

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL ANTHONY MARCAVAGE)

Plaintiff,)

Case No.)

5.)

BOARD OF TRUSTEES OF TEMPLE)

UNIVERSITY OF THE)

COMMONWEALTH SYSTEM OF)

HIGHER EDUCATION; WILLIAM)

BERGMAN, individually, and in his)

official capacity as Vice President of)

Operations for Temple University; and)

CARL BITTENBENDER, individually,)

and in his official capacity as Managing)

Director of Campus Safety Services for)

Temple University,)

Defendants.)

**COMPLAINT FOR CIVIL RIGHTS VIOLATIONS,
DECLARATORY JUDGMENT, AND DAMAGES**

I. PRELIMINARY STATEMENT

1. This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff seeks declaratory judgment and damages against Defendants for depriving him of his civil and constitutional rights as guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution. Plaintiff also seeks damages pursuant to state law tort remedies. Finally, Plaintiff seeks reasonable costs of litigation, including attorney's fees and expenses, pursuant to 42 U.S.C. § 1988.

2. This action challenges the conduct of Defendants Bergman and Bittenbender

who, on November 2, 1999, unlawfully and intentionally assaulted and forcibly restrained Plaintiff in the office of the Vice President, and thereafter unlawfully ordered police to handcuff and transport Plaintiff against his will to Temple University Hospital where he was involuntarily committed for psychiatric evaluation.

II. JURISDICTION

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(3)(4), which confer original jurisdiction on federal district courts in suits to redress the deprivation of rights, privileges and immunities as stated herein. 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.

II I. 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 PLAINTIFF

5. Plaintiff Michael Anthony Marcavage is twenty-one (21) years old and a citizen of the United States and a resident of Philadelphia, Pennsylvania. At all times pertinent to this lawsuit, he was twenty (20) years old and a full-time undergraduate student studying broadcast journalism at Temple University. He is a Dean's List student, and was an intern, with security clearance, in the Executive Branch of the United States Government (West Wing of the White House) in 1998.

V. IDENTIFICATION OF DEFENDANTS

6. Temple University of the Commonwealth System of Higher Education ("Temple

University”) is an educational institution and non-profit corporation organized and existing under the laws and constitution of the Commonwealth of Pennsylvania, and is an entity capable of suing and being sued. The management, control, and conduct of the administrative affairs of the University, including Campus Safety Services, are vested in the Board of Trustees.

7. Upon information and belief, Defendant William Bergman is a citizen of the United States and a resident of Pennsylvania. At all times relevant to this complaint, he was Vice President of Operations for Temple University. He is sued both in his individual and official capacities.

8. Upon information and belief, Defendant Carl Bittenbender is a citizen of the United States and a resident of Pennsylvania. At all times relevant to this complaint, he was Managing Director of Campus Safety Services for Temple University. He is sued both in his individual and official capacities.

VI. STATEMENT OF FACTS

9. Plaintiff is a Christian who believes the Bible is true and historically accurate. He also believes it is his religious duty to share his faith in Jesus Christ with others.

10. In the fall of 1999, Plaintiff was informed that the Temple University Theater Department would produce and perform on campus the play, “Corpus Christi.” The play depicts Jesus Christ as a homosexual who engages in homosexual sex acts with his disciples. In the play, Jesus Christ is labeled the “King of Queers.”

11. Plaintiff, being offended by the play’s depiction of Jesus Christ as a promiscuous homosexual, made his objections known to the Dean of the School of Communications and Theater, and the University President. In addition, Plaintiff posted flyers throughout the campus

to alert others about the play and its anti-Christian content.

12. The flyers posted by Plaintiff urged others to voice their disappointment and disapproval of the play by telephoning, e-mailing, and sending letters to school administrators. In addition, Plaintiff contacted campus groups and area churches in an effort to organize protest activity against the play.

13. Thereafter, on numerous occasions, Plaintiff met with Defendant Bergman, who expressed dismay over the negative reactions of students and community members toward the play.

