

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

STEVEN L. REED,)	
)	
Plaintiff)	
v.)	
)	Case No. 05-3133-CV-S-SWH
CHOICE HOTELS INTERNATIONAL,)	
INC. d/b/a CLARION HOTEL, et.al,)	
Defendants)	

PLAINTIFF’S EMERGENCY MOTION REQUESTING DELAY OF DEPOSITIONS AND CONTINUANCE AND ADDITIONAL TIME OF THREE TO SIX MONTHS, ALSO REQUESTING THE COURT HOLD A SUA SPONTE HEARING TO DETIRMINE IF A CONFLICT OF INTEREST EXIST WITH COUNCIL, AND REQUESTING A COURT ORDERED STAY OF THE PROCEEDINGS

Continuance and Additional Time

Comes Now Plaintiff, respectfully, requesting an **“EMERGENCY STAY OF PROCEEDINGS AND DELAY OF “NOTICE TO TAKE DEPOSITION”** Motion by the City of Springfield, Missouri on February 28, 2008. The motion scheduled Plaintiff Reed Deposition to occur on March 19, 2008 at 1:00pm and to continue from day to day until complete according to Thomas E. Rykowski, City Attorney per his motion to court. The emergency request is among other things: (To allow Plaintiff Reed additional time to prepare and/or secure proper legal representation). Plaintiff hereby respectfully ask the Court for an additional three to Six Months time period from the Court to address the new and additional matters arising concerning items on the scheduling order. The Federal Rules of Civil Procedure Title II, Rule 6 (b) EXTENDING TIME says: (1) *In General*. When an act may or must be done within a

specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Plaintiff points to <http://legal-dictionary.thefreedictionary.com/continuance>

*Which says in its descriptions for continuance: **Lack of Preparation** Where the party making the motion is guilty of inexcusable ignorance, delay, or **Negligence** in preparing the case, the court will deny a motion for a continuance. An applicant who can, however, demonstrate some legal or equitable reason or exercise of diligence in trying to prepare for the case may win a continuance.*

Plaintiff believes he is doing everything possible to move this case forward and the work on motions and filings to date evidence that would likely be continued if granted continuance. Plaintiff continues seeking secure legal council. Plaintiff has begun reading and studying of the requirements of discovery and is in preparation that is needed to take place before trial. Plaintiff believes the time table may have been proper for a licensed attorney, but Plaintiff Reed is Pro Se who believes he is within justifiable reason asking for a few additional few months.

Plaintiff points out that the original criminal case against himself, was questionable in nature and resulted in an injustice and failure of legal counsel to acknowledge clients “Innocent Pleading”. Plaintiff Reed paid Robert E. Childress, Attorney at Law to plead Plaintiff Reed Not Guilty. The current civil action has evolved from the original criminal case.

A. The events that brought this civil matter occurred on April 4, 2003. Plaintiff filed April 1, 2005 in Court and has spent on average of 15 hours per week on research, discovery, motions, typing, time in transport to federal buildings, time making copies,

and expending money from sending same through the US mail.

The ongoing stress and mental anguish caused by this must be considered.

15 hours x 52 weeks = 780 hrs, . x 3 years = 2,340 total man hours, and at an estimated \$11. per hour, = \$ 25,740 the drain on my resources, and the amount that represents my commitment to never having my rights violated again.

Paralegal average fees are more than \$15 an hour while attorney fees run \$100 to \$200.

B. Plaintiff believes that it would be unfair not to allow an appropriate extended period of time to allow for assistance in defense and possibly retaining legal counsel.

The amount of time necessary to proceed with this case properly should be permitted otherwise all the work and effort may have been in vain.

B. Few cases are filed Pro Se concerning Civil Rights and Elections.

The reason to allow leeway in this case is the Plaintiff is presently working to attain funds to retain legal council to properly move the case forward. Plaintiff believes that the case needs to come to trial. But, Plaintiff feels he has “jumped over ropes and wiggled, and crawled, and maneuvered in every possible way” to get the case to the point that now legal council would be more apt to take such a case.

C. Even if Plaintiff is not able to secure legal council, Plaintiff has read the FEDERAL RULES OF CIVIL PROCEDURE and will continuing studying the process a and continue move the case forward himself Pro Se.

D. FAMILY CRISIS Presently, Plaintiff is helping take care of the 89 year old Mother of a lady friend approximately 2-4 hours per day feeding and giving general care.

A physician gave her two weeks to live and she was only 82.5 lbs. Plaintiff has managed to help get her recover to 95 lbs and she has general physically improved with increased memory and seems to be progressing toward better overall health. She may be able to

leave the nursing home and possibly live for several or many more years.

E. CONFLICT OF INTEREST Plaintiff has completed filing a “Legal file” for an appeals case in the Missouri Court of Appeals Southern District Case No. SD28747. The case revolves around Plaintiff being a write-in for Mayor in the city of Springfield. Plaintiff has let the court know that the case involves 150,000 people in Springfield and that he will be filing an Appellate Brief on or before April 14th, 2008. Plaintiff Reed points out that he hopes this case goes on to the State Supreme Court, if necessary to require a special election in Springfield. A panel of three judges from the Appeals Court will decide what the next actions are concerning this case. One of the judges is Nancy Steffen Rahmeyer who used to be a judge for the city of Springfield and back in 1996, she made a ruling on a case in Springfield Court. The case concerned Plaintiff Steven Reed arrested 1996 and/or ticketed for handing out flyers in support of a minimum wage increase for the state of Missouri on election day. Judge Rahmeyer laughed in court and said she supported our issue and dismissed the charges against Plaintiff Reed and a lady from Lebanon who was also handing out materials. Even though the judge threw it out, later the city prosecutor continued to go ahead and place Reed and the lady from Lebanon on a one year probation in which they had to serve. Plaintiff Reed strongly believes that the Appellant Court will address the issue to the best of their ability and knowledge concerning the write-in election issue. The main issue is whether or not Plaintiff Reed can juggle two legal issues at the same time as a Pro Se Plaintiff.

F. Plaintiff has been one of the most notable community-political activists in the Springfield Southwest Missouri area since around 1992 most would agree.
Other ??????

friends such as One unnamed, X, W, Z, and many others have either quit or dropped out as political participants/activists due to a “climate of repression” from the way they were targeted and treated. Plaintiff Reed presently scaling back all activities except of his support for a Technology Park Economic issue. Plaintiff will show during discovery that the city of Springfield has by prior acts, persistent, repeated, and now habitual, of discouraging or shutting down Plaintiff’s activism and his intended care for his community.

Examples include:

- *1996 arrest for handing out flyers concerning \$6.50 per hour wage increase;
- *arrest in 2000 for doing volunteer voter registration drive during vice-presidential candidate Joseph Lieberman’s visit to MSU;
- *the current case at hand being arrested at Jackson Days in 2003 for handing out flyers stating Draft Claire for Governor – she inspires people;
- *Denying, placing and/or discussing publicly the benefits of developing a Technology Park in Springfield on the ballot after two times over 1,500 signatures were turned in to place such issue on the ballot;

The second Industrial Park sets almost empty and changing it to a “Technology Park” would help bring new companies or create companies and JOBS for the People of Springfield. The City has already spent almost 6 million dollars on infrastructure. Just this last week the City announced they are over 5 million short on their budget and they have asked all departments to decrease their budgets because of lowering sales tax revenues and a sluggish local economy. The police say they will drop 20 jobs and the City Attorney Dan Whichmer says he is willing to step aside to save money. Plaintiff Reed has worked on this issue since 1998 and believes that it would cost very little to rename and allow the State to have an involvement that could be a way to create economic development.

*and the write-in issue which concerns the fact that the city of Springfield is the only city and/or county that does not allow write-in candidates for office. Reed feels that he has “opened doors for future activists” in public involvement because it will likely make the city have a better understanding that civil rights are not just a slogan but a part of our government’s contract with every citizen i.e. the Constitution of the United States.

Plaintiff Reed feels that this case must go to a final conclusion of a jury trial so that in the future others will not be arrested or intimidated for supporting certain candidates and/or ideals.

In re the marriage of Lynn and David A. Spector, Lynn Spector, Appellant, v. David A. Spector, Respondant (App. CA, 1st Dist., Div. 5 A100608 2003) Opinion says Appellant Lynn Spector contends the trial court abused its discretion by denying her request for a continuance...Discussion says: In general, the necessity, the necessity for the continuance should have from an emergency occurring after the trial setting conference that could have been anticipated or avoided with reasonable diligence and cannot now be properly provided for other than by the granting of a continuance. In ruling on a motion for a continuance, the court should consider all matters relevant to a proper determination of the motion, including the court’s file in the case and any supporting declarations concerning the motion; the diligence of counsel, particularly in bringing the emergency to the court’s attention and to the attention [*6] of opposing counsel at the first available opportunity and in attempting to otherwise meet the emergency; nature of any previous continuances, extensions of time or other delay attributable to any party; the proximity of the trial or hearing date; the condition of the court’s calendar and the availability of an earlier trial or hearing date if the matter is

ready for trial or hearing; whether the continuance may properly be avoided by the substitution of attorneys or witnesses, by the use of depositions in lieu of oral testimony, or by the trailing of the matter for trial or hearing; whether the interest of justice are best served by a continuance, by the trial or hearing of the matter, or by imposing conditions on its continuance; and any other fact or circumstance relevant to a fair determination of the motion....Appellant further argues that the trial court attributed too many continuances to her, as was the case in Link. Here, the trial court suggested there had been somewhere between 10 or 12 total continuances in the case which appellant now contends is inaccurate and is an overstatement....

