

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VUGO, INC., DONALD DEANS, DENISE)
JONES, GLOUSTER BROOKS, and PATRICIA)
PAGE,)

Plaintiffs,)

and)

MURRAY MEENTS,)

Plaintiff-Intervener,)

v.)

CITY OF CHICAGO,)
an Illinois municipal corporation,)

Defendant.)

Case No. 17-cv-864
The Hon. Judge Elaine E. Bucklo

**PLAINTIFFS’ AND PLAINTIFF-INTERVENER’S COMBINED
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, Plaintiffs, Vugo, Inc., Donald Deans, Denise Jones, Glouster Brooks, and Patricia Page, and Plaintiff-Intervener, Murray Meents, move for summary judgment pursuant in their favor and against Defendant, City of Chicago. In support, Plaintiffs and Plaintiff-Intervener state as follows:

1. The City of Chicago has banned people who drive for ridesharing service providers (what they City calls “Transportation Network Providers” or “TNPs”) such as Uber and Lyft from displaying commercial advertisements on or inside their vehicles. But it has not banned taxicabs from displaying such advertisements, nor has it banned the owners of ordinary passenger vehicles from doing so.

2. This discrimination against ridesharing drivers violates the right to free speech under the First Amendment to the United States Constitution and Article I, Section 4 of the Illinois Constitution and the right to equal protection under the Fourteenth Amendment to the United States Constitution and Article I, Section 2 of the Illinois Constitution.

3. In this motion, Plaintiffs and Plaintiff-Intervenor ask this Court to enter a declaratory judgment finding that the City of Chicago's ban of commercial advertisements on and in TNP vehicles as unconstitutional and a permanent injunction on the enforcement of that ban.

4. Plaintiff Vugo, Inc. filed its original complaint on February 2, 2017, and amended the complaint on March 20, 2017, adding the Plaintiffs Donald Deans, Denise Jones, Glouster Brooks, and Patricia Page, who are TNP drivers. On April 25, 2017, this Court entered an order allowing Plaintiff-Intervener to intervene in this matter and accordingly, Plaintiff-Intervener filed his complaint on April 27, 2017.

5. Both Plaintiffs' complaint and Plaintiff-Intervener's complaint allege the same claims. Count I of both complaints allege that the prohibition on commercial advertising on the interior and exterior of TNP vehicles violates the right to free speech under the First Amendment to the United States Constitution and Article I, Section 4 of the Illinois Constitution. Count II of both complaints allege that the prohibition on commercial advertising on the interior and exterior of TNP vehicles violates the right to equal protection under the Fourteenth Amendment to the United States Constitution and Article I, Section 2 of the Illinois Constitution.

6. Because their claims are identical, Plaintiffs and Plaintiff-Intervener file this combined motion for summary judgment.

7. On May 19, 2017, Defendant City of Chicago file its motion to dismiss both Plaintiffs' complaint and Plaintiff-Intervener's complaint. On August 9, 2017, this Court entered a Memorandum Opinion and Order denying Defendant's motion to dismiss both complaints.

8. This motion is accompanied by a Statement of Facts, a Memorandum of Law, and Exhibits.

9. As explained in the accompanying Memorandum of Law, the City's prohibition on commercial advertisements on and in TNP vehicles, but not taxis or other vehicles, does not directly and materially advance any of the City's asserted interested, nor does it do so in a "narrowly tailored" manner. Therefore, the Court should grant Plaintiffs' and Plaintiff-Intervener's motion for summary judgment with respect to Count I's allegation of the violation of their free speech rights. Further, because the ordinance bans commercial advertising on or in TNP vehicles, but not any other vehicles, the ordinance violates the equal protection clauses of the Federal and Illinois constitutions. Therefore, the Court should grant Plaintiffs' and Plaintiff-Intervener's motion for summary judgment with respect to Count II.

WHEREFORE, Plaintiffs Vugo, Inc., Donald Deans, Denise Jones, Glouster Brooks, and Patricia Page, and Plaintiff-Intervener Murray Meents pray for the following relief:

A. A declaratory judgment stating that Section 9-115-130 of the Chicago Municipal Code prohibiting commercial advertisements on the exterior or in the interior of a TNP vehicle violates the right to free speech under the First Amendment to the United States Constitution and Article I, Section 4 of the Illinois Constitution;

B. A declaratory judgment stating that the Chicago Municipal Code's discrimination against TNP vehicles in prohibiting commercial advertisements on the exterior or in the interior

of a TNP vehicle, Section 9-115-130, while authorizing taxicabs to advertise on the exterior or in the interior of a taxicab, Section 9-112-410(b), and not prohibiting other passenger vehicles from doing so, violates the right to equal protection under the law under the Fourteenth Amendment to the United States Constitution and Article I, Section 2 of the Illinois Constitution;

C. A permanent injunction restraining enforcement of Section 9-115-130 of the Chicago Municipal Code against Plaintiffs;

D. An award of nominal damages in the amount of \$1.00 for the violation of Plaintiffs' and Plaintiff-Intervener's constitutional rights;

E. Plaintiffs' and Plaintiff-Intervener's reasonable costs and expenses of this action, including attorney fees, pursuant to 42 U.S.C. § 1988(b), 740 ILCS 23/5(c), or any other applicable law;

F. All other further relief to which Plaintiffs and Plaintiff-Intervener may be entitled.

Dated: October 5, 2018

Respectfully submitted,

**VUGO, INC., DONALD DEANS,
DENISE JONES, GLOUSTER
BROOKS, AND PATRICIA PAGE**

By: /s/ Jeffrey M. Schwab

Jeffrey M. Schwab (#6290710)
James J. McQuaid (#6321108)
Liberty Justice Center
190 South LaSalle Street, Suite 1500
Chicago, Illinois 60603
Telephone (312) 263-7668
Facsimile (312) 263-7702
jschwab@libertyjusticecenter.org
jmcquaid@libertyjusticecenter.org

Respectfully submitted,

MURRAY MEENTS

By: /s/ Bryant M. Greening

LEGALRIDESHARE, LLC
Bryant M. Greening (#6306065)
Matthew J. Belcher (#6217522)
350 North LaSalle Street, Suite 750
Chicago, Illinois 60654
(312) 767-7950 (phone)
(312) 670-9115 (fax)
bryant@legalrideshare.com (email)

CERTIFICATE OF SERVICE

I, Jeffrey M. Schwab, an attorney, certify that on October 5, 2018, I served Plaintiffs' and Plaintiff-Intervener's Combined Motion for Summary Judgment on all counsel of record by filing it through the Court's electronic case filing system.

Respectfully submitted,

By: /s/ Jeffrey M. Schwab

Liberty Justice Center
190 South LaSalle Street, Suite 1500
Chicago, Illinois 60603
Telephone (312) 263-7668
Facsimile (312) 263-7702
jschwab@libertyjusticecenter.org