

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANDREW ROBERTS,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 4:16-cv-1210
)	
CITY OF UNIVERSITY CITY,)	
MISSOURI,)	
)	
Defendant.)	

COMPLAINT

Plaintiff Andrew Roberts alleges as follows:

INTRODUCTION

1. In this civil rights action, brought pursuant to 42 U.S.C. § 1983, Plaintiff Andrew Roberts seeks judgment against University City for violation of his free speech and due process rights under the First and Fourteenth Amendments after he was removed from a city council meeting by order of the mayor for speaking out against a resolution that was being discussed during the public comment portion of the meeting.

PARTIES

2. Plaintiff, Andrew Roberts, is a citizen of Missouri who resides in University City.
3. Defendant, University City, is a municipal corporation duly organized under the laws of the State of Missouri.

JURISDICTION AND VENUE

4. Plaintiff brings this claim pursuant to 42 U.S.C. § 1983; the Free Speech Clause of the First Amendment to the United States Constitution, incorporated as against States and

their municipal divisions through the Fourteenth Amendment; and the Due Process Clause of the Fourteenth Amendment.

5. The jurisdiction of this Court is proper pursuant to 28 U.S.C. § 1331 because Plaintiff's action arises under the Constitution of the United States; and § 1343(a)(3) to redress the deprivation of a right secured by the Constitution of the United States.
6. Venue is proper in the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in St. Louis County, Missouri.
7. Divisional venue is proper in the Eastern Division because the events leading to the claim for relief arose in St. Louis County and Defendant is a municipality located in St. Louis County. E.D. Mo. L.R. 2.07(A)(1), (B)(1).

FACTS

8. Mayor Shelley Welsch and her supporters on the University City Council have advocated for privatizing the city's ambulance services.
9. Councilmember Terry Crow has been an outspoken opponent to the privatization plan and received widespread support from the residents of University City for his position.
10. Mayor Welsch has launched what many University City residents perceive to be a retaliatory campaign against Councilmember Crow by introducing Resolution 2016-2, a resolution that sought to take punitive measures against Councilmember Crow for allegedly violating council rules after he requested a legal opinion from the City Attorney.

11. More specifically, Resolution 2016-2 proposed to censure Councilmember Crow for violating Rule 37 of the City Council's Rules of Order and Procedure and attempting to harm the interest of this City and its residents.
12. In response to the proposals seeking to punish Councilmember Crow and the subsequent Resolution 2016-2 that was introduced and sought to censure Councilmember Crow, citizens of University City attended council meetings in large numbers.
13. City council meetings are limited designated public forums. As such, any restriction on speech must be reasonable and viewpoint neutral.
14. During at least two council meetings, citizens, including Plaintiff, addressed the allegations against Councilmember Crow and the mayor's intent to seek punitive actions against him, expressed their support for Councilmember Crow, and criticized Mayor Welsch and her position advocating for punishment of Councilmember Crow. Councilmembers, including Councilmember Crow, also spoke at the council meetings addressing these issues and provided their opinions regarding the mayor's desire to punish Councilmember Crow for his alleged rule violation.
15. Plaintiff spoke at the council meetings during the public comment portion and spoke on topics that were on the agenda for discussion.
16. At a council meeting on December 14, 2015, Mayor Welsch stated, among other things, that personal attacks on councilmembers or staff would be ruled out of order.
17. The minutes of the December 14, 2015, council meeting provide that Mayor Welsch also stated to other councilmembers that they should desist in making personal attacks on their colleagues, limit their comments to the merits of an issue, and not to call into

question their colleagues' motives. However, the publicly available audio recording of the meeting does not contain that statement.

