

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

**INDIANA UNIVERSITY CHAPTER  
OF TURNING POINT USA,  
KYLE REYNOLDS, and TIM  
WHEELER,**

**Plaintiffs,**

**vs.**

**CITY OF BLOOMINGTON,  
INDIANA, DIRECTOR OF THE  
BLOOMINGTON DEPARTMENT OF  
PUBLIC WORKS ADAM WASON, in  
his individual capacity, BOARD OF  
PUBLIC WORKS MEMBERS, KYLA  
COX DECKARD, BETH H.  
HOLLINGSWORTH and DANA  
HENKE in their individual  
capacities, and CITY ATTORNEY  
MIKE ROUKER, in his individual  
capacity,**

**Defendants.**

**Cause No. 1:22-cv-00458-SEB-TAB**

**REPLY IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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## ARGUMENT

Defendants' Response [Dkt. 80] does not dispute the material facts that support Plaintiffs' Motion for Summary Judgment ("Motion"). [Dkt. 78.] The City opened a public forum for private art installations in public rights-of-way. Defendants twice denied Plaintiffs access to that forum because they disagree with the message of Plaintiffs' All Lives Matter Mural ("ALM Mural"). Moreover, the second denial resulted from a content-based time, place, and manner restriction that does not satisfy strict scrutiny both on its face and as-applied. Plaintiffs are entitled to final judgment under Rule 54(b) as granting their Motion disposes of all claims, awards them complete relief, and there is no just reason for delay.

### **A. The Parties Agree on the Material Facts**

Defendants' Response does not dispute the following material facts. Before 2021, Defendant City of Bloomington ("City"), through the Board of Public Works ("Board"), had a process for receiving and approving requests by private entities and individuals to engage in expressive activity in public rights-of-way, including painting murals (*i.e.*, the "Encroachment Policy"). [Dkt. 80 at 4; Dkt. 79, Statement of Undisputed Fact ("Fact") ¶ 6.] The Encroachment Policy did not include any rule restricting the content of speech or art painted in rights-of-way. [Fact ¶ 8.] The City approved three murals by private entities in 2017 and 2018, [Dkt. 80 at 4], and each mural was expressive content. [Fact ¶¶ 11, 16, 20.] One was fully funded by a private neighborhood, with no City funding. [Fact. ¶ 15.]

Representatives of the Indiana University ("IU") Black Collegians approached City employees about painting a "Black Lives Matter" mural ("BLM

Mural”) on the IU campus, and City employees agreed to meet with the representatives. [Fact ¶¶ 22, 24.] The Black Collegians painted the BLM mural, which was more than just letters that spelled “Black Lives Matter.” [Fact ¶ 25.] “[E]ach letter represent[ed] a different marginalized community” and contained symbols within each letter referencing a different community. [Fact ¶ 26.] Social media attributed the BLM Mural, paid for using IU student activity fee funding, to the Black Collegians and IU students. [Fact ¶ 28.] On August 5, 2021, the Black Collegians obtained a permit to touch up the BLM Mural they installed. [Fact ¶ 30.]

On July 29, 2021, Plaintiffs requested to install their ALM Mural on IU’s Campus, with a thin blue line running through “All Lives” and a thin red line running through “Matter.” [Fact ¶ 36; Dkt. 80 at 4–5.] On August 23, 2021, Rouker denied Plaintiffs’ request saying “[t]he City does not take recommendations for art in its rights of way from individuals, and at this time, the City is not considering adding additional art within its right of way.” [Fact ¶ 43.] Rouker claims he was unfamiliar with the City’s prior approvals of private murals. [Dkt. 80 at 9.]

On December 20, 2022, the Board approved “City of Bloomington Policy and Procedures on Private Art Installations within the Public Right of Way” (“CARWP”). [Fact ¶ 47.] The CARWP reconfirmed a public forum for private art installations in rights-of-way, but for the first time prohibited “speech” in semi-permanent and permanent art (the “anti-speech provision”). [Fact ¶ 49.] The CARWP defines “speech” as “[w]ords, letters, numbers, universally recognized symbols, or logos of any kind.” [*Id.*] The CARWP has safety provisions that prohibit

art that “mimic[s] in whole or in part traffic control devices” or art that causes drivers to “alter their course to drive around the art” [Dkt. 79-8 at 2–3] and limits the location where art can be installed. [Fact. ¶ 53.]

