

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, Maureen Costello,)
Brittany Ferrell, Steven Hoffmann,)
Nile McClain, and Kira Hudson Banks,)

Plaintiffs,)

v.)

Sam Dotson, Chief of Police,)

City of St. Louis,)

Jon Belmar, Chief of Police)

County of St. Louis,)

Capt. Ronald Johnson, Missouri)

Highway Patrol, in their official)

capacities and as directors of the Unified)

Command)

Defendants.)

No. 4:14-cv-2019

COMPLAINT

COMES NOW Plaintiffs, by and through undersigned counsel, and for their
Complaint, state as follows:

PRELIMINARY STATEMENT

1. This is an action for injunctive relief brought under 42 U.S.C. § 1983 to enforce the
protections of the First Amendment, Fourth and Fourteenth Amendments to the United
States Constitution, and under Art. 1, Secs. 8, 9, and 10 of the Missouri Constitution.

2. Plaintiffs have engaged in constitutionally protected First Amendment activity in the wake of the shooting death of Michael Brown by Ferguson Police officer Darren Wilson in August 2014 and plan to further engage in constitutionally protected activities.

3. Plaintiffs are residents of St. Louis City or St. Louis County in the State of Missouri and have engaged in activity protected by the First Amendment to raise awareness of racially discriminatory practices of law enforcement officers in multiple jurisdictions St. Louis City and St. Louis County.

4. Plaintiffs, in the course of the lawful exercise of First Amendment rights, have all been subjected to actions by police acting under authority of command now designated as the Unified Command, designed to frighten and intimidate plaintiffs and to deter their continued exercise of First Amendment rights. Officers acting under authority of Unified Command have intimidated demonstrators, impeded their entry or exit from demonstrations, assaulted them with chemical agents including tear gas and pepper spray, shot them with so-called “less-than-lethal” projectiles, rounded them up in mass arrests, engaged in physical and verbal abuse, failed to visibly identify themselves, and categorically labeled demonstrations as unlawful assemblies.

5. Tear gas is a chemical agent, precluded from use in warfare. Tear gas most frequently causes intense burning sensations and skin irritation, chest pain and difficulty breathing. These effects can be magnified for vulnerable persons, such as children and those with asthma. Other reports indicate that tear gas can cause miscarriages and

stillbirths, damage to major organs or even death, due to the chemical or physical impact of the canister. The effects of being gassed may also cause psychological harm such as flashbacks or hyper-vigilance, both symptoms of trauma.

6. Specifically, as is alleged herein, police acting under authority of Unified Command knowingly used tear gas and other chemical agents against demonstrators including Plaintiffs in a manner designed to inflict pain and anguish rather than accomplishing any legitimate law enforcement objective. Children and elderly people were among the crowds when the police launched tear gas upon them without warning and often with no clear means of egress. Further, as alleged herein, police acting under authority of Unified Command categorically labeled gatherings as unlawful assemblies, boxed in demonstrators without ample means of exit, failed to wear visible identification and failed to provide ample notice or opportunity to exit before administering chemical agents upon crowds, administered chemical agents at peaceful demonstrators, and administered chemical agents in ways targeted and designed as punishment.

7. Plaintiffs bring this suit against Sam Dotson, Chief of Police, City of St. Louis, Jon Belmar, Chief of Police, County of St. Louis, Capt. Ronald Johnson, Missouri Highway Patrol, in their official capacities and as Co-Directors of the Unified Command created by Governor Jay Nixon to oversee law enforcement response to demonstrations in the wake of the shooting of Michael Brown.

8. The constitutional rights of plaintiffs, demonstrators, and those similarly situated, will be denied, and irreparable harm will result, if the Court does not provide immediate relief in the form of granting a Temporary Restraining Order, Preliminary and Permanent Injunctive relief, enjoining defendants from preventing, impeding or intimidating their exercise of free speech.

JURISDICTION AND VENUE

9. This court has original jurisdiction under 28 U.S.C. §§ 1331, 1343(a)(3), 42 U.S.C. sec. 1983, the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the First, Fourth and Fourteenth Amendments to the United States Constitution.

10. This Court has jurisdiction over plaintiffs' claims under the Missouri Constitution pursuant to its pendent jurisdictional powers.

11. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that the matter arises within the Eastern District of Missouri.

12. Divisional venue is in the Eastern Division because the events leading to the claim for relief arose in the County of Saint Louis and Defendants Sam Dotson, and Jon Belmar are located in the County of Saint Louis, Missouri. E.D. MO. L.R. 2.07(A)(1), (B)(2).

PARTIES

13. Plaintiff Alexis Templeton is a 20-year old African American woman, a resident of Ferguson, MO, in the County of St. Louis and a co-founder of Millennial Activists United.

14. Plaintiff Maureen Costello is a resident of the City of St. Louis and the owner of MoKaBe's Coffeehouse, located in the City of St. Louis.

15. Plaintiff Brittany Ferrell is a 25-year-old African American female, a resident of the City of St. Louis and a co-founder of Millennial Activists United.

16. Plaintiff Steven Hoffman is a 31-year-old white male, a resident of the County of St. Louis and has served as a legal observer throughout the demonstrations over the past three months.

17. Plaintiff Kira Hudson Banks is a 35-year-old African American female, a resident of the City of St. Louis, a mother of two young boys, and a Professor of Psychology at Saint Louis University.

18. Plaintiff Nile McClain is a 20-year-old African American female, a permanent resident of the City of St. Louis, who is currently a student at Southeast Missouri State University.

19. Defendant Sam Dotson is Chief of Police for the City of St. Louis and in that capacity oversees the law enforcement operations in the City of St. Louis. He is co-director of a Unified Command created pursuant to Executive Order 14-14 dated November 17, 2014 and thus has, along with the other co-directors of the Unified Command, oversight and control of all of the law enforcement response to demonstrations following the killing of Michael Brown.

20. Defendant Jon Belmar is Chief of Police for the County of St. Louis and in that capacity oversees the law enforcement operations in the County of St. Louis. He is co-director of a Unified Command created pursuant to Executive Order 14-14 and thus has, along with the other co-directors of the Unified Command, oversight and control of all of the law enforcement response to the demonstrations following the killing of Michael Brown.

21. Defendant Ronald Johnson is a Captain in the Missouri Highway Patrol, and in that capacity oversees the law enforcement operations of the Missouri Highway Patrol. He is co-director of a Unified Command created pursuant to Executive Order 14-14 and thus has, along with the other co-directors of the Unified Command, oversight and control of all of the law enforcement response to the demonstrations resulting from the killing of Michael Brown.

22. Defendants Sam Dotson, Jon Belmar and Ronald Johnson are sued in their official capacities as co-directors of the Unified Command.

FACTS

23. On August 9, 2014, Darren Wilson, a police officer of the City of Ferguson's police department, shot and killed 18-year old Michael Brown, who was unarmed. His body was left uncovered in the middle of the street that runs through the Canfield Green Apartments—a densely populated apartment complex—for over four hours.

24. This incident highlighted and reinforced a history of racial tensions in the City of Ferguson and the St. Louis region as well as the longstanding degrading treatment of African American residents by an overwhelmingly white police force.

25. Since Michael Brown's death, police have shot and killed two additional African American men in the St. Louis region.

26. On August 19, 2014, just 10 days after Mike Brown was killed by police in St. Louis County, City of St. Louis police officers killed 25 year old Kajieme Powell when they fired twelve shots at him.

27. On October 8, 2014 an off-duty police officer in the City of St. Louis shot and killed Vonderritt Meyers.

28. Citizens outraged by the conduct of police and other government agencies have taken to public streets and sidewalks in Ferguson, Missouri, as well as other parts of St. Louis County and St. Louis City in a variety of spontaneous and planned demonstrations to express their concerns about police actions, including excessive use of force, in African American communities.

29. Those engaging in these actions have done so as part of a political protest, pursuant to their rights under the First Amendment. Their purpose is seek justice for the deaths of young black men and women at the hands of police, to bring attention to issues of police violence and racist policing in communities of color, and to advocate for policing reforms.

30. Early demonstrations were met with a heavily militarized response by police, including appearing at the outset of peaceful demonstrations in tanks and riot gear, shooting demonstrators with tear gas, pepper spray and rubber bullets; rounding them up in mass arrests; impeding entry or exit from demonstrations; engaging in physical and verbal abuse, and categorically labeling demonstrations as unlawful assemblies.

31. Community members and leaders, including leaders in the Don't Shoot Coalition, met with Defendants over a period of weeks to raise concerns about these behaviors and advocate for Rules of Engagement for demonstrations following announcement of the Grand Jury's decision. Defendants and elected leaders acknowledged assent to many rules of engagement, including protocols for use of chemical agents, in a press conference on November 20, 2014.

32. Four days later, sometime after 8 p.m., St. Louis County Prosecutor Robert McCulloch announced that a St. Louis Grand Jury refused to indict Darren Wilson, the police officer who killed Michael Brown.

33. The demonstrations increased in frequency after the announcement of the Grand Jury's decision. Demonstrations continue to this day and are anticipated to continue with frequency in the days ahead.

34. At these demonstrations, individuals are voicing their opinions about the failure of the legal system to secure justice for Michael Brown's family, as well as such broad issues of public concern as the relationship between police and the community; the frequency

with which police officers shoot unarmed black men; and the militarization of local police forces, and police accountability. All of the Plaintiffs have participated in or been present at some of these demonstrations and intend to continue to do so.

35. During the course of these demonstrations, Plaintiffs and others witnessed and experienced numerous incidents in which Defendants and their officers undertook actions which were purposefully designed to frighten and punish demonstrators by inflicting harm and to deter them from continuing demonstrative activities. Numerous examples of police abuse at demonstrations during the week following the announcement of the grand jury's decision cause Plaintiffs to believe that unless enjoined, their first amendment rights will continue to be impeded in the future.

November 24-25, 2014 - St. Louis

36. On the night of November 24, 2014 and the morning of November 25, 2014, Plaintiffs and others were in the City of St. Louis near the MoKaBe's Coffeehouse at 3606 Arsenal St, St Louis, MO and were engaged in expressive conduct.

37. Plaintiff Maureen ("Mo") Costello, owner of MoKaBe's Coffeehouse, is known in the community to be supportive of young activists and organizers engaged in work around police repression and racial profiling. Plaintiff Costello kept the coffeehouse open as a place of safety and respite through the night of November 24th and morning of November 25th. Plaintiff Costello's Declaration is attached hereto as Exhibit 1.