18. At a council meeting on January 11, 2016, Mayor Welsch stated that she was reminding those in attendance that personal attacks on councilmembers, staff, or anyone else would be ruled out of order. She also indicated that she reserved the right to disallow those engaging in personal attacks to speak at the January 11, 2016 meeting or future Council meetings. She stated that she was reminding members of the Council to desist in making personal attacks on colleagues and to limit their comments to the merits of an issue and not to call into question the motives of their colleagues.
19. At the December 14, 2015 council meeting, Mayor Welsch asked the councilmembers to begin having discussions on possible disciplinary actions against Councilmember Crow.
20. At the December 14, 2015 council meeting, Plaintiff and other residents voiced their opinions on the motives of Mayor Welsch's decision to move for punishment against Councilmember Crow during the public comment portion of the meeting.
21. When Plaintiff spoke, he was accused of making personal attacks because he expressed his opinion about the motives of Mayor Welsch to punish Councilmember Crow.
22. Plaintiff expressed his opinion about particular allegations of malfeasance being brought against Councilmember Crow, including the alleged violation of the public trust and the alleged breach of ethical responsibilities.
23. After being accused of making personal attacks on members of the Council, Plaintiff stated that nothing he had said was a personal attack, simply facts that had been

observed by residents who attend council meetings. Plaintiff then stated that it was no coincidence that the disciplinary actions were being sought just before Councilmember Crow decided whether to run for reelection.

24. At the January 11, 2016 council meeting, Plaintiff attempted to deliver a prepared statement during the public comments portion of the meeting following the council's discussion of and vote on Resolution 2016-2, the formal resolution to censure Councilmember Crow.
25. Plaintiff's challenge to Resolution 2016-2 began by stating Mayor Welsch had a propensity to pursue issues with motives based on pettiness and vindictiveness instead of acting in the best interest of the community.
26. Plaintiff spoke when it was his turn during the public comment portion of the city council meetings and remained well within the five-minute time limit.
27. Plaintiff was not disruptive when he read his prepared statement.
28. Plaintiff's statement was relevant to the issues being discussed at the meeting.
29. Plaintiff's statement was not long and consisted of one double-spaced typed page of comments.
30. Plaintiff believed Resolution 2016-2 to be retaliatory in nature.
31. Plaintiff's prepared statement sought to raise the possibility of censuring Mayor Welsch based on her official acts of deciding to outsource emergency medical services (EMS), mistreating firefighters in the process of making that decision, and disregarding decency and justice.
32. Resolution 2016-2 was related to outsourcing the EMS and mistreatment of firefighters because Councilmember Crow opposed the outsourcing and mistreatment,

and Crow's opposition motivated him to take the actions that led to Mayor Welsch's decision to propose punishing him.

33. Plaintiff was able to deliver only approximately 37 seconds of his prepared statement because, before Plaintiff could finish, Mayor Welsch objected to it and accused Plaintiff of making personal attacks.

34. Mayor Welsch instructed Plaintiff to focus on the resolution at issue.

35. Plaintiff responded by indicating that he believed his statement was focused on the resolution.

36. Instead of allowing Plaintiff to continue reading his statement, which was related to the resolution at issue, Mayor Welsch signaled law enforcement officers and they were ordered to remove Plaintiff from the meeting.

37. Plaintiff was escorted out of the building by the law enforcement officers.

38. Because Plaintiff's statement was met with praise and cheering from the audience, but was critical of Mayor Welsch's decisions made in her official capacity, Plaintiff believes he was targeted because of the content and viewpoint of his speech and that Mayor Welsch restricted his right to speak because she believes he is a leader of community opposition that is threatening to her position.

39. After Plaintiff was removed from the January 11, 2016 council meeting and was not allowed to finish reading his prepared statement, he was banned indefinitely by Mayor Welsch from speaking at any future council meetings on this or any other topic being discussed.

40. Although Plaintiff's ability to speak at council meetings has been restored, it is unclear to Plaintiff under which circumstances or based on which content he will be prohibited from speaking in the future.
41. As a result of uncertainty about what content may result in Plaintiff again being prohibited from speaking for an indefinite period of time, Plaintiff has altered the content of speech in order to avoid speech that he thinks could inspire Mayor Welsch to order law enforcement officers to remove Plaintiff from a meeting or prohibit him from speaking.

