STATE OF WISCONSIN CIRCUIT COURT WINNEBAGO COUNTY

GAIL MINKS and MARGARET MINKS
1582 Pendleton Road
Neenah, Wisconsin 54956,

GARY NOVAK and KIM NOVAK
1131 Oxford Court
Neenah, Wisconsin 54956,

Plaintiffs,

v.

CITY OF NEENAH
211 Walnut Street
Neenah, Wisconsin 54956,

Defendant.

Case Type: Declaratory Judgment
Case Code: 30701
Case No. 23-CV-

SUMMONS

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is **Winnebago County Courthouse, 415 Jackson Street, Oshkosh, Wisconsin 54903**, and to the WMC Litigation Center, Plaintiff's attorney, whose address is **501 East Washington Avenue, Madison, Wisconsin 53703**. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 10th day of April 2023.

Electronically signed by
Scott E. Rosenow

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COMPLAINT

The above-named Plaintiffs, through their undersigned counsel, hereby allege the following as their complaint:

1. The First Amendment to the U.S. Constitution protects the right to free speech.

2. The First Amendment right to free speech applies to states and their political subdivisions by virtue of the Fourteenth Amendment to the U.S. Constitution.

3. Article I, section 3 of the Wisconsin Constitution protects the right to free speech from infringement by the state and its political subdivisions.

4. Chapter 24 of the Defendant City of Neenah's Code of Ordinances, titled "Signs," contains several provisions that are unconstitutional (this chapter is referred to herein as "the Ordinance").[1]

[1] The Ordinance is available at https://library.municode.com/wi/neenah/codes/code_of_ordinances?nodeId=SPBLADERE_CH24SI.

5. The Ordinance is unconstitutional because it violates the First and Fourteenth Amendments to the U.S. Constitution and article I, section 3 of the Wisconsin Constitution.

6. The Ordinance illegally bans off-premises business signs on residential, commercial, and industrial property.

7. The Ordinance illegally bans advertisements on parked vehicles within view from any street.

8. The Ordinance illegally limits residential property to one ground sign.

9. The Ordinance illegally imposes pre-election time limits on political campaign signs.

10. The Ordinance illegally imposes duration limits on residential ground signs.

11. The Ordinance imposes permit requirements that are unconstitutionally vague and an unconstitutional prior restraint on speech.

12. The Ordinance illegally prohibits any sign on an athletic-field fence if the sign is "found to be offensive."

13. The Plaintiffs and other persons who pay taxes to Defendant are injured on an ongoing basis because of the Ordinance.

PARTIES

14. Plaintiffs Gail and Margaret Minks reside in the City of Neenah, Wisconsin.

15. Plaintiffs Gary and Kim Novak reside in the City of Neenah, Wisconsin.

16. The Ordinance harms the Plaintiffs as taxpayers.

17. Defendant City of Neenah (hereafter "City") is a municipal corporation of the State of Wisconsin and is responsible for the adoption and enforcement of the Ordinance, which is the subject of this complaint.

JURISDICTION AND VENUE

18. Plaintiffs Gail Minks, Margaret Minks, Gary Novak, and Kim Novak seek a declaration that the Ordinance is unconstitutional and unenforceable, giving this Court jurisdiction to hear this case under Wis. Stat. § 806.04 and 42 U.S.C. § 1983.

19. Plaintiffs Gail Minks, Margaret Minks, Gary Novak, and Kim Novak have standing to bring this lawsuit and assert the claims in this complaint because they pay taxes to the City, and the City will unlawfully spend taxpayer funds enforcing the Ordinance provisions that are challenged in this complaint.

20. Venue in this Court is proper under Wis. Stat. § 801.50(2) because the City is located in Winnebago County, Wisconsin.

BACKGROUND

The Ordinance

21. The Ordinance contains several provisions that prohibit signs that advertise off-premises businesses. Under the Ordinance, "*Off-premises signs* means a sign, including billboard, which advertises goods, products, facilities, or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located." Ordinance § 24-3. The City "prohibit[s]" all "[o]ff-premises signs." Ordinance § 24-107(2). Signs on residential properties "cannot display off-premises businesses." Ordinance § 24-132(8). Similarly, signs on commercial and industrial properties "cannot display off-premises businesses." Ordinance § 24-133(14).