14. Subsequently, having determined that protest activity at or near the theater would be counter-productive, Plaintiff decided instead to organize and hold an outdoor event with a counter-viewpoint on the same dates the play "Corpus Christi" was set to be performed. Defendant Bergman approved of this event, and agreed to supply staging equipment.

15. Having been given approval to hold an event with a counter-viewpoint, Plaintiff developed a program and arranged for participants, including outside speakers. Plaintiff also arranged for the performance of the play "Final Destiny," which contained a biblical perspective of the life of Jesus Christ. The play was to be produced and directed by a church, Victory Christian Fellowship, which also agreed to provide the set and other equipment. Members of the Temple University chapter of Campus Crusade for Christ were selected to act in the play.

16. On the morning of November 1, 1999, Plaintiff met with Defendants Bergman and Bittenbender to advise them of the schedule for Plaintiff's event, which was to commence on November 8, 1999. During this meeting, Defendant Bittenbender asked Plaintiff what he would do if it rained. Before Plaintiff could answer, Defendant Bergman commented, "They believe

God is on their side,” at which comment both Bittenbender and Bergman laughed. Bergman then stated that staging equipment would be erected on November 8.

17. Later that day, Plaintiff received a call from Defendant Bittenbender, who advised that the staging equipment *might* not be erected. When Plaintiff asked why, Bittenbender said Plaintiff would have to meet with him and Bergman the next morning to discuss the matter, at which time a final decision would be made.

18. At approximately 10:00 a.m. the next morning, November 2, 1999, Plaintiff met with Defendants Bergman and Bittenbender in Bergman’s office. Bergman informed Plaintiff that the University would not erect a stage because it was too costly. Plaintiff then offered to pay for ~~the~~ staging, which offer was ignored. Plaintiff then reminded Bergman that he had agreed to provide staging equipment. Bergman made no reply. Plaintiff then excused himself and went to the restroom to collect his thoughts and decide how to proceed.

19. As Plaintiff was washing his face in the restroom, Bergman pounded on the door and demanded that he come out. Plaintiff then opened the door. Bergman insisted that Plaintiff accompany him back to his office. When Plaintiff tried to end the conversation and leave, Bergman physically forced him back to his office.

20. Once back in Bergman’s office, Bergman, suddenly and without warning, pushed Plaintiff down into a chair. Plaintiff, alarmed and afraid by Bergman’s use of force, told Bergman he wanted to leave. Bergman said no. Plaintiff then asked to use the telephone. Bergman again said no. Plaintiff then arose from the chair and was tripped to the floor by Bergman. As Plaintiff raised himself off the floor, he was forced onto a couch and held down by Bergman and Bittenbender. Plaintiff’s repeated pleas to be released were refused. The actions

Defendants caused Plaintiff to feel degraded, humiliated, and embarrassed.

21. Moments later, Temple University Police Officer Williams arrived. As Bittenbender watched, Bergman ordered Officer Williams to handcuff Plaintiff, which he did. Plaintiff was then carried out of the building and placed into a police car. Thereafter, Plaintiff repeatedly asked for the reason he was handcuffed and placed in the car. No one would answer him. Shortly thereafter, Plaintiff was taken to the Emergency Crisis Center at Temple University Hospital against his will. These actions by Bergman, Bittenbender, and Officer Williams caused Plaintiff to feel degraded, humiliated, and embarrassed.

22. Subsequent to Plaintiff's being handcuffed but prior to his placement in the police car, Plaintiff was observed by Dr. Denise Walton, a Temple University staff psychologist. Dr. Walton saw no overt sign that Plaintiff was about to harm himself or others.

23. Thereafter, Defendant Bittenbender filled out and signed an Application for Involuntary Emergency Examination and Treatment ("involuntary commitment application"). See Exhibit A attached hereto. In this application, Bittenbender made false representations of material fact, including, but not limited to, the false representations that Plaintiff was a "clear and present danger to himself or others;" that Plaintiff "has attempted suicide" or "made threats to commit suicide;" and that Plaintiff was "*severely mentally disabled.*" See *id.* (emphasis added).