38. Plaintiffs and others near MoKaBe's Coffeehouse had earlier in the evening been confronted with a significant police presence in riot gear. The exact number of police is unknown but exceeded one hundred. The officers had no visible name badges or other identifying information which would allow Plaintiffs or others to individually identify them.¹ The demonstrators were ordered by the police to remove themselves from the roadway and they complied, standing in the area directly in front of MoKaBe's Coffeehouse. After a delay, many of the large presence of police officers withdrew from the area.

39. Plaintiffs Kira Hudson Banks and Brittany Ferrell were present at that time. They saw some individuals who were not participating in the demonstration raise a garbage can lid in an apparent attempt to break a window of the AT&T store located across the street and Plaintiff Banks dissuaded the individuals from proceeding and continued to protect the store from any damage. While standing there, Plaintiffs Banks and Ferrell witnessed the demonstrators' comply with the officers' orders to get out of the streets and witnessed most of the large contingent of officers withdraw and leave. Plaintiff Banks' and Ferrell's Declarations are attached hereto as Exhibits 2 and 3.

40. Plaintiff Steven Hoffmann was also at the intersection of Grand and Arsenal, serving as a legal observer in the area near MoKaBe's where demonstrators had gathered. When he arrived at approximately 12:25a.m., following the dispersal order, he described

¹ The U. S. Department of Justice admonished the Ferguson Police Department for their policy of permitting officers to remove or hide identifying information. See: "Department of Justice admonishes Ferguson police," CNN, Sept. 26, 2014, available at: <http://www.cnn.com/2014/09/26/us/ferguson-michael-brown-protests/>

the scene as peaceful. The larger crowd that had gathered earlier had largely dispersed. Plaintiff Steven Hoffmann's Declaration is attached hereto as Exhibit 4.

41. Suddenly, Plaintiffs Ferrell, Banks and Hoffmann observed police officers controlled by the Defendants speed north on Grand towards Arsenal in a black armored personnel carrier vehicle which was fitted with a turret type attachment for the firing of tear gas. The vehicle rapidly approached without siren or other warning device. Without notice or warning, the vehicle began firing tear gas canisters at the unsuspecting Plaintiffs and others who were gathered in and around the area in front of MoKaBe's Coffeehouse and near the corner of Grand and Arsenal. Because there was no announcement or dispersal order prior to the administration of gas, Plaintiffs Ferrell and Banks were unable to put on adequate protective gear to escape the effects of the gas.

42. Plaintiff Hoffmann was at the intersection at that time, but was across the street, where only two or three others were gathered. He observed police point out his green Legal Observer hat, and upon identifying him as a legal observer, police lodged a canister of tear gas directly at him, causing him fear and distress. The vehicle, which had traveled north on Grand, made a left at the intersection at Arsenal, where MoKaBe's is located.

43. The vehicle, now at the intersection of Arsenal at Grand, pulled up right in front of MoKaBe's Coffeehouse and began firing directly at the coffeehouse. The tear gas canisters were aimed at and landed on the private patio that is part of the property owned by Plaintiff Costello directly in front of her coffeehouse, causing Plaintiffs and others immediate

serious distress. Plaintiffs Hoffmann and Ferrell observed numerous canisters of tear gas dispensed on people who were cornered in on the fenced patio area at very close range, causing them fear and distress.

44. Plaintiffs and others present then ran, many running into the coffeehouse, which quickly became filled with tear gas. Declarant Kelly Costello witnessed patrons inside trapped in a tear gas-filled room due to the gas lodged directly at the front entrance. Declarant Kelly Costello's statement is attached hereto as Exhibit 5. Individuals inside the coffeehouse were in great distress, some lying on the floor, crying or vomiting. Several individuals attempted to open the back door of the coffeehouse to exit the coffeehouse and to allow the tear gas to escape. However, police officers also tear gassed the rear alley behind the back door, trapping all of those in the coffeehouse building.

45. Plaintiffs and others were subjected to severe pain, distress and suffering. These activities by Defendants were not preceded by any warning, accomplished no legitimate law enforcement objective, were not the least restrictive means to secure public safety, and were designed and intended to punish Plaintiffs and cause significant distress.

November 24, 2014 - Ferguson

46. Earlier that evening of November 24 in Ferguson, officers acting under authority of the Unified Command also dispensed tear gas without warning or opportunity to disperse upon people demonstrating at the Ferguson Police Department with the family of Michael Brown following the announcement of the Grand Jury decision. Plaintiff Alexis

Templeton, a Ferguson resident who has been active in demonstrations as a co-founder of Millennial Activists United, was shot with tear gas without advance notice or opportunity to vacate, subjecting her to shock, pain, temporary vision loss and significant distress. This caused Plaintiff Templeton, who suffers from asthma, to experience difficulty breathing. She could not see and had to grab someone's arm to walk. Plaintiff Templeton witnessed canisters of tear gas being shot into residential areas, including into backyards of nearby homes. She had been tear gassed during demonstrations following Michael Brown's death, and the second experience caused her to re-experience that trauma. Police officers told Plaintiff Templeton, age 20, that the constitution did not provide any constitutional right to assemble. Plaintiff Alexis Templeton's declaration is attached hereto as Exhibit 6.

November 25, 2014 - Downtown St. Louis

47. The next afternoon, on November 25, 2014, police again used chemical agents to frighten, punish and to cause pain, when a group of demonstrators blocked a highway in St. Louis. They were told to disperse and several refused as a matter of conscience to comply, lying down on the highway in an act of nonviolent non-resisting civil disobedience. Declarant Suzanne Brown's affidavit is attached hereto as Exhibit 7. Despite that the demonstrators were compliant and offered no resistance, officers refused to simply arrest them but rather used mace or pepper spray simply as punishment and to cause pain. In one example, Declarant Brown, a local attorney serving as a legal observer that day, witnessed an officer leave the police line to approach a peaceful demonstrator who had been verbally

complaining, solely to spray him with pepper spray, which then sprayed on others around him, including Declarant Brown, causing her and others pain and distress.

48. None of the police officers observed by declarant Brown wore visible name badges or other visible identifying information, despite requests from the Department of Justice that police comply with name badge policies. However, in an apparent mockery of the Justice Department's requests, many officers had taped fake names such as "Mr. Green", "Mr. White", etc. on the back of their helmets.

November 25, 2014 - Ferguson

49. Later that same day at a demonstration in Ferguson during the evening of November 25, 2014, Defendants and their officers undertook action designed to frighten demonstrators and had the effect of deterring them from continuing in their demonstrative activities in Ferguson. Declarant James McNally's statement is attached hereto as Exhibit 8.

50. McNally is the Executive Director and co-Founder of the Temporary Art Review and the founder, Co-Director, and Curator of the Luminary, an incubator for new ideas in the arts based in the City of St. Louis.

51. McNally arrived at approximately 10p.m. that night to demonstrate at the Ferguson police department with his wife and two friends. By 10:45, there were over 100 people outside the police station, forty to fifty of whom were amassed in the street.

52. Police simultaneously ordered demonstrators to move to the sidewalk and pushed them back with their shields. There was no time between the order to move to the sidewalk and police pushed the crowd with shields.

53. As police knocked demonstrators to the ground with their shields, the police arrested them. Once the remaining demonstrators had been pushed to the sidewalk, some police dove into the crowd and grabbed random people to arrest. Other officers indiscriminately maced the demonstrators at the front of the line.

54. There was no way to comply with the police or avoid mace. Although they were not at the front of the line and although they had fully complied with officers' orders, McAnally and his wife were maced along with others.

55. After indiscriminately macing several demonstrators, the police announced that the assembly had become unlawful and ordered the crowd to disperse. McAnally and others attempted to comply with the orders of the police by retreating and moving to his right to leave the area.

56. As he retreated, there were more police to his right, blocking any exit. McAnally was surrounded. He could not comply with the orders of the police.

57. As he turned back to find his wife, he saw that she had stopped to help another demonstrator who could not see due to the chemical agents the police sprayed in his eyes.

58. As the police approached McAnally, he raised his hands in a gesture of surrender but two police officers picked him up and slammed him to the ground. Soon, four other officers were around him.

59. He turned his head to see the police attack his wife while she screamed out to them to stop hurting him. Police pushed her to the ground, placed their knees in her back and neck and pinned her to the ground. Although she screamed out that she was in pain, the officers would not stop.

60. While being held in Ferguson, police told McAnally and others that they had been ordered to arrest demonstrators and charge them indiscriminately, even though they were certain that the charges would not stand. Officers told McAnally and his wife that they should not have been out in Ferguson protesting.

61. McAnally and others were held for 6 hours before being transferred to Clayton, processed and released.

November 28, 2014 - Ferguson

62. A few days later, on the evening of November 28, citizens were again subjected to chemical agents without adequate warning or means or opportunity to disperse while demonstrating in front of the Ferguson Police Department. Declarant Marques Banks, who was serving as a legal observer that evening, observed that officers again failed to have visible name badges or identification, despite two letters from the Department of Justice

demanding compliance with Ferguson's name badge policies. Marques Banks' declaration is attached hereto as Exhibit 9.

63. Police cars were parked in alignment in front of the demonstrators, blocking their access to the Ferguson Police Department. Police in front of the cars then began approaching demonstrators pushing them back towards a parking lot owned by local business owner Andy Wurm across the street.

64. Police had the street blocked off on both the right and left sides of the demonstrators as well, cornering them in. Then, without warning or opportunity to disperse, Police unleashed pepper spray upon the group, many of whom were backed into the private parking lot, and had no way of escape.

November 30, 2014 - Downtown St. Louis

65. Two days later, on the afternoon of November 30, demonstrators participated in a peaceful march in downtown St. Louis, traveling towards the Trans World Dome, where the St. Louis Rams were playing. Declarant Marques Banks observed police surround demonstrators at both ends and inform them that if they were in the street, they would be subject to arrest and chemical munitions, though they did not so inform similarly situated football fans who were also in the street. Plaintiff McClain was among the demonstrators who participated in the march downtown that day. Plaintiff McClain's Declaration is attached hereto as Exhibit 10.