COUNT I: FIRST AMENDMENT

Violation of First Amendment right – 42 U.S.C. § 1983

42. Plaintiff incorporates by reference the allegations in the foregoing paragraphs of this complaint as fully set forth herein.
43. Plaintiff's speech was conducted in a limited designated public forum.
44. Plaintiff's speech is protected by the First Amendment.
45. Plaintiff's speech did not violate any law.
46. Plaintiff was not disruptive and his speech was relevant to the topic being discussed.
47. Plaintiff spoke during the public comment portion of the council meeting.
48. But for the content of and viewpoint expressed in Plaintiff's speech and Mayor Welsch's animus towards Plaintiff for statements addressing her motives behind Resolution 2016-2, Plaintiff would not have been removed from the city council meeting, banned indefinitely from speaking at future meetings, and thereby silenced. The silencing of Plaintiff and his removal from the meeting was a violation of Plaintiff's constitutional rights.

49. As Mayor of University City, Welsch occupies a policymaking role for University City such that her actions, taken under color of law, are the official policy of University City.

50. Removing Plaintiff from the council meeting and silencing him was unreasonable.

COUNT II: DUE PROCESS

*Removing Plaintiff from a City Council Meeting
Because of the Content of his Speech Was a Violation of Due Process*

51. Plaintiff incorporates by reference the allegations in the foregoing paragraphs of this Complaint as fully set forth herein.

52. By removing Plaintiff from the council meeting and banning him indefinitely, Mayor Welsch has placed arbitrary limitations on Plaintiff's ability speak during public council meetings and Plaintiff's speech was therefore unconstitutionally restricted in violation of his due process rights.

53. The motives of public elected officials acting in their official capacities have a substantial impact on taxpaying residents and those residents should be able to discuss those motives in a public forum.

54. The motives of public elected officials are relevant to the resolutions they support and propose.

55. University City Council meetings are conducted in a limited designated public forum, and selectively prohibiting the discussion of a council member's motives based upon the content and viewpoint of what is said is unreasonable and a violation of due process.

WHEREFORE, Plaintiff respectfully requests this Court:

A. Enter judgment in favor of Plaintiff and against Defendant University City;

- B. Upon proper motion, issue a preliminary injunction prohibiting Defendant from placing content-based restrictions on speech in limited designated public fora;
- C. Issue permanent injunction prohibiting Defendant from placing content-based restrictions on speech in limited designated public fora;
- D. Award Plaintiff compensatory and nominal damages against Defendant University City for its violation of Plaintiff's constitutional rights under color of state law;
- E. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- F. Allow such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Anthony E. Rothert

Anthony E. Rothert, #44827

Jessie Steffan, #64861

American Civil Liberties Union of Missouri
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Attorneys for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ROBERTS, Andrew

(b) County of Residence of First Listed Plaintiff St. Louis County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony E. Rothert, ACLU of Missouri, 454 Whittier Street, St. Louis, MO
314-669-3420**DEFENDANTS**

UNIVERSITY CITY, CITY OF

County of Residence of First Listed Defendant St. Louis County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1983

Brief description of cause:

Free Speech and Due Process Challenge to Municipal Policy

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/25/2016

SIGNATURE OF ATTORNEY OF RECORD

/s/ Anthony E. Rothert

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

Andrew Roberts

Plaintiff

v.

University City, Missouri

Defendant

)
)
)
)
)
)
)

Civil Action No. 4:16-cv-1210

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

University City
c/o Joyce Pumm, City Clerk
6801 Delmar
St. Louis, Missouri 63130

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anthony E. Rothert
ACLU of Missouri Foundation
454 Whittier Street
St. Louis, Missouri 63108

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 4:16-cv-1210

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: