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VIA EMAIL

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Re: *Alsaada et al v. City of Columbus*, Case No. 2:20cvv3431

Dear Counsel:

As you know, on Monday we filed a motion for a preliminary injunction in the above-referenced action. On Friday, Casey C. Goodson, Jr. was tragically killed by a law enforcement officer under suspicious circumstances which are now being investigated.

We understand that social media is filled with encouragement for public protests about Mr. Goodson's death. It is not in anyone's interest to repeat what happened in May and June when protestors were, we allege, subjected to excessive and retaliatory force by law enforcement officers. Beyond that, we believe that some nonviolent protestors are deterred by the threat of such force from participating. Accordingly, we ask that, for purposes of protests triggered by Mr. Goodson's death, the City and Columbus Division of Police (CDP) agree, without admitting any past misconduct, to abide by the conditions sought in the preliminary injunction motion.

Specifically, non-lethal force would not be used on nonviolent protestors to enforce dispersal orders, traffic laws, such as clearing the streets or sidewalks, and/or misdemeanors that were not committed with actual or imminently threatened physical harm or property destruction. Such protestors would include individuals who are chanting, verbally confronting police, sitting, holding their hands up when approaching police, occupying streets or sidewalks, and/or passively resisting police orders.

To the extent practicable, enforcement would be done through citations or arrests based on probable cause that an individual had committed a violation. Pain would not be inflicted to punish or deter nonviolent protestors and would be inflicted only when incidental to a use of force necessary for preventing crimes committed with actual or imminently threatened physical

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Page 2

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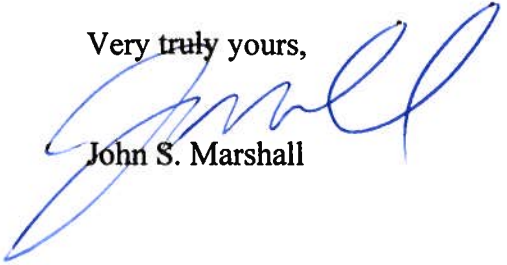
harm or property destruction and/or arresting, based on probable cause, an individual. Body and vehicle cameras would be in good working order and used during every interaction, while badge numbers and/or identity cards would be prominently displayed even when officers are wearing riot gear. Recording by observers and medical assistance would be facilitated. All mutual aid law enforcement personnel would be requested to abide by these conditions.

To be clear, these protests are developing organically, rather than through a leadership structure, and the Plaintiffs are not in a position to control what happens, particularly if officers provoke protestors by the use of excessive and retaliatory force. We are convinced that only by announcing that the City and CDP will abide by the conditions will a repeat of this summer be avoided. The conditions leave ample room for deterring physical harm or property destruction while honoring the right of citizens to protest on so important a matter of public concern.

So that legal observers, our clients, and the public can be effectively informed about ground rules that properly balance freedoms of expression and assembly with law enforcement needs, we urge you to let us to know by Friday at 11:00 a.m. whether the City and CDP will now abide by these conditions.

Thank you.

Very truly yours,


John S. Marshall

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