Plaintiffs reapplied to install the ALM Mural. [Fact ¶ 53.] On March 14, 2023, the Board again denied the “All Lives Matter” street mural *solely* because it contained “speech,” not due to public safety concerns. [Fact ¶ 58.]

Defendants argue Plaintiffs failed to consider “the undisputed facts that are unfavorable to [Plaintiffs] and failed to draw reasonable inferences in favor of the Defendants.” [Dkt. 80 at 1.] The additional facts Defendants reference are the same facts they identified in their Cross-Motion for Summary Judgment [Dkts. 76 & 77], which focus on establishing the Black Collegians’ BLM Mural as government speech. The central additional fact is that the Black Collegians’ mural was part of a unified “project” by the City to install three BLM Murals. As explained in Plaintiffs’ Response, the admissible evidence actually says “the project” was always only two murals. A third was always discussed as a mere “possibility.” Only when the Black Collegians approached the City, did a third BLM mural materialize. [Dkt. 81 at 5–7; Dkts. 18-3, 18-4 at 2, 18-5 at 4–5, 18-6; 18-8; 18-10 at 1; 18-14, ¶¶ 10-19, 18-15 ¶ 21; Dkt. 79-1 at 3–4; 79-2 at 2; Wason Dep. 25:19-23; Answer ¶¶ 21, 43.] As noted above, the Black Collegians’ mural was materially different in design from the earlier BLM murals and funded by IU student fees, not City funds.

**B. Two Individual Defendants Should Be Dismissed from the Case**

Plaintiffs concede there is no liability for Defendants Henke and Hollingsworth on all Counts or for Defendant Deckard on Count I. Rouker now

admits that his misunderstanding of the City’s past practices and policies prevented Henke, Hollingsworth, and Deckard from considering Plaintiffs’ first mural request. [Dkt. 77-6.] And the former two resigned before Plaintiffs’ second mural request.

Plaintiffs stand by their Motion as to all other individual Defendants based on the designated evidence [Dkt. 79 at 6–20], where Plaintiffs referenced those Defendants by name or the actions of the Board.

### **C. Defendants Violated the Court’s Order**

Defendants argue they have not violated the Court’s preliminary injunction order because the Court “did not state the City was restricted from taking other needed actions at the same time,” namely, banning all public art in semi-permanent and permanent murals that contain “speech.” [Dkt. 80 at 20.] The City says it could both comply with the Court’s order and “officially adopt” the anti-speech provision as “it had [already] applied specific rules or criteria providing that street paintings could not contain ‘speech.’” [*Id.* at 20–21.]

This argument is flawed. There is no evidence the City applied a “specific rule” or “criteria” akin to the anti-speech provision before December 2022. Defendants’ Response does not rebut that “[t]he unwritten Encroachment Policy did not include any policy or guidelines restricting the content or speech of art painted in rights-of-way.” [Fact ¶ 8.] The Response cites only an email chain about the McDoel Neighborhood mural application wherein City employees discussed Portland’s anti-speech criteria [Dkt. 32-3], and documents reflecting that none of the neighborhood murals “contained words, letters, or numbers.” [Dkt. 80 at 20.] This is not evidence of pre-existing “specific rules” and “criteria.” Nowhere in the

email discussion about the McDoel Neighborhood or the Board proceedings did any City employee mention that it would prohibit (or ever had prohibited) street murals because they contained words or universally recognized symbols. [July 11, 2017 Video at 20:15–32:11, available at <https://catstv.net/m.php?q=4320> (last accessed Sept. 3, 2024).] City Employees testified that the City never imposed any speech restriction on public art designed by private individuals. [Wason Dep. at 17:11–24; Hollingsworth Dep. at 7:21–8:4; Deckard Dep. at 7:5–9, 18:11–14.]

Defendants argue Plaintiffs cited no evidence that the City adopted the CARWP to exclude the Plaintiffs. [Dkt. 80 at 21.] But it is undisputed that in response to the Court’s Order mandating Plaintiffs’ access to “the application process” the City literally changed the application process. The new process added a brand-new anti-speech provision. The only reasonable inference is the City changed “the application process” to exclude Plaintiffs.

