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13 **IN THE UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 ANTHONY MIANO,  
16 Plaintiff,

17 vs.

18 Honourable CHARLES MCCOY, in  
19 his official capacity as presiding judge  
20 of the Superior Court of California  
21 County of Los Angeles; Honourable  
22 ROBERT J. SCHUIT, individually and  
23 in his official capacity as supervising  
24 judge in the North Valley District of  
25 the Superior Court of California  
26 County of Los Angeles; and Sergeant  
ERIC WALKER, individually and in  
his official capacity as sergeant for Los  
Angeles County,  
27 Defendants.

Case No. **CV10-00934 CAS (AJWx)**

**VERIFIED COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF AND  
NOMINAL DAMAGES**

**[Civil Rights Suit – 42 U.S.C.  
§1983]**

28 \*Pro Hac Vice Application filed concurrently

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
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 **COPY**

1 Comes now the Plaintiff, Anthony Miano, by counsel, and avers the following:  
2

3 **I. INTRODUCTION**

4 1. This is a civil rights action brought under 42 U.S.C. § 1983  
5 challenging the constitutionality of a court order issued by the Superior Court of  
6 the State of California that creates a no-speech zone on the public ways  
7 surrounding any Los Angeles County courthouse and its application to peaceful  
8 expression on a public sidewalk. This ban applies at all times, and prohibits any  
9 expressive activity, including ordinary conversation and literature distribution.  
10

11 2. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff Anthony Miano  
12 seeks injunctive relief, declaratory relief, and nominal damages against Honourable  
13 Charles McCoy, in his official capacity as the presiding judge of the Superior  
14 Court of California County of Los Angeles, Honourable Robert J. Schuit,  
15 individually, and in his official capacity as supervising judge of the North Valley  
16 District of the Superior Court of California County of Los Angeles; and Eric  
17 Walker, individually, and in his official capacity as sergeant for Los Angeles  
18 County.

19 3. This action is premised on the United States Constitution and  
20 concerns the deprivation of Plaintiff's fundamental right to free speech, due  
21 process, and equal protection.

22 4. Defendants' actions have deprived and will continue to deprive  
23 Plaintiff Anthony Miano of his fundamental rights provided in the First and  
24 Fourteenth Amendments to the United States Constitution.

25 5. Each and every act of Defendants alleged herein was committed by  
26 Defendants named herein, and each and every act was committed under the color  
27 of state law and authority.  
28

**II. JURISDICTION AND VENUE**



1 relevant to this Complaint, a sergeant for Los Angeles County at the San Fernando  
2 Courthouse. Among other things, Sergeant Walker is charged with the  
3 responsibility for enforcing the court order made the subject of this Complaint.  
4 This Defendant is sued in his individual and official capacity.

#### 5 **IV. STATEMENT OF FACTS**

##### 6 **Desired Speech of Miano**

7 14. Miano is an evangelical Christian. As a tenet of his religion, Miano  
8 conveys his beliefs and convictions to others in public.

9 15. In sharing his faith, Miano frequents the sidewalks outside of public  
10 buildings, including courthouses, to engage in consensual dialogue and distribute  
11 religious tracts to others.

12 16. Ordinary conversation is an essential form of expression for Miano to  
13 convey his message. Miano likes to engage in dialogue because it is a personal  
14 form of communication that allows others to respond and ask him questions.  
15 Conversation further allows Miano to respond to each individual, and their  
16 particular questions and situations.

17 17. Literature distribution is also a critical form of speech for Miano. A  
18 pamphlet contains more information than Miano can convey through dialogue.  
19 Written literature further allows Miano to distribute information to persons in a  
20 hurry and unable to carry on a conversation at the time of their visit with Miano. A  
21 passerby can take a pamphlet and contemplate the information contained in the  
22 pamphlet later.

23 18. Miano does not wish to hold a vigil or conduct any type of  
24 demonstration or draw any type of crowd at all. He simply wants to express his  
25 religious beliefs to individuals found on public ways.

26 19. Miano's message is one of hope and salvation that he believes his  
27 religion extends. Miano makes no attempt to solicit funds or membership on behalf  
28

1 of himself or any organization. Miano merely seeks an opportunity to share his  
2 beliefs about Christianity.