Plaintiff Reed has only made a few request for continuances.

In McGee v. Wal-Mart Store and John Does (US Dis. Ct. South. Dis. Miss. Civ. Act. No. 3:00CV465BN 2001) Plaintiff's motion for continuance was denied. *Plaintiff Reed understands this was a motion filed after summary judgment, but Plaintiff Reed points to the reasoning that he is presently resolving the issues the court ruled were deficient to not allow a continuance in this case and feels the same standard in general should apply being is there a needed reason and is it justified.* Overview of McGee v. Wal-Mart says Plaintiff asserted that he could not properly respond to defendant's motion for summary judgment unless he conducted further discovery. In denying plaintiff's motion the court found that his affidavit in support of his motion did not specify which facts or what information the discovery was likely to produce. Instead, the affidavit was simply a vague statement that the discovery was needed to respond to defendant's motion.....Alternatively, plaintiff did not show that he was diligent in pursuing discovery. *Plaintiff Reed has had some trouble moving forward on Discovery, but as*

listed in the affidavit plans to rise to the occasion.

In *McGee v. Wal-Mart Store* [*569] **Opinion and Order** under II. The Motion for Rule 56(f) Continuance....In reviewing the Affidavit submitted by counsel for McGee, the Affidavit only asserts that the above described depositions and documents are needed to respond to the Motion for Summary Judgment. The Affidavit does not specify which facts or what information this discovery is likely to produce. Instead, as in *Access*, the Affidavit is simply a vague statement that the discovery is needed to respond to the Motion of Wal-Mart, and in no way does counsel for McGee inform the Court what she hopes to learn from this discovery.....

In *Humphrey v. Ahlschlager* (Ct. App. Tx 5th Dis. 778 S.W.2d; 480 1989) Appellant sought review of a decision of the District Court of Dallas County, Texas which entered judgment against him. Appellant alleged that the trial court abused its discretion in overruling his fourth motion for continuance. Overview says: Appellant was sued by appellee on a promissory note. Appellant's counsel obtained a continuance on the day of the trial on the basis that appellant had suffered a heart attack the day before. Appellant filed his second motion for continuance six days prior to the next date requesting a six-month delay and alleging he was still suffering from a severe heart condition. The motion was granted. Fourteen days prior to trial appellant filed a third motion for continuance reiterating his severe heart problems and new physical complaint. The motion was granted. Appellant filed a fourth motion for continuance based on his physical condition. In its response appellee included records from appellant's country club which showed he regularly played golf during at least part of the time covered by the previous continuances. The trial court denied the motion. The trial court found in favor

of appellee. The court affirmed finding that, in light of the evidence indicating appellant was well enough to regularly play golf during much of the pendency of the suit, it could be not said that the trial court abused its discretion in overruling appellant's motion.

Opinion says: Humphrey's Fourth Motion for Continuance...DENIAL OF FORTH MOTION FOR CONTINUANCE Accompanying all of Humphrey's written motions for continuance were affidavits or letters from his treating physicians, as well as Humphrey's personal affidavits, [**6] detailing his physical complaints. No mention was made in any of Humphrey's motions or affidavits regarding the existence of his deposition of September 30, 1986, or its alleged incompleteness. Further, no specific facts were set forth in the motions or affidavits as to the testimony Humphrey would present at trial. A.

Standard of Review says: HN1 The granting of a continuance rest within the sound discretion of the trial court. HN2 The requisites for an application for continuance are set forth in rule 252 of the Texas Rules of Civil Procedure, which states, in part, "If the ground of such application be the want of testimony, the party applying therefore shall make affidavit that such testimony is material, showing the materiality thereof, [**7] and that he has used due diligence to procure such testimony, stating such diligence.

B. Materiality of Testimony says: Humphrey failed to set forth any specific time period within which he could be expected to be able to testify, as required by *Shannon* and *Jones*. Humphrey's [**12] motion merely request a six-month continuance, after which his condition would be reevaluated and another trial date set.....

Plaintiff Reed is working to ensure he is available by the end of the 60 to 90 day continuance. The whole process has been very stressful and Plaintiff has been

reading and studying the 160 pages of Civil Procedure and feels that a rush to derogatories or judgment is easy for Defendant City of Springfield since that is their normal job.

Plaintiff hereby list reasons for a continuance which as a total would seem to rise above a perceived heart problem that allowed Humphry to still play golf and not worry about the pending court case as described above. Plaintiff Reed also point out that he has not asked for that many continuances while swimming through a river of legal requirement as a Pro Se Plaintiff. Plaintiff Reed also includes in this motion his first list of interrogatories he plans to have mailed out shortly showing that he is working to meet discovery requirements

It will include but not be limited to: Complete discovery concerning his claims and allegations, as well as damages in Case No. 05-3133-CV-S-SWH. Written interrogatories; written request for production of documents and things; request for additional facts; and depositions upon oral examination are things that Plaintiff needs additional time to complete. Even though Plaintiff has taken some pre-law courses in college these area's are new to him. As Pro Se Plaintiff ask the Court to allow additional time since he is also working a full time job besides trying to properly prepare this case.

As per the original scheduling order:

- 1. All motions to amend pleadings shall be filed on or before February 1, 2007.*
- 2. All pretrial discovery authorized by the Federal Rules of Civil Procedure shall be completed on or before April 1, 2008. All discovery requests and depositions shall be submitted and/or scheduled in sufficient time prior to April 1, 2008 to allow time for*

completion within the time specified by the Federal Rules of Civil Procedure, Local Court Rules, and/or orders of the Court.

- a. Pursuant to Local Rule 26.1(c), the parties include the following information and deadlines as part of this proposed scheduling order:*
 - i. Plaintiff will conduct discovery concerning his claims and allegations, as well as damages;*
 - ii. Defendant will conduct discovery concerning plaintiff's claims and allegations, as well as damages;*
 - iii. Both parties intend to initiate: written interrogatories; written requests for production of documents and things; requests for admissions of facts; and depositions upon oral examination;*
 - iv. Plaintiff shall identify all expert witnesses on or before October 1, 2007;*
 - v. Defendant shall identify all expert witnesses on or before December 1, 2007.*
- 3. All discovery motions shall be filed on or before April 1, 2008.*
- 4. All dispositive motions shall be filed on or before June 5, 2008.*
- 5. The parties estimate a total of two days will be needed for trial in this matter, exclusive of jury selection.*
- 6. The parties request a jury trial in this matter and propose November or December of 2008 as an acceptable time for scheduling of this matter, based upon the completion of discovery and allowing sufficient time for ruling on any dispositive motions.*

Conflict of Interest

In Deloris Ross, ET AL., Plaintiffs/Cross Defendants, and The United States of America, ET AL., Plaintiff Intervenors/Cross Defendants, and Nick Estrada, ET AL., Plaintiff Inventors/Cross Defendants, v. Houston Independent School District, ET AL., Defendants/Cross Defendants, and Westeimer Independent School District, ET AL., Defendants/Cross Plaintiffs and Third Party Plaintiffs, v. The Coalition To Preserve Houston and the Houston Independent School District, Danny Lawson, Gurney F. Pearsall, The Spring Branch Independent School District, M.L. Brockett, Commissioner of Education, The Texas Education Agency, The City of Houston, Billy Reagan, William Harwell, Erwin Heinen, William S. Holland, W. F. (Bill) Russell, Mrs. Hazel Bracken, The Rev. D. Leon Everett II, Ernest B. McGowen, Stanley Merriman, and Loreta Rea, Third Party Defendants (US Dis. Ct. So. TX Houston Civ. No. 10,444 1977) the court allowed a continuance and said the case should not proceed until the question of disqualification was resolved. Case Summary as follows: Procedural Posture: Defendant, an independent school district, filed a motion requesting certification under 28 U.S.C.S. 1292(b) of an interlocutory appeal of an order denying the school district's motion to disqualify the judge. The school district also filed a motion for continuance of the tentative trial setting for the merits of the action. Overview of the case says: The school district was involved in litigation with plaintiffs, private citizens and the United States, concerning desegregation efforts. The school district filed an unsuccessful motion to disqualify the judge pursuant to S 455, and subsequently filed a motion requesting certification of the order under S 1292(b) and a motion for continuance of the tentative trial setting. The court denied the motion seeking certification, ruling that certification

was not available under S 1292(b) because an immediate appeal from the order denying disqualification would not materially advance the ultimate termination of the litigation. The court reasoned that mandamus pursuant to § 132 was a better remedy. The court granted the school district's motion for a continuance, but limited its scope. The court ruled that trial on the merits would not proceed until the appellate court resolved the question of disqualification. The court also provided that the trial would be continued until the determination any writ of mandamus filed by any party. Under Opinion: II. Continuance of Trial Setting says: It would be unseemly to proceed to trial at this time. Trail on the merits here should not and will not proceed until the question of disqualification is resolved by the Fifth Circuit. Green v. Murphy, 259 F. 2nd 591 (3rd Cir. 1958) HISD's Motion for Continuance is granted but its scope is limited.....