22. The City also restricts advertisements on vehicles: "No persons shall park any vehicle or trailer on a public right-of-way property or on private properties so as to be seen from a public right-or-way, which has attached thereto or located thereon any sign or advertising device

for the primary purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises." Ordinance § 24.107(10).

23. The City also limits the number of signs that may be displayed on a property. In single-family and two-family zoning districts, the City allows only "one ground sign per property." Ordinance § 24-182(1). The Ordinance has an identical provision for high-density residence districts. Ordinance § 24-183(1). Another provision states that "[o]ne portable sign of six square feet or less may be displayed on a residential property for a period of 30 days within a 90-day period." Ordinance § 24-132(8).

24. The City also imposes at least two time limits on residential signs. As noted above, "[o]ne portable sign of six square feet or less may be displayed on a residential property for a period of 30 days within a 90-day period." Ordinance § 24-132(8). And political campaign signs "may be erected not earlier than the beginning of an election campaign period, as defined in Wis. Stats. § 12.04." Ordinance § 24-132(2)(a).

25. The City also requires permits for certain signs: "It shall be unlawful for any person to erect, construct, relocate, enlarge or structurally modify any sign in the City, or cause the same to be done without first obtaining a sign permit for each sign as required by this chapter." Ordinance § 24-27.

26. Regarding "[s]igns within athletic fields, or within immediate proximity thereof," the City requires that such "[s]igns that are . . . found to be offensive . . . must be immediately removed upon the order of the City." Ordinance § 24-132(9)f.

27. The enforcement section of the City Code provides that a person's first violation of a City ordinance carries with it a forfeiture of "not less $10.00 nor more than $500.00, plus costs of prosecution." City of Neenah Code of Ordinance § 1-20(c)(1). "For each subsequent violation

of the same provision by the person," the person is punished by a forfeiture of "not less than $25.00, nor more than $1,000.00, plus costs of prosecution." *Id.* § 1-20(c)(2). Each day a sign is displayed in violation of the Ordinance constitutes a separate offense. *See id.* § 1-20(d).[2]

The Constitutional Right to Free Speech

28. "The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws 'abridging the freedom of speech.'" *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015) (quoting U.S. Const., Amdt. 1). This restriction on governmental authority applies to "a municipal government vested with state authority." *Id.*

29. It is well-established that "signs are a form of expression protected by the Free Speech Clause" of the First Amendment. *City of Ladue v. Gilleo*, 512 U.S. 43, 48 (1994).

30. "Communication by signs and posters is virtually pure speech." *Arlington Cnty. Republican Comm. v. Arlington Cnty., Va.*, 983 F.2d 587, 593 (4th Cir. 1993) (quoting *Baldwin v. Redwood*, 540 F.2d 1360, 1366 (9th Cir. 1976)).

31. If a law implicates the First Amendment, the government has the burden of proving that the law "passes either strict or intermediate scrutiny to be deemed constitutional." *State v. Baron*, 2009 WI 58, ¶ 10, 318 Wis. 2d 60, 769 N.W.2d 34. Under either test, the government "has the burden to prove that the [law in question] is constitutional beyond a reasonable doubt." *Id.*

32. To satisfy the First Amendment, government regulation of speech "must survive strict scrutiny if it is content based or intermediate scrutiny if it is content neutral." *Baron*, 2009 WI 58, ¶ 31.

33. "Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed." *Reed*, 576 U.S. at 163.

[2] This enforcement section is available at https://library.municode.com/wi/neenah/codes/code_of_ordinances?nodeId=SPAGEOR_CH1GEPR.

34. "A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of 'animus toward the ideas contained' in the regulated speech." *Id.* at 165.

35. Content-based regulations of speech "are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests." *Id.* at 163.

36. To satisfy intermediate scrutiny, "a restriction on speech or expression must be 'narrowly tailored to serve a significant governmental interest.'" *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464, 1475 (2022).