3 20. Miano's message is derived purely from his religious beliefs. He does  
4 not address any activities that occur inside the courthouse. He does not try to  
5 influence the decision-making of jurors, judges, or other participants in the legal  
6 system regarding the administration of their duties. Miano only wishes to talk to  
7 others about Jesus Christ, hell, heaven, the need for repentance, and other religious  
8 matters totally unconnected to any events taking place inside the San Fernando  
9 Courthouse.

10 21. Miano has no intent to harass anyone, encourage violence, or to  
11 express himself in any way other than in a peaceful manner. He has no desire to  
12 force anyone to listen to him or accept his literature. If someone declines to  
13 converse with Miano, Miano does not pursue or harass them in any way. Miano  
14 does not litter; nor, does he impede persons as they walk by.

15 22. At no time does Miano ever block ingress or egress into a building.  
16 He never blocks pedestrians from walking down the street. He is always willing to  
17 step aside and allow others to pass by him.

18 23. Miano usually approaches individuals and asks if they would like to  
19 talk about Jesus Christ or take a religious tract. If they refuse, Miano says "Have a  
20 nice day," leaves, and approaches someone else. If they say yes, then he would  
21 continue the conversation.

### 22 **Layout of San Fernando Courthouse**

23 24. The San Fernando Courthouse is located at 900 Third St. San  
24 Fernando, California. It serves the North Valley District of Los Angeles County.  
25 The courthouse hours of operation are 8:30 am to 4:30 pm, Monday through  
26 Friday.  
27

28 25. The San Fernando Courthouse takes up almost a city block. It is

1 bounded by Third St. to the northeast, N. MacNeil St. to the northwest, and N.  
2 Brand Boulevard to the Southeast.

3 26. The main public entrance to the San Fernando Courthouse is located  
4 off Third St, between N. Brand Boulevard and N. MacNeil St.

5 27. There is a public sidewalk that runs along Third St. in front of the San  
6 Fernando Courthouse. There are a few trees and newspaper racks on this sidewalk.  
7 This sidewalk is approximately 10 feet wide. The length of the sidewalk from the  
8 intersection of Third St. and N. Brand Boulevard to the intersection of Third St.  
9 and N. MacNeil St is approximately 320 feet.

10 28. The Third St. sidewalk looks and functions like any other city  
11 sidewalk. It is open to the public and is used as part of the transportation grid of the  
12 city to reach different parts of the city. It has historically functioned as a city  
13 sidewalk.

14 29. The Third St. sidewalk is wide enough to minimize pedestrian  
15 congestion. It also disburses noise well. The sidewalk is uniquely suitable for  
16 expressive activities, such as dialogue and literature distribution.

17 30. To enter into the San Fernando Courthouse main entrance, a person  
18 walks down the Third St. sidewalk and then takes a smaller walkway that runs  
19 perpendicular with and into the Third St. sidewalk. The walkway is located on the  
20 courthouse grounds. The point where the Third St. sidewalk ends and the walkway  
21 begins is approximately 120 feet from the intersection of Third St. and N. Brand  
22 Boulevard and approximately 200 feet from the intersection of Third St. and N.  
23 MacNeil St.

24 31. To enter the San Fernando Courthouse, a person would traverse on  
25 this walkway under an arch and then enter into a courtyard. This courtyard  
26 contains benches and shrubbery. The main entrance of the courthouse is located at  
27 the end of this courtyard. The walkway from the Third St. sidewalk goes through  
28

1 the courtyard directly to the courthouse main entrance.

2 32. The main entrance is the only door along Third St. used by the public  
3 to enter or exit the San Fernando Courthouse. The distance from the main entrance  
4 to the Third St. sidewalk is approximately 110 feet.

5 33. Facing toward the San Fernando Courthouse main entrance and away  
6 from the Third St. sidewalk, there is an emergency exit on the left of the courtyard  
7 (emergency exit "A"). This door is not used except for emergency reasons. The  
8 door is locked so no one from outside can come in. To reach this emergency exit, a  
9 person would enter the courtyard and walk a few feet to the left (if facing the main  
10 courthouse entrance). This emergency exit is approximately 100 feet from the  
11 intersection of Third St. and N. Brand Boulevard and 220 feet from the intersection  
12 of Third St. and N. MacNeil St. Emergency exit "A" is approximately 10 feet  
13 from the Third St. sidewalk.  
14

15 34. Further down the Third Street sidewalk toward N. MacNeil St., there  
16 is another door to the courthouse (emergency exit "B"). This door is located  
17 approximately 220 feet from the intersection of Third St. and N. Brand Boulevard  
18 and approximately 100 feet from the intersection of Third St. and N. MacNeil St.  
19 Emergency exit "B" is approximately 100 feet northwest of the main courthouse  
20 entrance.

21 35. Emergency exit "B" is an emergency exit that is not used by anyone  
22 except in case of an emergency and is locked so no one from outside can come in.  
23 This door is separated from the public sidewalk by tall bushes and shrubs and  
24 grass. To reach this emergency exit from the sidewalk, a person would have to  
25 walk around the tall shrubs and bushes and walk on the courthouse grass.  
26 Emergency exit "B" is approximately 20 feet from the Third St. sidewalk.

27 36. As a result of the layout of the San Fernando Courthouse, any  
28 expressive activity that occurs on the Third St. sidewalk between N. Brand

1 Boulevard and N. MacNeil St. takes place outside of 100 feet of the main entrance.  
2 Any expressive activity on the sidewalk would be within 100 feet of either of the  
3 two emergency exits.

4 **Miano's Expressive Activities near San Fernando Courthouse**

5 37. Miano began to express his religious beliefs near the San Fernando  
6 Courthouse in July of 2008. Miano would go to the Third St. sidewalk in front of  
7 the courthouse every Tuesday morning, from approximately 7:30 a.m. to 9:00 a.m.,  
8 and share his religious beliefs with persons walking on the sidewalk. To express  
9 his beliefs, Miano typically engaged in consensual dialogue and distributed  
10 literature. Miano's intended audience were those using the Third St. sidewalk to  
11 either enter the courthouse or just passing through the city.  
12

13 38. While engaging in his expressive activities, Miano never impeded  
14 access into and out of the courthouse, including access via the main entrance,  
15 emergency exit "A," or emergency exit "B."

16 39. During the time frame that Miano engaged in these expressive  
17 activities on the Third St. sidewalk (for approximately a month), he never caused  
18 any disruption or created any blockage on the public sidewalk. Miano never  
19 hindered anyone's access along the Third St. sidewalk or into the San Fernando  
20 Courthouse. No court official ever approached Miano during this time and told him  
21 that he was too loud, or blocked access to the courthouse, or disrupted or interfered  
22 with any of the court business. Miano regularly talked to court officials and police  
23 officers during this time, and no one ever questioned Miano about his expressive  
24 activities or indicated that his activities were problematic in any way.

25 40. Then, on August 26, 2008, Miano went to the Third St. sidewalk near  
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1 the San Fernando Courthouse - as he had typically done - to express his religious  
2 beliefs again. Miano positioned himself on the Third St. sidewalk near the area  
3 where the Third St. sidewalk intersects with the walkway that leads to the main  
4 entrance of the courthouse. Miano was over 100 feet away from the main  
5 courthouse entrance.

6 41. Like all times before, Miano did not block or impede traffic that day  
7 or harass others or create any type of disturbance. He simply dialogued and  
8 distributed literature.

9 42. Subsequently, Miano was approached by Sergeant Walker and was  
10 told that he would be required to stop his expressive activities and leave the area.

11 43. Miano explained that he was merely speaking on a city sidewalk, but  
12 Sergeant Walker showed Miano a copy of the General Order for the Los Angeles  
13 County Superior Courts (“General Order”). According to Sergeant Walker,  
14 Miano’s expressive activities on the public sidewalk was violative of the General  
15 Order.  
16

17 44. Miano pointed out that he was standing on a public sidewalk, but  
18 Sergeant Walker reiterated that Miano would have to leave because his activities  
19 are violative of the General Order.

20 45. For fear of arrest, Miano complied with the demand of Sergeant  
21 Walker and left the area.

22 **General Order**

23 46. On January 24, 2008, Honorable J. Stephen Czuleger, as Presiding  
24 Judge, issued the General Order pertaining to speech activities in and around Los  
25 Angeles County courthouses.

26 47. The General Order reads:  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

GENERAL ORDER

NOTICE TO ALL PERSONS ENTERING COURTHOUSES IN LOS ANGELES COUNTY

To ensure the safe and orderly use of court facilities, and to minimize activities which unreasonably disrupt, interrupt, and interfere with the fair and orderly conduct of trials, and the orderly and peaceable conduct of the court business in a neutral forum free of actual or perceived partiality, and to facilitate safe, peaceful and orderly public access to courthouses unhindered by threats, confrontation, noise pollution or harassment, the Court hereby orders.

I. Demonstrations, Distributions and Solicitation

A. The following definitions apply to this Section.

1. "Prohibited Activity" shall mean demonstrating, picketing, distributing literature or other materials to the general public, soliciting sales or donations, or engaging in oral protest, education or counseling.

2. "Walkway" shall mean: (1) the area of any paved corridor or sidewalk, or other path of pedestrian movement, directly from (a) the edge of the public sidewalk nearest an entrance to any building, or part of a building, containing a courtroom to (b) that entrance; (2) the area of any paved corridor or sidewalk leading directly from (a) any parking lot located in a Curtilage to (b) an entrance to any building, or part of a building, containing a courtroom; or (3) a corridor within a multi-purpose building that leads directly to a part of the building containing a courtroom.

3. "Curtilage" shall mean the area between any building containing courtroom and the edge of the public sidewalk surrounding the building. It shall not include the area adjacent to or near that portion of a multi-purpose building that is not used for court-related facilities.

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B. Prohibitions

1. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in an Prohibited Activity within a courthouse, or within that portion of any other building containing courtrooms and/or court-related offices.

2. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall obstruct or unreasonably interfere with individuals entering or leaving a courthouse or the portion of any other building containing courtrooms and/or court-related offices, or with any line of individuals waiting to enter a courthouse or pass through an entrance to any building, or part of a building, containing a courtroom and/or other court-related offices.

3. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity within 15 feet from either side of, or 15 feet in front of, a doorway to any building, or part of a building, containing a courtrooms.

4. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall engage in any Prohibited Activity on, or within 15 feet from any edge of, a walkway.

5. No person (other than authorized court personnel or peace officers in the performance of their official duties) shall, within 100 feet of any doorway to any courthouse or the portion of any other building containing a courtroom, knowingly approach another person, within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education or counseling with such other person.

1 6. No person (other than authorized court personnel or peace officers in the  
2 performance of their official duties) shall engage in any Prohibited Activity  
3 on the Curtilage.

4 7. No amplification equipment shall be permitted within the Curtilage, or  
5 within 25 feet of a Walkway or a doorway to any building, or part of a  
6 building, containing a courtroom.

7 C. Exclusions

8 1. Parts I(B)(1), (3), (4) and (6) shall not apply to individuals engaged in the  
9 stationary solicitation of sales as part of any commercial, primarily non-  
10 expressive activity (including the sale of newspapers or reading items in  
11 conjunction with the sale of non-speech-related items such as candy or  
12 snacks or other food) that is affirmatively authorized by a written space  
13 permit, license, or lease from the County of Los Angeles or other owner of  
14 building containing one or more courtrooms authorizing that activity in a  
15 specific space not dedicated to court functions.

16 2. Only Parts I(B)(2) and (5) shall apply to individuals located on a public  
17 sidewalk. Accordingly, nothing in this General Order proscribes any  
18 Prohibited Activity if both of the following conditions are met: (a) the  
19 activity occurs on a public sidewalk and not on the Curtilage; and (b) the  
20 activity occurs more than 100 feet from (i) any doorway or entrance to any  
21 courtroom or (ii) any doorway or entrance to the portion of any other  
22 building containing a courtroom.

23 D. Severability Clause

24 1. If any provision of this General Order or the application thereof to any  
25 person or circumstances is held invalid, the validity of the remainder of the  
26 Order and of the application of such provision to other persons and  
27 circumstances shall not be affected thereby.  
28

1 II. Restrictions on weapons

2 A. All persons are prohibited from entering a Los Angeles County courthouse  
3 with a firearm or deadly or dangerous weapon unless they are State or Federal  
4 law enforcement officers on official business, or persons lawfully entitled to  
5 carry such a weapon who have the written consent from the Presiding Judge or  
6 the Supervising Judge of the affected courthouse to bring such weapon into the  
7 courthouse.

8 B. Under no circumstances shall any peace officer bring a firearm or deadly or  
9 dangerous weapon into a Los Angeles County courthouse if the peace officer is  
10 entering the courthouse as party litigant in a private action unless written  
11 permission to do so has first been obtained from the Presiding Judge or the  
12 Supervising Judge of the affected courthouse to bring such weapon into the  
13 courthouse.

14 C. Upon entering any courtroom or court office, all persons in the possession of  
15 a firearm or deadly or dangerous weapon, including armed peace officers, must  
16 immediately identify themselves to the courtroom bailiff, court liaison, or court  
17 clerk, and indicate they are carrying a weapon and the purpose for their visit.

18  
19 III. Compliance with law enforcement directions

20 While on or in the premises of any courthouse in Los Angeles County, all persons  
21 are ordered to comply with the lawful requests, directions, and orders of Sheriff  
22 Deputies and their agents in the performance of their duties.

23 IV. Posting and Service of Order

24 This Order shall be posted at each entrance to every courthouse in Los Angeles  
25 County, at each elevator entrance or at such other places as will reasonably apprise  
26 all persons entering such courthouses of its provisions. The Sheriff of Los Angeles  
27 County and his deputies and their agents are directed to serve a copy of this Order  
28 personally on any person who appears to be in violation thereof, advise such

1 person of the apparent violation, and, if the apparent violation continues after such  
2 notice, and the matter cannot otherwise be resolved, to notify the Court's Director  
3 of Security, Court Counsel, or Site Judge, as may be available in that order, to  
4 determine if proceedings should be initiated to seek monetary sanctions,  
5 imprisonment or other relief with regard to the violation. This order shall not  
6 preclude any peace officer from taking appropriate steps if an criminal offense  
7 occurs or exigent circumstances warrant immediate action.

#### 8 V. Penalties

9 Violation of this Order may result in the imposition of sanctions in amounts of up  
10 to \$1,500 per violation pursuant to Code of Civil Procedure section 177.5 and/or  
11 prosecution for criminal violations.  
12

13 GOOD CAUSE APPEARING THEREFORE,  
14 IT IS SO ORDERED, on January 24, 2008.

15 J. STEPHEN CZULEGER, Presiding Judge

#### 16 **Interpretation and Application of General Order**

17 48. A copy of this General Order was given to Miano on August 26, 2008  
18 and served as the basis for stopping Miano's expressive activities on that date.

19 49. After being stopped on August 26, 2008, Miano returned home and  
20 reviewed the General Order given to him by Sergeant Walker. After reviewing the  
21 General Order, Miano concluded that the General Order should not have been  
22 applied to his expressive activities since he was stationed more than 100 feet away  
23 from the main entrance of the San Fernando Courthouse.

24 50. For this reason, Miano called the courthouse later that day to obtain  
25 clarification as to why he could not engage in expressive activities along the Third  
26 St. sidewalk in front of the San Fernando Courthouse.

27 51. Miano talked to Sergeant Walker and reiterated that he was speaking  
28 on a public sidewalk and beyond 100 feet of any door used at the courthouse.

1 Sergeant Walker responded that he would present Miano's questions and concerns  
2 to the presiding judge of the San Fernando Courthouse and get back to him.

3 52. Subsequently, Sergeant Walker called Miano back. Sergeant Walker  
4 informed that the presiding judge, Judge Schuit, determined that the two unused  
5 emergency exits were included within the ambit of the General Order. Therefore,  
6 Miano would not be allowed to engage in any form of expression on any part of  
7 the Third St. sidewalk because he would be within 100 feet of the two emergency  
8 exits.

9 53. In an effort to avoid litigation on the matter, Miano's counsel wrote a  
10 letter, dated December 17, 2008, to Judge Schuit. This letter emphasized that the  
11 two doors (emergency exits "A" and "B") located within 100 feet of Miano's  
12 expressive activities are emergency exits and not used by the general public.  
13 Therefore, a ban on Miano's speech served no useful purpose. The letter asked for  
14 assurances that Miano be allowed to engage in his desired expressive activities  
15 along the Third St. sidewalk.  
16

17 54. In response, counsel for the San Fernando Courthouse rejected  
18 Miano's request. In a letter dated March 3, 2009, counsel confirmed that Miano  
19 was seeking to engage in expression outside of 100 feet of the main entrance.  
20 Counsel advised, however, that the "intent" of the General Order prohibits any  
21 expression within 100 feet from any "entrance" at any time, including the  
22 emergency exits, and for that matter, any expression coming within 100 feet of the  
23 intersection of Third St. sidewalk and the walkway that leads to the main entrance.