Plaintiff Reed feels the City Attorney Thomas E. Rykowski should be taken off, (disqualified), one of the pending cases involving Reed so as to take away any possible conflict of interest. A first grader would likely know that if an attorney did not like a motion by a defendant in one case he may "take out his frustrations in handling the other case".

In Re Federal Skywalk Cases (US Dis Ct West Dis MO 93 F.R.D. 415; 1982) the question arose whether attorneys could fairly represent people who had filed lawsuits. I. On July 17, 1981, two skywalks in the central lobby of the Hyatt Regency Hotel in Kansas City, Missouri collapsed killing 113 persons and causing bodily injury to at least another 212 persons. Three days later the first lawsuits were filed in this Court and in the Circuit Court of Jackson County, Missouri. As of the date of this order, approximately 150 lawsuits have been filed in either of these two courts.

B. Requirements of Rule 23 (b) (1) (B) states There is one final consideration that indirectly bears on this Court's decision to certify a Rule 23 (b) (1) (B) class action. Those counsel who presently represent more than one client and who have sought punitive damages on behalf of each of those clients face a potential conflict of interest. In the context of a limited fund, an attorney who represents more than one client may be put in a conflicting position when forced to decide which case to proceed with first....The Court further believes that counsel who represent more than one client may still be in a position of conflict if they must advise their clients to settle in order to insulate themselves from a conflict of interest on the punitive damages claims. The Court is mindful that counsel must always avoid even the mere appearance of impropriety..... Plaintiff Reed states that clearly this is not the exact same type of case but there are similarities. One problem that currently exists since the City of Springfield Attorney Thomas E. Rykowski, assistant attorney, represents both the State Appeals case and this Federal case is that motions and actions taken in one case could influence the other case. It could create a biased situation and the only way to solve that would be that one of the cases would have outside counsel hired.

Stay Request

Stay defined from: <http://legal-dictionary.thefreedictionary.com/stay>

A court may stay a proceeding for a number of reasons. One common reason is that another action is under way that may affect the case or the rights of the parties in the case. For instance, assume that a defendant faces lawsuits from the same plaintiffs in two separate cases involving closely related facts. One case is filed in federal court, and the other case is filed in state court. In this situation one of the courts may issue a stay in

deference to the other court. The stay enables the defendant to concentrate on one case at a time. From: <http://en.mimi.hu/law/stay.html> **Stay:** A [court order](#) halting a [judicial proceeding](#). Plaintiff Reed hereby ask for an additional ruling to Stay his pending Deposition with the City of Springfield scheduled for March 19, 2008 and that the STAY APPLY TO A DELAY FOR IN ALL DISCOVERY REQUIRMENTS AND DEADLINES FOR AT LEAST 90 DAYS so issues raised in this Motion concerning a possible “Conflict of Issue” situation with a Defendant, the City of Springfield.

AFFIDAVIT

Affidavit

I, Steven Lloyd Reed, do hereby submit under oath, the facts stated in A 45 PAGE Motion filed on Friday, March 13, 2008 in FEDERAL USA COURT, are true and correct to the best of my knowledge and belief. This affidavit is being included in the motion and as an exhibit. Plaintiff Reed hereby notifies the Court that he is moving forward in due diligence concerning the discovery phase of this civil case **Case No. 05-3133-CV-S-SWH. Plaintiff Reed is asking for a Stay and Continuance to allow for more time for discovery and to possibly retain legal counsel.**

Signed on _____ DATE BY _____

State of _____)

)

County of _____)

_____, of lawful age, being first duly

sworn, states I have read the 45 page Motion ---foregoing statement, and am familiar with

the contents thereof and the statements therein contained are true and correct, to the best of my knowledge and belief.

(Signature)_____

Subscribed and sworn to before me this ____ day of _____, 20__

(Notary Public)_____

My commission expires_____ Commission No._____

Below is a list of parties that written interrogatories will be submitted to witnesses:

1. Police Officer Ms. Gale Ann Campbell (individual and official capacity) Officer Number 1127

A. Ms. Campbell: Is it true that you were contacted by police dispatch on the day of question, April 4, 2003, and informed that there was a complaint of trespassing at Choice Hotels, 3333 S. Glenstone, Springfield, Mo ,(here after referred to as “Clarion Hotel Convention Center”)?

B. Were you intending to arrest someone when you got there? Were there any witnesses that you questioned? If yes:

C. Who?

D. Who was the complainant against Steven Reed and Jeff Kenkel whom you handcuffed?

E. You filed a police report correct?

F. Were there any other police officers filing police reports that night?

G. In your police report you identified the complainant as Clarion Hotels correct?

If yes:

H. The identified witness Salam Muhamad the manager in your report relayed information that there was a complaint against Plaintiff? Is that correct?

I. If there was no clear-cut violation to you and you relied on hearsay from Salam Muhhamad about complaints relayed to him, did you call headquarters and discuss whether or not to proceed to arrest?

J. If you did not why did you not?

K. In your report, you stated that you placed handcuffs on Steven Reed and Jeff Kenkel because you were the first police officer on the scene. Is that standard police procedure?

L. After a total of 6 police cars and officers showed up why were Reed and Kenkel not taken out of handcuffs?

M. Were the handcuffs on for two or three hours?

N. Where was Steven Reed when you put on the handcuffs?

O. Did you lead Steven Reed and Jeff Kenkel from the entrance door to two separate police vehicles?

P. Why?

Q. Are you aware that one of the persons who handcuffed Jeff Kenkel had his minor daughter in custody with him at the scene? Jeff Kenkels' fourteen year old daughter who he took in to use the restroom. After using the restroom she was actually standing at the entrance and gave out a few flyers. Next Jeff's Daughter took the pictures which are submitted via this motion and others. At the time the police began arriving Jeff's Daughter yelled: This Ain't Baghdad and everyone laughed including some of the

security guards. Do you feel that she should have been arrested and included in the police reports since she was part of the clan?

Define Clan: <http://www.dictionary.net/clan>

2. A clique; a sect, society, or body of persons; esp., a body of persons united by some common interest or pursuit; -- sometimes used contemptuously.

R. Do you agree that according to the police report you arrested Steven Reed and Jeff Kenkel based upon what 911 said, and dispatch said, and Mohhamed Salam said, and event organizers said, all seems to point 5th hand hearsay which is why Reed and Kenkel were arrested and charged with a crime?

S. Does that look to you like everyone was trying to cover their selves against what was really a major wrong doing by the people in charge of administering local, state, and national laws and most importantly the freedom of speech and the right to petition the government for change as Reed and Kenkel were, which is protected by the United States Constitution?

T. Did you Officer Campbell, tell Reed that he and Kenkel were going to jail and so Reed at one point got a little scared and said if we agree to leave will you let us go now? And did you tell Reed no, right after Steve Stepp came out the door with Mohamad holding the complaint, signed the complaint?

U. According to the *Police Report* “Both Reed and Kenkel were escorted off the property and released.” Officer Campbell, does that mean Reed and Kenkel were simply detained for several hours? Do you Officer Campbell remember---(see photos exhibits) that is was light outside when the arrest occurred and then totally dark several hours later and would that be more a detainment rather than simply writing out a ticket?

V. Officer Campbell are you familiar with and properly trained on the meaning of: **Missouri Revised Statutes Chapter 565 Offenses Against the Person Section 565.120... Felonious restraint.?**

565.120. 1. A person commits the crime of felonious restraint if he knowingly restrains another unlawfully and without consent so as to interfere substantially with his liberty and exposes him to a substantial risk of serious physical injury. 2. Felonious restraint is a class C felony. (L. 1977 S.B. 60) Effective 1-1-79

W. According to police report on 04-05-03 *“At the location, security officers on-scene pointed out the subjects, who were outside the building near the entrance of the Convention Center. I contacted the two subjects, and since I was the only officer contacting them at that point, I placed both subjects in handcuffs (double-locked/checked for proper fit). I explained to both subjects, later identified as Jeffery Kenkel and Steven Reed, that they were not under arrest at that point. Is that correct Ms. Campbell?*

X. Ms. Campbell after a total of 6 police cars and officers showed up why were Reed and Kenkel not taken out of handcuffs?