66. Demonstrators then marched to Keiner Plaza, where police proceeded to encircle demonstrators, boxing them into the park area. Plaintiff McClain and Declarant Marques Banks observed that the crowd was boxed in, and that people were compliantly standing on the sidewalk. Neither observed any demonstrators in the streets.

67. Nevertheless, Police aggressively arrested one demonstrator on the sidewalk and beat him with a baton. Plaintiff McClain, who was standing about 10 feet away and observing the incident, was then targeted for arrest. When she stated that she felt she had a right under the first amendment to observe as long as she was at a safe distance and not interfering, an officer pointed at her and yelled: “Get her!” Declarant Marques Banks observed as Plaintiff McClain was then thrust to the asphalt, beaten by several officers and tased, sustaining multiple injuries. She was later treated at a hospital. Police hurled racial slurs at McClain, calling her a “nappy-headed ho” and verbally demeaned her, telling her that she would never amount to anything in life. When she began crying due to the pain of the physical assault and the emotional trauma, police laughed at her and said, “that’s what you get.” She was taken to the Justice Center, booked and released about four hours later. See Declarations of Nile McClain and Marques Banks, Exhibits 9,10.

68. Defendants’ misuse of chemical munitions and unlawful assembly orders that was pervasive in the week following the announcement of the Grand Jury’s decision was not limited to the period following the establishment of the Unified Command, but are part of a policy and practice in which the Defendants consistently used chemical agents to punish

and cause pain to demonstrators dating back to August 2014, during demonstrations several months before the announcement of the Grand Jury verdict.

69. On August 11, 2014, many residents reported being trapped as law enforcement blocked off the entrances and exits to main roads where demonstrators had gathered and began shooting rubber bullets and tear gas into the crowds. Children and elderly people were among the crowds when the police launched tear gas upon them without warning. On Sunday, August 17, 2014, Defendants' law enforcement officers launched tear gas into crowds without warning even though a state-imposed curfew had not yet gone into effect. In that group, numerous children were tear gassed, including some young enough to be in strollers. The St. Louis Children's hospital announced that it did indeed treat children who suffered from tear gas exposure, and photos of an eight year old victim were widely circulated.

70. In response to those incidents, community leaders, including representatives of the Don't Shoot Coalition, met with law enforcement and elected officials to discuss police protocols in anticipation of demonstrations following the announcement of the grand jury's decision, and to urge temperance in the use of force and chemical munitions. Despite acknowledgement of various rules of engagement for the post-announcement demonstrations announced at a press conference on Friday November 20, 2014, including those related to the use of chemical agents, the Unified Command, as a policy ignored those announcements and law enforcement acting under authority of the Unified Command

acted egregiously, as described herein, following the grand jury announcement just four days later and throughout that week, causing plaintiffs significant distress, fear and intimidation.

71. Accordingly, Plaintiffs have reason to believe and are fearful that they will be further harmed by the behavior of the Defendants' officers. They wish to continue to exercise their First Amendment rights and are fearful that they will be forced to either forego exercising those rights or be threatened with future mental and emotional distress, physical injuries and bodily harm, pain, fear, humiliation, embarrassment, discomfort, and anxiety.

72. Plaintiffs are informed and believe that the violations of their constitutional and lawful rights complained of herein were caused by customs, policies, directives, practices, acts and omissions of the Defendants CHIEFS DOTSON, BELMAR and CAPT. JOHNSON who encouraged, authorized, directed, condoned, and ratified the unconstitutional and unlawful conduct complained of herein.

73. Said customs, policies and practices include, but are not limited to, the use of excessive and/or arbitrary force to disperse and control crowds and others involved in expressive activities; the failure to maintain adequate policies, and to adequately train, supervise and control officers under their supervision and control, concerning the policing of demonstrations and/or celebratory activities with respect to crowd control, crowd dispersal and the constitutional limitations on the use of force, and/or to adopt other

remedial measures and policies to insure that such violations of legal rights would not recur.

74. As a direct and proximate result of the conduct of defendants described herein, the Plaintiffs have been denied their constitutional, statutory and legal rights as described herein and since they wish to continue to exercise their First Amendment rights are fearful that they will be forced to either forego exercising those rights or be threatened with future mental and emotional distress, physical injuries and bodily harm, pain, fear, humiliation, embarrassment, discomfort, and anxiety, medical and related expenses, and lost earnings in an amount according to proof.

75. Plaintiffs have been impeded from exercising their rights under the First, Fourth and Fourteenth Amendments to the United States Constitution and under Article I, Sections 8, 9 and 10 of the Missouri Constitution.

76. Unless Defendants and their agents are enjoined, Plaintiffs and other members of the public will be irreparably harmed by being prevented from peacefully gathering in public spaces to express their views on pressing issues of public concern, activity protected by the First, Fourth and Fourteenth Amendments.

77. Absent an Order from this Court, Plaintiffs will suffer irreparable injury.

CLAIMS FOR RELIEF

COUNT I: FIRST AMENDMENT

78. Plaintiffs incorporate and reallege Paragraphs 1 - 77 as if fully set forth here.

79. Defendants, acting under color of law, have and unless enjoined by this Court will continue to violate rights to peacefully assemble and speech guaranteed by the First and Fourteenth Amendment, and by Art. I, Sec. 8 of the Missouri Constitution.

80. The actions complained of were pursuant to customs, policies, directives, practices, acts and omissions of the Defendants CHIEFS DOTSON, BELMAR and JOHNSON who encouraged, authorized, directed, condoned, and ratified the unconstitutional and unlawful conduct complained of herein.

81. Plaintiffs have suffered irreparable harm by Defendants' infringement of their rights to free speech, and will continue to suffer irreparable harm unless relief is granted.

82. Plaintiffs have no adequate remedy at law.

COUNT II: FOURTH AMENDMENT

83. Plaintiffs incorporate and reallege Paragraphs 1 - 77 as if fully set forth here.

84. As a result of the particular use of force by Defendants, Plaintiffs and other demonstrators were consistently trapped either in enclosed locations or in public by the use of chemical agents to block egress. Plaintiffs and other demonstrators were then subjected to severe physical and emotional pain as a result of being exposed to the chemical agents with no possibility of egress.

85. Defendants, acting under color of law, have and unless enjoined by this Court will continue to violate rights to be free from unreasonable and unnecessary force in the course

of a detention as guaranteed by the Fourth and Fourteenth Amendments and by Art. I, Sec. 8 of the Missouri Constitution in the course of exercising First Amendment rights.

86. The actions complained of were pursuant to by customs, policies, directives, practices, acts and omissions of the Defendants CHIEFS DOTSON, BELMAR and JOHNSON who encouraged, authorized, directed, condoned, and ratified the unconstitutional and unlawful conduct complained of herein.

87. Plaintiffs have suffered irreparable harm by Defendants' infringement of their rights to be free from unreasonable and unnecessary force in the course of a detention particularly while exercising their First Amendment rights as guaranteed by the Fourth and Fourteenth Amendments and will continue to suffer irreparable harm unless relief is granted.

88. Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs request

A. That this Court schedule an emergency hearing and issue a temporary restraining order and thereafter Preliminary and Permanent Injunctive Relief ordering that Defendants:

(1) *cannot* deploy law enforcement officers to gatherings, organized protests or to individuals engaged in protected First Amendment activity unless each carries on their person clearly visible personal identification, including accurate name, law enforcement agency and, if applicable, badge number.

(2) *cannot* declare a gathering an unlawful assembly unless there is evidence that six or more people are knowingly assembled and in agreement with each other to violate

any of the criminal laws of this state or of the United States with force or violence, as provided by RSMo 574.040(1).

(3) *cannot* utilize chemical agents except as a last resort to prevent significant threats to public safety;

(4) *cannot* utilize chemical agents on gatherings unless:

(a) they are preceded by clear and unambiguous warnings, and an opportunity for sufficient time for to pass for members of the gathering to heed the warning and exit the area;

(b) they are deployed in such a manner as to minimize impacts on the members of the gathering who are complying with lawful law enforcement commands;

(c) they are deployed in such a manner as to always allow for a continuing means of safe egress from an area.

(5) *cannot* utilize tear gas canisters or chemical agents on individuals or gatherings in a closed environment;

(6) *cannot* utilize tear gas canisters or chemical agents on individuals or gatherings to frighten members of a gathering or demonstration;

(7) *cannot* utilize chemical agents or physical violence on individuals being arrested when the individuals are not physically resisting arrest; and

B. That this Court award Plaintiffs costs and attorneys fees pursuant to 42 U.S.C. sec. 1988; and such other and further relief as this court deems just and proper.

Dated:

Respectfully Submitted,

/s/ Thomas B. Harvey

Thomas B. Harvey MBE#61734
Executive Director, ArchCity Defenders
812 N. Collins Alley
St. Louis, MO 63102
(855)724-2489 phone
(855)724-2489 facsimile
tharvey@archcitydefenders.org

/s/ Brendan Roediger

Brendan Roediger MBE #60585
Saint Louis University Legal Clinic
100 N. Tucker Blvd., Ste. 704
St. Louis, MO 63101
Phone: (314) 977-2778
Fax: (314) 977-1180
broedige@slu.edu

/s/ Denise D. Lieberman

Denise D. Lieberman, MBE #47013
Senior Attorney, Advancement Project
1220 L. Street NW, Suite 850
Washington, D.C. 20005
Phone: (314) 780-1833
Fax: (202) 728-9558
dlieberman@advancementproject.org

Justin D. Hansford*

Professor of Law
St. Louis University
100 N. Tucker Blvd.
St. Louis, MO 63101
Phone: (314) 977-3481
jhansford@slu.edu

*licensed in Maryland

Nicole C. Lee, Esq.*

The Lee Bayard Group, LLC
6930 Piney Branch Road, NW
Washington, DC 20012
(202)270-0774
nicole@leebayard.com
*Licensed in the District of Columbia
Bar #499275

L. KING DOWNING*
2035 Second Avenue 5
New York, New York 10029
office/fax (212) 534-1081
kingnetic@yahoo.com
*licensed in New Jersey
Lic. #034901992

COUNSEL FOR PLAINTIFFS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

Alexis Templeton, et	)	
al.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4 : 14 - cv - 2019
Sam Dotson, et al.	)	
	)	
	)	
Defendant,	)	
	)	

ORIGINAL FILING FORM

**THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY
WHEN INITIATING A NEW CASE.**

☐ THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS
PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER _____
AND ASSIGNED TO THE HONORABLE JUDGE _____.