24. Pursuant to the involuntary commitment application, Plaintiff was admitted (against his will) into the hospital at 12:03 p.m. He was confined to the hospital and held against his will for a period in excess of three (3) hours. Involuntary commitment into the hospital caused Plaintiff to feel degraded, humiliated, and embarrassed.

25. Pursuant to the involuntary commitment application, Plaintiff was examined by an attending physician beginning at 12:30 p.m. Upon examination, the physician found Plaintiff to be "calm" and "very cooperative," and without "hallucinations," "delusions," or "obsessions." Plaintiff was also found to be fully cognitive. Dr. King, the examining physician, said there were "no apparent grounds" for involuntary commitment. After this examination, Plaintiff was discharged at 3:15 p.m. The lengthy and intrusive psychiatric examination caused Plaintiff to feel degraded, humiliated, and embarrassed.

26. Later that same day, Plaintiff went to the Campus Safety Services office to file a complaint against Defendants Bergman and Bittenbender. Two Temple University police officers began taking the complaint report, but stopped when told that Bergman and Bittenbender were involved. When Plaintiff asked why they stopped writing the report, the officers laughed and said, "Sorry, he is our boss. The boss over the entire department."

27. One officer then left the room, and returned with Defendant Bittenbender. Bittenbender told Plaintiff that no report would be taken because no crime had been committed. Plaintiff then left and filed his complaint with the Philadelphia Police Department.

28. Shortly after the November 2, 1999, incident, Plaintiff contacted various Temple University administrators to inquire how to report the unlawful conduct of Bergman and Bittenbender. None of these administrators responded to Plaintiff's inquiry. Upon speaking with the University President's administrative assistant, Plaintiff was told that the President would not be interested in speaking with Plaintiff about the incident.

29. In the days and weeks subsequent to the involuntary commitment, Plaintiff felt emotionally drained and confused, and had trouble focusing on his studies and work.

30. At no time was Plaintiff charged with a crime, nor was it alleged in the involuntary commitment application that Plaintiff had committed a crime.

31. Upon information and belief, Defendant Temple University has failed to adequately train its police personnel in the substantive and procedural requirements of the Pennsylvania Mental Health Procedures Act, Pa. Stat. Ann. tit. 50, §§ 7101 *et seq.*

32. By involuntarily committing Plaintiff to hospital confinement in violation of the substantive and procedural requirements of the Pennsylvania Mental Health Procedures Act, Defendants acted with deliberate indifference to the constitutional rights of Plaintiff.

33. Upon information and belief, Plaintiff's academic and/or other school records reflect this incident and/or characterize Plaintiff as being mentally disabled as a result of this incident.

VII. ALLEGATIONS OF LAW

34. All of the acts of Defendants were conducted under the color and pretense of the ordinances, policies, practices, customs, regulations, and/or usages of Temple University and/or the Commonwealth of Pennsylvania.

35. Campus Safety Services police personnel are inadequately trained in the substantive and procedural requirements of the Pennsylvania Mental Health Procedures Act, Pa. Stat. Ann. tit. 50, §§ 7101 *et seq.*

36. It is the policy, practice, or custom of Temple University to disregard the substantive and procedural requirements of the Pennsylvania Mental Health Procedures Act, Pa. Stat. Ann. tit. 50, §§ 7101 *et seq.*

37. It is the policy, practice, or custom of Temple University to seize, forcibly restrain,

and compel students to undergo involuntary psychiatric evaluation when students request redress for alleged grievances against Campus Safety Services officials.

38. It is the policy, practice, or custom of Temple University to seize, forcibly restrain, and compel students to undergo involuntary psychiatric evaluation even when the circumstances at hand do not meet the statutory requirements for such involuntary commitment.

39. It is the policy, practice, or custom of Temple University to use force to intimidate students who request redress for alleged grievances against Campus Safety Services officials.

40. It is the policy, practice, or custom of Temple University to use unnecessary and unlawful force to intimidate students who wish to express viewpoints critical of homosexual conduct.

41. It is the policy, practice, or custom of Temple University to use unnecessary and unlawful force to intimidate students who wish to express viewpoints favorable to Christianity or consistent with the Bible.

42. It is the policy, practice, or custom of Temple University police to not accept criminal complaints against high ranking university officials.

