

**IN THE FEDERAL DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**SUSAN STARTZELL, NANCY MAJOR,)
JAMES CRUSE, GERALD FENNELL,)
RANDALL BECKMAN, LINDA)
BECKMAN, MICHAEL MARCAVAGE,)
MARK DIENER, DENNIS GREEN,)
ARLENE ELSHINAWY, and LAUREN)
MURCH, a minor, by and through her)
parent and next friend, BEVERLY)
MURCH,)**

Civil Action No. _____

Plaintiffs,)

v.)

**CITY OF PHILADELPHIA,)
PENNSYLVANIA, LYNNE ABRAHAM,)
in her official capacity as District)
Attorney for the City and County of)
Philadelphia, WILLIAM V. FISHER,)
JAMES TIANO, and KAREN,)
SIMMONS)**

Defendants.)

**VERIFIED COMPLAINT FOR CIVIL RIGHTS VIOLATIONS, TEMPORARY
RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTION,
DECLARATORY JUDGMENT, AND DAMAGES**

I. PRELIMINARY STATEMENT

1. This is a civil rights action brought pursuant to 42 U.S. C. § 1983 that challenges the constitutionality of the actions of Philadelphia police and other officials that resulted in the arrest, detention, and incarceration of Plaintiffs. Criminal charges, including three felony charges, were leveled against Plaintiffs because they refused to abandon their peaceful Christian evangelism despite being surrounded by an aggressive and disruptive group at a public celebration of homosexuality called Outfest. In other words, Philadelphia police retaliated

against Plaintiffs because they refused to surrender their First Amendment rights to free speech, free assembly, free association, and free exercise of religion. The criminal charges are presently pending in the Municipal Court for the City of Philadelphia, Pennsylvania.

2. Plaintiffs seek temporary, preliminary, and permanent injunctive relief against further prosecution of the pending criminal charges, as well as a declaration that the actions of police violated their constitutional rights. They also seek nominal, actual, and punitive damages against Defendants for the flagrant, willful, and knowing violation of Plaintiffs' First, Fourth, and Fourteenth Amendment rights, as well as the costs of this litigation, including reasonable attorneys' fees.

II. JURISDICTION

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, which confers original jurisdiction on federal district courts in all civil actions arising under the laws and Constitution of the United States. The Court has jurisdiction over the request for declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202. The Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

III. VENUE

4. Venue is proper in the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1391(b), because the claims arose in the district.

IV. IDENTIFICATION OF PLAINTIFFS

5. Plaintiff Susan Startzell is a citizen of the United States and a resident of Philadelphia, Pennsylvania.

6. Plaintiff Nancy Major is a citizen of the United States and a resident of Phoenixville, Pennsylvania.