

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ThinkRight Strategies, LLC;
Grant Strobl; and
Jacob Chludzinski,

Plaintiffs,

v.

City of Ann Arbor,

Defendant.

Case No.

Verified Complaint

Introduction

Americans have long been free to promote political beliefs of their choosing. But under the guise of stopping discrimination, Ann Arbor passed a law that forces Democrats to create advocacy material supporting conservatives and Republicans to create advocacy material supporting liberals under the threat of paying fines up to \$500 *per day*.

This is a constitutional anathema. Citizens should be free to choose for themselves what they say and what they celebrate—not the government. This lawsuit challenges Ann Arbor’s unjust law for violating the First and Fourteenth Amendments because all Americans, whether conservative or liberal, should have the freedom to advocate for the political views they believe in.

This lawsuit is brought by Grant Strobl and Jacob Chludzinski, two political conservatives who believe in free enterprise, limited government, individual freedom, traditional values, and a strong national defense. Grant and Jacob have advocated these beliefs since childhood and recently began offering to do so professionally through ThinkRight Strategies, LLC, a political consulting firm they co-own.

ThinkRight offers to design websites, develop written and visual materials like slogans and social-media content, provide coaching for public speaking and media interviews, help guide canvassing efforts to mobilize voters, and write speeches for candidates, causes, lawmakers, and non-profits. And Grant and Jacob want to provide these services to promote only messages, platforms, and causes that further Grant and Jacob's conservative principles.

But Ann Arbor has other plans. Ann Arbor makes it illegal for businesses to "discriminate" based on "political beliefs." Ann Arbor Code §§ 9:153, 9:151(6). So if ThinkRight provides marketing services to Republican candidates to promote limited government, lower taxes, and protecting the unborn, Ann Arbor law requires them to provide similar services to Socialist candidates to promote government control, higher taxes, and abortion on demand.

Ann Arbor law even forbids Grant and Jacob from posting which political beliefs they can and cannot work to advance, § 9:155(1); from adopting policies to promote only conservative beliefs, *id.*; and from

contacting just conservatives to discuss how ThinkRight can partner with them, § 9:155(2). To ensure compliance, Ann Arbor can fine violators up to \$500 per day, require them to pay the city's enforcement costs, and force them to comply via court orders. §§ 9:161-163.

This imperils ThinkRight and violates core constitutional freedoms all Americans enjoy. No Democrat should be forced to write speeches for President Trump, design promotional materials for the National Rifle Association, or coach pro-life advocates to speak against abortion. Similarly, Ann Arbor must not be allowed to hijack Grant and Jacob's voice to advance causes contrary to their convictions. This pre-enforcement lawsuit seeks to uphold this critical constitutional principle and to protect freedoms vital to our pluralistic democracy.

Jurisdiction and Venue

1. This action raises federal questions under the United States Constitution—specifically, the First and Fourteenth Amendments—and the Civil Rights Act of 1871, 42 U.S.C. § 1983.

2. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1343.

3. This Court has authority to award the requested declaratory relief under 28 U.S.C. §§ 2201-02 and Federal Rule of Civil Procedure 57; the requested injunctive relief under 28 U.S.C. § 1343 and Federal Rule of Civil Procedure 65; the requested damages under 28 U.S.C.

§ 1343 and 42 U.S.C. § 1983; and costs and attorneys' fees under 42 U.S.C. § 1988 and Federal Rule of Civil Procedure 54.

4. Venue is proper in this Court under 28 U.S.C. § 1391(b) and 28 U.S.C. § 102 because all events giving rise to the claims occurred within the Eastern District of Michigan's Southern Division and Defendant resides there.

Plaintiffs

5. Plaintiffs Grant Strobl and Jacob Chludzinski are political conservatives.

6. Grant and Jacob are residents of the State of Michigan and citizens of the United States of America.

7. Grant and Jacob are the only members, owners, managers, and operators of Plaintiff ThinkRight Strategies, LLC.

8. ThinkRight Strategies is a for-profit limited liability company organized under Michigan law.

9. ThinkRight Strategies' principal place of business is located in Ann Arbor, Michigan.

Defendant

10. Defendant City of Ann Arbor, Michigan, is a municipal corporation authorized under Michigan law with the power to sue and be sued.

11. Ann Arbor is responsible for passing and enforcing its ordinances, including all ordinances challenged in this lawsuit.

Factual Background

Grant and Jacob's political beliefs and activities

12. Grant Strobl and Jacob Chludzinski are political conservatives.¹

13. Their political views are informed by their understanding of what policies are most conducive to human flourishing and by their religious beliefs.

14. Grant and Jacob are Christians and base their religious beliefs on the Bible.

15. Grant and Jacob are religiously motivated to support policies that align with their religious beliefs.

16. They are also religiously motivated to avoid supporting and to oppose policies contrary to their religious beliefs.

17. Grant came to embrace conservative political beliefs at a young age.

18. Around the age of eleven or twelve, Grant was suffering with scoliosis and his doctor insisted that seeing a surgeon was the only option.

19. Grant's mother thought physical therapy could help, but because Michigan required a doctor's referral, she and Grant had to

¹ Unless context indicates otherwise, this complaint refers to all plaintiffs collectively as "ThinkRight," "ThinkRight Strategies," or "Grant and Jacob."

travel to Wisconsin to obtain the physical therapy that allowed Grant to manage his condition without surgery.

20. Because of this situation, Grant realized the importance of limited government and the suffering that can follow when the government restricts people's freedom.

21. Grant concluded that he had a conservative worldview and set out to make a difference.

22. In middle school, Grant worked on his first political campaign—for a Republican candidate for the Michigan House of Representatives who wanted to change the law that forced Grant to trek to Wisconsin for needed care.

23. Grant's political involvement increased during his high-school years.

24. He served as the campaign manager for Residents for Responsible Spending (a group opposing a bond requiring a tax increase), as a provider of website and other services for two Republicans' campaigns for the Michigan House of Representatives, as a committeeman on his hometown's Parks & Harbor Committee, as a campaign coordinator for a Republican's congressional campaign, and as a new media and technology intern for Republican Rick Snyder's gubernatorial campaign.

25. During high school, Grant also became involved with Young Americans for Freedom (YAF), an organization which promotes conservative principles on high-school and college campuses.

26. Grant founded a YAF chapter at his high school and served as its chairman for three years.

27. After high school, Grant continued his political pursuits.

28. These included serving as a Committeeman for Michigan's 14th District Republican Executive Committee, as a delegate to Michigan's Republican State Convention, and as an intern for the U.S. House of Representatives' Committee on House Administration.

29. While attending college at the University of Michigan, Grant founded a YAF chapter and served as its chairman for three years.

30. As chairman, Grant worked with other conservative students to spread conservative principles on campus and even in the local and national media.

31. For example, under Grant's leadership, YAF brought conservative speakers to campus, including Ben Shapiro; prompted student dialog by tearing down a mock "Berlin Wall" on campus; and helped lead a successful campaign to convince the university's administration to reverse its decision to cancel a screening of *American Sniper*.

32. Grant also spoke out about the University of Michigan's decision to allow students to select a preferred pronoun.

33. Grant believes that people are biologically male or female, that one's status as male or female is immutable, and that an official policy recognizing preferred pronouns undermines that reality and pressures others to speak in a manner that violates their beliefs.

