatcott, Buer Against all Defendants in their Individual and Official Capacities

188. Plaintiffs incorporate all paragraphs above by reference as if fully set forth herein.

189. Defendants arrested Plaintiffs Riley Wilson, Katelyn Huckins, Liya Whatcott and Melanie Buer in the absence of probable cause that they had committed any offense subjecting them to arrest.

190. Defendants actions violated Plaintiffs' clearly established rights secured by the Fourth and Fourteenth Amendments to the United States Constitution.

191. It was the Department's policy, practice, or custom, as well as its failure to train and supervise its employees and agents and issue corrective instructions after violations were brought to light, that caused the Fourth Amendment violations.

192. Defendants' failure to supervise and train its employees and agents with respect to the Fourth Amendment rights of Plaintiffs, including the failure to investigate and discipline officers for Fourth Amendment violations, amounts to deliberate indifference to the rights of Plaintiffs.

193. As a direct and proximate result of Defendants' unlawful arrests, Plaintiffs have suffered emotional harm, damage to their reputation, the loss of dignity, and the deprivation of their constitutional rights.

194. Plaintiffs request damages in an amount to be proven at trial.

COUNT III: Omaha Police Used Excessive Force Against Peaceful Protestors, in Violation of the Fourth and Fourteenth Amendments

Plaintiffs Matthews, Corbin, and Buer Against all Defendants in their Individual and Official Capacities

195. Plaintiffs incorporate all paragraphs above by reference as if fully set forth herein.

196. By grabbing Matthews by the neck and throwing him to the ground, by spraying Corbin and others with chemical agents, by violently shoving Buer, and by spraying peaceful protestors acting in compliance with police commands with chemical irritants, Defendants used excessive force in violation of these Plaintiffs' clearly established rights under the Fourth and Fourteenth Amendments of the United States Constitution.

197. As alleged above herein, Omaha police have repeatedly used excessive force and chemical agents against peaceful Black Lives Matters protestors during both the Crossroads Protests and Farnam Street March. The practice and custom of Omaha police during these demonstrations has been to issue "unlawful assembly" declarations and to, almost immediately after issuing the declaration, employ chemical agents, including mace, pepper-balls and flash-bang grenades, to disperse protestors, including those who are peaceably protesting on sidewalks.

198. It was the Department's policy, practice, or custom, as well as its failure to train and supervise its employees and agents and issue corrective instructions after violations were brought to light, that caused the use of excessive force.

199. Defendant Schmaderer and policy-level officers under his command have acted with deliberate and reckless indifference to the constitutional rights of protestors by authorizing, both explicitly and implicitly, the use of force against protestors who pose no safety threat and by failing to properly train, supervise, and discipline officers regarding the appropriate use of force against protestors.

200. As a direct and proximate result of Defendants' use of excessive force, Plaintiffs have suffered physical pain and injury, emotional harm, the loss of dignity and the deprivation of their constitutional rights.

201. Plaintiffs request damages in an amount to be proven at trial.

COUNT IV: Omaha Police Retaliated Against Protestors in an Effort to Suppress Their Speech, in Violation of First and Fourteenth Amendments

All Plaintiffs Against all Defendants in their Individual and Official Capacities

202. Plaintiffs incorporate all paragraphs above by reference as if fully set forth herein.

203. In a traditional public forum, Plaintiffs engaged in constitutionally protected speech, in solidarity with the protestors facing the violent response of federal agents in Portland, Oregon, and as active participants in the Black Lives Matter protests.

204. Defendants' conduct, including but not limited to kettling and trapping the protestors, spraying them with pepper bullets and other chemical agents, tearing signs from their hands, using excessive force when unlawfully arresting them, and unnecessarily jailing those arrested during a pandemic would chill a person of ordinary firmness from continuing to participate in protests as organizers, demonstrators or legal observers.

205. Plaintiffs' protected activities were a substantial motivating factor in Defendants' conduct and the excessive force and tactics utilized by Omaha police officers has accomplished its intended goal of restricting, frustrating, and deterring Black Lives Matter protestors from exercising their rights under the First Amendment to peacefully assemble, petition for redress of grievances, and exercise freedom of speech. It has also infringed upon protestors' rights under the Fourth and/or Fourteenth Amendments to be free from unreasonable seizures and excessive use of force.

206. As a direct result of harm that Plaintiffs have suffered, they seek prospective injunctive relief against the Omaha Police Department and damages in an amount to be proven at trial.

VI. REQUEST FOR RELIEF

207. Plaintiffs request the following relief:

1. A Declaration that Omaha City Code Sections 20-44 and 20-45 are facially overbroad and invalid because they restrict more protected free speech than is necessary and are unconstitutionally vague, in violation of the First and Fourteenth Amendments of the United States Constitution.

2. On motion of Plaintiffs, a full evidentiary hearing and thereafter entry of a preliminary injunction enjoining the Omaha Police Department from continuing the following practices:

- a. Declaring a peaceful political march or assembly unlawful under Omaha City Code Sections 20-44 or 20-45 when the persons against whom such ordinance would be enforced are engaged in expressive activity in the street, unless the persons are acting in concert to pose an imminent threat to use force or violence or to violate a criminal law with force or violence;
- b. Using chemical agents, whatever the method of deployment, against any person engaged in expressive, non-violent activity in the City of Omaha, except when (a) there exists probable cause to arrest the person, the officer has issued clear and unambiguous warning that the person is subject to arrest and such chemical agents will be used, and the officer has provided the person sufficient opportunity to heed the warnings and comply with lawful law enforcement commands; (b) persons at the scene present an imminent threat of violence or bodily harm to persons or damage to property; or (c) where law enforcement officials must defend themselves or other persons or property against imminent threat of violence.

3. Leave to Amend to add additional parties or request certification of a class-action;

4. Judgment in favor of each Plaintiff that the actions of Defendants described above herein violated their rights under the United States Constitution, along with a money judgment for all specific and general damages to be developed during discovery and proven at trial;

5. Punitive damages as allowed by law;

6. Attorneys fees and costs; and

7. Any other relief the Court deems proper.

ProBLAC, an organization, and
ALEXANDER MATTHEWS; JORDAN CORBIN
DARREN RENFROW; JOSHUA AUGUSTINE;
LIYA WHATCOTT; RILEY WILSON; KATE-
LYN HUCKINS; and MELANIE BUER, as indi-
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