37. At least in certain areas, article I, section 3 of the Wisconsin Constitution may provide greater protection for freedom of speech than the U.S. Constitution does. *See Cnty. of Kenosha v. C & S Mgmt., Inc.*, 223 Wis. 2d 373, 391, 588 N.W.2d 236 (1999).

CLAIM ONE:
The Ordinance Unconstitutionally Bans
Off-premises Business Signs

38. Plaintiffs reallege and incorporate the preceding allegations of this complaint.

39. As discussed above, the City bans off-premises signs in three respects. All three bans violate the right to free speech protected by the First and Fourteenth Amendments.

40. *First*, the City flatly "prohibit[s]" all "[o]ff-premises signs." Ordinance § 24-107(2).

41. *Second*, portable signs on residential properties "cannot display off-premises businesses." Ordinance § 24-132(8).

42. *Third*, portable signs on commercial and residential properties "cannot display off-premises businesses." Ordinance § 24-133(14).

43. Those bans on off-premises business signs are subject to strict scrutiny because they are content based. For example, the Ordinance allows off-premises signs advertising yard sales, *see* Ordinance § 24-132(5)(a), but it prohibits signs that advertise off-premises church "services," *see* Ordinance § 24-3. An ordinance is subject to strict scrutiny where, as here, it would differentiate between a sign "directing the public to church" and a sign conveying a different message. *See Reed*, 576 U.S. at 164.

44. The City's bans on off-premises business signs do not satisfy strict scrutiny.

45. If intermediate scrutiny applies to the City's bans on off-premises business signs, the City cannot meet its burden of proving that those bans satisfy intermediate scrutiny.

46. In sum, the bans on off-premises signs in Ordinance §§ 24-107(2), 24-132(8), and 24-133(14) violate the right to free speech protected by the First and Fourteenth Amendments.

47. Regardless of whether those bans violate the U.S. Constitution, they violate article I, section 3 of the Wisconsin Constitution.

CLAIM TWO:
The Ordinance Unconstitutionally Bans
Commercial Speech on Parked Vehicles and Trailers

48. Plaintiffs reallege and incorporate the preceding allegations of this complaint.

49. The City prohibits commercial speech on parked vehicles and trailers that are visible from a public street.

50. Under the Ordinance, "No persons shall park any vehicle or trailer on a public right-of-way property or on private properties so as to be seen from a public right-or-way, which has attached thereto or located thereon any sign or advertising device for the primary purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises." Ordinance § 24.107(10).

51. Ordinance § 24.107(10) would, for example, prohibit a plumber from parking his work van in his driveway if the van advertised his plumbing company and was visible from a public street.

52. The ban in Ordinance § 24.107(10) is content based because its applicability hinges on the topic discussed or the idea or message expressed.

53. The City cannot meet its burden of proving that the ban in Ordinance § 24.107(10) satisfies strict scrutiny.

54. If intermediate scrutiny applies to the ban in Ordinance § 24.107(10), the City cannot meet its burden under that test.

55. In sum, the ban in Ordinance § 24.107(10) violates the right to free speech protected by the First and Fourteenth Amendments to the U.S. Constitution.

56. Regardless of whether Ordinance § 24.107(10) violates the U.S. Constitution, it violates article I, section 3 of the Wisconsin Constitution.

CLAIM THREE:
The Ordinance Unconstitutionally Limits Residential Property to One Ground Sign

57. Plaintiffs reallege and incorporate the preceding allegations of this complaint.

58. "Communication by signs and posters is virtually pure speech." *Arlington Cnty. Republican Comm.*, 983 F.2d at 593. Homeowners may "express their views by posting political signs in their yard." *Id.* at 595. Indeed, "residential signs have long been an important and distinct medium of expression." *Gilleo*, 512 U.S. at 55.

59. In single-family and two-family zoning districts, the City allows only "one ground sign per property." Ordinance § 24-182(1). The Ordinance has an identical provision for high-density residence districts. Ordinance § 24-183(1). Another provision states that "[o]ne portable

sign of six square feet or less may be displayed on a residential property for a period of 30 days within a 90-day period." Ordinance § 24-132(8).

