IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SUZANNE C. DOLLER,	**: NO.:**
Plaintiff	**:**
	: JUDGE:
v.	**:**
	: CIVIL ACTION - LAW
TAMMY ADAMS; and	**: JURY TRIAL DEMANDED**
CITY OF HARRISBURG, PA.,	**:**
Defendants	**: (Electronically Filed)**

COMPLAINT

AND NOW comes the Plaintiff, Suzanne C. Doller, by and through her undersigned counsel, and avers as follows:

JURISDICTION

1. This action is brought pursuant to 42 U.S.C. § 1983.

2. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1343 (1), (3), and (4).

3. Venue is proper in this Court, as all parties are located within the Middle District of Pennsylvania and the cause of action arose in the Middle District of Pennsylvania.

PARTIES

4. Plaintiff, Suzanne C. Doller, is an adult individual. Ms. Doller resides in Harrisburg, Pennsylvania.

5. Defendant, Tammy Adams, is an adult individual, who, during all relevant times, was employed as a police officer by the Harrisburg Bureau of Police. Officer Adams' actions or inactions were taken under the color of state law. She is sued in her individual capacity.

6. The City of Harrisburg, Pennsylvania, incorporated as a borough in 1791 and as a city in 1860, owns and operates the Harrisburg Bureau of Police, an agency of the city. The City of Harrisburg has a business address of 10 N. Second Street, Suite 202; Harrisburg, PA 17101-1678. The Harrisburg Bureau of Police has a business address of 123 Walnut Street #217, Harrisburg, PA 17101-1693.

FACTUAL BACKGROUND

7. Hillcrest Women's Medical Center ("Hillcrest") is located at 2709 North Front Street, Harrisburg, PA 17110, a commercially zoned area that is often noisy due to motor vehicle traffic.

8. Hillcrest is a medical clinic where abortions are performed.

9. At various times, individuals gather on public property in front of Hillcrest to protest the abortions that occur.

10. Ms. Doller is a religiously-motivated Catholic activist who believes that life begins at conception.

11. Ms. Doller's religious belief is that abortion is a murderous act.

12. As a result of her closely-held religious beliefs, Ms. Doller frequently goes to the public sidewalks outside of Hillcrest to hold signs, talk, and pray, in an attempt to persuade people not to have abortions and to dissuade people from performing abortions.

13. On February 11, 2011, Ms. Doller was exercising her right to freedom of speech guaranteed by the First Amendment to the U.S. Constitution by protesting the practices occurring at Hillcrest.

14. At the time, Ms. Doller was protesting on a public sidewalk using a megaphone.

15. The public sidewalk in question was located in a very noisy area adjacent to Front Street.

16. Specifically, cars and trucks on Front Street were traveling within approximately three to ten feet of Ms. Doller while she was protesting.

17. Amelia Giambilis is an Administrator of Hillcrest.

18. Ms. Giambilis saw and heard Ms. Doller protesting and was displeased because she did not agree with Ms. Doller's constitutionally protected message.

19. Ms. Giambilis admitted that she found Ms. Doller's message to be objectionable.

20. Because she did not agree with Ms. Doller's message, Ms. Giambilis called the police to get Ms. Doller to stop protesting.

21. At the direction of Ms. Giambilis, the Harrisburg Police responded and confronted Ms. Doller.

22. The police officers did not measure the decibel level of Ms. Doller's amplified speech or of the motor vehicle traffic.

23. Furthermore, Ms. Doller previously conveyed the same protected speech, with the use of a bullhorn, at Third and Market Streets in the City of Harrisburg, during the weekday lunch hour, in front of police officers, without being arrested.

24. Regardless, police officers from the City of Harrisburg, including Tammy Adams, informed Ms. Doller that if she chose to protest in front of Hillcrest, she must do so without a megaphone.

25. The police officers, including Tammy Adams, threatened to arrest Ms. Doller for disorderly conduct if she did not cease using the megaphone.

26. The viewpoint of Ms. Doller's protected speech was the only reason that the police officers ordered Ms. Doller to stop protesting and threatened to arrest her.