Y. Ms. Campbell have you ever been coached on how not to arrest someone?

Z. Ms. Campbell do you consider one of our biggest freedoms in the USA is to participate in “the freedom to influence governmental functions”?

2. Jim D. Morris Owner of the Clarion Hotel in Springfield, Missouri.

A. Mr. Morris are you familiar with a recent newspaper story which points out you are the owner of the Clarion in Springfield, Missouri?

**New Tourist Information Center on the Horizon for
Springfield**

Mon 12/10/2007 2:08
PM

Springfield, Mo.—Springfield soon will have a new Tourist Information Center thanks in part to a \$350,000 gift from Jim D. Morris.

Morris, owner of Morris Oil Co., is selling about one acre of land on the southwest corner of U.S. 65 and Chestnut Expressway well below its appraised value of \$600,000 to Destination Springfield, Inc., a nonprofit 501 (c) (3) corporation.

Destination Springfield, a subsidiary of the Convention & Visitors Bureau, will pay \$250,000 for the land and build the Jim D. Morris Tourist Information Center. Opening is expected in 2010 when the lease on the current Tourist Information Center at 3315 E. Battlefield Road expires.

“I have long been a supporter and advocate of the local tourism industry and the Convention & Visitors Bureau,” said Morris. “Helping build a new tourist information center in Springfield will mean better service to the city’s visitors. I’m more than pleased to help in that effort.”

Morris, who served for several years on the Ozark Marketing Council before the organization evolved into the Branson Convention & Visitors Bureau, owns the Clarion Hotel in Springfield and hotels in Branson. He said a better tourist information center in Springfield will help both cities serve the millions of tourists who visit each year....

end of article.

B. Mr. Morris as owner of the Clarion Hotel, do you understand and agree with the general legal concept that the outside entrance and traffic ways have been over time held by the courts to be “general areas of commerce” and as such the ideals of “freedom of speech” apply as long as they do not interfere with the general flow of daily activities?

C. Mr. Morris are you aware that on the late afternoon when Steven Reed and Jeff Kenkel were arrested for handing out “Draft Claire” literature that Mr. Reed was being so nice as to actually hand the literature to people and then open the door so they could enter the hotel?

D. Mr. Morris, do you have a general franchise and legal agreement to share in business and financial agreements including profits with Choice Hotels?

E. Mr. Morris, Mohamed Salam is in the police report as hotel manager, yet in this court case...the United States Magistrate Judge, Sarah W. Hays points out that Choice Hotels denied Mohammed Salam was its agent, servant or employee, according to an order filed on April 12, 2006, page 3. Mr. Morris, do you agree that Mr. Salam was your agent, your chief of security and acted on your behalf?

F. Mr. Morris: Defendant Choice Hotels has claimed that they have nothing to do with the Clarion Hotel but in the Order dated April 12, 2006 United States Magistrate Judge Sarah W. Hays points out that Choice Hotels claims no connections yet they filed legal motions in 2 defense of the Clarion Hotel after the Clarion Hotel Manager was served the Civil Suit...

“Plaintiff’s Complaint never actually sets forth any allegations concerning the relationship between Choice Hotels International and the Clarion hotel of Springfield. Nor does plaintiff claim that Choice Hotels is merely a franchisor. In its answer, Choice Hotels denied it owns, operates, controls or has the right to operate or control the premises known as the Clarion Hotel on Glenstone Avenue in Springfield. (See Doc. #2 #4) However, like plaintiff, Choice Hotel’s pleadings fail to set forth its relationship with the Clarion Hotel in Springfield. In seeking the dismissal of this action, Choice Hotels did not put forth any affidavits or exhibits which would have allowed the Court to conclude that the defendant Choice Hotels was merely a franchisor, and thus, an improper party defendant. Further, the action of Choice Hotels, in responding to service of process of the Complaint on the general manager of the Clarion Hotel, by responding to service of process of the Complaint on the general manager of the Clarion Hotel, by restating both its answer and motion to dismiss, suggest that some relationship exists between these entities.”

Mr. Morris would it make any logical sense that Choice Hotels would file motions if there were no legal and business connections?

G. Mr. Morris: In this case Choice Hotels claims that Muhammed Salem was not its agent, servant, or employee. Exhibit #3 shows Mr. Salam pointing to Plaintiff Reed.

Page three of April 12, 2006 United States Magistrate Judge Sarah W. Hays Order says:

Defendant denied paragraph four of the Complaint which alleged that defendant Choice Hotels International, DBA Clarion Hotel, was the corporate offices for the defendant Clarion Hotel in Springfield, Missouri. (See Separate Answer of Defendant Choice Hotels International, doc. #2), Choice Hotels denied that it had the right to operate or control the premises known as the Clarion Hotel at 3333 Glenstone Avenue in Springfield. (Id) Choice Hotels also denied that Muhammed Salam was its agent, servant, or employee. (Id.) Thereafter, on November 21, 2005, the plaintiff filed a return of service with the Court which indicated that on November 21, 2005, the Complaint was served on the General Manager of the Clarion Hotel, Jerry Carroll. Mr. Carroll’s signature is contained on the document and it is dated November 21, 2005. (Doc. #32) Choice Hotel’s original answer filed in April of 2005, denied that it owned, operated or

controlled the Clarion Hotel in Springfield. In response to the service of process on the general manager of the Clarion Hotel, Choice Hotels filed Separate Defendant Choice Hotels International's Second Response and Reiteration of Motion to Dismiss All Counts of Plaintiff's Complaint. (Doc. #37) Choice Hotels alleged that it "was served a second time with what appears to be the original copy of Plaintiff's Complaint, on November 21, 2005." (Doc.# 37at 1) Defendant Choice Hotels then reasserted its original answer and motion to dismiss.

Mr. Morris: If there is no connection between Choice Hotels and Clarion then why is Choice defending Clarion and why are we saying Mr. Salam does not exist?

H. Mr. Morris, Plaintiff Reed was traveling on the road March 11, 2008, and was driving next to a van that had Clarion emblems which said Clarion by Choice Hotels. It had phone numbers to call 1-800-4-Choice. The license plate number of the van Plaintiff Reed saw was SB6 966, a Missouri plate. How many vehicles does Clarion have with this information on them? Does this clearly show that there is a relationship between your hotel and Choice Hotels?

3. Charles A. Ledsinger, Jr., vice chairman and chief executive officer, Choice Hotels International.

According to Choice Hotels website:

Corporate Profile

Choice Hotels International franchises more than 5,300 hotels, representing more than 430,000 rooms, in the United States and more than 40 countries and territories. As of September 30, 2006, 736 hotels are under development in the United States, representing 57,117 rooms, and an additional 72 hotels, representing 6,462 rooms, are under development in more than 20 countries and territories. The company's Cambria Suites, Comfort Inn, Comfort Suites, Quality, Clarion, Sleep Inn, Econo Lodge, Rodeway Inn, MainStay Suites and Suburban Extended Stay Hotel brands serve guests worldwide.

Additional corporate information may be found on Choice Hotels' Internet site, which may be accessed at <http://www.choicehotels.com>.

A. Mr. **Charles A. Ledsinger, Jr.**, does Choice International have partial ownership and an owner operating agreement?

B. In court documents concerning NNNNNN **TYPE TYPE DEB REED** **BIG** TIME the Magistrate Judge Sarah W. Hays in an order issued on 04/12/06 said and pointed out that the Choice Hotels claim no ties to the Springfield Clarion, but then Choice turned around and filed briefs asking for the case to be dismissed against the Clarion. Can you explain that, and can you supply a Copy of the Franchise Agreement between Choice and Clarion for review to United States Magistrate Judge Sarah W. Hays and this Court, and a Copy to Plaintiff Steven Reed?

C. Mr. Ledsinger: Plaintiff Reed points out he had a business law instructor at College of the Ozarks who strongly supported the legality and concept of “you know or you should know”. Would you, Mr. Ledsinger, agree that the Chief of Security of one of your franchise Clarions should have---if he was a natural born American known that the election process in the United States is sacred? When he was told to go tell Plaintiff Reed in a side banquet room, right after Reed had spoken to a News-Leader Reporter, that “REED MUST LEAVE BECAUSE YOU ARE PART OF THE OPPOSITION” he should have questioned that order by calling the owner of the Clarion or even someone from Choice Hotels?

D. Mr. Ledsinger, Is it not true that Choice Hotels and Clarion needs to make sure that when issues like this arise they contact those above them to clarify what actions should be taken? Did you Mr. Ledsinger or Mr. Jim D. Morris get a call about this matter?