34. To bring attention to this issue, Grant selected "His Majesty" as his preferred pronoun at the University of Michigan and started a social-media campaign encouraging others to join him in selecting individualized pronouns to draw attention to the flaws in the policy.

35. This action prompted a national discussion about the wisdom of encouraging people to self-identify and to select pronouns contrary to biological reality.

36. At the University of Michigan YAF chapter, Grant also met and became friends with Jacob Chludzinski.

37. Jacob became involved with YAF as a freshman at the University of Michigan.

38. As a sophomore and junior, Jacob served as chairman of the university's YAF chapter.

39. During Jacob's first year as chairman, Grant was a senior and collaborated with Jacob as Jacob ran the chapter.

40. Like Grant, Jacob's political interests developed at a young age.

41. Through middle school, Jacob learned a lot from his friends who were politically knowledgeable, began researching issues himself,

and learned about policy issues from discussions with his family and from his church's teachings on various matters such as abortion.

42. Jacob soon realized that he had conservative values and, while a freshman in high school, helped start a small Republican club.

43. With the 2012 presidential race in full swing during Jacob's high school freshman year, Jacob volunteered for Mitt Romney's campaign and for the campaign of a Republican running for County Commissioner.

44. In 2017, during the summer between Jacob's freshman and sophomore year of college, Jacob interned in the Lansing and district offices of then-Representative Peter Lucido, a Republican.

45. He also assisted with Lucido's State Senate campaign.

46. During the summer of 2018, Jacob interned at the White House Office of Presidential Personnel in Washington, D.C.

47. Ever since their first introduction to the importance of politics, Grant and Jacob's passion for political matters has grown and their involvement in politics has deepened.

48. By observing political trends, working in the political realm, and leading a conservative club at the University of Michigan, Grant and Jacob increased their appreciation for conservative principles, the need to advocate for them, and the negative consequences of people rejecting—or not knowing—those principles.

49. Recognizing the need for persuasive conservative voices in America, Grant and Jacob decided to undertake a new venture.

ThinkRight's launch and mission

50. With their shared ideals, prior work on political campaigns, and experience working together through YAF, Grant and Jacob began collaborating in 2018 to create a political consulting and marketing firm to advance their religious and conservative beliefs.

51. Grant had previously provided services to political campaigns—including creating websites, messaging, slogans, and ads—and saw the opportunity to partner with Jacob and form a business as a way to expand his work and gain brand recognition.

52. Instead of just seeking to turn a profit, Grant and Jacob want their firm to further their political beliefs, which are the result of their religious beliefs and conservative worldview.

53. Grant and Jacob decided to name their new business ThinkRight Strategies.

54. They chose the name because their business offers communication strategies and services to help people see the world correctly (in the “right” way) and to see the importance of conservative policies (policies on the “right”).

55. In July 2018, they filed Articles of Organization to form ThinkRight Strategies, LLC.

56. ThinkRight Strategies is a political consulting and marketing firm.

57. Grant and Jacob chose Ann Arbor as ThinkRight's principal place of business because Jacob is attending college there, Grant and Jacob met there, and they have substantial ties with other conservatives there.

58. In June 2019, ThinkRight launched its website, www.thinkrightstrategies.com, to inform the public of its services.

59. Because ThinkRight is a new business and wants potential clients to get an idea of some services ThinkRight offers, ThinkRight's website includes examples of political work Grant completed before forming ThinkRight.

60. ThinkRight's mission is to advance the conservative principles of free enterprise, limited government, individual freedom, traditional values, and a strong national defense.

61. While Grant and Jacob can advance—and have advanced—these principles individually, they believe they can further them more effectively by partnering with conservative non-profits, candidates, lawmakers, and others working to advance the same principles.

62. ThinkRight therefore offers to come alongside such conservative individuals and organizations and work collaboratively with them to promote messages, views, policies, platforms, and causes that further ThinkRight's conservative principles.

ThinkRight's services and processes

63. To assist individuals and organizations in advancing ThinkRight's conservative principles, ThinkRight offers many different political consulting and marketing services.

64. ThinkRight specializes in developing and executing communication strategies tailored to persuade target audiences.

65. All of ThinkRight's services involve communication with the public to promote various political messages, views, policies, platforms, and causes.

66. All of ThinkRight's services require collaboration between ThinkRight and ThinkRight's clients to ensure effective communication with target audiences.

67. The services ThinkRight offers include the following: designing, building, and maintaining websites; developing written and visual content (such as slogans, summarized policy positions, press releases, social-media posts, signs, and flyers); coaching for public speaking (such as formal speeches, voter forums, debates, and media appearances); drafting speeches and talking points; helping guide canvassing efforts to mobilize likely supporters; promoting events; and handling media relations.

68. In providing services, ThinkRight will combine what it learns about its clients with ThinkRight's own political and policy expertise to advise clients about the steps they should take to effectively

reach the public and achieve their goals—and whether those goals should be altered.

69. ThinkRight believes that all of its services will help conservative individuals and organizations communicate and advance ThinkRight's political beliefs.

70. Any member of the general public can contact ThinkRight through a contact form on ThinkRight's website.

71. ThinkRight will review any request from the general public and evaluate whether it can perform the requested services.

72. This initial evaluation involves numerous considerations, including whether the requested services fall within ThinkRight's areas of expertise, ThinkRight's capacity to provide the requested services within the desired timeframe, and whether the requested services advance ThinkRight's conservative principles.

73. ThinkRight cannot accept requests for service that involve promoting messages, views, policies, platforms, or causes contrary to its conservative or religious principles.

74. If ThinkRight initially determines it can provide the desired services, it then gathers additional details about the client's goals and, if ThinkRight and the client decide that working together will advance their respective goals, ThinkRight will have the client sign a contract.

75. A true and correct copy of that contract template is attached to this complaint as Exhibit A.

76. Using its expertise and information from its clients, ThinkRight will then create a plan about the best way to proceed.

77. While clients have goals for what they want to achieve and general ideas about how to achieve those goals, ThinkRight specializes in determining the best plan to achieve those goals and whether those goals should be altered.

78. If clients provide communication content to ThinkRight that they want ThinkRight to use, ThinkRight will evaluate that content and determine whether it should be modified to achieve the best results.

79. In addition to specializing in developing advocacy tactics from the ground up, ThinkRight also advises clients about how they can modify their advocacy methods to more effectively promote their goals and conservative messages, views, policies, platforms, and causes.

80. While happy to consider client input and work together with clients, ThinkRight maintains complete editorial discretion and final authority regarding the content of all of the services it offers.

81. If ThinkRight and its clients disagree about a course of action, ThinkRight maintains the discretion and final authority to decline the requested service.

82. Additionally, ThinkRight maintains the right to stop services if, after accepting a request, it later learns that the requested services promote messages, views, policies, platforms, or causes contrary to ThinkRight's political or religious beliefs.

83. Grant and Jacob are personally invested in the services ThinkRight provides and consider those services to be their own speech.

84. When ThinkRight provides services for clients, it reserves the right to display items created for these clients on ThinkRight's website.

85. This practice allows ThinkRight to explain to potential clients and the public what ThinkRight does and the political beliefs it supports.

86. Whenever reasonably feasible, ThinkRight Strategies will include its name on the communications it creates for clients that will be viewed by the public.

87. ThinkRight does so to inform the public of the services ThinkRight offers and the messages ThinkRight supports.

88. For example, the name "ThinkRight Strategies" will appear on all websites that ThinkRight creates.

89. In handling media relations, ThinkRight offers to interact with the press and serve as the relevant contact for communication with the press about certain subjects for ThinkRight clients.

90. By engaging in expressive partnerships with clients it supports, ThinkRight can advance its preferred messages, views, policies, platforms, and causes to further its conservative beliefs in ways that Grant and Jacob would not be able to achieve by acting alone.

91. By working with clients for a fee, Grant and Jacob can be more actively involved in promoting their conservative political beliefs than if they were simply assisting conservative individuals and organizations for free.

92. Expressive partnerships between ThinkRight and its clients require collaboration.

93. Many of the services ThinkRight offers involve creating written and visual content.

94. For example, ThinkRight offers to develop catchy slogans, draft persuasive summaries of politicians' and organizations' policy positions, prepare press releases to garner media attention and frame the narrative in favorable terms, craft punchy social-media posts that drive home key points, and develop signs and flyers that are eye-catching and convey a message that will resonate with viewers.

95. To create effective written and visual content, ThinkRight's process includes: consulting with clients to better understand their priorities and beliefs, reviewing content the clients have already created and distributed to the public, considering the target audience and their likely preferences, and sharing ideas with clients about how to proceed.

96. Once ThinkRight and its clients agree on a tentative plan, ThinkRight's next step is to begin developing the content.

97. To develop written or visual content that effectively promotes messages, views, policies, platforms, and causes aligned with

ThinkRight's political beliefs, multiple internal drafts and collaboration between ThinkRight's owners may be necessary.

98. For example, ThinkRight's process for creating a website is highly involved and helps illustrate the collaborative process between ThinkRight and its clients.

99. Before creating a website, ThinkRight must communicate with clients to gather a host of information.

100. This information includes details about the client's goals, messages the client wishes to convey, the desired color scheme for the website, the desired feel and attitude of the website (e.g., formal, rigid, modern, bold), and the desired audience.

101. Because ThinkRight is not a passive receptacle of information from clients, it will actively assess the client's goals and plans and suggest modifications.

102. For example, if an individual running for elected office provides written content for ThinkRight to include on a website, ThinkRight will assess the length of the content, its readability, and the effectiveness of the communication style used and then will determine whether modifications are needed.

103. For instance, if explanations of the candidate's policy positions are too long for typical attention spans, ThinkRight will determine the critical points and summarize accordingly to more effectively convey the desired message.

104. ThinkRight will also consider what information deserves a prominent position within the website—such as placement on a website’s home page—and adjust website plans accordingly.

105. ThinkRight will also consider phrasing and modify content to ensure that key points are pithy.

106. ThinkRight will also consider the best way to design the website to encourage the viewer to consume more content and to take the desired action—whether that be casting a vote a certain way, volunteering for a campaign, or something else.

107. ThinkRight’s web design considerations include written content, graphics, layout, font and font size, color schemes, and other factors affecting persuasiveness, aesthetics, readability, and accessibility to users.

108. In creating written and visual content such as websites, Grant and Jacob will generally brainstorm with one another about various options and ways to most effectively convey the desired message.

109. After creating a draft website that satisfies ThinkRight’s standards, ThinkRight will allow the client to view it and offer feedback.

110. If the client has suggested changes, ThinkRight will consider the changes and determine whether the modifications are acceptable.

111. If the client's suggested modifications are unacceptable or suboptimal, ThinkRight will consult with the client about alternative options.

112. After ThinkRight and its client agree on the website content, ThinkRight will publish it to the public.

113. ThinkRight's process for developing other written and visual content involves a similar process as that used in website creation.

114. ThinkRight also offers to create written content designed for oral delivery.

115. For example, ThinkRight will draft speeches and develop effective talking points for use in media interviews, debates, and political town halls.

116. To effectively provide these services, ThinkRight must have a deep understanding of clients' positions and goals, competing views held by clients' opponents, clients' natural speaking styles, clients' intended audiences, and a variety of other factors.

117. ThinkRight will take information about its clients and then combine that knowledge with ThinkRight's own expertise on policy issues and on what messages resonate with various audiences to craft content that persuades most effectively.

118. Because speaking effectively depends partly on one's speaking style, ThinkRight also offers coaching for public speaking and media appearances.

119. This coaching requires ThinkRight to consider a client's natural speaking style and personality, body language, vocal inflection, speech rhythm and rate, the target audience, and a variety of other factors.

120. ThinkRight's coaching includes providing tips to improve clients' ability to communicate in various settings, such as formal speeches before large audiences, talks at voter forums, political debates, and media interviews.

121. ThinkRight also offers opportunities for clients to practice their speaking skills and receive constructive feedback from ThinkRight about ways to improve their persuasive abilities.

122. For example, ThinkRight offers to conduct mock interviews and debates for clients to help them to persuasively convey conservative messages and to anticipate and rebut contrary views raised by reporters and debate opponents.

123. After conducting mock interviews or practice speeches or debates, ThinkRight will provide feedback to clients on matters like eye contact, posture, body language, tone, pace, phrasing and messaging, logical flow, and other factors affecting the impact of the clients' oral communication.

124. In addition to helping clients prepare for media interviews, ThinkRight also offers to help manage media relations.

125. For example, ThinkRight will respond to media inquiries with quotes that ThinkRight prepares and supplies for its clients, evaluate interview requests to determine whether accepting the interview is likely to advance the desired message, and prepare clients to respond to specific interviews based on a reporter's likely angle.

126. ThinkRight will also help mobilize voters and supporters by providing a variety of services, including developing literature to leave at the doors of citizens, developing survey questions for canvassers to ask citizens, and recommending and developing social-media strategies and content.

127. ThinkRight will also provide guidance to clients about how to recruit people to assist with canvassing efforts.

128. For canvassing within Ann Arbor, ThinkRight offers to utilize its own networks to recruit canvassers.

129. ThinkRight also offers to help promote clients' events by recommending and developing social-media strategies and content, creating clever taglines and titles for events, developing eye-catching and appealing flyers and signs, and providing a variety of other services.

ThinkRight's political selectivity

130. Grant and Jacob want their work through ThinkRight to advance their political beliefs.

131. Other political consulting firms also seek to advance only certain values.

132. For example, Recipricol Results in New York explains that it offers its political consulting services—such as the op-ed writing it did for Bill de Blasio’s mayoral campaign—to “Democratic, Liberal, Progressive and ideologically neutral candidates and causes.” *See* <http://reciprocalresults.com/services.html>; <http://reciprocalresults.com/clients.html>.

133. And Macias Strategies LLC in Texas explains that it is a “political consulting firm motivated by conservative policy outcomes” and that it “work[s] exclusively with true conservative Republicans.” <https://maciasstrategies.com/>

134. ThinkRight Strategies’ mission is to advance the conservative principles of free enterprise, limited government, individual freedom, traditional values, and a strong national defense.

135. To prevent confusion, promulgate its views, and encourage associations that will promote ThinkRight’s mission, ThinkRight wishes to post a statement on its website explaining some of the political and religious beliefs it wants to advance and others it cannot promote.