#### **D. Defendants Committed Viewpoint Discrimination**

Defendants attack several premises of Plaintiffs’ viewpoint discrimination argument but miss the evidentiary forest for the trees.

##### ***1. There Was a Public Forum for Private Art in Rights-of-Way***

Defendants argue that the public forum at issue did not open with the 2015 Master Plan because that document outlined only a plan “for *the City* to develop, prioritize, create, and display public art.” [Dkt. 80 at 22–23.] This is immaterial. Defendants do not dispute there was a forum for private art in public rights-of-way before Plaintiffs requested the ALM Mural in 2021.

**2. The Anti-Speech Provision Is New**

Defendants argue that the anti-speech provision in the CARWP is not new but a pre-existing restriction that it applied to past street murals. [Dkt. 80 at 23.] As explained above, this is *post hoc* rationalization. Only when Defendants were faced with the prospect of allowing Plaintiffs into the public forum did they impose a restriction on words and universally recognized symbols.

**3. The Black Collegians' BLM Mural Is Not Government Speech**

Defendants insist that the Black Collegians' BLM Mural is government speech. [Dkt. 80 at 23–24.] But this argument ignores three additional facts asserted by Plaintiffs. First, representatives from the Black Collegians initiated the “third” mural [Fact ¶¶ 22, 24.] Second, the content of the Black Collegians' mural stated a message that was far broader than the message the City retroactively adopted because each letter told a different story of a different community. [Fact ¶ 26.] There is no evidence that the City adopted the message in “each letter.” Third, the Black Collegians' mural was funded using IU student funds, not City funding. [Fact ¶ 27.] Defendants offer no response to these last two points, thereby waiving any argument against them. *Phillips v. Wilkerson*, No. 1:15-cv-0151-JMS-MPB, 2016 WL 4205993, at \*4 (S.D. Ind. Aug. 10, 2016) (citations omitted).

Moreover, having conceded a forum was created, Defendants stretch the “government speech” doctrine beyond recognition. Developed to allow governments to accept “permanent” monuments without creating a public forum, *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 480 (2009), Defendants novelly contend that *within a public forum* the government has greater speech rights than its citizens.

[See also Dkt. 81 at 20–21.]

#### **4. Defendants Committed Viewpoint Discrimination**

Defendants argue the first ALM Mural request was denied because Rouker misunderstood the nature of the public forum and the second ALM mural was denied only because it violated the CARWP’s anti-speech provision. [Dkt. 80 at 24.] They say viewpoint was not the reason for either denial. [*Id.*] But both arguments draw the wrong conclusions from the undisputed facts.

##### **(a) The August 23, 2021 Denial**

*First*, Rouker’s intent is immaterial because Plaintiffs do not need to show intentional discrimination to succeed under the First Amendment. Defendants can still violate the First Amendment “regardless of [their allegedly] benign motive ... or lack of animus toward the ideas contained in the regulated speech.” *Reed v. Town of Gilbert*, 576 U.S. 155, 165 (2015) (cleaned up); accord *Frederick Douglass Found., Inc. v. D.C.*, 82 F.4th 1122, 1144–45 (D.C. Cir. 2023).

*Second*, whether intended or not, denying Plaintiffs’ mural in 2021 discriminated in favor of the various neighborhoods who installed paintings that celebrated getting to know one’s neighbor and “sense of place” with pictures of flowers, turtles, and pollen [*see* Dkt. 32 (Surreply) at 4–5], and against the viewpoint of Plaintiffs who wanted to paint the phrase “All Lives Matter” that incorporated the symbolic thin blue and red lines.

*Third*, Rouker exercised standardless discretion by unilaterally denying Plaintiffs’ request on August 23, 2021, *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 150–51 (1969), which contrasts starkly with the City’s diligent

accommodation of the neighborhood mural projects and the Black Collegians.