E. Do you, Mr. Ledsinger, and your franchise hotel owners, managers, and chiefs of security totally not only understand, but go over the rights during such events which in this case are really pretty normal such as some parties campaigning for one candidate over another no matter how bad or good either candidate is?

F. Do you feel, Mr. Ledsinger, that like Barney, the character on Andy Griffith, that they just wanted to “NIP IT IN THE BUD before the Draft Claire thing saw the light of day?

G. Mr. Ledsinger, since your organization owns Hotels worldwide, is this really the kind of message of political repression that you would like to send out?

H. Mr. Ledsinger, Defendant Choice Hotels has claimed that they have nothing to do with the Clarion Hotel but in the Order dated April 12, 2006 United States Magistrate Judge Sarah W. Hays points out that Choice Hotels claims no connections yet they filed legal motions in 2 defense of the Clarion Hotel after the Clarion Hotel Manager was served the Civil Suit...

“Plaintiff’s Complaint never actually sets forth any allegations concerning the relationship between Choice Hotels International and the Clarion hotel of Springfield. Nor does plaintiff claim that Choice Hotels is merely a franchisor. In its answer, Choice Hotels denied it owns, operates, controls or has the right to operate or control the premises known as the Clarion Hotel on Glenstone Avenue in Springfield. (See Doc. #2 #4) However, like plaintiff, Choice Hotel’s pleadings fail to set forth its relationship with the Clarion Hotel in Springfield. In seeking the dismissal of this action, Choice Hotels did not put forth any affidavits or exhibits which would have allowed the Court to conclude that the defendant Choice Hotels was merely a franchisor, and thus, an improper party defendant. Further, the action of Choice Hotels, in responding to service of process of the Complaint on the general manager of the Clarion Hotel, by responding to service of process of the Complainant on the general manager of the Clarion Hotel, by restating both its answer and motion to dismiss, suggest that some relationship exists between these entities.”

Mr. Ledsinger, would it make any logical sense that Choice Hotels would file motions if there were no legal and business connections?

I. Mr. Ledsinger: In this case Choice Hotels claims that Muhammed Salem was not its agent, servant, or employee. Exhibit #3 shows Mr. Salam pointing to Plaintiff Reed. Page three of April 12, 2006 United States Magistrate Judge Sarah W. Hays Order says:

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Mr. Ledsinger: If there is no connection between Choice Hotels and Clarion then why is Choice defending Clarion and why are we saying Mr. Salam does not exist?

4. Lynn Rowe, Springfield Chief of Police

A. Do you think having 6 officers and cars at a political event where people were handing out flyers (see exhibit), talking about how inspiring Claire McCaskill was and having them arrested was a little overkill? Was that a wise use of taxpayers money and did it take away from any other serious calls made to the police?

B. Do you think "speaking loudly" at a political event (according to police report), would be sufficient to call it an incident and criminal charges filed?

C. Mr. Rowe are you familiar with **II. Missouri's Anti-SLAPP Legislation** The Missouri's anti-SLAPP legislation is found in § 537.528, RSMo, and became effective on August 28, 2004.¹⁴

D. Mr. Rowe do you see any similarity to the Plaintiff Reed V. City of Springfield as to the applications of the law?

Missouri Revised Statutes

Chapter 537

Torts and Actions for Damages

Section 537.528

Actions for damages for conduct or speech at public hearings and meetings to be considered on expedited basis--procedural issues.

537.528. 1. Any action seeking money damages against a person for conduct or speech undertaken or made in connection with a public hearing or public meeting, in a quasi-judicial proceeding before a tribunal or decision-making body of the state or any political subdivision of the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation.

E. Mr. Rowe would you agree with the statement “Having the Freedom to Participate in Governmental Functions is the Most Important Freedom the People of our Nation have?”

F. Mr. Rowe the following article explains some of the thought that the law is based upon. Do you believe that the Jackson Day event was actually a public meeting since the Democratic Party is actually in effect owned by the public, since Local, County, State, and Federal Democratic members are elected posts, especially on the local level, which are county chair people who actually attended the event?

According to: <http://goawayallied.org/slapp.htm>

SLAPP Suits

SLAPP (*Strategic Lawsuit Against Public Participation*) suits are initiated by public officials and large conglomerate corporations against private citizens with the intent of silencing criticism and stifling petitioning activity.

However, new bills enacted by brave leaders such as Missouri Sen. John Loudon, *R-West St. Louis County*, have successfully passed legislation that will create protections against these so-called "SLAPP" suits.

"This legislation will chill the chillers of free speech," said Loudon. "The government has a legitimate interest in preventing SLAPP lawsuits because government wants input from its citizens. If private citizens are afraid of being sued, their view will not be heard."

What Is SLAPP'ing?

Defending a SLAPP lawsuit, even when the legal defense is strong, requires a substantial investment of money, time and resources. The resulting effect is a "chill" on public participation in, and open debate on, important public issues.

"This '[chilling](#)' effect is not limited to the SLAPP target," said Loudon. "Fearful of being the target of future litigation, others refrain from speaking on, or participating in, issues of public concern."

"We want to protect the right of citizens to petition the government," Loudon said. "This is the essence of what the First Amendment is supposed to protect."

Every year, thousands of people are sued for participating in government or for speaking out on public issues.

Don't let fear of SLAPPs keep you from taking a stand America!

Your forefathers fought and died to bring you the right to practice freedom of expression, use it!



Practice Your First Amendment Rights!

Most SLAPPs are ultimately legally unsuccessful.

SLAPP targets have been sued for engaging in a wide variety of protected speech and protected expression activities, including:

writing a letter to the editor

speaking at a public meeting

circulating petitions

reporting unlawful activities

calling a public official

testifying before Congress or state legislatures

reporting police misconduct

erecting a sign or displaying a banner on their property speaking as an officer of an active public interest group

complaining to school officials about teacher misconduct or unsafe conditions in the school filing a public interest lawsuit

According to: Stephen L. Kling, Jr. is a principal in the law firm of Jenkins & King, P.C., located in St. Louis. He received his J.D. from St. Louis University School of Law in 1981 and received his M.S. in finance from St. Louis University School of Business in 1980.

The article Missouri's New Anti-SLAPP Law in the Journal of The Bar May-June 2005

From website: <http://www.mobar.org/e9b8133e-9ebe-4c38-809b-fc3cffde6e58.aspx>

In one part says:

A SLAPP lawsuit is "filed solely for delay and distraction, and to punish activists by imposing litigation costs on them for exercising their constitutional right to speak and [to] petition government."⁴ The primary purpose of a SLAPP lawsuit is not to resolve the allegation in the petition, but to punish or retaliate against citizens who have spoken out against the plaintiffs in the political arena and to intimidate those who would otherwise speak in the future.⁵ A SLAPP lawsuit is often intended to make the victim an example and a carrier who spreads the virus of fear throughout the community.⁶ The longer a SLAPP lawsuit continues, the more a plaintiff satisfies the goal of burdening the defendant and chilling constitutionally protected free speech and petitioning rights. In furtherance of this strategy, SLAPP plaintiffs often use the discovery process to impose costly and time-consuming depositions and interrogatories upon a defendant.⁷ Not only are there numerous examples of SLAPP lawsuits throughout the country, there are countless additional examples of threats of lawsuits that have had the same desired effect: causing citizens to rethink and retreat from their public participation for fear of costly and time-consuming litigation.⁸ "Short of a gun to the head, a greater threat to [the] First Amendment expression can scarcely be imagined [than a lawsuit brought to silence public speech]."⁹

Twenty-two states have adopted anti-SLAPP legislation to further protect citizens in exercising their rights of free speech and to petition government as guaranteed by the First Amendment.¹⁰ These laws are intended to discourage SLAPPs and shift the risks or costs from the target to the filer.¹¹ The core provisions of these laws are: (i) establishment of a process for motions to dismiss or strike claims targeting public participation; (ii) expediting the hearing of such motions and suspending or sharply limiting discovery until a ruling is made; and (iii) shifting the attorneys' fees and costs to the filer when the target prevails on the motion.¹² The message to judges and lawyers by state legislatures that

adopt these laws is that the era of intimidation of the public by SLAPP lawsuits is over.¹³ The Missouri legislature recently joined these states and enacted a law that facilitates the early identification and dismissal of SLAPPs by trial courts before SLAPP victims are subjected to discovery and other pre-trial maneuvers to wear them down and bleed them dry.....

<http://www.mobar.org/8a772c38-1f1c-44ca-bfc3-238e209a8fa6.aspx>

G. Mr. Rowe do you believe that Reed and Kenkel were actually SLAPPED or hit by Criminal Charges rather than a Civil Court case to quote shut up Reed and Kenkel?

H. Mr. Rowe can you say which sergeant authorized Gail Campbell to arrest Reed and Kenkel?

I. Mr. Rowe are you aware that Reed was being very nice and courteous to the people attending the event, even opening the entrance door for many? Would you consider that to be in any way threatening to the attendees of the banquet?