136. A true and correct copy of that statement is attached to this complaint as Exhibit B.

137. This statement accurately reflects ThinkRight’s positions.

138. ThinkRight also wishes to adopt a formal policy about its beliefs and how those beliefs affect the work it does.

139. A true and correct copy of that policy is attached to this complaint as Exhibit C.

140. This “Internal Selection Policy” (Exhibit C) accurately reflects Grant’s and Jacob’s beliefs and goals for ThinkRight.

141. While Grant and Jacob already agree on everything stated in the “Internal Selection Policy,” they want to formally adopt the policy’s principles in writing, both to confirm these principles to each other and also for future employees.

142. Grant and Jacob want to sign, and thereby formally adopt, the “Internal Selection Policy” as a binding policy for ThinkRight.

143. After adopting the policy, ThinkRight will require future employees involved in evaluating partnership opportunities to read the policy and affirm in writing that they have read and understand the policy and will not accept partnership opportunities contrary to the policy.

144. ThinkRight’s desired website statement (Exhibit B) and its desired “Internal Selection Policy” (Exhibit C) provide examples of partnerships that ThinkRight will and will not accept based on the political beliefs ThinkRight would promote in such partnerships.

145. ThinkRight cannot accept a project that requires it to promote messages, causes, or political platforms that violate its faith or contradict its conservative political beliefs.

146. For example, ThinkRight cannot promote socialism, communism, racism, sexism, government-controlled healthcare, unnecessary tax increases, the Green New Deal, abortion, or prioritizing gender identity over human biology.

147. Nor can ThinkRight provide services for certain organizations (or individuals acting for those organizations) to promote those organizations' political beliefs.

148. So, for example, ThinkRight cannot provide services for the Democratic Party, the Socialist Party of Michigan, Planned Parenthood, the Human Rights Campaign, or Lambda Legal if these organizations continue to espouse their current political beliefs.

149. For instance, the Socialist Party of Michigan's platform calls for "[a] 100-percent tax on the profits of war goods and weapons manufacturers," "[t]he right to free abortion on demand without interference," "full coverage, under a national healthcare system, of sexual reassignment surgery," and "the closure of all over-seas military bases," all of which are directly contrary to ThinkRight's political beliefs.

150. The Socialist Party of Michigan platform is available at <http://spmichigan.org/platform/>.

151. As another example, the Democratic Party platform states opposition to “federal and state laws and policies that impede a woman’s access to abortion,” a commitment to “universal health care” with access “to public coverage through a public option,” and support for taxes targeting certain successful people, such as a “multimillionaire surtax,” and all of these positions are contrary to ThinkRight’s political beliefs.

152. The Democratic Party platform is available at <https://democrats.org/about/party-platform/>.

153. Therefore, ThinkRight cannot, for example, assist a lawmaker or political candidate who seeks to advance the current platforms of the Democrat Party or the Socialist Party of Michigan.

154. So ThinkRight cannot coach politicians who promote the current Democratic platform to improve their public speaking and debating abilities because doing so would promote views in that platform.

155. Nor can ThinkRight help politicians like Bernie Sanders, Hillary Clinton, Elizabeth Warren, Debbie Stabenow, Gary Peters, Gretchen Whitmer, or Christopher Taylor achieve electoral success if these politicians continue to espouse their current political beliefs.

156. Even when someone requests services that appear identical to those ThinkRight would provide to someone else, ThinkRight cannot

provide those services if they promote messages, views, policies, platforms, or causes that contradict Grant and Jacob’s beliefs.

157. For example, ThinkRight is willing to create promotional literature saying “Support Choice” for a school-voucher initiative, but not for a Planned Parenthood advocacy campaign.

158. ThinkRight would also promote “An Economy that Works” event for Republicans, but not for Socialists.

159. ThinkRight would also create promotional materials saying “Women Deserve Better” for Right to Life Michigan to promote pro-life pregnancy centers, but not for Planned Parenthood to promote abortion.

160. Because ThinkRight is concerned about the messages, views, policies, platforms, and causes it expresses and promotes, and not the identity of the individuals or organizations that request its services, ThinkRight will provide its services to anyone—including the individuals and organizations listed above (¶¶ 148, 155)—if their messages and platforms already align with ThinkRight’s conservative political beliefs or if they alter their messages and platforms to align with those beliefs.

161. ThinkRight is willing to provide its services to everyone regardless of a requestor’s personal characteristics (such as race, religion, sex, sexual orientation, or gender identity) when providing the requested services will advance—and not contradict, hinder, or harm—

ThinkRight's conservative and religious principles and the spread of those principles.

162. If individuals or entities advance political beliefs consistent with and contrary to ThinkRight's political beliefs, ThinkRight will evaluate their requests for services based on the services' content and message and whether providing those services promotes candidates, lawmakers, organizations, or causes that would, in the aggregate, advance ThinkRight's political beliefs in light of the requestor's entire platform, goals, agenda, message, and likelihood of political success. *See, e.g.,* Exhibit C.

ThinkRight's pursuit of conservative allies

163. To achieve its goals of promoting conservative principles, ThinkRight must inform politically conservative individuals and organizations of its services.

164. Therefore, ThinkRight wishes to mail a letter informing certain politically conservative individuals and organizations of ThinkRight's existence and its desire to partner with those individuals and organizations to advance conservative causes.

165. A true and correct copy of that letter template is attached to this complaint as Exhibit D.

166. ThinkRight wishes to mail this letter to a variety of conservative groups and individuals including, but not limited to,

Congressman Tim Walberg, Right to Life Michigan, the Michigan Republican Party, and the Washtenaw County Republican Party.

Ann Arbor's law compels and censors political speech

167. Grant, Jacob, and ThinkRight Strategies' ability to engage in political advocacy is impeded by Ann Arbor law which undermines ThinkRight's editorial discretion and forbids ThinkRight from posting certain statements, adopting certain policies, and using certain methods to encourage formation of expressive associations with likeminded individuals and organizations.

168. Ann Arbor Code § 9:150 provides in part that it "is the intent of" Ann Arbor that no individual "be discriminated against because of actual or perceived ... political beliefs"

169. Ann Arbor Code § 9:151(6) defines "[d]iscriminate" in part as follows: "To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on an individual's or his or her ... associates' actual or perceived ... political beliefs"

170. "Discrimination" is further defined in part to "includ[e] the use of facially neutral practices that have an adverse impact on members of a protected class" Ann Arbor Code § 9:151(6).

171. "Political beliefs" is defined in part as "[o]ne's opinion, whether or not manifested in speech or association, concerning the social, economic, and governmental structure of society and its

institutions,” and encompasses “all political beliefs, the consideration of which is not preempted by state, federal or local law.” Ann Arbor Code § 9:151(23).

172. Ann Arbor prohibits discrimination based on political beliefs by places of public accommodation. *See, e.g.*, Ann Arbor Code § 9:153.

173. “Place of public accommodation” is defined in part as an “accommodation, business or other facility of any kind, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public ...” Ann Arbor Code § 9:151(22).

174. ThinkRight is a for-profit business that offers and sells services to the general public.

175. ThinkRight also advertises its services to the general public on its website.

176. Ann Arbor considers ThinkRight to be a place of public accommodation under Ann Arbor law.

177. All of ThinkRight’s services involve the expression of “political beliefs” as defined by Ann Arbor law.

178. Ann Arbor law provides that, “[w]ith regard to employment, an individual’s political beliefs that interfere or threaten to interfere with his or her job performance are specifically excluded from this protection.” Ann Arbor Code § 9:151(23).

179. Ann Arbor law would therefore allow ThinkRight to hire only those with politically conservative beliefs if doing so affected the political messages that ThinkRight conveys to the public.

180. But Ann Arbor law does not include a similar exception for “discrimination” based on “political beliefs” when it relates to the services ThinkRight provides to the public.

181. Ann Arbor Code § 9:153 (referred to in this complaint as the Accommodation Clause) provides in part that “[n]o person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.”

182. The Accommodation Clause makes it unlawful for ThinkRight to decline requests for services to promote messages, views, policies, platforms, or causes that further political beliefs contrary to ThinkRight’s political beliefs if ThinkRight would provide the same services to promote messages, views, policies, platforms, or causes that further ThinkRight’s political beliefs.

183. For example, if ThinkRight will create an eye-catching social-media post saying “Better choices means better outcomes” for a school-vouchers initiative, Ann Arbor law prohibits ThinkRight from declining, based on political beliefs about abortion, Planned Parenthood’s request for the same services for a pro-abortion campaign.

184. Similarly, if ThinkRight will provide public-speaking coaching to a Republican candidate, Ann Arbor law prohibits ThinkRight from declining, based on its objection to advancing political beliefs stated in the Democratic platform, public-speaking coaching to a candidate supporting the Democratic platform.

185. If ThinkRight will promote an organization's rally supporting people's freedom to address others using the pronouns that align with their biological sex, Ann Arbor law prohibits ThinkRight from declining, based on political beliefs, those same services to promote a rally supporting laws forcing people to address others using their preferred pronouns, even when those pronouns contradict someone's biological sex.

186. Similarly, if ThinkRight will help the Republican Party promote free markets, Ann Arbor law prohibits ThinkRight from declining, based on political beliefs, to provide the same services to the Socialist Party of Michigan to promote a socialist economy.

187. Ann Arbor law also forbids ThinkRight from making the distinctions described in paragraphs 157-159 based on political beliefs.

188. ThinkRight Strategies also faces a credible threat and substantial risk that an organization or individual that does not share ThinkRight's political beliefs will ask ThinkRight to provide services promoting messages, views, policies, platforms, or causes contrary to ThinkRight's political beliefs.

189. For instance, most political races in Michigan include a candidate supporting the Democratic platform.

190. But ThinkRight cannot support any candidate in advancing the Democratic platform.

191. ThinkRight cannot effectively advertise, expand, or plan ahead in light of the credible threat and substantial risk created by Ann Arbor's law.

192. For example, ThinkRight is deterred from engaging in certain advertising that could prompt objectionable requests for ThinkRight's services that the Accommodation Clause (§ 9:153) makes it unlawful to decline.

193. The result is that ThinkRight has lost, and is losing, business opportunities.

194. A requestor who cannot use ThinkRight's advocacy services can obtain advocacy services from other political consulting and marketing firms, some of which provide services across the nation.

195. In Michigan, for example, one option for liberal candidates and causes is The Edelson Group, "a full-service political consulting firm specializing in strategy development and comprehensive management for issue advocacy, ballot measures and candidate campaigns." See <http://edelsongroup.com/>.

196. The Edelson Group touts that it "[r]elected Governor Granholm," a Democrat. See <http://edelsongroup.com/>.

197. And Howard Edelson, the President of the Edelson Group, describes himself as a “Democratic political strategies and commentator.” See <https://twitter.com/howardedelson>.

198. If not for the Accommodation Clause (§ 9:153), ThinkRight would politely decline all requests for its services that involve promoting political messages, views, policies, platforms, or causes contrary to ThinkRight’s religious or political beliefs.

199. Because of the Accommodation Clause (§ 9:153), ThinkRight is unable to decline requests to promote political messages, views, policies, platforms, or causes that are contrary to its religious or conservative political beliefs.

200. But ThinkRight would have to betray its religious and political beliefs, and undermine its ability to promote its desired political beliefs, by accepting such requests.

201. ThinkRight will not provide services that require it to promote political beliefs that violate its own religious or political beliefs.

202. Ann Arbor law conditions ThinkRight’s ability to partner with clients to promote ThinkRight’s desired political viewpoints on its willingness to express political viewpoints that violate ThinkRight’s religious or political views.

203. In this way, the Accommodation Clause (§ 9:153) compels ThinkRight’s speech and eliminates its editorial control.

204. ThinkRight’s editorial control is also undermined by Ann Arbor Code § 9:155(1) (referred to in this complaint as the Policy Clause), which provides in part that “[n]o person shall adopt, enforce or employ any policy or requirement ... which discriminates or indicates discrimination in providing ... public accommodations.”

205. The Policy Clause (§ 9:155(1)) prohibits ThinkRight from formally adopting the “Internal Selection Policy” attached to this complaint as Exhibit C.

206. The Policy Clause (§ 9:155(1)) also prohibits ThinkRight from formally adopting policies materially similar to its “Internal Selection Policy.”

207. By forbidding ThinkRight from adopting a policy that binds Grant, Jacob, and any future employees, and explains that ThinkRight will only promote conservative political beliefs and will not promote contrary political beliefs, the Policy Clause undercuts ThinkRight’s ability to exercise editorial judgment and effectively requires ThinkRight to accept projects promoting messages contrary to its beliefs.

208. Because of the Policy Clause (§ 9:155(1)), ThinkRight has not and will not formally adopt the “Internal Selection Policy.”

209. If not for the Policy Clause (§ 9:155(1)), Grant and Jacob would immediately sign the “Internal Selection Policy” to formally adopt it on behalf of ThinkRight.

210. Ann Arbor law also prevents ThinkRight from formally adopting its desired Operating Agreement.

211. A true and correct copy of that Operating Agreement, which ThinkRight wishes to adopt, is attached to this complaint as Exhibit E.

212. The Operating Agreement provides numerous details about the functioning of ThinkRight as a limited liability company consistent with Grant and Jacob's desires.

213. The Operating Agreement also provides in part that the purpose of ThinkRight is "to provide consulting and marketing services to promote messages, viewpoints, causes, non-profits, candidates, policies, political platforms, and lawmakers that either advance or are consistent with [ThinkRight's] political views and religious beliefs."

214. Ann Arbor Code § 9:156 (referred to in this complaint as the Effects Clause) says that "[n]o person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to actual or perceived ... political beliefs ... for an individual to obtain ... public accommodation, except for a bona fide business necessity."

215. The Effects Clause (§ 9:156) prohibits ThinkRight from adopting the Operating Agreement attached to this complaint as Exhibit E.

216. That is because the Operating Agreement indicates that ThinkRight will not provide certain services unless they advance or are

consistent with ThinkRight's political views and religious beliefs, which has the effect of providing unequal opportunities according to political beliefs.

217. Specifically, those who have political beliefs consistent with ThinkRight's political and religious views will be able to obtain ThinkRight's assistance in promoting those beliefs, while those who have political beliefs inconsistent with ThinkRight's political or religious beliefs will not be able to obtain ThinkRight's assistance in promoting those beliefs.

218. Because of the Effects Clause (§ 9:156), ThinkRight has not and will not formally adopt the "Operating Agreement" attached to this complaint as Exhibit E.

219. If not for the Effects Clause (§ 9:156), Grant and Jacob would immediately sign the "Operating Agreement" to formally adopt it as a binding policy for ThinkRight.

220. Not only does Ann Arbor law compel ThinkRight to speak political messages and infringe ThinkRight's ability to exercise its editorial discretion, but it also bans ThinkRight from speaking its desired message.

221. Specifically, Ann Arbor Code § 9:155(1) (referred to in this complaint as the Posting Clause) provides in part that "[n]o person shall ... publish, post or broadcast any advertisement, sign or notice which

discriminates or indicates discrimination in providing ... public accommodations.”

222. The Posting Clause (§ 9:155(1)) prohibits ThinkRight from posting a statement (attached to this complaint as Exhibit B) on its website explaining the political and religious beliefs it wishes to further and some of the political beliefs it cannot promote.

223. The Posting Clause (§ 9:155(1)) also prohibits ThinkRight from posting, publishing, or broadcasting statements materially similar to Exhibit B.

224. Because of the Posting Clause (§ 9:155(1)), ThinkRight has not and will not post its desired statement on its website.

225. If not for the Posting Clause (§ 9:155(1)), ThinkRight would immediately post the statement attached to this complaint as Exhibit B on its website.

226. If not for the Posting Clause (§ 9:155(1)), ThinkRight would also make statements materially similar to those in Exhibit B in certain communications with the public and prospective clients about the political beliefs ThinkRight can and cannot support.

227. Ann Arbor law would allow a business like ThinkRight to post a statement on its website expressing the viewpoint that all political beliefs are equally deserving of promotion and that the business will therefore express all political beliefs.

228. But Ann Arbor law discriminates against ThinkRight's desired statement because it expresses the viewpoint that ThinkRight should only and can only promote conservative political views.

229. Ann Arbor law also inhibits ThinkRight's ability to express its desired message and form expressive associations by regulating ThinkRight's ability to contact conservative individuals and organizations to discuss collaborating to promote shared conservative beliefs.

230. Specifically, Ann Arbor Code § 9:155(2) (referred to in this complaint as the Distribution Clause) provides in part that "[n]o person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding ... public accommodations."

231. The Distribution Clause (§ 9:155(2)) prohibits ThinkRight from using certain methods to convey information about its services in a manner designed to reach only political conservatives and not individuals or organizations who hold political beliefs contrary to ThinkRight's.

232. This requirement imposes an economic burden on ThinkRight that chills ThinkRight's speech by requiring ThinkRight to pay for certain communications about ThinkRight's services to reach those who hold political beliefs contrary to ThinkRight's if ThinkRight

pays for certain communications about ThinkRight's services to reach those who hold conservative political beliefs.

233. This requirement also chills ThinkRight's speech by requiring, in certain circumstances, ThinkRight to reach out to political opponents to offer support in advancing their political beliefs if ThinkRight reaches out to political allies to offer support in advancing their political beliefs.

234. As discussed above, ThinkRight has prepared a letter, attached to this complaint as Exhibit D, that it wishes to mail exclusively to politically conservative individuals and organizations.

235. Collectively, Grant and Jacob devoted at least 1.5 hours of their time to preparing, reviewing, and revising the letter attached as Exhibit D.

236. Because ThinkRight cannot provide its services to advance political beliefs contrary to its own, ThinkRight can only mail this letter to conservative individuals and organizations.

237. But the Distribution Clause (§ 9:155(2)) requires ThinkRight to mail this letter (Exhibit D) discussing collaboration to those who do not share ThinkRight's political beliefs if ThinkRight mails it to those who share ThinkRight's political beliefs.

238. The Distribution Clause (§ 9:155(2)) also requires ThinkRight to distribute literature materially similar to Exhibit D to those who do not share ThinkRight's political beliefs if ThinkRight

distributes such literature to those who share ThinkRight's political beliefs.

239. In this way, the Distribution Clause (§ 9:155(2)) compels ThinkRight's speech.

240. Specifically, if ThinkRight chooses to express its message to its desired audience using certain methods, the Distribution Clause (§ 9:155(2)) requires ThinkRight to also convey the message to others even though the message becomes objectionable in that context.

241. This requirement also imposes additional costs, as mailing letters and corresponding through a variety of other mediums requires an expenditure of time and monetary resources.

242. Because ThinkRight has limited resources, it is deterred from expending resources to encourage associations with those who share ThinkRight's political beliefs when doing so means it must also expend resources to communicate with those who hold contrary political beliefs.

243. Because of the Distribution Clause (§ 9:155(2)), ThinkRight has not and will not mail the letter attached as Exhibit D or materially similar literature to politically conservative individuals and organizations.

244. ThinkRight's inability to mail this letter and materially similar literature impedes its ability to communicate its desired

message and form expressive associations to promote its political beliefs in collaboration with others.

245. ThinkRight's inability to mail this letter and materially similar literature also impedes ThinkRight's ability to attract business and Grant and Jacob's ability to earn an income while advocating for their political beliefs.

246. If not for the Distribution Clause (§ 9:155(2)), ThinkRight would immediately mail the letter attached as Exhibit D to politically conservative individuals and organizations.

Enforcement of Ann Arbor law

247. Ann Arbor law allows individuals to file complaints of discrimination—including violations of the Accommodation Clause (§ 9:153), the Policy Clause (§ 9:155(1)), the Effects Clause (§ 9:156), the Posting Clause (§ 9:155(1)), and the Distribution Clause (§ 9:155(2))—with Ann Arbor's Human Rights Commission. *See* Ann Arbor Code § 9:159(1).

248. After receiving the complaint, the Human Rights Commission will review it and provide a copy to Ann Arbor's City Attorney's Office. *See* Ann Arbor Code § 9:159(3).

249. The Human Rights Commission can seek to informally mediate the complaint with the involved parties. *See* Ann Arbor Code § 9:159(3)(b).

250. The Human Rights Commission can also refer the complaint to Ann Arbor's City Attorney for further investigation and action. *See* Ann Arbor Code § 9:159(3)(c).

251. During an investigation of a discrimination complaint, the City Attorney may request that a person produce certain records and documents. *See* Ann Arbor Code § 9:159(10).

252. If a person declines to produce the records and documents the City Attorney requests, the City Attorney may apply to a court for an order requiring production of those materials. *See* Ann Arbor Code § 9:159(10).

253. In cases of alleged discrimination, the City Attorney has authority to enter into agreements, which may be reviewed by the Human Rights Commission, in which "persons agree to methods of terminating discrimination or to reverse the effects of past discrimination." *See* Ann Arbor Code § 9:160.

254. The City Attorney may also "commence a civil action to obtain injunctive relief" to prevent prohibited discrimination, "to reverse the effects of such discrimination or to enforce a conciliation agreement." *See* Ann Arbor Code § 9:161.

255. The City Attorney may also initiate prosecutions for prohibited discrimination "on the basis of an investigation initiated by a complaint to the Human Rights Commission." *See* Ann Arbor Code § 9:162.

256. A violation of any of Ann Arbor’s laws at issue here—the Accommodation Clause (§ 9:153), the Policy Clause (§ 9:155(1)), the Effects Clause (§ 9:156), the Posting Clause (§ 9:155(1)), and the Distribution Clause (§ 9:155(2))—“is a civil infraction punishable by a fine of not more than \$500.00 for each day upon which a violation occurs, plus all costs of the action.” *See* Ann Arbor Code § 9:163(1).

257. Moreover, a “court may issue and enforce any judgment, writ, or order necessary” to enforce the laws at issue here, including ordering “admission to a place of public accommodation” and “other relief deemed appropriate.” *See* Ann Arbor Code § 9:163(1).

258. If a violation of any law at issue here is proven to exist on a particular day, the violation “shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.” *See* Ann Arbor Code § 9:163(2).

259. The Ann Arbor Human Rights Commission actively investigates complaints it receives for alleged violations of Ann Arbor Code Chapter 112, which includes the Accommodation Clause (§ 9:153), the Policy Clause (§ 9:155(1)), the Effects Clause (§ 9:156), the Posting Clause (§ 9:155(1)), and the Distribution Clause (§ 9:155(2)).

260. In 2015 and 2016, the Ann Arbor Human Rights Commission received and processed thirteen complaints under Ann Arbor Code Chapter 112.

Legal Allegations

261. Plaintiffs are subject to and must comply with Ann Arbor law with respect to ThinkRight's operations.

262. Ann Arbor law violates Plaintiffs' constitutional rights, and chills and deters Plaintiffs from exercising their constitutional rights.

263. As a direct and proximate result of Ann Arbor's violation of the First and Fourteenth Amendment protections for due process, free speech, free association, and free press, Plaintiffs have suffered and will suffer ongoing irreparable harm and economic injury (including lost business), entitling Plaintiffs to declaratory and injunctive relief as well as compensatory and nominal damages.

264. Plaintiffs do not have an adequate monetary remedy or remedy at law for the loss of their constitutional rights.

265. Unless Ann Arbor is enjoined, Plaintiffs will continue to suffer irreparable harm and economic injury.

First Cause of Action

First Amendment: Freedom of Speech, Association, and Press

266. Plaintiffs repeat and reallege each allegation contained in paragraphs 1-265 of this complaint.

267. The First Amendment protects Plaintiffs' ability to speak freely, create speech, publish speech, sell speech, distribute speech, and associate with others for expressive purposes.

268. The First Amendment also protects Plaintiffs' ability to decline to speak, to exercise editorial control over their speech, to decline to create speech, to decline to publish speech, to decline to sell speech, to decline to distribute speech, and to decline to associate with others for expressive purposes.

269. The First Amendment also protects Plaintiffs' right to be free from content and viewpoint discrimination, overbroad restrictions on speech, and vague laws allowing unbridled discretion by enforcement officials.

270. All of the services Plaintiffs provide, and all the activities they wish to engage in, are forms of protected speech and expressive association, and Plaintiffs publish their speech to the public.

271. As applied to Plaintiffs, the Accommodation Clause (Ann Arbor Code § 9:153) and Distribution Clause (Ann Arbor Code § 9:155(2)) compel speech Plaintiffs object to, compel speech based on content and viewpoint, interfere with Plaintiffs' editorial judgment, compel Plaintiffs to sell, publish, and disseminate speech they object to, and compel Plaintiffs to engage in expressive associations to convey messages they deem objectionable.

272. As applied to Plaintiffs, the Accommodation Clause (Ann Arbor Code § 9:153) is a content-based and viewpoint-based ban on Plaintiffs' desired speech informing prospective clients that Plaintiffs

are unable to promote certain requested speech or enter into the proposed expressive associations.

273. As applied to Plaintiffs, the Policy Clause (Ann Arbor Code § 9:155(1)) and the Effects Clause (Ann Arbor Code § 9:156) compel speech, interfere with Plaintiffs' editorial judgment, compel Plaintiffs to sell, publish, and disseminate speech they object to, ban Plaintiffs from adopting policies designed to ensure that Plaintiffs do not speak, publish, or associate in a way that expresses objectionable messages, and regulate speech, association, and publication based on content and viewpoint.

274. As applied to Plaintiffs, the Posting Clause (Ann Arbor Code § 9:155(1)) is a content-based and viewpoint-based ban on Plaintiffs' desired speech (and publication of that speech) and inhibits Plaintiffs' ability to form the expressive associations it desires and avoid the expressive associations that would require it to convey objectionable messages.

275. As applied to Plaintiffs, the Distribution Clause (Ann Arbor Code § 9:155(2)), is a content-based and viewpoint-based regulation that bans, chills, and burdens Plaintiffs' desired speech, association, and publication of speech by requiring Plaintiffs to invest resources for undesired communications if they invest resources in desired communications, and by requiring Plaintiffs to engage in objectionable

speech, associations, and publishing if they wish to engage in the speech, associations, and publishing they desire.

276. The Distribution Clause (Ann Arbor Code § 9:155(2)) is facially unconstitutional because it is overbroad and because it regulates—in a content-based and viewpoint-based manner—speech, association, and publication of speech.

277. As applied to Plaintiffs, the “bona fide business necessity” exception in the Effects Clause (Ann Arbor Code § 9:156) allows Ann Arbor officials unbridled discretion to evaluate the Plaintiffs existing or desired expression, expressive associations, and publications and then discriminate based on content and viewpoint in determining whether to apply the exception.

278. Plaintiffs have not engaged in, and will not engage in, certain protected speech because of the Policy Clause (Ann Arbor Code § 9:155(1)), Posting Clause (Ann Arbor Code § 9:155(1)), Effects Clause (Ann Arbor Code § 9:156), and Distribution Clause (Ann Arbor Code § 9:155(2)).

279. If not for the Policy Clause (Ann Arbor Code § 9:155(1)), Posting Clause (Ann Arbor Code § 9:155(1)), Effects Clause (Ann Arbor Code § 9:156), and Distribution Clause (Ann Arbor Code § 9:155(2)), Plaintiffs would immediately engage in their desired protected speech and efforts to form expressive associations, including publishing their desired statement on their website, adopting their desired internal

selection policy, adopting their desired operating agreement, and mailing a letter to certain conservative organizations and individuals.

280. Ann Arbor does not serve any compelling or even valid interest in a narrowly tailored way by infringing Plaintiffs' free speech, free association, and free press rights.

281. Accordingly, as applied to Plaintiffs, the Accommodation Clause (Ann Arbor Code § 9:153), Policy Clause (Ann Arbor Code § 9:155(1)), Posting Clause (Ann Arbor Code § 9:155(1)), Effects Clause (Ann Arbor Code § 9:156), and Distribution Clause (Ann Arbor Code § 9:155(2)) all violate the First Amendment's protections for free speech, free association, and free press.

282. Accordingly, the Distribution Clause (Ann Arbor Code § 9:155(2)) facially violates the First Amendment's protections for free speech, free association, and free press.

283. Ann Arbor's definition of "political beliefs" found in Ann Arbor Code § 9:151(23) is vague and contains no guidelines for its application and enforcement, and Ann Arbor officials have unbridled discretion to interpret it in a way that allows them to discriminate against content and viewpoints they disfavor.

284. Because the Accommodation Clause (Ann Arbor Code § 9:153), Policy Clause (Ann Arbor Code § 9:155(1)), Posting Clause (Ann Arbor Code § 9:155(1)), Effects Clause (Ann Arbor Code § 9:156), and Distribution Clause (Ann Arbor Code § 9:155(2)) all incorporate the

vague definition of “political beliefs,” each of these clauses is facially unconstitutional as they relate to public accommodations engaged in expressive services about “political beliefs” (as opposed to other protected classifications) and can be applied arbitrarily by Ann Arbor officials using unbridled discretion to discriminate against content and viewpoints they disfavor.

285. Accordingly, facially and as applied to Plaintiffs, the Accommodation Clause (Ann Arbor Code § 9:153), Policy Clause (Ann Arbor Code § 9:155(1)), Posting Clause (Ann Arbor Code § 9:155(1)), Effects Clause (Ann Arbor Code § 9:156), and Distribution Clause (Ann Arbor Code § 9:155(2)) all—as they relate to public accommodations engaged in expressive services about “political beliefs”—violate the First Amendment’s protections for free speech, free association, and free press because the definition of “political beliefs” grants officials unbridled discretion allowing for content-based and viewpoint-based discrimination.

Second Cause of Action
Fourteenth Amendment: Due Process

286. Plaintiffs repeat and reallege each allegation contained in paragraphs 1-265 of this complaint.

287. The Due Process Clause of the Fourteenth Amendment prohibits the government from censoring speech or outlawing behavior using vague standards that grant unbridled discretion to government

officials to arbitrarily prohibit some speech and action and that fail to give speakers and actors sufficient notice regarding whether their desired speech or actions violate the law.

288. The Effects Clause (Ann Arbor Code § 9:156) creates an exception for a “bona fide business necessity,” but does not define that phrase or provide guidelines for its application and enforcement.

289. Plaintiffs, Ann Arbor’s enforcement officials, and third parties of ordinary intelligence cannot know what falls within the “bona fide business necessity” exemption and therefore cannot know what is prohibited by the Effects Clause (Ann Arbor Code § 9:156).

290. Ann Arbor enforcement officials can use this vagueness, and the unbridled discretion it provides, to apply the Effects Clause (Ann Arbor Code § 9:156) in a way that discriminates against content, viewpoints, and actions the officials disfavor.

291. Accordingly, facially and as applied to Plaintiffs, the Effects Clause (Ann Arbor Code § 9:156) violates the Fourteenth Amendment’s Due Process Clause because of the “bona fide business necessity” exception.

292. Ann Arbor’s definition of “political beliefs” found in Ann Arbor Code § 9:151(23) is facially vague and cannot be understood by a person of ordinary intelligence, there are no guidelines for its application and enforcement, and Ann Arbor officials have unbridled

discretion to interpret it in a way that allows them to discriminate against content, viewpoints, and actions they disfavor.

293. Because the Accommodation Clause (Ann Arbor Code § 9:153), Policy Clause (Ann Arbor Code § 9:155(1)), Posting Clause (Ann Arbor Code § 9:155(1)), Effects Clause (Ann Arbor Code § 9:156), and Distribution Clause (Ann Arbor Code § 9:155(2)) all incorporate the vague definition of “political beliefs,” each of these clauses is facially vague as they relate to “political beliefs” (as opposed to other protected classifications) and can be applied arbitrarily by Ann Arbor officials using unbridled discretion to discriminate against content, viewpoints, and actions they disfavor.

294. Accordingly, facially and as applied to Plaintiffs, the Accommodation Clause (Ann Arbor Code § 9:153), Policy Clause (Ann Arbor Code § 9:155(1)), Posting Clause (Ann Arbor Code § 9:155(1)), Effects Clause (Ann Arbor Code § 9:156), and Distribution Clause (Ann Arbor Code § 9:155(2)) all violate the Due Process Clause of the Fourteenth Amendment as they relate to “political beliefs” because the definition of “political beliefs” is vague and grants officials unbridled discretion.

Prayer for Relief

Plaintiffs respectfully ask this Court to enter judgment against Ann Arbor and to provide the following relief:

1. A preliminary injunction and permanent injunction to stop Ann Arbor and any person acting in concert with it from:
 - a. enforcing the Accommodation Clause (Ann Arbor Code § 9:153), the Posting Clause (Ann Arbor Code § 9:155(1)), the Distribution Clause (Ann Arbor Code § 9:155(2)), the Effects Clause (Ann Arbor Code § 9:156) and the Policy Clause (Ann Arbor Code § 9:155(1)) as applied to Plaintiffs' constitutionally protected activities;
 - b. enforcing the Distribution Clause (Ann Arbor Code § 9:155(2)) or the Effects Clause (Ann Arbor Code § 9:156) facially; and
 - c. enforcing the Accommodation Clause (§ 9:153), the Policy Clause (§ 9:155(1)), the Effects Clause (§ 9:156), the Posting Clause (§ 9:155(1)), or the Distribution Clause (§ 9:155(2)) facially or as-applied as they relate to "political beliefs."

2. A declaration that the Accommodation Clause (Ann Arbor Code § 9:153), Policy Clause (Ann Arbor Code § 9:155(1)), Posting Clause (Ann Arbor Code § 9:155(1)), Effects Clause (Ann Arbor Code § 9:156), and Distribution Clause (Ann Arbor Code § 9:155(2)) violate the United States Constitution's First Amendment protections for speech, association, and press as applied to Plaintiffs' constitutionally protected activities.

3. A declaration that the Distribution Clause (Ann Arbor Code § 9:155(2)) facially violates the United States Constitution's First Amendment protections for speech, association, and press.

4. A declaration that the Effects Clause (Ann Arbor Code § 9:156) violates the United States Constitution's Fourteenth Amendment protections for due process facially and as applied to Plaintiffs' constitutionally protected activities.

5. A declaration that the Accommodation Clause (§ 9:153), the Policy Clause (§ 9:155(1)), the Effects Clause (§ 9:156), the Posting Clause (§ 9:155(1)), and the Distribution Clause (§ 9:155(2)) facially and as-applied violate the United States Constitution's First Amendment and Fourteenth Amendment protections for speech, association, press, and due process as they relate to "political beliefs."

6. That this Court adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter here in controversy so that these declarations shall have the force and effect of a final judgment;

7. That this Court retain jurisdiction of this matter for the purpose of enforcing its orders;

8. That this Court award Plaintiffs' costs and expenses in this action, including reasonable attorneys' fees, in accordance with 42 U.S.C. § 1988;

9. That this Court award nominal and compensatory damages to Plaintiffs;

10. That this Court issue the requested injunctive relief without a condition of bond or other security required of Plaintiffs; and

11. That this Court grant any other relief that it deems equitable and just in the circumstances.

Respectfully submitted, this the 29th day of July, 2019.

By: s/ Jonathan A. Scruggs

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Verification

I, Grant Strobl, a citizen of the United States and a resident of the State of Michigan, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 24th day of July, 2019, at Washington, D.C.

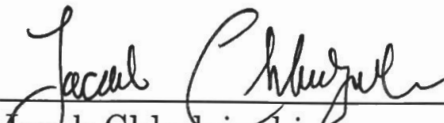


Grant Strobl

Verification

I, Jacob Chludzinski, a citizen of the United States and a resident of the State of Michigan, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 26 day of July, 2019, at Chicago, Illinois.



Jacob Chludzinski