*Fourth*, Defendants’ argument ignores the rest of the evidence, including Defendant Wason’s role in forwarding Kyle Reynolds to City Legal, which Wason did not do when approached by the Black Collegians [*compare* Answer ¶¶ 73–74; Dkt. 7-4 *with* Dkt. 79-1], the City’s admission that it disagrees with the message “All Lives Matter” [Answer ¶ 119], Defendants’ concession that Rouker’s response to Reynolds is “[a]t most, evidence of not asking more questions of Mr. Reynolds to explore his request” [Dkt. 77 at 18], and Defendants’ adoption and application of the unconstitutional CAWRP to deny the ALM Mural. [Answer ¶¶ 98, 113–116, 118.]

**(b) *The March 14, 2023 Denial***

Regardless of Rouker’s “misunderstanding” in 2021, viewpoint discrimination explains the denial of Plaintiffs’ second ALM Mural request in 2023. When required by the Court to make its “application process” available to Plaintiffs, the City created the anti-speech provision that was never “officially adopted” or applied before. [*See, e.g.*, Deckard Dep. at 18:11–14 (there was not “any prohibition on speech” prior to the CARWP).] Any argument otherwise is *post-hoc* rationalization.

**E. The CARWP is Unconstitutional**

**(a) *The New Policy Is Not Content-Neutral***

Defendants argue the CARWP is content neutral because it precludes words, letters, and symbols in semi-permanent art regardless of the message or the subject matter. [Dkt. 80 at 24–25.] Defendants cite *City of Austin, Texas v. Reagan Nat’ Advert. of Austin, LLC*, which says a policy is not content-based simply because “a reader must ask: who is the speaker and what is the speaker saying to apply a

regulation.” 596 U.S. 61, 69 (2022) (cleaned up). Defendants say *Reagan* holds that “[a] policy is content-neutral even if application of it requires an examination of speech to apply neutral lines or conclusions.” [Dkt. 80 at 23.]

Defendants read *Reagan* too broadly. That case held a city could ask “who is the speaker and what is the speaker saying ... *only in service of drawing neutral, location-based lines*” about where the City could install digital off-site billboards. *Reagan*, 596 U.S. at 69 (emphasis added). The anti-speech provision of the CARWP, by contrast, is not a “neutral location-based line” about *the location* at which private citizens may install their art but about *the content* the citizens may express. What’s more, the testimony of City employees establishes the City actually takes content into account. [Dkt. 79-7 at 2–3 (“hate speech” and “signs used in [American Sign Language] ... would be impermissible”); Warren Dep. at 20:8–21:13 (“We always say, Okay, what do people want to see here.”); Deckard Dep. at 22:15–22 (“And so we as citizens would have a perception as to what that might symbolize.”).]

The CARWP also eliminates the subject matter of political and cultural discourse but permits other subject matters, which is precisely what the Supreme Court has said the government may never do in a public forum. *Reed*, 576 U.S. at 169; *Grossbaum v. Indianapolis-Marion Cnty. Bldg. Auth.*, 100 F.3d 1287, 1297 (7th Cir. 1996) (content neutrality “prevents the government from even limiting discussion in public fora to specific subjects”) (citations omitted). Any message in a mural regarding the “subject matter” of robust cultural and political discourse necessarily requires the use of words or universally recognized symbols. Politics and

cultural discourse is, by definition, meaningless without words and symbols recognized within the political and cultural community. The anti-speech provision takes that subject-matter off the table, restricting expression in the forum to abstractions, ambiguous renderings, or what the City has already described as paintings celebrating neighborliness and sense of place. [Dkt. 32 at 4–5.]

The CARWP is no different than the sign code the Supreme Court rejected in *Reed*, which distinguished between directional signs, ideological signs, and political signs. 576 U.S. at 171–172. In the words of the Supreme Court, “the [CARWP] singles out specific subject matter for differential treatment,” namely expressive content on neighborliness and sense of place but not on political or cultural issues, “even if it does not target viewpoints within that subject matter.” *Reed*, 576 U.S. at 169. Or in other words more recently used by the Supreme Court in *Reagan*, the CARWP “swap[s] an obvious subject-matter distinction [*i.e.*, no political discourse] for a ‘function or purpose’ proxy that achieves the same result [*i.e.*, no words or universally recognized symbols].” *Reagan*, 596 U.S. at 74.