27. Ms. Doller's conduct was not disorderly during this time.

28. Pursuant to the Pennsylvania Crimes Code (Title 18), probable cause did not exist to arrest Ms. Doller for any crime.

29. Ms. Doller ceased using her megaphone because of the threat of arrest.

COUNT I
Plaintiff v. Individual Defendants
First Amendment - Violation of Right to Free Speech
Pursuant to 42 U.S.C. § 1983

30. Paragraphs 1-29 are stated herein by reference.

31. Plaintiff was engaged in expressive speech in the quintessential public forum—a sidewalk to a public street.

32. Defendants' actions chilled, deterred, punished, and restricted Plaintiff from engaging in expressive speech in this public forum.

33. Plaintiff's right to protest was chilled, deterred, and restricted when Defendants threatened her with arrest for disorderly conduct if she did not cease using her megaphone.

34. Defendants' actions were motivated by the viewpoint of Ms. Doller's protected speech.

35. Defendants' actions thus constitute a violation of Plaintiff's rights under the Free Speech Clause of the First Amendment to the U.S. Constitution.

36. As a direct and proximate result of Defendants' actions, Plaintiff has

suffered and will continue to suffer embarrassment, humiliation, emotional distress, physical and psychological harm, pain and suffering, and financial harm, some or all of which may be permanent.

37. Furthermore, as a direct and proximate result of Defendants' actions, Plaintiff has incurred attorneys' fees and other costs.

COUNT II

Plaintiff v. Defendant City of Harrisburg
First & Fourteenth Amendment—Municipal Liability
Pursuant to 42 U.S.C. § 1983

38. Paragraphs 1-37 are stated herein by reference.

39. The City of Harrisburg, Pennsylvania ("City") owns and operates the Harrisburg Bureau of Police, an agency of the City.

40. The City maintained policies, practices, and customs, which were the moving force that resulted in the Plaintiff's constitutional rights being violated.

41. Moreover, the City was on notice of a need for further training related to the issues discussed herein but failed to provide the training, which resulted in the Plaintiff's constitutional rights being violated.

42. It is believed that the City failed to implement a policy, enforce a policy, or train officers on the First Amendment to the U.S. Constitution.

43. It is believed that the City failed to implement a policy of proper safeguards to ensure that innocent people are not threatened with arrest and chilled

in their speech in such circumstances.

44. It is believed that the City failed to implement an effective process to ensure that policies of the City and training are followed by police officers.

45. When it has been determined that officers have violated the First Amendment, or when police officers have been named in repeated citizen complaints, or when the City has settled civil suits, it is believed that the City has not required police officers to receive corrective or additional training.

46. Plaintiff expects that discovery will reveal that the City did not follow its internal affairs policy and investigate, discipline, or retrain the Defendants for the conduct discussed in this Complaint.

47. If it is ultimately determined that an internal affairs investigation occurred, it is believed that discovery will reveal that the investigation was triggered as a result of the instant litigation (so as to be a defense to the litigation), as opposed to when the City first learned of the incident discussed herein.

48. As a direct and proximate result of the City's policies and practices that caused the Plaintiff's free speech rights to be violated, Plaintiff has suffered and will continue to suffer embarrassment, humiliation, emotional distress, physical and psychological harm, pain and suffering, and financial harm, some or all of which may be permanent.

49. Furthermore, as a direct and proximate result of the City's policies

and practices that caused the Plaintiff's free speech rights to be violated, Plaintiff has incurred attorneys' fees and other costs.

WHEREFORE, Plaintiff, Suzanne C. Doller, respectfully requests the following relief:

A. That the Court provide the Plaintiff with a jury trial;

B. That judgment be entered in favor of the Plaintiff and against the Defendants;

C. That the Court declare that the Defendants' actions violated the Plaintiff's constitutional rights;

D. That the Court enjoin the Defendants from prohibiting the Plaintiff from using her megaphone to protest on public land;

E. That the Court award the Plaintiff compensatory damages;

F. That the Court award the Plaintiff punitive damages (except against the City Defendant);

G. That the Court award the Plaintiff reasonable attorney's fees, costs and interest; and

H. That the Court award such other financial or equitable relief as is reasonable and just.

RESPECTFULLY SUBMITTED,

Dated: July 25, 2012

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