43. It is the policy, practice, or custom of Temple University police to refuse to accept reports of alleged unlawful conduct if such report would implicate high ranking university officials.

44. Defendant Bergman, in his capacity as Vice President of Operations for Temple University or through delegation, is a final policymaker for Temple University in matters dealing with campus safety and/or law enforcement.

45. Defendant Bittenbinder, in his capacity as Managing Director of Campus Safety

Services for Temple University or through delegation, is a final policymaker for Temple University in matters dealing with campus safety and/or law enforcement.

46. The actions of Defendants Bergman and Bittenbender were approved and ratified by a final policymaker for Temple University.

47. The failure of school administrators and the University President to act upon or address Plaintiff's complaint constituted approval and ratification of the conduct of Bergman and Bittenbender.

48. Defendants Bergman and Bittenbender agreed together to seize, restrain, forcibly detain, and commit Plaintiff for involuntary psychiatric evaluation. Such agreement to engage in unlawful conduct, or lawful conduct by unlawful means, constituted civil conspiracy.

49. The conduct of Defendants Bergman and Bittenbender in seizing, restraining, forcibly detaining, and committing Plaintiff for involuntary psychiatric evaluation constituted concert of action.

50. The false representations of material fact made by Defendant Bittenbender were made in furtherance of civil conspiracy.

51. The actions of Campus Safety Services officers in refusing to make a police report pursuant to Plaintiff's complaint of unlawful conduct, because Defendants Bergman and Bittenbender were their employment superiors or supervisors, were acts in furtherance of civil conspiracy.

52. The actions of Defendant Bittenbender in refusing to make a police report pursuant to Plaintiff's complaint of unlawful conduct, purportedly because "no crime had been committed," was an act in furtherance of civil conspiracy.

53. The false allegations of material fact made by Defendant Bittgenbender in the commitment application were, as a matter of law, insufficient to involuntarily commit Plaintiff to hospital confinement and/or psychiatric evaluation.

54. The false allegations of material fact made by Defendant Bittgenbender in the commitment application constituted a criminal offense.

55. As a result of Defendants' conduct, Plaintiff has suffered injury to his constitutional rights to be free from false arrest, unreasonable seizure, and unreasonable force, as well as his constitutional guarantees to substantive and procedural due process of law.

56. As a result of Defendants' conduct and conspiratorial actions, Plaintiff has suffered assault, battery, false imprisonment, defamation, humiliation, inconvenience, embarrassment, and loss of reputation in the community.

**VIII. FIRST CAUSE OF ACTION - 42 U.S.C. § 1983
(Retaliation for Exercise of First Amendment Rights)**

57. Paragraphs 1-56 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

58. The unlawful actions of Defendants as heretofore alleged were in retaliation for Plaintiff's exercise of constitutional rights to free speech, free assembly, and free exercise of religion, and in retaliation for Plaintiff's petitioning the government for redress of grievances.

59. As a direct and proximate cause of Defendants' retaliatory conduct, Plaintiff was injured in his rights to free speech, assembly, and religion as guaranteed by the First and Fourteenth Amendments.

WHEREFORE, Plaintiff prays for the relief set forth below.

**IX. SECOND CAUSE OF ACTION - 42 U.S.C. § 1983
(Free Exercise/Free Speech/Free Assembly Hybrid)**

60. Paragraphs 1-59 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

61. The actions of Defendants Bergman and Bittenbender in mocking Plaintiff's religious beliefs demonstrated acute government hostility toward religion.

62. The actions of Defendant Bergman in refusing and/or failing to provide the staging equipment previously promised to Plaintiff prevented Plaintiff from expressing his counter-viewpoint to the play "Corpus Christi," thereby denying Plaintiff his right to free speech.

63. The actions of Defendant Bergman in refusing and/or failing to provide the staging equipment previously promised to Plaintiff prevented Plaintiff from expressing his counter-viewpoint to the play, "Corpus Christi," and further prevented Plaintiff from conducting the play "Final Destiny" on November 8, 1999, thereby denying Plaintiff his right to free exercise of religion.