Thus, the CARWP arguably bans semi-permanent street murals replicating Eugène Delacroix’s *Liberty Leading the People* (1830), as a universally recognized symbol of the French Revolution and the fight against tyranny but permits a mural replicating Andy Warhol’s *Turtle* (1985). Then again Warhol’s imagery might be barred if a City employee thought it was an extension of Warhol’s acclaimed Endangered Species Portfolio, which addressed the artist’s concern for the preservation of wildlife. This hypothetical demonstrates that the CARWP does

exactly what the Supreme Court has said government cannot do in a public forum.<sup>1</sup>

Fundamentally, the CARWP repackages a premise the Court already found “unavailing,” namely, that art that does not contain words or universally recognized symbols is “not speech or acts of expression.” [Dkt. 35 at 26.] While Defendants no longer make this unfounded assertion in so many words, their attempt to defend as content-neutral a policy that distinguishes art based on the use of words and symbols is just as unavailing. All art is expressive content. Period. *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Group of Boston*, 515 U.S. 557, 569 (1995).

**(b) The New Policy Is Not Narrowly Tailored**

Defendants argue that the CARWP is a reasonable time, place, and manner restriction “narrowly tailored” to serve the “significant governmental interests” of “public safety” and preserving “public resources.” [Dkt. 80 at 26.]

First, Defendants cite the intermediate scrutiny standard of *Ward*, not the strict scrutiny standard of *Reed*. The latter applies here because the anti-speech provision is content based, so it is “presumptively unconstitutional” and stands only if it is “narrowly tailored to serve compelling state interests.” *Reed*, 576 U.S. at 163.

Assuming the City’s stated interests are compelling, Defendants have not met their burden to show the CARWP is narrowly tailored under either intermediate or strict scrutiny. First, the CARWP has several safety provisions

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<sup>1</sup> The Court may take judicial of webpages depicting and describing these well-known paintings. Fed. R. Evid. 201(b)(b). <https://smarthistory.org/delacroix-liberty-leading-the-people/>; <https://www.masterworksfineart.com/artists/andy-warhol/screen-print/turtle-1985/id/w-3507>

that, if complied with, render the anti-speech provision immaterial for public safety. Second, the CARWP permits words in temporary signs that are just as likely to jeopardize public safety as words in semi-permanent signs. Third, the CARWP encourages standardless discretion. [Dkt. 79 at 28–29.]

On the first point, Defendants say the CARWP as a whole protects public safety, not just Section III of the CARWP [Dkt. 80 at 11]. Assuming this is true, this is not an explanation for how the anti-speech provision is narrowly tailored to public safety. Section III prohibits *all* art that

mimic[s] in whole or in part traffic control devices including but not limited to a crosswalk, stop sign, stop bar, or similar traffic control device. Art Installation geometry should be such that drivers do not alter their course to drive around the art.

[Dkt. 79-8 at 2 (Section III.C).] Compliance with Section III means artists cannot paint words that mimic traffic directions or words that alter drivers' courses. Going a step further to ban *all words* is “substantially broader than necessary” to serve public safety. *Ward v. Rock Against Racism*, 491 U.S. 781, 783, (1989). It fails under both the intermediate and strict scrutiny standards.

Defendants argue that “[l]imiting additional words and letters on public streets serves the purpose of limiting non-transportation and non-government related messages for drivers and pedestrians to read and process” which “reduc[es] the risks of public safety.” [Dkt. 80 at 26–27.] This is a rational basis argument at best. Art without words distracts just as much as art with words – maybe more so, depending on how provocative it is. Second, the photos and plans for the BLM Mural and ALM Murals show that it is impossible to “read and process” either from

a driver's or pedestrian's vantage point. They are designed to be read from afar. [Answer ¶¶ 51, 52, 114.] Murals which cannot be read while driving over them do not create traffic hazards – otherwise, the City is admitting it jeopardized public safety by installing the first two BLM murals and allowing the third. Substituting “Black Lives” for “All Lives” does not make a mural “safe” merely because it is installed by the City. Defendants' argument justifies only limiting the *location* of private art installations in rights-of-way, which the CARWP already does. [Dkt. 79-8 at 3 (Section V).] It is insufficient to explain why also discriminating between art based on *content* is narrowly tailored to public safety. The better explanation for the anti-speech provision is that it's a pretext for limiting viewpoint and subject matter.