☐ THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY
PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS _____ AND
THAT CASE WAS ASSIGNED TO THE HONORABLE _____. THIS CASE MAY,
THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

☒ NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT
COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE
MAY BE OPENED AS AN ORIGINAL PROCEEDING.

The undersigned affirms that the information provided above is true and correct.

Date: 12/08/2014

/s/ Thomas Harvey
Signature of Filing Party

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Alexis Templeton, Maureen Costello, Aaron Banks, Kira Hudson Banks

(b) County of Residence of First Listed Plaintiff St. Louis

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Thomas Harvey
Arch City Defenders
812 N Collins St, St Louis, MO 63102

DEFENDANTS

Sam Dotson, Chief of Police, City of St. Louis,
Jon Belmar, Chief of Police, County of St. Louis,
Capt. Ron Johnson, Missouri Highway Patrol,

County of Residence of First Listed Defendant City of St. Louis

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act	☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))	
			IMMIGRATION	FEDERAL TAX SUITS	
			☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983Brief description of cause:
Violation of First and Fourth Amendment Rights**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

12/08/2014

SIGNATURE OF ATTORNEY OF RECORD

/s/ Thomas Harvey

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, Maureen Costello,	)	
Brittany Ferrell, Steven Hoffmann,	)	
Nile McClain, Kira Hudson Banks,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Sam Dotson, Chief of Police,	)	
City of St. Louis,	)	
Jon Belmar, Chief of Police	)	
County of St. Louis,	)	No.
Capt. Ron Johnson, Missouri	)	
Highway Patrol, In their official	)	
capacities and as part of the Unified	)	
Command	)	
	)	
Defendants.	)	
	)	

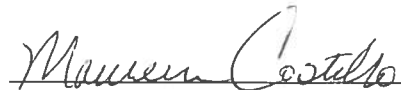
DECLARATION OF MAUREEN COSTELLO

I, Maureen Costello, hereby declare as follows:

1. I am a United States citizen and a resident of St. Louis, Missouri, residing at 3612 Arsenal St., St. Louis, MO 63116. I am an owner of MoKaBe's Coffeehouse.
2. On the evening of Monday, November 24, 2014 and the early morning of the following day, I kept Mokabe's open as a place of respite and safety for those engaged in protest activity following the announcement of the Grand Jury decision in the killing of Mike Brown.

3. At some point in the evening multiple lines of police in riot geared advanced on peaceful activists at the intersection of Arsenal and Grand, outside of MoKaBe's.
4. These lines eventually retreated and the demonstrators remained on the sidewalk.
5. During this time, I gave a friend a ride home.
6. When I returned, approximately 60 to 80 individuals in MoKaBe's had been hit with tear gas. Cannisters remained on my patio and gas lingered in the front and rear as well as inside.
7. Those hit directly included my children, friends, and employees. Many were still crying.
8. The gas remained in MoKaBe's and hurt my eyes and throat.
9. The armored vehicle from which gas was launched remained as well as lines of militarized police. They wore no visible identifying information. We were trapped.
10. At no point were any attempts made to clearly communicate the desires of the police. I was informed that my patio was not private property and anyone on the patio would be arrested.
11. This standoff lasted for more than three hours.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 30, 2014.


Maureen Costello

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, Maureen Costello,	)	
Brittany Ferrell, Steven Hoffmann,	)	
Kira Hudson Banks,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Sam Dotson, Chief of Police,	)	
City of St. Louis,	)	
Jon Belmar, Chief of Police	)	
County of St. Louis,	)	No.
Capt. Ron Johnson, Missouri	)	
Highway Patrol, In their official	)	
capacities and as part of the Unified	)	
Command	)	
	)	
Defendants.	)	
	)	

DECLARATION OF KIRA BANKS

I, Kira Banks, hereby declare as follows:

1. I am a United States citizen and a resident of the City of St. Louis, Missouri, residing in the 2600 block of Gurney Ave. I am 35 years old
2. I am a Professor of Psychology at St. Louis University.
3. As a clinical psychologist, I study discrimination and how it impacts mental health. I've been working pro bono with clients who are impacted psychologically by the events surrounding Michael Brown's death and the issues it has surfaced.
4. On a personal level, I am the mother of two black boys, ages 5 and 7. I see the systemic inequality in how people are treated by police, and I pray my sons won't

ever be in a situation like Michael Brown or Tamir Rice, the 12-year old who was shot and killed recently in Ohio.

5. I have participated in community demonstrations to help raise awareness of issues of racialized policing that have surfaced in the wake of Michael Brown's death.
6. Specifically, I have volunteered my professional skills to help provide mental health counseling and de-escalation at demonstrations. It fits with my skills to be present at demonstrations, where people are more likely to get upset or where things are more likely to escalate.
7. On the evening of Monday, November 24 when the grand jury decision was announced, I signed up to assist with mental health services in the area near St. John's Episcopal Church, which had been designated as a sanctuary space. I knew it would be important to be out in the streets where I could talk to people who were upset and help de-escalate tension.
8. I arrived around 9 p.m. For the first three hours, I was impressed with responses of police to the peaceful demonstrations that were occurring. Shortly after 9 p.m., we began a street march that later lead to a civil disobedience demonstration on Highway 44. The crowd was quite diverse, both in race and age. It was peaceful.
9. We then learned that people were congregating at Grand and Arsenal. This is my neighborhood so I wanted to be there. I witnessed police in riot gear in line formation facing all the people at MoKaBe's at the corner of Grand and Arsenal. A clergy member wearing an orange vest was in the street with hands raised. At that point, one of the demonstrators spoke to police. Police agreed that if demonstrators remained on the sidewalks, they would stand down. And they did.

The police left, and many demonstrators cleared out with a few remaining on the sidewalk, and a number going onto MoKaBe's property.

10. I was with several younger leaders. We saw two young people who appeared to be teenagers take the lid off of a garbage can and throw it towards the window of the AT&T building on the east side of the intersection of Grand and Arsenal. We walked across the street to stand in front of the AT&T Building to dissuade the youth from harming the property in any way. When I asked them to stop, they did and went down the street. A moment later, we heard glass break at the pawn shop down the street. Police were near them but did not appear to intervene.
11. All of sudden, without warning, I saw a big heavily armored truck heading north on Grand towards us and then heard pops of tear gas canisters being dispensed. I ran around the corner and kept hearing "pop, pop, pop" – at least 3 more. I ran off by myself to escape the gas.
12. My eyes burned and teared up from the tear gas. Later that night I felt nauseous and congested.
13. From what I observed, Police could have easily said something or confined the few people who were about to cause property damage rather than gassing everyone. These were teenagers. Police didn't need to use excessive force to stop them, and certainly didn't need to punish everyone for the attempted acts of these few.
14. When I approached those teens about the trash lid and told them to stop, they did. We were able to effectively manage them. It wasn't difficult. Police could have too.

15. The experience was very disappointing. It was very frustrating that the police couldn't intervene without going to that extreme. The police could have spoken to those kids or extracted them from the situation, without having to resort to multiple rounds of tear gas on the entire crowd. It was as if their primary goal was to end the demonstration rather than prevent those folks from damaging any property.
16. It was particularly frustrating that the police failed to differentiate those several people from the rest of the crowd. I was watching the situation and could easily differentiate the few who were about to get into trouble. Police should have been able to do so. If I was able to manage to de-escalate those few just by speaking to them, police certainly should have been able to do. They didn't even make an attempt to do so, but instead unfurled mass punishment without warning.
17. Based on the fact that the police had left the street minutes before, in my observation it was not an unlawful assembly. There was no announcement to the effect. In my observation, I did not see a reason to gas everyone.
18. The experience makes me sad and angry. The police use of force at Grand and Arsenal was totally disproportionate to the moment- especially compared to their response to the civil disobedience action blocking the highway nearby that had occurred earlier in the evening, when hundreds took the highway. It felt dehumanizing.
19. I'm really disappointed in my police. I chose to live in the neighborhood where these actions occurred because it is diverse. And the rest of the evening's events

in this area were peaceful. It's a shame it had to end this way for something that could have been easily managed.

20. I saw a number of people who appeared scared and traumatized by this experience. As a psychologist, I know that this is the kind of event that can traumatize people and lead to a variety of conditions like acute stress disorder, potentially post traumatic stress disorder, and others. People may experience flashbacks or hyper-vigilance, both symptoms of trauma. I myself felt stress and hyper-vigilance in the several days following this incident.
21. The actions of police not only chilled people's free speech rights but could result in longer lasting psychological and even physiological implications. Over time stress and hyper-vigilance can effect physiology, including impacts on the blood pressure and the immune system.
22. Many of the people out at the demonstrations are people who have the experience of being marginalized already, and so this event overlays other traumas they may have experienced and could exacerbate them.
23. I am not anti-police. My father-in-law is a retired state police lieutenant. I have people I love who are police officers. But the behavior that night was wrong. The violation of trust from an institution you respect, and the sudden traumatic experience of being shot with tear gas with no warning is psychologically off-putting.
24. The actions of police, such as those which occurred on Monday night, serve to deter others who are starting to become engaged in this movement and to chill their speech. I believe the actions were designed to deter participation by a more

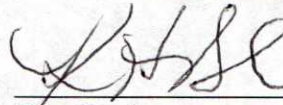
diverse community. I've noticed that people are starting to think about institutional racism in ways that they haven't thought about it before, and this kind of police violence deters them from plugging into the movement. These kinds of responses deter the growing movement and the needed conversations on important matters of public concern.

25. In my opinion, the response appeared designed to chill people's speech and make people scared to participate.

26. Gratuitously tear-gassing everyone felt like an intimidation tactic, the message being sent was: "we are punishing you for being part of this movement."

27. I believe that unless this behavior is stopped that I will be deterred from exercising my first amendment rights in the future.

I declare under penalty of perjury under the laws of the United States of America that
the foregoing is true and correct. Executed on November 30, 2014.

A handwritten signature in black ink, appearing to read 'Kira Banks', written over a horizontal line.

Kira Banks

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, Maureen Costello,)
Brittany Ferrell, Steven Hoffmann,)
Nile McClain, Kira Hudson Banks,)
)
Plaintiffs,)
v.)
)
Sam Dotson, Chief of Police,)
City of St. Louis,)
Jon Belmar, Chief of Police)
County of St. Louis,) No.
Capt. Ron Johnson, Missouri)
Highway Patrol, In their official)
capacities and as part of the Unified)
Command)
)
Defendants.)
)

DECLARATION OF BRITTANY FERRELL

I, Brittany Ferrell, hereby declare as follows:

1. I am a United States citizen and a resident of St. Louis, Missouri, residing in the 4500 block of Flad Ave. I am 25 years old.
2. I am active in a political movement to seek justice for Michael Brown and reform racialized policing, and a founding member of Millennial Activists United. I have participated in peaceful first amendment activity to bring attention to these issues and intend to do so in the future.

3. On Monday, November 24, 2014, following the announcement of the grand jury's decision, I participated in first amendment activity by standing on a public sidewalk in South St. Louis.
4. At approximately midnight, I was standing at the corner of Grand and Arsenal in St. Louis, across the street from MoKaBe's coffeehouse.
5. I was standing with three friends in front of a building to try to prevent anyone from breaking any windows in the building.
6. A large, black, heavily armored truck then drove down Grand towards Arsenal. With no announcement or warning, numerous canisters of tear gas were shot from the truck towards crowds gathered at the intersection of Grand and Arsenal. I saw a man at the top of the truck shoot canisters of tear gas at the crowd. I saw multiple canisters fly out towards the crowd.
7. Police made no order to disperse before shooting the tear gas. The truck turned left and traveled west on Arsenal and continued to shoot tear gas.
8. Because there was no announcement or dispersal order I had no warning. I did not have a mask on and I had no opportunity to put on any protective gear. My eyes and throat burned.
9. The truck, which had apparently turned around, traveled back east on Arsenal towards Grand and, with no warning or order to disperse, administered additional rounds canisters of tear gas at the corner.
10. I witnessed canisters being shot at people standing peacefully on the private patio at MoKaBe's Coffee Shop at very close range. The tear gas was shot directly at and into the coffee shop. Numerous canisters were dispensed.

11. When I got to MoKaBe's, I detected the stench and sting of tear gas everywhere inside of the building.
12. In neither instance did police provide a warning, order people to disperse, or provide an opportunity for people to disperse before administering the tear gas.
13. The tear gas was directed at the entire crowd, including those standing peacefully on private property. I didn't understand that. Why gas everyone?
14. I couldn't believe that they didn't warn people or give them an opportunity to leave.
15. It was horrible to watch people get shot at such close range. I am traumatized by the experience.
16. I can't understand why police would want to target peaceful demonstrators on private property at close range. It felt like they were trying to control and punish people just for being there.
17. We were only exercising our constitutional rights and not doing anything wrong. Why tear gas innocent people? It's un-American.
18. I was out on a public sidewalk that night because I felt strongly about the grand jury's decision that was announced earlier that night. I've been active in trying to bring attention to racialized policing and seeking justice for Michael Brown since he was shot in August. I believe that peacefully gathering in public spaces is one way to bring attention to this important issue of public concern.
19. I was expressing my opinion that we can't keep having black and brown people gunned down by police and their families not get justice. I stood on a public

sidewalk as a show of solidarity for Michael Brown and other victims of police violence. I believe I was targeted to be tear gassed for expressing those views.

20. I believe that unless this behavior is stopped that I will be prevented from exercising my first amendment rights in the future.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 30, 2014.


Brittany Ferrell

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, Maureen Costello,	)	
Brittany Ferrell, Steven Hoffmann,	)	
Nile McClain, Kira Hudson Banks,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Sam Dotson, Chief of Police,	)	
City of St. Louis,	)	
Jon Belmar, Chief of Police	)	
County of St. Louis,	)	No.
Capt. Ron Johnson, Missouri	)	
Highway Patrol, In their official	)	
capacities and as part of the Unified	)	
Command	)	
	)	
Defendants.	)	
	)	

DECLARATION OF STEVEN HOFFMANN

I, Steven Hoffmann, hereby declare as follows:

1. I am a United States citizen and a resident of St. Louis County, Missouri, residing in the 2600 block of Union Road. I am 31 years old.
2. I work as a bookseller.
3. Since August, I have volunteered my time as a legal observer at demonstrations to bring attention to issues of public concern arising from Michael Brown's death. I intend to continue to do so in the future.

4. I have not been a participant in the demonstrations, but I believe that people have a first amendment right to participate in them. I care deeply about civil liberties and believe it is important to observe the process.
5. Late in the night of Monday November 24 and into the early morning hours of Tuesday November 25, I was serving as a legal observer at a gathering of people on public spaces near the intersection of Grand and Arsenal in St. Louis City. Earlier in the evening I served as a legal observer at demonstrations on West Florissant Ave. in Ferguson.
6. I arrived at the corner of South Grand and Hartford at 12:25 a.m. Things were peaceful. There were people gathered at the corner and some in the street. People told us that a larger crowd had been gathered at that location about one hour prior, when windows got broken. By the time I arrived, the event was peaceful. I did not witness any criminal behavior. There was a strange smell in the air, it smelled like fireworks.
7. I was standing across the street, on the east side of the intersection. I was wearing a bright green hat identifying me as a legal observer and I was holding a notepad to take notes.
8. At that point, there were only a few of us standing on the corner, myself and a photographer and maybe one or two others. Other people were gathered across the street on the southwest corner of Grand and Arsenal.
9. Police appeared in a large tactical truck travelling north on Grand. They stopped at the intersection and pointed a shot gun at me.

10. I heard one of the officers mention my status as a legal observer on the corner just before they shot a canister of tear gas directly at me. The targeting of me was very frightening.
11. Then police shot tear gas canisters in both directions. Multiple canisters were dispensed.
12. Tear gas was coming from both sides. There was a volley of tear gas canisters coming from one direction and another volley of tear gas canisters coming from the other direction. There was nowhere I could go to get away from it. My colleagues were across the street and couldn't get to me. I couldn't cross the street to get to them. I was alone.
13. The truck then turned left to travel west on Arsenal and shot more canisters of tear gas at MokaBe's as they did.
14. I witnessed what appeared to be large canisters of tear gas as well as smaller devices which appeared to be flash grenades, lodged at people. In my estimation, there were more than 20 canisters dispensed overall in a short period of time.
15. There was hardly anyone out, but they kept firing tear gas after tear gas. In my estimation there were approximately 10 people standing on Arsenal and another 15 standing on Grand.
16. The smoke was so thick it was debilitating. I couldn't breathe; I couldn't see. The gas was so thick, strong and concentrated; it must have seeped into the nearby homes. The people at MoKaBe's appeared to be trapped and had multiple rounds of tear gas fired at them at close range. I was very afraid for the people at MoKaBe's. I felt they were in danger due to the police action.

17. In my opinion, the lodging of the tear gas against those standing peacefully was to punish them for the acts of other people who had demonstrated at that location earlier in the night.
18. The extensive use of the tear gas made no sense to me; it seemed to me that the intent was to punish people for being there.
19. I've seen bad policing before in my role as a legal observer, but this was beyond the pale.
20. To be terrorized in my own community, it feels terrible.
21. I was present as a legal observer and did not participate in any protest or demonstration, yet I was targeted for tear gas.
22. I decided to become a legal observer after seeing how police responded to demonstrators back in August. Based on repressive police tactics I had seen at prior demonstrations, I was concerned that events designed to bring attention to issues surrounding Michael Brown's death could be an oppressive environment, I felt it was important to document interactions between police and demonstrators.
23. I believe that I have a right to observe what is happening in a public place.
24. In both Ferguson and Shaw that evening, the police's indiscriminate and targeted use of tear gas and blocking of safe passage impeded my ability to effectively observe the process. I felt like I was targeted specifically because they didn't want me observing the process.
25. I believe that unless this behavior is stopped that I will be prevented from exercising my first amendment rights in the future.

I declare under penalty of perjury under the laws of the United States of America that
the foregoing is true and correct. Executed on December 1, 2014.



Steven Hoffmann

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, Maureen Costello,)
Brittany Ferrell, Steven Hoffmann,)
Nile McClain, Kira Hudson Banks,)
)
Plaintiffs,)
v.)
)
Sam Dotson, Chief of Police,)
City of St. Louis,)
Jon Belmar, Chief of Police)
County of St. Louis,) No.
Capt. Ron Johnson, Missouri)
Highway Patrol, In their official)
capacities and as part of the Unified)
Command)
)
Defendants.)
)

DECLARATION OF KELLY COSTELLO

I, Kelly Costello, hereby declare as follows:

1. I am a United States citizen and a resident of St. Louis, Missouri, residing at 3620 Wyoming St., St. Louis, MO 63116. I am an employee of MoKaBe's Coffeehouse in the Tower Grove Park neighborhood.
2. Around 11:45 p.m. on Monday, November 24, 2014, I stood behind the counter at MoKaBe's making coffee and hot chocolate for people taking part in demonstrations or just coming in for a place to be safe.
3. Many homeless individuals come to MoKaBe's to stay safe and warm when the weather is cold. Some of these individuals were present as well.

4. From where I stood, I could see people inside MoKaBe's as well as a group on the patio which faces Arsenal Street.
5. Sometime around midnight, I saw a flash and some sort of incendiary device land on the patio right next to the front door.
6. From that point on, it felt like total chaos. Something was filling the air that seemed like smoke at first and people started screaming. Groups began to run through the door.
7. Within seconds, my eyes, throat, and face were burning and I could not breathe.
8. This gas filled MoKaBe's and one of the sixty plus people inside yelled "where is the back door!"
9. I directed people to the back door hoping that we could get some relief from the gas and ventilate the building.
10. Those who headed toward the back door came back yelling "they gassed in the back too!" There was even more gas and a number of people were on the floor in pain.
11. Eventually, heading to the basement was the only way people could get any kind of relief. We tried to help each other but everyone was suffering.
12. I remember one of our homeless customers, an elderly gentleman, standing against the wall and holding his face.
13. We were trapped this way by an overwhelming number of police in riot gear outside of MoKaBe's.

14. When some individuals went to the patio, they were told that they would be arrested.

15. After approximately an hour, some individuals left MoKaBe's and headed west down Arsenal in front of the police line in an attempt to leave the area.

I do not know if these individuals were gassed or arrested. The remaining individuals stayed until the police left two hours later.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 30, 2014.


Kelly Costello

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Sam Dotson, Chief of Police,	)	
City of St. Louis,	)	
Jon Belmar, Chief of Police	)	
County of St. Louis,	)	No.
Capt. Ron Johnson, Missouri	)	
Highway Patrol, In their official	)	
capacities and as part of the Unified	)	
Command	)	
	)	
Defendants.	)	
	)	

DECLARATION OF ALEXIS TEMPLETON

I, Alexis Templeton hereby declare as follows:

1. I am a United States citizen and a resident of Ferguson, Missouri.
2. I am an African American woman. I am 20 years old.
3. I am active in a political movement to seek justice for Michael Brown and reform racialized policing, and am a co-founder of Millennial Activists United, a group of young leaders that is working to build the movement sparked by the killing of Michael Brown to address systemic racial injustice. I have participated in peaceful first amendment activity to bring attention to these issues and intend to do so in the future.

4. I began participating in demonstrations to show support and solidarity for Michael Brown, because, first this happened in my city. I have nieces and nephews and cousins running around in this community, and I realized that could be them.
5. My concerns for my nieces and nephews is what first brought me out. But what kept me out is the mistreatment that I experienced and that I witnessed other protesters experience at the hands of police.
6. Over a period of weeks following Michael Brown's death, those of us out in the streets in Ferguson were assaulted and mistreated by police. They affirmatively tried to harm us; they shot rubber bullets at us. They'd hurt us upon arrest. They'd charge upon a group of demonstrators. They'd spray us with tear gas and pepper spray gratuitously, causing people to vomit on the ground in front of them. Over the course of the next month or so, I got arrested three times for things as simple as standing on the street or the sidewalk. Honestly, I was traumatized by the police response during those weeks following Michael Brown's death.
7. Despite all this, I joined others in solidarity in Ferguson on November 24, 2014, the night that the grand jury's decision was announced. We were there in front of the Ferguson Police Department with Michael Brown's mother and step-father. It was important to show them that we cared.
8. At first, police let us be in the streets. People were singing and chanting. It was peaceful.

9. Suddenly, the police, who previously had been in soft uniforms, were in full riot gear. That changed the entire climate at the scene from one that was peaceful to one that was tense. It was as if the police were trying to antagonize us.
10. We stood at the police barricade, expressing our frustrations.
11. Suddenly, I heard what sounded like gunshots. People began to run. I ran to the back. The police stood in formation. They actually pointed a gun on us. We photographed this. People began taking the streets and chanting.
12. All of a sudden I heard the words "unlawful assembly," and almost immediately an armored truck drove down the street and tear gassed everyone. We had no advance warning or opportunity to disperse.
13. They shot the tear gas at people's feet; I can remember canisters just exploding at your feet. It was traumatic. It's like having a bomb explode in front of you.
14. On top of this, I saw police actively shoot canisters in surrounding residential neighborhoods, into people's backyards. This made no sense. Why are they putting our neighbors' lives in danger? They weren't even out.
15. I got scared when I saw police shoot canisters into Andy Wurm's parking lot, where there were lots of parked cars. I was worried that one of the cars might blow up.
16. In all, I saw at least 15 canisters of tear gas fired.

17. It was only after that that things got bad – that's when people started kicking in windows.
18. The tear gas was frightening. I have asthma so it was hard to breathe, and I had to leave. Even though I was able to put on a gas mask, the gas was so thick that it was seeping in under the gas mask.
19. I was tear gassed before, back in August, but this time was even more scary because I got directly hit. I was shocked, I couldn't open my eyes or see; I had to grab someone's hands so they could guide me.
20. The experience was both traumatizing and numbing. I had post-traumatic stress from the last time they tear gassed me so this exacerbated it.
21. Even worse, the police didn't seem to have any sense of the law or the rules. For example, when I mentioned to the officer that I had a constitutional right to assemble in a public space, the officer told me that the constitution doesn't provide for a right to peaceably assemble. When I told him that right was contained in the first amendment, he said that the right to peaceably assemble was removed from the constitution due to the Governor's order declaring a state of emergency. I've never heard of a constitutional right just being removed like that!
22. Back in August and September, I got arrested just for standing on the curb. I heard them say "get her!" and next thing I knew, I was on a bus, and taken to jail. I got charged for resisting arrest even though I had my hands in the

air as a sign of non-resistance the entire time. I was incarcerated for 15 hours. It was humiliating.

23. I believe the police are trying to paint the demonstrators on the streets in a bad light so to discredit what we have to say. I believe it is important to be in the streets to get our message across.

24. It's not easy or comfortable to be in the streets but it's necessary to advance change, because it makes people uneasy, by which I mean "uncomfortable." This is an important and necessary step to change.

25. As a co-founder of Millennial Activists United, we work to bring attention to issues taking place in our communities by trying to expose them to people who might not otherwise be exposed to these issues. This is a way to raise attention on matters of public concern so that people who aren't in Ferguson or who don't have to deal with this on a daily basis can get an understanding of what we are confronting. We bring attention to these issues peacefully. We always make a point to tell the police that we are peacefully protesting, yet they come at us in riot gear with tear gas. You never see this kind of police attention directed at the people protesting at Planned Parenthood every day.

26. I feel like I was targeted last Monday night and other times because of my views, and because of the color of my skin. Frankly, I can't fathom any other explanation. One night we purposely had a group of white people

organize a demonstration at the station, and police didn't come out in riot gear then. Only with us. How are we to assume that this isn't about race?

27. Nevertheless, I want to keep demonstrating. Not only to show that as black people we should have the same rights as white people, but also to show that we are human in general. We have a God given right to take to the streets to express our views. That's why it's important that we are able to demonstrate in public.

28. This movement is important to me personally – I have a nephew who is 2 months old – I don't ever want this to be him. I have cousins who are 7 and 10; this could be them.

29. It's especially important to be on the streets in Ferguson because the nation is watching. If we don't raise up these issues here, the nation won't step up either. This movement is important because it's not only opening the eyes of the nation and the world but it's making people get up and take notice of how quickly police will remind you that your rights don't matter.

30. Mike Brown laid in the streets for over four hours. We have to fight for him and others like him now. His death sparked a vision in me for what we need to work for. I work every day on this effort – to de-militarize the police, to alleviate all of the “isms” in society. That's a 24-7 endeavor, but one we must take on.

31. I believe that unless this behavior is stopped, I will be impeded from expressing my views in the future.

I declare under penalty of perjury under the laws of the United States of America

that the foregoing is true and correct. Executed on

Dec. 4, 2014, 2014.

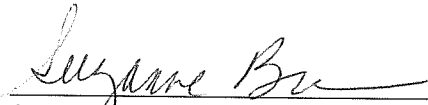
A handwritten signature in blue ink, appearing to be 'Alexis Templeton', written over a horizontal line.

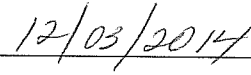
Alexis Templeton

I, Suzanne Brown, to hereby state, declare and depose that the following information is true and correct to the best of my knowledge and memory.

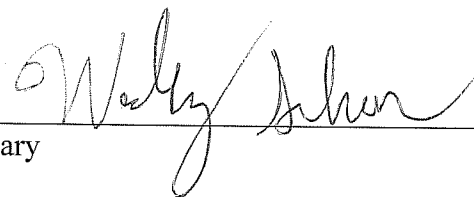
1. My name is Suzanne Brown. I was born in Sikeston, Missouri on October 30, 1950. I currently reside at 1111 Basswood Lane, Olivette, MO 63132. I am attorney licensed to practice law in the State of Missouri. My office is located at 9300 Olive Blvd., Olivette, MO 63132.
2. On November 25, 2014, I was observing a protest demonstration as a part of the National Lawyers Guild Legal Observation Team. I was accompanied by another attorney acting as a Legal Observer, David Harris. At slightly after 2:00 p.m., the demonstrators walked up an off ramp of Highway I-70/I-44 just north of the MLK Bridge in downtown St. Louis, Missouri.
3. All but a few protesters lined up to block the south bound lane of the highway. A small number of protesters sat down on the road and the others stood immediately behind them. A large number of police in riot gear lined up facing the protesters approximately 20-30 feet from them. I was standing to the south of the protesters and almost even with the police line. I was standing in back of a concrete barrier. There were perhaps 20 or so people standing behind the barrier near me as the great majority of demonstrators were standing across the highway behind the sit-downers.
4. Shortly after the sit-down protesters sat down, the police officers began to approach the crowd in unison. I could not read any names on the front of the police officers uniforms, but I could see that they each had a pseudonym taped to the backs of their helmets such as Mr. Green, Mr. Blue, Mr. Pink, Mr. White, Mr. Red, etc.
5. As the police began to approach the protesters, a demonstrator who was standing immediately to my right on top of the concrete barrier began shouting loudly and repeatedly to the police, "You'd better get used to this." He repeated this shout at least 5 or 6 times.
6. Without any warning, one of the police officers who was standing slightly to the rear of the police formation turned towards the barrier, approached, and without saying a word, pepper sprayed the individual who had been shouting. Because I was standing next to that man, I also was sprayed, as well as other people who were standing nearby. The people standing in back of the barrier immediately ran to the exit ramp causing a small stampede. After wiping off what spray I could, I returned to the barrier, but I could not identify the police with the spray, although I did get a distant photograph of him holding his spray can before he began walking towards us.
7. Shortly thereafter, the police in formation began to pepper spray the sit-downers and standing demonstrators behind them to get them to move. The disabled sit-downers were arrested and handcuffed and removed from the scene. At that time, the protesters left the site and moved to the bottom of the exit ramps to continue their demonstration.

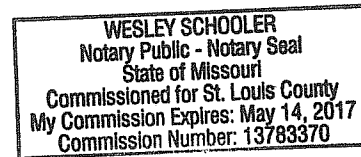
The above statement is true and correct to the best of my knowledge and memory, and is given under penalty of perjury.


Suzanne Brown



Subscribed and sworn to before me this
3rd day of December, 2014.