J. FROM http://en.wikipedia.org/wiki/United_States_Bill_of_Rights

The **Bill of Rights** are the first ten amendments to the United States Constitution. They were introduced as a series of amendments in 1789 in the First United States Congress by James Madison.

United States Bill of Rights

First Amendment: addresses the rights of freedom of religion (prohibiting Congressional establishment of a religion over another religion through Law and protecting the right to free exercise of religion), freedom of speech, freedom of the press, freedom of assembly, and freedom of petition.

FROM http://en.wikipedia.org/wiki/Freedom_of_speech

Freedom of speech is the concept of being able to speak freely without censorship. The right to freedom of speech is guaranteed under international law through numerous human rights instruments, notably under Article 19 of the Universal Declaration of Human Rights and Article 10 of the European Convention on Human Rights, although implementation remains lacking in many countries. The synonymous term **freedom of expression** is sometimes preferred, since the right is not confined to verbal speech but is

understood to protect any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

In practice, the right to freedom of speech is not absolute in any country, although the degree of freedom varies greatly. Industrialized countries also have varying approaches to balance freedom with order. For instance, the [United States First Amendment](#) theoretically grants absolute freedom, placing the burden upon the state to demonstrate when (if) a limitation of this freedom is necessary. In almost all [liberal democracies](#), it is generally recognized that restrictions should be the exception and free expression the rule; nevertheless, compliance with this principle is often lacking.

FROM http://en.wikipedia.org/wiki/Freedom_to_petition

Right to petition

United States

Main article: [Right to petition in the United States](#)

In the [United States](#), the right to petition is guaranteed by the [First Amendment](#) to the [Constitution](#), and it specifically prohibits Congress from abridging "the right of the people ... to petition the Government for redress of [grievances](#)." Its roots within the [colonies](#) can be traced back to the [Declaration of Independence](#),^[4]. Historically, the right can be traced back further, to English documents such as the [Magna Carta](#), which, by its acceptance by the monarchy, implicitly affirmed the right, and the later [Bill of Rights 1689](#), which explicitly declared the "right of the subjects to petition the king"^[5].

While the prohibition of abridgement of the right to petition originally referred only to the federal legislature (the [Congress](#)) and [courts](#), the [incorporation doctrine](#) later expanded the protection of the right to its current scope, over all state and federal courts and legislatures and the executive branches of the state^[4] and federal governments.

Mr. Rowe, do you believe that Freedom of Speech and the Right to Petition the Government are two of the most important principles and pillars our nation stands on and for?

K. Mr. Rowe, Exhibit 1 (3 pages) is a inter-office memorandum to the Attention of Gordon Loveland, Department Police Chief, dated October 3rd, 1979 signed by Lyndel Porterfield, Assistant City Attorney. Can you review this document and comment on it?

L. Mr. Rowe, The above named inter-office memorandum deals with picketing. Would you agree that what Plaintiff Reed and Kenkel were doing by handing out Draft

Claire flyers would not be considered to be anymore serious of an issue or offense than picketing?

M. Mr. Rowe, Can you please read and comment on three areas of this inter-office memorandum to Gordon Loveland, Police Chief?

If the situation is not clear-cut, and if an arrest is made when the picketer is validly exercising his rights of free speech, then we are exposing the City and the officer to lawsuits charging violations of basic constitutional freedoms. On the other hand, if the situation is clear-cut, then we must enforce our ordinance to protect the rights of the managers as well....

Our department will work as closely as possible with the Police Department to try to take the guesswork out of the field situation and therefore make the police officer's job less risky. Above all, the officer should not "guess" about an arrest involving picketing. If he "guesses" incorrectly, the results can be shattering. If the officer is in doubt about whether to arrest a picketer, he should contact the prosecutor or refer the manager of the business to the prosecutor's office to file charges. This gives everyone an opportunity to calmly review the entire situation, to research legal questions, and then to make a decision without having to "guess"

Plaintiff Reed states he was being polite even opening doors for people going into the Jackson Days banquet.

Inter-office memorandum....

This takes some of the pressure off the officer in the field, and it reduces the risk of error for the City. Here are some suggested procedures:

1. If the officer observes a clear-cut violation of an ordinance, he can exercise his normal discretion and take one of several actions, including arrest, summons, towing, etc. Following is a list of some specific examples which may be fairly clear-cut, along with the code sections which apply. This list does not contain all possible violations, but instead merely contains those most commonly resulting in complaints.

c. Harrassing, annoying, threatening, cursing at, abusing, mocking, or intentionally jostling any patron of any commercial establishment within the building or upon the grounds thereof. 26-61(2).

2. If the officer decides that the activity clearly does not violate an ordinance, and if the manager still insists upon some action being taken, then the officer can refer the manager to the manager's attorney or to the prosecutor.

3. *If the officer is in doubt whether the conduct violates an ordinance, then he should refer the manager of the business to the prosecutor's office to file a complaint.*

Since this memo contains a list of ordinances to help your officers control the picketing problems, it should also be balanced with a list of things they should not do. The following short list of "do nots" may be helpful to them.

1. *Do not arrest a picketer for merely handing out leaflets. That activity, without more, cannot be classified as harassing or offending customers.*

2. *Do not try to direct the physical location of the picketing, unless the picketers are obstructing an entrance, or otherwise violating an ordinance which controls location.*

3. *Do not arrest for "refusal to Leave a Commercial Establishment" (26-61(7)) unless the picketer has violated one of the other parts of 26-61.*

4. *Do not arrest picketers under the so-called "loitering" ordinance (26-61.5) as long as they are moving around carrying signs or handing out pamphlets, even if they are not transacting business on the premises.*

Mr. Rowe, would you agree that the above statements to the then Chief of Police, Gordon Loveland, were acceptable then and would still be now acceptable as a matter of Law?

5. Craig Hosmer, Attorney at Law and Greene County Democrat Chairman

A. Mr. Hosmer was an agreement reached with Ron Davis and Lisa Hanamaker to "quote get Steven Reed to drop the lawsuit that included Steve Stepp?"

B. You are or are not aware Steven Reed had started a Draft Kreider effort for USA Congress and Jeffrey Kenkel was also helping? Ron Davis wanted to join or actually take over, but he told Plaintiff Reed that the lawsuit had to go away. Did Ron Davis set up the meeting for Reed to come drop Steven Stepp off the lawsuit?

C. During that meeting between you and Steven Reed did you bring paperwork that actually dropped the whole civil suit?

D. Did you then have your secretary retype and then have Plaintiff Reed sign the version which only dropped Steven Stepp after Steven Reed said his agreement and the reason he was there was to drop Stepp only out of the case?

E. Plaintiff Steven Reed had told many people that he felt you, Craig Hosmer, as a previous state representative, listened to and was more responsive than anybody he had met. Do you feel that you were in a trap representing the past Democratic chair with someone who had worked so hard for the party?

F. Do you agree that as time has passed since the event of Plaintiff Reed's arrest that it became "apparent that maybe emotions went too far and that the party went too far in their efforts to stop McCaskill from running for Governor and since Reed and Kenkel had the early foresight to see what was best they paid for that, even though history now seems to show it was for the best"?

6. Claire McCaskill

A. Senator Claire McCaskill: Do you feel the arrest of Steven Reed and Jeff Kenkel at Jackson Days in 2003 was proper or improper for simply handing out flyers that said "Draft Claire" she is an inspiring person that we need as our Governor?

B. Ms. McCaskill: Most people familiar with the primary election for Governor in 2004 would agree that the "Pink and Black Yard signs" that were scattered across the state especially southwest Missouri along with over 50 "Team Captains" and other grassroots efforts caused you to win the southwest Missouri area which according to most news reports put you over the top?

C. Ms. McCaskill: Would you agree that clearly you had a lot of "heat and pressure put on you" not to run in the Democratic Primary?

D. Ms. McCaskill: Would you agree that the Jackson Days event which occurred in the winter of 2003 and was at a time when the possibility of you running was new and not yet popular was what may have contributed to the “clamp down” of opposition?

E. Ms. McCaskill: Do you believe that Plaintiff Steven Reed and Jeff Kenkel who campaigned in southwest Missouri and statewide may have caught “more heat” than you did for promoting change?

F. Ms. McCaskill: Do you believe that as a nation we claim to have fought every war for freedom and democracy and it is hypocritical to preach one thing and turn your head when it seems to be quite different in your own neighborhood?

G. Ms. McCaskill: Do you agree that Plaintiff Reed made extensive effort for the Draft Claire movement which includes attending every statewide Democrat event, signing up team captains in every area of the state, and spreading the good word about McCaskill to all areas of the state?