60. Those one-sign limits are subject to strict scrutiny because they are content based, given that they do not apply to certain signs, including construction signs and signs advertising yard sales. *See, e.g.*, Ordinance § 24-132(1) and (5).

61. The City cannot meet its burden of proving that the one-sign limits in Ordinance §§ 24-182(1), 24-183(1), and 24-132(8) satisfy strict scrutiny.

62. Even if those one-sign limits are subject to intermediate scrutiny, the City cannot meet its burden under that test.

63. In sum, the one-sign limits in Ordinance §§ 24-182(1), 24-183(1), and 24-132(8) violate the right to free speech protected by the First and Fourteenth Amendments to the U.S. Constitution.

64. Regardless of whether those one-sign limits violate the U.S. Constitution, they violate article I, section 3 of the Wisconsin Constitution.

CLAIM FOUR:
The Ordinance Unconstitutionally Imposes
Pre-election Time Limits on Political Campaign Signs

65. Plaintiffs reallege and incorporate the preceding allegations of this complaint.

66. The City places a time limit on when political campaign-related signs may be displayed: "Political campaign signs on behalf of candidates for public office or measures on election ballots . . . may be erected not earlier than the beginning of an election campaign period, as defined in Wis. Stats. § 12.04." Ordinance § 24-132(2)(a).

67. That time limit is subject to strict scrutiny because it is content based. That time limit applies only to certain types of signs based on their content. Signs with different content are subject to different time limits or no time limits at all. *See* Ordinance §§ 24-132, 24-133.

68. The City cannot meet its burden of proving that the time limit in Ordinance § 24-132(2)(a) satisfies strict scrutiny.

69. If the time limit in Ordinance § 24-132(2)(a) is subject to intermediate scrutiny, the City cannot meet its burden under that test.

70. In sum, the time limit in Ordinance § 24-132(2)(a) violates the right to free speech protected by the First and Fourteenth Amendments to the U.S. Constitution.

71. Regardless of whether that time limit violates the U.S. Constitution, it violates article I, section 3 of the Wisconsin Constitution.

CLAIM FIVE:
The Ordinance Unconstitutionally Imposes a Duration Limit on Residential Ground Signs

72. Plaintiffs reallege and incorporate the preceding allegations of this complaint.

73. The City imposes a duration limit on residential ground signs: "[o]ne portable sign of six square feet or less may be displayed on a residential property for a period of 30 days within a 90-day period." Ordinance § 24-132(8).

74. That time limit is subject to strict scrutiny because it is content based. That time limits applies only to certain types of signs based on their content. Signs with different content are subject to different time limits or no time limits at all. *See* Ordinance §§ 24-132, 24-133.

75. The City cannot meet its burden of proving that the time limit in Ordinance § 24-132(8) satisfies strict scrutiny.

76. If the time limit in Ordinance § 24-132(8) is subject to intermediate scrutiny, the City cannot meet its burden under that test.

77. In sum, the time limit in Ordinance § 24-132(8) violates the right to free speech protected by the First and Fourteenth Amendments to the U.S. Constitution.

78. Regardless of whether that time limit violates the U.S. Constitution, it violates article I, section 3 of the Wisconsin Constitution.

CLAIM SIX:
The Ordinance's Permit Requirement
Is Unconstitutionally Vague

79. Plaintiffs reallege and incorporate the preceding allegations of this complaint.

80. The Ordinance requires permits for certain signs: "It shall be unlawful for any person to erect, construct, relocate, enlarge or structurally modify any sign in the City, or cause the same to be done without first obtaining a sign permit for each sign as required by this chapter." Ordinance § 24-27.

81. This permit requirement is unconstitutionally vague.

82. An unconstitutionally vague regulation "is one which operates to hinder free speech through the use of language which is so vague as to allow the inclusion of protected speech in the prohibition or to leave the individual with no clear guidance as to the nature of the acts which are subject to punishment." *State v. Princess Cinema of Milwaukee, Inc.*, 96 Wis. 2d 646, 656, 292 N.W.2d 807 (1980).