Notary



IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, Maureen Costello,	)	
Aaron Banks, Kira Hudson Banks,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Sam Dotson, Chief of Police,	)	
City of St. Louis,	)	
Jon Belmar, Chief of Police	)	
County of St. Louis,	)	No.
Capt. Ron Johnson, Missouri	)	
Highway Patrol, In their official	)	
capacities and as part of the Unified	)	
Command	)	
	)	
Defendants.	)	
	)	

DECLARATION OF JAMES MCANALLY

I, James McAnally, hereby declare as follows:

1. I am a United States citizen and a resident of St. Louis, Missouri, residing in the 3000 block of Oregon Avenue. I am 32 years old.
2. I am the executive editor and co-founder of Temporary Art Review and the founder, Co-Director, and Curator of The Luminary, an incubator for new ideas in the arts based in St. Louis, MO.
3. I have attended dozens of actions where I peacefully exercised my First Amendment rights along with other citizens.
4. I have no aggression towards the police, I have no criminal record and I am not a threat to the police or others.

5. I have engaged police at previous protests, even thanked them personally for not escalating past actions, for allowing us to peacefully express our society's failures and pose possible paths forward.
6. On Tuesday, November 54, 2014, I participated in first amendment activity in Ferguson, Missouri.
7. At approximately 10:00 PM, I arrived in Ferguson, MO with my wife and two friends.
8. By 10:45, I was standing outside the Ferguson police department.
9. There were between 100 and 300 people outside the police station.
10. Between forty and fifty people were in the street in front of the police station at that time.
11. When we arrived, I remained twenty to twenty-five feet from the front of the protest line.
12. I observed the police simultaneously order people back from the street and push them back with their shields.
13. As people fell to the ground from the force of the shields, the police arrested them.
14. The police ordered the crowd to the sidewalk, pushed them back to the sidewalk, and then proceeded to snatch certain members of the crowd and arrest them arbitrarily after they complied with their command.
15. The police maced people on the sidewalk after they ordered them to move there.
16. I was behind the group of people in the front and was hit with the mace as well.
17. After this, the police retreated to the middle of the street and the cycle repeated.

18. After seeing other citizens be maced by the police, my wife and I offered them rides.
19. Because of the mace, these people could not see.
20. Yet the police were screaming at them to leave and were advancing on them.
21. There was no place to go when I attempted to leave; the police surrounded us.
22. Soon, I was being attacked by the police for helping my fellow citizens who were injured by the police as they exercised their First Amendment rights.
23. I stood with my hands up in a position of surrender as two officers rapidly approached me.
24. They picked me up and slammed me to the pavement.
25. Four more officers piled around me.
26. I turned my head back, hearing my wife screaming my name
27. I turned my head in time to watch two other officers pull her to the ground, more encircling her in seconds.
28. One put his knee on her injured back, her crying out in pain, asking him to stop; one on her neck, to pin her down.
29. I was completely clear in that moment. I wasn't scared, nor exactly surprised. I spoke to them calmly, "That's my wife. Will you please let her go? Keep me if you want, but please let her go."
30. I told them we were attempting to leave, that she was only still there because a man whom she had been treating for his mace-burned eyes could not see to drive and needed a ride out of Ferguson.

31. I told them that she was trying to get more people home, away from the protests.

She had stayed behind to help him and his sister and now they were being pulled one way as she lay five feet to my left, herself in need of help that neither they nor I could offer.

32. We were escorted to an open garage, an unheated storage area littered with boxes, Powerade bottles and a dozen other detained protestors. There was an empty bottle of Remy Martin on the table and the inside of a Paychex envelope at my feet.

33. The last two people they dragged into our holding area, now around 27 degrees, were two journalists from Tokyo Broadcasting who we found out later had been maced, then pulled from their car while also trying to leave the scene.

34. The driver, who had been maced, was sobbing uncontrollably, unable to see.

35. He sat there for the next several hours, repeatedly saying "water please; water, please."

36. The solace he received was an officer saying that "you'll get to enjoy it in your cell for the next eight hours." The six others officers standing around laughed.

37. We asked what we were being charged for, how long would we be held.

"Probably just through the night," they said. "The charges probably won't stand."

38. When the time came to process us, the commanding officer asked, "Who wants them?"—meaning who wanted to be the arresting officer, the actual arresting officers nowhere to be found and never appeared.

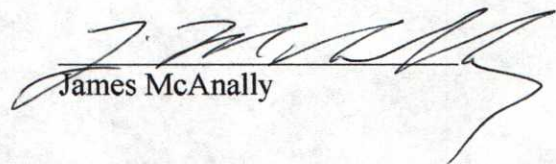
39. This made sense, since half an hour earlier, we had heard them say that their orders when making arrests was to "just go grab one."

40. They had been instructed to arrest without distinction. To make a point, perhaps, or just to punish. They wanted to warn us of what happens when you speak up, when you show up.
41. After the arresting officers were allocated accordingly, one asked, "What should we charge them with?" The other responded, "Unlawful assembly, or assaulting an officer—whatever you want to charge them with."
42. As a point that was made abundantly clear by a disappointing number of officers' jokes, ridicules and outright hostility to all of the detainees in this alternate reality we found ourselves: all protesters are criminals to them.
43. They were so casual about it. They were lazy. They did not respect our rights or even think they had to take them seriously.
44. They knew that they were making illegal arrests that would be thrown out; that they break basic human rights treaties in front of the world.
45. They did not mind us hearing them talk about it knowingly. In fact, they enjoyed mocking us – my wife and I, the 21 year old college student studying criminal justice to become a detective, the press from Germany and Japan, the kid from North City, the sales rep from St. Charles, the middle aged man who they had hurt bringing in, the ones I don't really even remember.
46. It haunts me because the police were casual like criminals who know they are going to get away with it.
47. I was out in Ferguson that night because I felt strongly about the grand jury's decision that was announced earlier that night. I care about this region. I have been active in trying to bring attention to racialized policing and seeking justice

for Michael Brown since he was shot in August. I believe that peacefully gathering in public spaces is one way to bring attention to this important issue of public concern.

48. I was expressing my opinion that we can't keep having black and brown people gunned down by police and their families not get justice. I stood in Ferguson as a show of solidarity for Michael Brown and other victims of police violence. I believe I was arrested and beaten for expressing those views.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 30, 2014.


James McAnally

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Sam Dotson, Chief of Police,	)	
City of St. Louis,	)	
Jon Belmar, Chief of Police	)	
County of St. Louis,	)	No.
Capt. Ron Johnson, Missouri	)	
Highway Patrol, In their official	)	
capacities and as part of the Unified	)	
Command	)	
	)	
Defendants.	)	
	)	

DECLARATION OF MARQUES BANKS

I, Marques Banks, hereby declare as follows:

1. I am a United States citizen and a permanent resident of Westland, Michigan. I currently live in Alexandria Virginia, where I attend school.
2. I am a law student at Catholic University. I am an African American man. I am 26 years old.
3. I came to St. Louis when the Grand Jury decision in the Michael Brown case was announced in order to serve as a legal observer at demonstrations. It was very important to me to come to St. Louis after the announcement, even though it meant that I would miss the Thanksgiving holiday with my family, and miss preparation for my final exams.

4. I believe people have the right to demonstrate to change bad policies. This is why I went to law school. While in St. Louis, I observed at least a half dozen peaceful demonstrations over multiple days.

November 28, 2014

5. On the night of Friday November 28, 2014, I was serving as a legal observer at demonstrations in front of the Ferguson Police Department in Ferguson Missouri. I arrived shortly after 8p.m. and stayed until almost midnight.
6. When I arrived, I noticed that there was a large and highly militarized police presence. Every corner had at least one convoy and at least three national guardsmen stationed. The crowd began to march down the street.
7. More and more police appeared in the area in front and near the police department. I observed several Ferguson Police officers. Most of the police officers I observed were not wearing any name badges or any form of visible identification.
8. At that point, the police came in from the side to block off the street. The police gathered in formation – four rows of cars, three columns wide – twelve cars in total. The police got out of the cars and began marching towards demonstrators.
9. The street was blocked on each corner. People were sandwiched in on both sides. There was no exit or way to disperse or vacate the area. Every exit

was blocked. There was no way to get out for about the next hour, when they began letting people get to their cars. For a while there was no way you could get out; you were trapped.

10. At that point, police told everyone they had to get out of the street. The only place people could really stand was on or next to the private property across from the police station. People gathered on the sidewalk and into the lot.
11. People began singing a solidarity chant. Police responded by getting into formation, realigning themselves at the police department facing demonstrators.
12. The demonstration petered out and people started to dissipate. As the numbers died down, police re-opened the streets again. But they still prohibited people from going into the street, so people were still clustered in the area. A few people who did go into the street were immediately arrested. I saw police aggressively tackle people to the ground as they arrested them, three officers per person. I witnessed 7 arrests almost immediately.
13. At this point, the police began spraying pepper spray at demonstrators. There was no announcement before the pepper spray began. The police rushed in and people were blocked in and didn't have any way to reasonably get out of the way. If you went one way, you'd be running into the stream of police; if you went the other way, you got hit with pepper spray. They didn't

clear a path for people to go or announce that they would spray.

14. Then police began arresting anyone who was in the street. I witnessed a journalist who simply went briefly into the street to get a better view, get pushed, grabbed and summarily arrested by police without any order to stand down or opportunity to stand back.
15. I also witnessed that police were targeting specific people in the crowd for arrest. I heard members of law enforcement point out specific demonstrators (i.e., "that's him in the blue jacket") to target.
16. I was disturbed by the police responses I witnessed. I am from Detroit and I've been police use pepper spray, but this seemed ridiculous and targeted. People were penned in; it was as if the pepper spray was being used as punishment.
17. I believe that unless this behavior is stopped that people will be prevented from exercising first amendment rights in the future.

November 30, 2014

18. I attended another demonstration on the afternoon of Sunday, Nov. 30, 2014 in downtown St. Louis. When I arrived sometime after 3p.m., people were in front of the Edward Jones Dome, where a Rams Football Game was being held.
19. I immediately noticed a large contingent of police. I first noticed about 15 officers in soft uniforms, but then approximately 40 officers in riot gear

appeared coming from the back. Then, as the group marched around the stadium, they were confronted with several dozen additional officers in riot gear coming from the other side as well. At that point, two people went into the street, got on their knees, held their hands up and were promptly arrested.