24 **Impact of General Order**

25 55. As a result of the General Order and the official interpretation and  
26 implementation of it, Miano is not permitted to engage in any expressive activity  
27 anywhere on the entire sidewalk closest to the San Fernando Courthouse along Third  
28 St. between N. Brand Boulevard and N. MacNeil St., even if it involves consensual

1 conversation.

2 56. Because the entire sidewalk along Third Street closest to the  
3 courthouse is located within 100 feet of the emergency exits, Miano cannot engage  
4 in any expressive activity on the Third St. sidewalk closest to the courthouse  
5 without violating the General Order.

6 57. The General Order establishes a complete ban on all of Miano's  
7 expressive activities - including one-on-one dialogue and literature distribution -  
8 on the Third St. public sidewalk closest to the San Fernando Courthouse.

9 58. Violation of the General Order subjects Miano to criminal penalties,  
10 including monetary sanctions and imprisonment.

11 59. Unable to engage in expressive activities on the sidewalk closest to  
12 the San Fernando Courthouse along Third St., the closest Miano can get is the  
13 sidewalk along Third St. on the opposite side of the courthouse. On this side,  
14 Miano is unable to engage in dialogue or distribute literature to anyone on the  
15 courthouse side of the Third St. sidewalk. At best, Miano can yell at those walking  
16 by the courthouse.  
17

18 60. The only way Miano can answer questions and engage in thoughtful  
19 dialogue is to carry on a conversation while in close proximity with others.  
20 Likewise, the only way to convey information via literature is to hand out that  
21 literature while in close proximity with others. Miano can do neither of these  
22 things while relegated to the opposite side of the courthouse. Miano must have  
23 access to the sidewalk along Third St. on the side of the San Fernando Courthouse  
24 to adequately convey his religious message to his intended audience.

25 61. Ever since his ouster in August 2008, for fear of arrest, Miano has not  
26 returned to the Third St. sidewalk in front of the main entrance to the San Fernando  
27 Courthouse for the purpose of expressing his message. If not for the General Order,  
28 and the actions of Defendants, Miano would immediately return to the Third St.

1 sidewalk to share his message via one-on-one conversation and literature  
2 distribution.

3 62. The fear of arrest severely limits Miano's constitutionally-protected  
4 expression on a public sidewalk.

5 63. The impact of chilling and deterring Miano from exercising his  
6 constitutional rights on a public sidewalk constitutes irreparable harm to Miano.

7 64. Miano does not have an adequate remedy at law for the loss of his  
8 constitutional rights.

## 9 **V. FIRST CAUSE OF ACTION**

### 10 **Violation of Free Speech Clause**

#### 11 **United States Constitution, First Amendment**

12 65. Plaintiffs re-allege and incorporate herein by reference all preceding  
13 paragraphs.

14 66. Miano's religious speech is protected speech under the First  
15 Amendment.

16 67. Miano challenges Defendants' policies and practices including, but  
17 not limited to the General Order, on their face and as applied.

18 68. Defendants' policies and practices, and enforcement thereof,  
19 including, but not limited to the General Order:

- 20 a. are vague and overbroad;
- 21 b. restrain constitutionally-protected speech in advance of its expression,  
22 without appropriate guidelines or standards to guide the discretion of  
23 officials charged with enforcing the policy;
- 24 c. chill the free speech and free exercise of religion of Miano and of  
25 other third party citizens;
- 26 d. lack narrow tailoring, fails to achieve any legitimate government  
27 purpose, and fail to leave open alternative avenues for expression; and  
28

1 e. is patently unreasonable.

2 69. Defendants have no compelling or legitimate reason that can justify  
3 the suppression of Miano's religious speech.

4 70. Defendants' policies and practices, and the enforcement thereof, thus  
5 violate the Free Speech Clause of the First Amendment to the United States  
6 Constitution, made applicable to the states through the Fourteenth Amendment.

7 WHEREFORE, Plaintiff Miano respectfully prays the Court grant the  
8 equitable and legal relief set forth in the prayer for relief.

9  
10 **VI. SECOND CAUSE OF ACTION**  
11 **Violation of the Due Process Clause**  
12 **United States Constitution, Fourteenth Amendment**

13 71. Plaintiff re-alleges and incorporates herein by reference all preceding  
14 paragraphs.

15 72. Defendants' policies and practices, and the enforcement thereof,  
16 including, but not limited to the General Order restrict expressive activity on a  
17 public street near the San Fernando Courthouse and are too vague to give persons  
18 of reasonable intelligence fair notice of their effect and scope and to provide  
19 guidance to law enforcement officers so as to prevent arbitrary enforcement.