7. Robert E. Childress, Attorney at Law

A. Mr. Childress is it true that Steven Reed paid you \$300 dollars and told you to plead him not guilty in the Trespassing charge? The case number is 02 2047485 6560.0 date accepted by Defendant/Defense Attorney was 5/29/03.

B. Mr. Childress would you pay someone \$300 to plead you guilty?

C. Mr. Childress is it true that not only did Plaintiff Steven Reed say to plead him not guilty; Mr. Reed never signed any kind of paper agreeing to a plea agreement?

8. Federal Bureau of Investigation Kansas City Office, Executive Management: Special Agent in Charge: Monte C. Strait

Criminal Priorities according to: <http://www.fbi.gov/hq.htm>

4. [Public Corruption](#) • [Government Fraud](#) • [Election Fraud](#) • [Foreign Corrupt Practices](#)

A. Dear Mr. Strait: the following article explains some of the thoughts the law is based on. Do you believe that the Jackson Days event was actually a public meeting, since the Democratic Party is actually in effect owned by the public, since Local, County, State, and Federal Democratic members are elected post, especially on the local Level, which are County Chair People who actually attended the event?

According to: <http://goawayallied.org/slapp.htm>

SLAPP Suits	What Is SLAPP'ing?	
<p>SLAPP (<i>Strategic Lawsuit Against Public Participation</i>) suits are initiated by public officials and large conglomerate corporations against private citizens with the intent of silencing criticism and stifling petitioning activity.</p> <p>However, new bills enacted by brave leaders such as Missouri Sen. John Loudon, <i>R-West St. Louis County</i>, have successfully passed legislation that will create protections against these so-called "SLAPP" suits.</p> <p>"This legislation will chill the chillers of free speech," said Loudon. "The government has a legitimate interest in preventing SLAPP lawsuits because government wants input from its citizens. If private citizens are afraid of being</p>	<p>Defending a SLAPP lawsuit, even when the legal defense is strong, requires a substantial investment of money, time and resources. The resulting effect is a "chill" on public participation in, and open debate on, important public issues.</p> <p>"This 'chilling' effect is not limited to the SLAPP target," said Loudon. "Fearful of being the target of future litigation, others refrain from speaking on, or participating in, issues of public concern."</p> <p>"We want to protect the right of citizens to petition the government," Loudon said. "This is the essence of what the First Amendment is supposed to protect."</p>	<p>Every year, thousands of people are sued for participating in government or for speaking out on public issues.</p> <p>Don't let fear of SLAPPs keep you from taking a stand America!</p> <p>Your forefathers fought and died to bring you the right to practice freedom of expression, use it!</p> <div data-bbox="1036 1570 1300 1749" data-label="Image"> </div> <p>Practice Your First Amendment Rights!</p>

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SLAPP targets have been sued for engaging in a wide variety of protected speech and protected expression activities, including:

- | | |
|---|---|
| writing a letter to the editor | speaking at a public meeting |
| circulating petitions | reporting unlawful activities |
| calling a public official | testifying before Congress or state legislatures |
| reporting police misconduct | |
| erecting a sign or displaying a banner on their property | speaking as an officer of an active public interest group |
| complaining to school officials about teacher misconduct or unsafe conditions in the school | filing a public interest lawsuit |

According to: Stephen L. Kling, Jr. is a principal in the law firm of Jenkins & King, P.C., located in St. Louis. He received his J.D. from St. Louis University School of Law in 1981 and received his M.S. in finance from St. Louis University School of Business in 1980.

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B. Mr. Strait: Can you clarify whether the FBI has a responsibility to investigate such matters as this?

C. Mr. Strait: Does it look possible to you that Reed and Kenkel were actually slapped by Criminal Charges rather than a Civil Court case to quote shut up Reed and Kenkel?

9. FBI Executives Director – Robert S. Mueller, III

A. Dear Mr. Mueller: the following article explains some of the thoughts the law is based on. Do you believe that the Jackson Days event was actually a public meeting since the Democratic Party is actually in effect owned by the public since Local, County, State, and Federal Democratic members are elected post, especially on the local level which are County Chair People who actually attended the event?

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Defending a SLAPP lawsuit, even when the legal defense is strong, requires a substantial investment of money, time and resources. The resulting effect is a "chill" on public participation in, and open debate on, important public issues.

"This ['chilling' effect](#) is not limited to the SLAPP target," said Loudon. "Fearful of being the target of future litigation, others refrain from speaking on, or participating in, issues of public concern."

"We want to protect the right of citizens to petition the government," Loudon said. "This is the essence of what the First Amendment is supposed to protect."

Every year, thousands of people are sued for participating in government or for speaking out on public issues.

Don't let fear of SLAPPs keep you from taking a stand America!

Your forefathers fought and died to bring you the right to practice freedom of expression, use it!



Practice Your First Amendment Rights!

Most SLAPPs are ultimately legally unsuccessful.

SLAPP targets have been sued for engaging in a wide variety of protected speech and protected expression activities, including:

- | | |
|---|--|
| writing a letter to the editor | speaking at a public meeting |
| circulating petitions | reporting unlawful activities |
| calling a public official | testifying before Congress or state legislatures |
| reporting police misconduct | speaking as an officer of an |
| erecting a sign or displaying a banner on their | |

property

active public interest group

complaining to school officials about teacher
misconduct or unsafe conditions in the school

filing a public interest lawsuit

According to: Stephen L. Kling, Jr. is a principal in the law firm of Jenkins & King, P.C., located in St. Louis. He received his J.D. from St. Louis University School of Law in 1981 and received his M.S. in finance from St. Louis University School of Business in 1980.

The article Missouri's New Anti-SLAPP Law in the Journal of The Bar May-June 2005

From website: <http://www.mobar.org/e9b8133e-9ebe-4c38-809b-fc3cffde6e58.aspx>

In one part says:

A SLAPP lawsuit is "filed solely for delay and distraction, and to punish activists by imposing litigation costs on them for exercising their constitutional right to speak and [to] petition government."⁴ The primary purpose of a SLAPP lawsuit is not to resolve the allegation in the petition, but to punish or retaliate against citizens who have spoken out against the plaintiffs in the political arena and to intimidate those who would otherwise speak in the future.⁵ A SLAPP lawsuit is often intended to make the victim an example and a carrier who spreads the virus of fear throughout the community.⁶ The longer a SLAPP lawsuit continues, the more a plaintiff satisfies the goal of burdening the defendant and chilling constitutionally protected free speech and petitioning rights. In furtherance of this strategy, SLAPP plaintiffs often use the discovery process to impose costly and time-consuming depositions and interrogatories upon a defendant.⁷ Not only are there numerous examples of SLAPP lawsuits throughout the country, there are countless additional examples of threats of lawsuits that have had the same desired effect: causing citizens to rethink and retreat from their public participation for fear of costly and time-consuming litigation.⁸ "Short of a gun to the head, a greater threat to [the] First Amendment expression can scarcely be imagined [than a lawsuit brought to silence public speech]."⁹

Twenty-two states have adopted anti-SLAPP legislation to further protect citizens in exercising their rights of free speech and to petition government as guaranteed by the First Amendment.¹⁰ These laws are intended to discourage SLAPPs and shift the risks or costs from the target to the filer.¹¹ The core provisions of these laws are: (i) establishment of a process for motions to dismiss or strike claims targeting public participation; (ii) expediting the hearing of such motions and suspending or sharply limiting discovery until a ruling is made; and (iii) shifting the attorneys' fees and costs to the filer when the target prevails on the motion.¹² The message to judges and lawyers by state legislatures that adopt these laws is that the era of intimidation of the public by SLAPP lawsuits is over.¹³ The Missouri legislature recently joined these states and enacted a law that facilitates the early identification and dismissal of SLAPPs by trial courts before SLAPP victims are

subjected to discovery and other pre-trial maneuvers to wear them down and bleed them dry.....

<http://www.mobar.org/8a772c38-1f1c-44ca-bfc3-238e209a8fa6.aspx>

B. Dear Mr. Mueller: Can you clarify whether the FBI has a responsibility to investigate such matters as this?

C. Dear Mr. Mueller: Does it look possible to you that Reed and Kenkel were actually slapped by Criminal Charges rather than a Civil Case.

D. FROM http://en.wikipedia.org/wiki/United_States_Bill_of_Rights

The **Bill of Rights** are the first ten amendments to the [United States Constitution](#). They were introduced as a series of [amendments](#) in 1789 in the [First United States Congress](#) by [James Madison](#).

[United States Bill of Rights](#)

[First Amendment](#): addresses the rights of [freedom of religion](#) (prohibiting Congressional [establishment of a religion](#) over another religion through Law and protecting the right to [free exercise of religion](#)), [freedom of speech](#), [freedom of the press](#), [freedom of assembly](#), and [freedom of petition](#).

