

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 08-cv-00910-MSK-MJW

AMERICAN CIVIL LIBERTIES UNION OF COLORADO,
AMERICAN FRIENDS SERVICE COMMITTEE,
AMERICAN INDIAN MOVEMENT OF COLORADO,
AMERICANS FOR SAFE ACCESS,
CODEPINK,
ESCUELA TLATELOLCO CENTRO DE ESTUDIOS,
LARRY HALES,
GLEN MORRIS,
RECREATE 68,
ROCKY MOUNTAIN PEACE & JUSTICE CENTER,
DAMIAN SEDNEY,
TENT STATE UNIVERSITY,
TROOPS OUT NOW COALITION, and
UNITED FOR PEACE & JUSTICE,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER,
MICHAEL BATTISTA,
UNITED STATES SECRET SERVICE, and
MARK SULLIVAN,

Defendants.

ORDER

THIS MATTER came before the Court on a non-evidentiary hearing on June 9, 2008 to address issues raised by the Plaintiffs' Motion for Preliminary Injunction and the parties' Stipulation.

The parties' Stipulation (# 24) resolves identified issues arising from the Motion for Preliminary Injunction and sets forth a schedule and procedure to be used with regard to the designated parade route and alternative route permitting. Such stipulation renders all issues so specified moot. Modification of the Stipulation will require the Court's approval.

The Court orally set deadlines with regard to the remaining issues to be determined after having heard extensive arguments of counsel. This Order specifies the following deadlines¹:

PHASE 1

1. Unless otherwise resolved by stipulation, on or before **June 18, 2008**, the parties shall address following issues: (i) whether, in addition to the 9 specific items of information previously requested by the Plaintiffs, there is further information the Plaintiffs seek to compel; (ii) with regard the height of the fence surrounding the public demonstration zone and the distance between that zone and the locations of delegates – matters which the City and County of Denver is prepared to disclose pursuant to a protective order – as well as to any items identified in section (i) above, whether there is any potential constitutional injury that is sufficiently ripe so as to permit the Court to compel disclosure; (iii) with regard to the above issues, what legal authority defines the Court's power to compel disclosure; and (iv) assuming the power to compel disclosure exists and is appropriately invoked in this case, what specific items should be required to be disclosed, to whom, and when.

2. The Court will conduct a hearing at **8:30 a.m. on June 30, 2008**. The parties shall present all evidence that is necessary to resolve any factual dispute with regard to the above-specified Phase 1 issues. In addition, this hearing will address: (i) whether discovery is

¹To the extent this Order differs from that rendered orally, this Order controls.

necessary for Phase 2, and, if so, the setting of a discovery schedule; and (ii) whether there are appeals of determinations by the City and County of Denver as to the issuance of parade permits or use of the designated parade route, and, if so, how those appeals are to be presented and resolved.

PHASE 2

3. On or before **July 7, 2008**, the Plaintiffs shall specifically identify each restriction or security procedure that they contend violate their First Amendment rights. For each identified restriction or security procedure, the Plaintiffs may supply citations to relevant supporting authority, but no argument.

4. On or before **July 17, 2008**, the Defendants shall address each restriction or security procedure specified by the Plaintiffs, and may supply citations to relevant supporting authority, but no argument.

5. On or before **July 24, 2008**, the parties may file trial briefs with regard to the constitutionality of the specific restrictions or security procedures identified by the Plaintiffs.

6. An evidentiary hearing on the constitutionality of the restrictions or security procedures identified by the Plaintiffs will be conducted at **8:30 a.m. on July 29, 2008**.

Dated this 9th day of June, 2008

BY THE COURT:



Marcia S. Krieger
United States District Judge