As to the CARWP's inconsistency in banning semi-permanent but not temporary words, Defendants argue this is an underinclusiveness problem and the narrowly tailored test addresses only “whether the restriction is too broad; not whether it is not broad enough.” [Dkt. 80 at 27.] Not so. Narrowly tailored means neither over or underinclusive. Underinclusiveness doomed the arbitrary distinction between directional signs and political signs in *Reed*. The Supreme Court held “the Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs.” *Reed*, 576 U.S. at 172. Thus, the Town's policy failed “[i]n light of this underinclusiveness.” *Id.* The same is true here.

Defendants argue that “temporary substances (such as chalk) are not commonly used to convey transportation-related messages to drivers and pedestrians.” [Dkt. 80 at 27.] But there is no evidence in the record on how chalk is

“commonly used.” Nor is there evidence that non-chalk-like media such as tape or painting on adhesive tape could not be used to create temporary art. This argument also ignores that the CARWP’s safety provisions already prohibit *all* art – including temporary art from conveying “transportation-related messages.” [Dkt. 79-8 at 2 (Section III.C).] If semi-permanent words do not mimic traffic control devices or make drivers alter their course (and there’s no evidence to suggest the ALM Mural posed such a threat) semi-permanent art poses no threat to public safety and is no more likely to “convey transportation-related messages” than temporary art.

Lastly, the CARWP invites standardless discretion. *Shuttlesworth*, 394 U.S. at 151. City employees struggled to define “universally recognized symbols.” [Dkt. 79-7 at 3 (“there will be close cases on universally recognized symbols”); Deckard Dep. at 20:3–11 (“hard ... to guarantee” approval), 22:10–23:10; Warren Dep. 18:15–18 (“there are no rules”), 18:21–19:2, 29:18–31:10.] Defendants did not respond to this point, waiving any argument against it. *Phillips*, 2016 WL 4205993, at \*4.

#### **F. Final Judgment and a Permanent Injunction Are Warranted**

Defendants argue final judgment is improper because Plaintiffs’ Motion omits discussion of the alternative Indiana Constitution and Fourteenth Amendment theories of the case. [Dkt. 80 at 2, 19–20.] This is incorrect. Granting the Motion on First Amendment grounds disposes of all the claims in this case. A “claim” under Rule 54, is “[o]ne set of facts producing one injury ... no matter how many laws the deeds violate.” *N.A.A.C.P. v. Am. Fam. Mut. Ins. Co.*, 978 F.2d 287, 292 (7th Cir. 1992) (citations omitted). There are three claims in the operative complaint:

- (1) Defendants unconstitutionally denied Plaintiffs’ first ALM Mural request;

- (2) Defendants violated the Court’s Order by passing the CARWP; and
- (3) Defendants unconstitutionally denied Plaintiffs’ second ALM Mural request.

These claims are raised under various state and federal constitutional theories, but the First Amendment sufficiently disposes of all claims, affording full relief.

Rule 54(b) permits final judgment when there is “more than one claim” or “multiple parties,” and “no just reason for the delay.” These criteria are met here. Defendants’ only argument to the contrary is based on their disagreement with the merits [Dkt. 80 at 28–29], not the impropriety of final judgment.

Lastly, Plaintiffs have not abandoned alternative constitutional theories. If the Court grants Plaintiffs’ Motion, but does not enter final judgment, then this case will proceed to trial on the Indiana Constitution and Fourteenth Amendment counts not raised in the Motion. Similarly, if the Court does not grant Plaintiffs’ Motion the case should proceed to trial upon all three legal theories.

### **CONCLUSION**

The Court should grant Plaintiffs’ Motion (except as to Defendants Hollingsworth and Henke) [Dkt. 78], deny Defendants’ Cross-Motion [Dkt. No. 76], enter final judgment, and grant all other just and appropriate relief.

Date: September 3, 2024

Respectfully submitted,

**KROGER, GARDIS & REGAS, LLP**

/s/ William Bock III

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 3, 2024, I filed the foregoing *Reply in Support of Plaintiffs' Motion for Summary Judgment* electronically with the Clerk of the Court. Notice of this filing will be sent to the following by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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