FROM http://en.wikipedia.org/wiki/Freedom_of_speech

Freedom of speech is the concept of being able to speak freely without [censorship](#). The right to freedom of speech is guaranteed under international law through numerous human rights instruments, notably under Article 19 of the [Universal Declaration of Human Rights](#) and Article 10 of the [European Convention on Human Rights](#), although implementation remains lacking in many countries. The synonymous term **freedom of expression** is sometimes preferred, since the right is not confined to verbal speech but is understood to protect any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

In practice, the right to freedom of speech is not absolute in any country, although the degree of freedom varies greatly. Industrialized countries also have varying approaches to balance freedom with order. For instance, the [United States First Amendment](#) theoretically grants absolute freedom, placing the burden upon the state to demonstrate when (if) a limitation of this freedom is necessary. In almost all [liberal democracies](#), it is generally recognized that restrictions should be the exception and free expression the rule; nevertheless, compliance with this principle is often lacking.

FROM http://en.wikipedia.org/wiki/Freedom_to_petition

Right to petition

United States

Main article: [Right to petition in the United States](#)

In the [United States](#), the right to petition is guaranteed by the [First Amendment](#) to the [Constitution](#), and it specifically prohibits Congress from abridging "the right of the people ... to petition the Government for redress of [grievances](#)." Its roots within the [colonies](#) can be traced back to the [Declaration of Independence](#),^[4]. Historically, the right can be traced back further, to English documents such as the [Magna Carta](#), which, by its acceptance by the monarchy, implicitly affirmed the right, and the later [Bill of Rights 1689](#), which explicitly declared the "right of the subjects to petition the king"^[5].

While the prohibition of abridgement of the right to petition originally referred only to the federal legislature (the [Congress](#)) and [courts](#), the [incorporation doctrine](#) later expanded the protection of the right to its current scope, over all state and federal courts and legislatures and the executive branches of the state^[4] and federal governments.

Dear Mr. Mueller, do you believe that Freedom of Speech and the Right to Petition the Government are two of the most important principles and pillars our nation stands on and for?

10. The Springfield News-Leader, Thomas A. Bookstaver,

President/Publisher

A. Mr. Bookstaver can your paper supply articles, especially on the Friday of the event for Jackson Days?

B. The oldest continuing Democratic event in Missouri is Jackson Days, which has spanned 85 years. Copies of any and all articles are needed from your paper. Can you supply them to Plaintiff Reed and the Court?

11. Mohamed Salam, Chief of Security for the Clarion:

A. Mr. Mohamed do you remember telling Plaintiff Reed in the afternoon on Saturday, April 5, 2003, of the Jackson Days Event around 2:00 pm in a banquet room

that he (Reed), is the opposition (according to those running the event), and that Reed must leave right away?. Reed had just finished an interview with James Goodwin of the News-Leader.

B. Mr. Mohamed is it true that Reed asked “What do you mean part of the opposition?” and you said the people in charge of the event say “You are the opposition to those in power?”

C. Defendant Choice Hotel, Defendant Muhammed, Defendant City of Springfield, Defendant Springfield, Mo. Police Department, Defendant Gale Ann Campbell, Defendant Steve Stepp, and Defendant Bob Holden all appear to have had an involvement of a “meeting of the minds” that Plaintiff Steven Reed and Jeff Kenkel were going to quit handing out campaign flyers to Draft Claire MCaskill for Governor. Mr. Mohamed were you involved in any such meeting or discussions?

12. Former State Representative Mike Schilling:

A. Mike is it true that you were so upset about Steven Reed being in handcuffs and arrested that you went inside and kicked a trash can and yelled “It is not fair that Reed would get arrested since he has attended Jackson Days for over 10 years?”

B. Do you know if your comments influenced the decision several hours later (after police cars were pulled to the side and were waiting to go to jail) when the decision was made to just “release Reed and Kenkel”?

C. Mike, do you feel the arrest of Steven Reed as appropriate or inappropriate?

13. Former Speaker of the Missouri House and State Representative Jim Kreider

A. Dear Jim were you shocked when you saw Reed at the entrance to Jackson Days in handcuffs and did you go request that Reed and Kenkel be let go?

B. If your answer to A was yes: Do you know if your comments influenced the decision several hours later (after police cars were pulled to the side and were waiting to go to jail) when the decision was made to just “release Reed and Kenkel”.

14. 911 Officials: Can you tell who called 911 concerning the Jackson Days event on April 5, 2003 and can you supply a copy of that recording to the USA Federal Court and Plaintiff Reed.

15. Steven Stepp Democratic Chairman for Greene County:

Defendant Choice Hotel, Defendant Muhammed, Defendant City of Springfield, Defendant Springfield, Mo. Police Department, Defendant Gale Ann Campbell, Defendant Steve Stepp, and Defendant Bob Holden all appear to have had an involvement of a “meeting of the minds” that Plaintiff Steven Reed and Jeff Kenkel were going to quit handing out campaign flyers to Draft Claire MCaskill for Governor. Mr. Stepp were you involved in any such meeting or discussions?

Plaintiff Reed hereby notifies the Magistrate Judge in this case that he needs an additional 3-6 months to put this case together and also explains in the motion areas of possible conflicts of interest. Plaintiff Reed hereby asks the Magistrate Judge in this case if it is okay to submit most of the discovery in terms of questionnaires rather than having depositions done. Note: If continuance is granted we may use a combination of written questionnaires and depositions. The logistics of the depositions and making sure they are properly carried out such as where to have them, what type of tape recordings are allowed, also under the Federal Rules of Civil Procedure the question of having a court

appointed person as a witness and other questions which seem to go on and on, etc. so it is going to take additional time and effort for Plaintiff Reed to get them done properly.

Plaintiff Reed faces three serious problems:

1. Reed has no attorney to help represent him on March 19, 2008 for the Deposition with the City of Springfield.
2. Interrogatories require a 30 day response time which would take past the time the court has set as due.
3. Reed is not able to put together and administer depositions with the above parties before April 1, 2008
4. Plaintiff Reed also ask that he be allowed to e-mail this Document to the Court and/or the Honorable Magistrate Judge Sarah W. Hays since there are a number of links such as Bill of Rights and Constitution and others that Plaintiff would like the Judge to see in an easy manner.

AFFIDAVIT

Affidavit

I, Steven Lloyd Reed, do hereby submit under oath, the facts stated in A 45 PAGE Motion filed on Friday, March 13, 2008 in FEDERAL USA COURT, are true and correct to the best of my knowledge and belief. This affidavit is being included in the motion and as an exhibit. Plaintiff Reed hereby notifies the Court that he is moving forward in due diligence concerning the discovery phase of this civil case **Case No. 05-3133-CV-S-SWH. Plaintiff Reed is asking for a Stay and Continuance to allow for more time for discovery and to possibly retain legal counsel.**

Signed on _____ DATE BY _____

State of _____)

)

County of _____)

_____, of lawful age, being first duly sworn, states I have read the 45 page Motion ---foregoing statement, and am familiar with the contents thereof and the statements therein contained are true and correct, to the best of my knowledge and belief.

(Signature)_____

Subscribed and sworn to before me this ____ day of _____, 20__

(Notary Public)_____

My commission expires _____ Commission No. _____

PLEASE SEE EXHIBITS:

INDEX FILE
CITY MOTION FOR HEARING
AFFIDAVIT
17 Total Exhibits

Respectfully submitted,

Steven L. Reed

Certificate of Service---I certify that on _____ a true copy of the above was mailed, postage pre paid or electronically to the last known mailing address of each party to this lawsuit.

Respectfully submitted,
Steven L. Reed _____

Steven L. Reed, Plaintiff Pro Se
Signed and dated March 13, 2008
Springfield, MO (417)

stevenlloydreed@hotmail.com

David R. Wichmer, Esq.
City Attorney
City of Springfield
840 Boonville
Springfield, MO 65802
Attorney for the Defendants City of Springfield, MO, Springfield MO Police Department,
and John and Jane Does

John W. Housley, Esq.
Attorney for Defendant Gail M. Campbell

Taylor, Stafford, Clithero, Fitzgerald & Harris, LLP
3315 E. Ridgeview, Suite 1000
Springfield, MO 65804

John G. Schultz
2100 Commerce Tower
911 Main Street
Kansas City, MO 64105
Attorneys for Defendant Choice Hotels

E-mailed to the following is hereby completed on this date:

Steven Lloyd Reed stevenlloydreed@hotmail.com

Warren E. Harris wharris@taylorstafford.com, jyoung@taylorstafford.com

John W. Housley jhousley@lowtherjohnson.com

Thomas E. Rykowski trykowsk@ci.springfield.mo.us, ttreat@ci.springfield.mo.us

John G. Schultz franke.schultz@micro.com

Warren S. Stafford wstafford@taylorstafford.com

Daniel R. Wichmer dwichmer@ci.springfield.mo.us

Carl Stephen Yendes cyendes@ci.springfield.mo.us

Craig Hosmer craig.hosmer@mhkr.com

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