20. At that point, police told the crowd that if they were “unlawfully in the street,” they would be subject to arrest and to “chemical munitions.” I noticed that all of the officers in riot gear had their batons out and were holding them in front of their bodies. Some were holding canisters that I assume was tear gas.
21. People made a real effort to stay on the sidewalk until they could get to the cross walk to cross the street.
22. After the two who originally went in the street were arrested, no one was in the street any more. At that point, the officer changed the instruction. Rather than telling folks that they would be “unlawfully in the street,” instead this time he said that people were engaged in an “unlawful protest” and would be subject to arrest and “chemical munitions.” I found this very confusing.
23. The police order seemed very vague to me, because it was completely unclear what was unlawful about the assembly if no one was in the street. You had no way of knowing whether what you were doing could subject

you to arrest. Since everyone was on the sidewalk, we had no way to know what behavior constituted an “unlawful protest.”

24. Eventually, they allowed the crowd that had gathered on the sidewalk to cross the street and they headed back towards Keiner Plaza. The police followed in suit. Walking back, I noticed that police were talking with each other and pointing to certain people in the crowd, like the Bishop who later got arrested.
25. Once we got back to Keiner Plaza, the police boxed us in at the park in Keiner Plaza. The police circled around the corner. The area was cut off to where you couldn't really go anywhere. Then they came in closer.
26. At that point, I noticed one person in the street. He was immediately tackled and arrested.
27. I observed an unidentified young woman, who I later learned was Nile McClain, standing nearby on the sidewalk ask about their first amendment rights to be present there. I watched as she was immediately tackled – they hit her hard to the ground, and she wasn't in the street at all. They continued to hit her further. People in the crowd began saying, “they're hitting her, they're hitting her.” The police continued to stay on her. It took a long time to effectuate the arrest; it appeared to me that they were assaulting her during that time.
28. Bishop Derrick then got on the megaphone and asked what was unlawful

about the activity. I watched as he went further into the park and was summarily arrested.

29. The police circled the park around the intersection of 7th and Pine., making a right angle and moving in –so folks were being pushed further and further into the park. I saw an officer holding a gray and blue can – which I assumed was tear gas – at the ready. Immediately thereafter a lady had a seizure. Someone tried calling for an ambulance.
30. The tension eased after the seizure. The police got on a bus and left. Demonstrators slowly dispersed after that.
31. The incident disturbed me. I am studying to be a lawyer and believe that police should adhere to principals of law and protect the rights afforded to people in the constitution.
32. After my observations of various demonstrations in St. Louis over the last few days, I believe that unless this behavior is stopped that people will be prevented from exercising first amendment rights in the future.

I declare under penalty of perjury under the laws of the United States of

America that the foregoing is true and correct. Executed on

December 3rd, 2014.

Marques Banks
Marques Banks

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
Sam Dotson, Chief of Police,	)	
City of St. Louis,	)	
Jon Belmar, Chief of Police	)	
County of St. Louis,	)	No.
Capt. Ron Johnson, Missouri	)	
Highway Patrol, In their official	)	
capacities and as part of the Unified	)	
Command	)	
	)	
Defendants.	)	
	)	

DECLARATION OF NILE MCCLAIN

I, Nile McClain hereby declare as follows:

1. I am a United States citizen and a permanent resident of St. Louis, Missouri. I currently reside in Cape Girardeau, Missouri, where I attend school.
2. I am a third year student at Southeast Missouri State University, where I am pursuing a double major in multi-media journalism and public relations. I am an African American woman. I am 20 years old.
3. I have participated in demonstrations in the St. Louis area periodically since Michael Brown was killed in August. This is my city, and this meant

something to me. I felt that if no one else would stand up, we should do so here.

4. I have kept participating because I have black brothers, and black friends, and one day I hope to marry a black man, and I don't want them to have to continue to live in this reality and fear for their lives. It's hard to be a black man and always carry with you in your mind that you could be shot and killed any time you interact with police. It's scary and dispiriting, and I don't want my loved ones to have to go through this anymore.
5. I felt like I needed to be out there because people in my generation have been quiet too long. We have a sense that things are better than they were a long time ago, but that isn't the reality. When deaths like Michael Brown's keep getting thrown in our face over and over, we have to face the reality that we don't really have equality yet. Now more than ever, it's so important to tell society that this is wrong. We have to fight for our brothers and friends – but also to make the world better for the people who will come after us.
6. On the afternoon of Sunday, November 30, 2014, I attended a demonstration to show solidarity for Michael Brown and to advocate for reforms to racial profiling and other police practices.
7. We stood near the Trans World Dome, where the St. Louis Rams football team was playing. The crowd was chanting, "we are peaceful."

8. Sometime after 3:30 p.m., the group marched back towards the center of downtown to Keiner Plaza. Everyone I saw was on a sidewalk, not in the streets. I did not witness anyone breaking the law.
9. Nevertheless, one man who did not appear to be breaking any laws as the group started to walk to their cars, immediately got tackled by police. What I witnessed was one man getting attacked by at least six, maybe up to 10, police officers at one time.
10. I felt it was important to observe this incident. I was standing at a reasonable distance, on a sidewalk about 10 feet away, simply observing.
11. An officer told me I couldn't be there and that I had to leave. I did not understand why I had to leave since I was standing on a public sidewalk and was far enough away that I was not impeding their work in any way.
12. So I told the officer that I believed that I had a right under the first amendment to be present, and that I was observing from a safe distance and not interfering.
13. The officer replied by shouting to his fellow officers, pointing to me, and yelled: "Get her!"
14. I tried to run towards some other demonstrators but they immediately grabbed me and threw me to the ground. They pounded on me and bashed my head into the ground. They had my hands secured behind my back. Even though I was secured, they then tased me with a taser gun. That hurt, and I couldn't really move. At the point I was tased, I was pushed

tight to the ground and couldn't move. I was not resisting, and I was not able to move. There was no need to shock me with the taser.

15. I was pretty stunned. When I couldn't get up quickly due to the taser, they pulled on me and dragged me by my arms. When I couldn't get up they roughed me up and grabbed me really tight. I still have some bruises. They put plastic handcuffs on me so tight that my hands swelled and turned purple. In fact, my hand was so swollen, that they couldn't fit the scissors in between the handcuff ties and my skin to cut them off once we were at the jail. Once I was in the cuffs, they put me in the wagon, and I was taken to the Justice Center downtown, where I stayed about four hours before being released.

16. The police also assaulted me verbally, using racial slurs. One officer called me a "nappy headed ho" and a "bitch." He told me I didn't know what I was talking about and probably didn't pay my bills anyway. When I replied that I am a student at a four-year university and was in my third year of college, he derided me again. He said, "Just because you went to college doesn't mean you're ever going to amount to anything." What a horrible thing to tell a young black person.

17. This was really hurtful and frustrating. I was really upset by what I saw and by what happened to me, and I was crying. While I was crying, the police started laughing at me and said, "that's what you get."

18. Later that evening I went to the hospital, where I underwent an examination, X-Rays and an EKG. They prescribed some medication. I have a lot of bruising and scratches on my knees, hands and marks on my back, neck and arms. My forehead is cut up. My back and neck are really sore. I have a bad headache.
19. I could not see any identification on the officers. Even on my arrest papers, the area designated for "arresting officer" does not include any printed name, only an illegible signature of what appears to be just a surname.
20. I believe that I was targeted for arrest as punishment. I was on the sidewalk. I was not in the street. I was not doing anything other than observing from a safe distance. I believe I was targeted for punishment because I was observing someone else get battered while in detention.
21. How the police behaved yesterday was astonishing. I just couldn't stop crying. I am so disgusted by this system. This incident broke my spirit. It was spirit breaking. What's worse, is that a number of the officers were black themselves and one even used a racial slur on me. I'm so disgusted and upset by this. But even worse, the police acted so non-chalantly, like this was par for the course. They were not phased at all.
22. I believe it is important for people to be able to be out in public and be out on the streets. This is a basic American right – it's my right as an American citizen to do this. I believe that unless this behavior is stopped, I will be impeded from expressing my views in the future.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct. Executed on

December 3, _____, 2014.



Nile McClain

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

Alexis Templeton, Maureen Costello, Aaron Banks,
Kira Hudson Banks

Plaintiff

v.

Sam Dotson, Chief of Police, City of St. Louis, et al.

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Sam Dotson, Chief of Police, City of St. Louis,
1915 Olive Boulevard
St. Louis, MO

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Thomas Harvey
Arch City Defenders, Inc.
812 N Collins St, St Louis, MO 63102
(855) 724-2489

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

Alexis Templeton, Maureen Costello, Aaron Banks,
Kira Hudson Banks

Plaintiff

v.

Sam Dotson, Chief of Police, City of St. Louis, et al.

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Sam Dotson, Chief of Police, City of St. Louis,
1915 Olive Boulevard
St. Louis, MO

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Thomas Harvey
Arch City Defenders, Inc.
812 N Collins St, St Louis, MO 63102
(855) 724-2489

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

Alexis Templeton, Maureen Costello, Aaron Banks,
Kira Hudson Banks

Plaintiff

v.

Sam Dotson, Chief of Police, City of St. Louis, et al.

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Sam Dotson, Chief of Police, City of St. Louis,
1915 Olive Boulevard
St. Louis, MO

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Thomas Harvey
Arch City Defenders, Inc.
812 N Collins St, St Louis, MO 63102
(855) 724-2489

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Alexis Templeton, <i>et al.</i>	)
Plaintiffs,	)
v.	)
	)
Sam Dotson, Chief of Police,	)
City of St. Louis, <i>et al.</i>	)
	)
Defendants.	)

**EXHIBITS IN SUPPORT OF PLAINTIFFS' EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

EXHIBIT LIST

Exhibit 1	Declaration of Maureen Costello
Exhibit 2	Declaration of Kira Hudson Banks
Exhibit 3	Declaration of Brittany Ferrell
Exhibit 4	Declaration of Steven Hoffman
Exhibit 5	Declaration of Kelly Costello
Exhibit 6	Declaration of Alexis Templeton
Exhibit 7	Affidavit of Suzanne Brown
Exhibit 8	Declaration of James McAnally
Exhibit 9	Declaration of Marques Banks
Exhibit 10	Declaration of Nile McClain
Exhibit 11	Written Statement on the Police Shooting of Michael Brown and Ensuing Police Violence Against Protestors in Ferguson, Missouri submitted to the 53rd Session of the United Nations Committee Against Torture

Dated: December 5, 2014