64. The actions of Defendant Bergman in refusing and/or failing to provide the staging equipment previously promised to Plaintiff prevented Plaintiff and others from freely assembling for the purpose of expressing their counter-viewpoint to the play, "Corpus Christi," thereby denying Plaintiff his right to free assembly.

65. As a direct and proximate cause of Defendant Bergman's actions, Plaintiff was injured in his First and Fourteenth Amendment rights.

WHEREFORE, Plaintiff prays for the relief set forth below.

**X. THIRD CAUSE OF ACTION - 42 U.S.C. § 1983
(Unreasonable Seizure)**

66. Paragraphs 1-65 of the complaint are incorporated herein by reference, the same as though pleaded in full.

67. Defendants' actions in physically restraining, handcuffing, transporting, and committing Plaintiff to the hospital for involuntary psychiatric evaluation constituted a seizure for purposes of the Fourth and Fourteenth Amendments.

68. Defendants' actions in physically restraining, handcuffing, transporting, and committing Plaintiff to the hospital for involuntary psychiatric evaluation were unreasonable in light of the surrounding circumstances.

69. As a direct and proximate cause of Defendants' actions, Plaintiff was injured in his constitutional right to be free from unreasonable seizure.

WHEREFORE, Plaintiff prays for the relief set forth below.

**XI. FOURTH CAUSE OF ACTION - 42 U.S.C. § 1983
(Unreasonable Force)**

70. Paragraphs 1-69 of the complaint are incorporated herein by reference, the same as though pleaded in full.

71. Defendants' actions in pushing, physically restraining, and handcuffing Plaintiff were objectively unreasonable in light of the facts and circumstances confronting them.

72. As a direct and proximate cause of Defendants' actions, Plaintiff was injured in his constitutional rights to be free from the use of excessive force, as guaranteed by the Fourth and Fourteenth Amendments.

WHEREFORE, Plaintiff prays for the relief set forth below.

**XII. FIFTH CAUSE OF ACTION - 42 U.S.C. § 1983
(Procedural Due Process)**

73. Paragraphs 1-72 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

74. Defendants failed to comply with the substantive and procedural requirements set forth in the Pennsylvania Mental Health Procedures Act, Pa. Stat. Ann. tit. 50, §§ 7101 *et seq.* when they committed Plaintiff to the hospital for involuntary psychiatric evaluation.

75. As a direct and proximate cause of Defendants failure to abide by these statutory requirements, Plaintiff was denied procedural due process of law as guaranteed by the Fourteenth Amendment.

WHEREFORE, Plaintiff prays for the relief set forth below.

**XIII. SIXTH CAUSE OF ACTION - 42 U.S.C. § 1983
(Substantive Due Process)**

76. Paragraphs 1-75 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

77. The actions of Defendants as heretofore alleged were motivated by bias, bad faith or improper motive.

78. As a direct and proximate cause of Defendants bias, bad faith, or improper motive, Plaintiff was denied substantive due process as guaranteed by the Fourteenth Amendment.

WHEREFORE, Plaintiff prays for the relief set forth below.

**XIV. SEVENTH CAUSE OF ACTION - 42 U.S.C. § 1983
(False Arrest)**

79. Paragraphs 1-78 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

80. The actions of Defendants as heretofore alleged were intended to detain and confine Plaintiff.

81. Plaintiff was aware of the detention and confinement, and did not consent to them.

82. The detention and confinement were without probable cause.

83. As a direct and proximate cause of Defendants actions, Plaintiff's Fourth and Fourteenth Amendment rights were violated.

WHEREFORE, Plaintiff prays for the relief set forth below.

**XV. EIGHTH CAUSE OF ACTION - Supplemental State Claim
(Assault)**

84. Paragraphs 1-83 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

85. The intentional acts of Defendants in suddenly and without warning pushing Plaintiff down into the chair, physically restraining him, and handcuffing him, each without provocation or justification, caused Plaintiff in each instance to fear an imminent battery.

86. As a direct and proximate result of Defendant's intentional conduct, Plaintiff was assaulted.

WHEREFORE, Plaintiff prays for the relief set forth below.