83. "The vice of vagueness is particularly pronounced where expression is sought to be subjected to licensing." *Interstate Circuit, Inc. v. City of Dallas*, 390 U.S. 676, 683 (1968).

84. The Ordinance's permit requirement is unduly vague because it does not provide clear guidance on when a permit is required.

85. The Ordinance indicates that a sandwich board sign requires a permit, *see* Ordinance § 24-159(3)(e), but it does not otherwise provide a clear and comprehensive explanation of when a permit is required.

86. The Ordinance tries to explain when a permit is *not* required, but that explanation only exacerbates the vagueness problem.

87. Specifically, it states that "[s]ome signs are strictly temporary in nature, others are intended to communicate and direct, and not used to identify a business or for advertising. Still others are so small that they are not obtrusive and will not affect the public welfare. Such signs will not require a sign permit . . . ." Ordinance § 24-131.

88. Apparently, every sign that does *not* fit those descriptions requires a permit.

89. The explanation by negative implication in Ordinance § 24-131 is unduly vague. After all, every sign is "intended to communicate." *See* Ordinance § 24-131. Because signs that are intended to communicate do *not* require a permit, the Ordinance provides nothing but confusion on which signs need a permit.

90. In addition, phrases like "strictly temporary," "not obtrusive," and "public welfare" are inherently vague.

CLAIM SEVEN:
The Ordinance's Permit Requirement
Is an Unconstitutional Prior Restraint on Speech

91. Plaintiffs reallege and incorporate the preceding allegations of this complaint.

92. The permit requirement in Ordinance §§ 24-27 and 24-131 is an unconstitutional prior restraint on speech for two independent reasons: it gives unbridled discretion to government officials, and it contains no time limit for the government to issue or deny a permit.

93. If an "ordinance regulates First Amendment activities 'the burden shifts to the government to defend the constitutionality of that regulation beyond a reasonable doubt.'" *City News & Novelty, Inc. v. City of Waukesha*, 231 Wis. 2d 93, 104, 604 N.W.2d 870 (Ct. App. 1999) (citation omitted).

94. The United States Supreme Court has "set forth several requirements that licensing ordinances must follow to pass constitutional scrutiny." *City News & Novelty,* 231 Wis. 2d at 103–04.

95. "First, the regulatory scheme cannot place 'unbridled discretion in the hands of a government official or agency.'" *Id.* at 104 (quoting *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 225 (1990)). "In other words, if a permit or license may be granted or withheld solely at the discretion of a government official, this is an 'unconstitutional censorship or prior restraint' upon the exercise of the freedom of speech." *Id.* (quoting *FW/PBS*, 493 U.S. at 226).

96. "Second, 'a prior restraint that fails to place limits on the time within which the decisionmaker must issue the license is impermissible.'" *Id.* (quoting *FW/PBS*, 493 U.S. at 226). "A licensing decision must be made 'within a specified and reasonable time period during which the status quo is maintained.'" *Id.* (quoting *FW/PBS*, 493 U.S. at 228).

97. A licensing scheme fails the first prong of that test if it requires a government official to appraise facts, exercise judgment, and form an opinion. *Forsyth Cnty., Ga. v. Nationalist Movement*, 505 U.S. 123, 131 (1992).

98. In *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 149–51 (1969), the United States Supreme Court held that an ordinance conferred unbridled discretion when it required a city commission to issue a parade permit unless in "its judgment the public welfare, peace, safety, health, decency, good order, morals or convenience require that it be refused."

99. Under the first prong of the test from *City News & Novelty*, the Ordinance gives unbridled discretion to government officials to determine whether to issue a sign permit. The permit requirement is therefore unconstitutional.

100. Ordinance § 24-131 uses subjective and judgment-laden phrases, including "strictly temporary" and "not obtrusive." This provision—which tries to explain which signs do not need a permit—requires a City official to appraise facts, exercise judgment, and form an opinion. It is therefore unconstitutional. *See Nationalist Movement*, 505 U.S. at 131.

101. The Ordinance further gives unbridled discretion to City officials by stating that permits are not required for signs that "are so small that they are not obtrusive and will not affect the public welfare." Ordinance § 24-131. Under *Shuttlesworth*, the "public welfare" is not an adequate guidepost. The permit requirement is therefore unconstitutional.

102. The Ordinance also provides no standards whatsoever for a City official to apply when determining whether to issue a permit to exempt a person from the Ordinance's various restrictions. For example, the Ordinance provides no standards for a City official to apply when reviewing a permit application to exceed the time limits in Ordinance §§ 24-132(8) and 24-132(2)(a), to post an otherwise-prohibited off-premises business sign, or to exceed the Ordinance's one-sign limits. The Ordinance does not even clearly explain whether the City may issue a permit to exempt a sign from the Ordinance's various restrictions—or whether the City may issue a permit only for an otherwise permissible sign.

103. Under the second prong of the test from *City News & Novelty*, the Ordinance is unconstitutional because it fails to provide a specific time limit for the issuance of a permit. The Ordinance merely states that "[a] sign permit shall be issued when the application is properly made, all fees have been paid, and the proposed sign is found to be in compliance with all appropriate

laws and regulations of the City." Ordinance § 24-31. The lack of a specified time period for reviewing a permit application and issuing a permit is constitutionally fatal.

104. In sum, the Ordinance's permitting scheme is an unconstitutional prior restraint on speech for two separate reasons: it gives unbridled discretion on whether to issue a permit, and it provides no specified time limit for issuing a permit.

CLAIM EIGHT:
The Ordinance's Ban on "Offensive" Signs Is Unconstitutional

105. Plaintiffs reallege and incorporate the preceding allegations of this complaint.

106. Regarding "[s]igns within athletic fields, or within immediate proximity thereof," the City requires that such "[s]igns that are . . . found to be offensive . . . must be immediately removed upon the order of the City." Ordinance § 24-132(9)f.

107. That requirement violates the First and Fourteenth Amendments to the U.S. Constitution.

108. "If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." *Snyder v. Phelps*, 562 U.S. 443, 458 (2011) (quoting *Texas v. Johnson,* 491 U.S. 397, 414 (1989)).

109. In addition, the ban on "offensive" signs in Ordinance § 24-132(9)f. is content based and thus subject to strict scrutiny, which it fails.

110. In addition, that ban is unconstitutionally vague.

111. An unconstitutionally vague regulation "is one which operates to hinder free speech through the use of language which is so vague as to allow the inclusion of protected speech in the

prohibition or to leave the individual with no clear guidance as to the nature of the acts which are subject to punishment." *Princess Cinema*, 96 Wis. 2d at 656.

112. "An ordinance is unconstitutionally vague if 'it fails to afford proper notice of the conduct it seeks to proscribe or if it encourages arbitrary and erratic enforcement.'" *Guse v. City of New Berlin*, 2012 WI App 24, ¶ 5, 339 Wis. 2d 399, 810 N.W.2d 838 (citation omitted).

113. By prohibiting "offensive" signs, Ordinance § 24-132(9)f. includes protected speech within its prohibition.

114. In addition, the term "offensive" in Ordinance § 24-132(9)f. is unconstitutionally vague because it fails to afford proper notice.

115. In addition, the term "offensive" in Ordinance § 24-132(9)f. is unconstitutionally vague because it encourages arbitrary and erratic enforcement.

116. In sum, the ban on "offensive" signs in Ordinance § 24-132(9)f. is unconstitutional.

REQUEST FOR RELIEF

Plaintiffs therefore respectfully request the following relief:

1. A declaration that the City's sign ordinance restricts speech in violation of the First and Fourteenth Amendments to the U.S. Constitution and article I, section 3 of the Wisconsin Constitution, and is therefore unconstitutional and invalid;
2. An injunction prohibiting the City from enforcing its sign ordinance;
3. Nominal damages;
4. Costs and attorney's fees under 42 U.S.C. § 1988; and
5. Any such other relief as the Court deems appropriate.

Dated this 10th day of April 2023.

Respectfully submitted,

Electronically signed by
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