20 73. As a result of these vague restrictions, Plaintiff has been deprived of  
21 his right to due process of law.

22 WHEREFORE, Plaintiff Miano respectfully prays the Court grant the  
23 equitable and legal relief set forth in the prayer for relief.

24  
25 **VII. THIRD CAUSE OF ACTION**  
26 **Violation of the Equal Protection Clause**  
27 **United States Constitution, Fourteenth Amendment**

28 74. Plaintiff re-alleges and incorporates herein by reference all preceding

1 paragraphs.

2 75. Under Defendants' policies and practices, and enforcement thereof,  
3 including, but not limited to the General Order, Defendants have allowed and still  
4 allow expressive and non-expressive activities to take place on the Third St.  
5 sidewalk closest to the San Fernando Courthouse, but prohibit Plaintiff's religious  
6 expression in the same area.

7 76. Defendants' policies and actions intentionally treat the Plaintiff  
8 differently from other similarly-situated speakers and non-speakers based on  
9 content and form of his expression.

10 77. Defendants have no compelling or legitimate reason that would justify  
11 their disparate treatment.

12 78. As a result of this unjustifiable disparate treatment, Plaintiff has been  
13 deprived of his right to equal protection.

14 WHEREFORE, Plaintiff Miano respectfully prays the Court grant the  
15 equitable and legal relief set forth in the prayer for relief.

16 **VIII. PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff Miano respectfully prays for relief in that this  
18 Court:

19 A. Assume jurisdiction over this action;

20 B. Enter a judgment and decree declaring that the General Order is  
21 unconstitutional on its face and as applied to Miano's religious expression,  
22 including one-on-one conversation and literature distribution, because it violates  
23 Miano's rights and the rights of third parties not before the Court, as guaranteed  
24 under the First and Fourteenth Amendments to the United States Constitution;

25 C. Enter a preliminary and permanent injunction enjoining Defendants,  
26 their agents, officials, servants, employees, and all persons in active concert or  
27 participation with them, or any of them, from applying the General Order so as to  
28

1 restrict constitutionally-protected speech of speakers, including Miano and other  
2 third parties, on the sidewalk along Third St. closest to the San Fernando  
3 Courthouse;

4 D. Adjudge, decree, and declare the rights and other legal relations with  
5 the subject matter here in controversy, in order that such declaration shall have the  
6 force and effect of final judgment;

7 E. Award Plaintiff Miano nominal damages arising from the acts of the  
8 Defendants as an important vindication of the constitutional rights;

9 F. Award Plaintiff Miano his costs and expenses of this action, including  
10 reasonable attorneys' fees, in accordance with 42 U.S.C. § 1988 and other  
11 applicable law; and

12 G. Grant such other and further relief as appears to this Court to be  
13 equitable and just.  
14

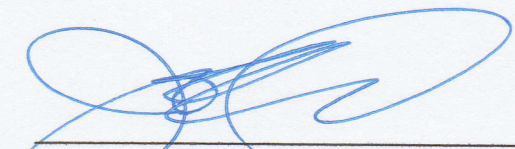
15 Respectfully submitted this 8<sup>th</sup> day of February, 2010.  
16

17  
18 By: 

19 JOHN STEWART  
20 Attorney for Plaintiffs

21 CERTIFICATE OF SERVICE

22  
23 I hereby certify that on this 8<sup>th</sup> day of February, 2010, the foregoing  
24 document has been/will be delivered to a process server for service upon  
25 defendants.

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28 Attorney

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**VERIFICATION**

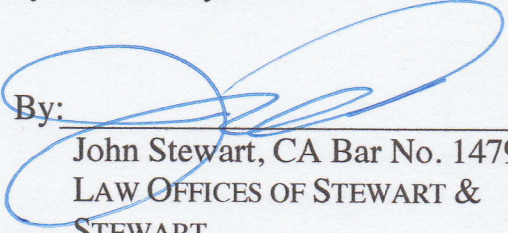
I, the undersigned, a citizen of the United States and resident of the State of California, have read the foregoing Verified Complaint and declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Dated this 22 day of JANUARY 2010.

  
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ANTHONY MIANO

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Respectfully submitted this the 8th day of February, 2010.

By: 

John Stewart, CA Bar No. 147954  
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*Attorney for Plaintiff*