**XVI. NINTH CAUSE OF ACTION - Supplemental State Claim
(Battery)**

87. Paragraphs 1-86 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

88. The intentional acts of Defendants in pushing, physically restraining, and

handcuffing Plaintiff, without his consent, constituted harmful and offensive bodily contact.

89. As a direct and proximate result of Defendant's intentional conduct, Plaintiff was battered. Further, the actions of Defendants caused Plaintiff to be humiliated and embarrassed; to feel degraded and inferior; and to feel that other people would regard him with aversion or dislike.

WHEREFORE, Plaintiff prays for the relief set forth below.

**XVII. TENTH CAUSE OF ACTION - Supplemental State Claim
(False Imprisonment)**

90. Paragraphs 1-89 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

91. Defendants' actions in physically restraining, handcuffing, transporting, and committing Plaintiff to the hospital for involuntary psychiatric evaluation, in each and every instance, were without Plaintiff's consent and against his will.

92. Defendants' actions in physically restraining, handcuffing, transporting, and committing Plaintiff to the hospital for involuntary psychiatric evaluation were unlawful.

93. As a direct and proximate result of Defendant's intentional conduct, Plaintiff was falsely imprisoned. Further, the actions of Defendants caused Plaintiff to be humiliated and embarrassed; to feel degraded and inferior; and to feel that other people would regard him with aversion or dislike.

WHEREFORE, Plaintiff prays for the relief set forth below.

**XVIII. ELEVENTH CAUSE OF ACTION - Supplemental State Claim
(Defamation *per se*)**

94. Paragraphs 1-93 of the Complaint are incorporated herein by reference, the same

as though pleaded in full.

95. The written statements made in the involuntary commitment application by Defendant Bittenbender, falsely asserting that Plaintiff was severely mentally disabled, were published to third parties, and caused Plaintiff to be harmed in his reputation as a broadcast journalism student.

96. Written statements contained in the involuntary commitment application or other report are recorded or contained in Plaintiff's academic or other school record, causing Plaintiff to be harmed in his reputation as a broadcast journalism student.

97. As a direct and proximate result of Defendant Bittenbender's false and defamatory statements, Plaintiff was libeled and slandered in his reputation. Further, the actions of Defendants caused Plaintiff to be humiliated and embarrassed; to feel degraded and inferior; and to feel that other people would regard him with aversion or dislike.

WHEREFORE, Plaintiff prays for the relief set forth below.

**XIX. TWELFTH CAUSE OF ACTION - Supplemental State Claim
(Concert of Action)**

98. Paragraphs 1-97 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

99. Defendants Bergman and Bittenbender acted together to cause Plaintiff the injuries alleged herein.

100. The actions of Defendants Bergman and Bittenbender constituted concert of action.

101. As a direct and proximate result of this concert of action, Plaintiff was injured.

WH

**XX. THIRTEENTH CAUSE OF ACTION - Supplemental State Claim
(Civil Conspiracy)**

102. Paragraphs 1-101 of the Complaint are incorporated herein by reference, the same as though pleaded in full.

103. Defendants Bergman and Bittenbender, with malice aforethought, agreed to the unlawful physical restraint, handcuffing, transporting, and commitment of Plaintiff to the hospital.

104. As a direct and proximate result of Defendants' conspiratorial actions, Plaintiff was injured.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

- a. Assume jurisdiction over this action;
- b. Declare that Defendants' actions as herein described violated Plaintiff's rights under the First, Fourth, and Fourteenth Amendments;
- c. Declare that Defendants conspired together to violate Plaintiff's rights;
- d. Order the full and complete expunging of the November 2, 1999, incident from Plaintiff's academic and University records;
- e. Award nominal, compensatory, and punitive damages for the violation of Plaintiff's civil and constitutional rights, and the intentional torts committed by Defendants;
- f. Award Plaintiff his costs of litigation, including reasonable attorneys' fees and expenses, pursuant to 28 U.S.C. § 1988; and,
- g. Grant such other and further relief to which Plaintiffs may be entitled, or as this

Court deems necessary and proper.

Respectfully submitted,

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