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Memphis takes protesters off City Hall 'blacklist'

Ryan Poe, USA TODAY NETWORK – Tennessee Published 11:39 a.m. CT March 1, 2017 | Updated 5:27 p.m. CT March 1, 2017



(Photo: Jim Weber/The Commercial Appeal files)

After being sued twice in the past week, the Memphis Police Department will scrub more than half of the names, mostly political activists, from a list of 81 people requiring a police escort in City Hall.

The Mid-South Organizing Committee of the Fight for \$15 fast-food worker organization filed a federal lawsuit Wednesday accusing MPD of harassment and intimidation of its protesters and organizers going back to 2014. The Wednesday action marked the second lawsuit filed in the past week claiming MPD is intimidating and conducting political surveillance on protesters.

Both lawsuits reference the City Hall "[security book \(https://www.documentcloud.org/documents/3468238-City-Hall-Escort-List.html\)](https://www.documentcloud.org/documents/3468238-City-Hall-Escort-List.html)" released Feb. 17 in response to a public records request. Within hours after the lawsuit

was announced, MPD Director Michael Rallings said in an afternoon press conference that the list was updated, removing 43 names. The remaining 38 people include former employees, a stalker, people who have threatened officials, and others.

Police wrongly placed the 43 people on the City Hall escort list after Mayor Jim Strickland signed a separate "authorization of agency" form in January that forbid the same people from trespassing on his personal property, Rallings said.

"The security book is not politically motivated," the police director said, reiterating a point he previously made. "The purpose of the book is to maintain peace and safety."

For the first time, Rallings committed Wednesday to establishing new protocols for adding and removing individuals from the escort list following a review of the procedures that led to wrongly including the 43 people. In the meantime, Rallings continued declining to specify how authorities compiled the information on the protesters or what procedures the police used to determine who makes the list, other than to say the people listed could pose a threat to public safety.

"We just want to make sure we're doing a thorough job, and we're following best practices," Rallings said of his reason for not releasing the information immediately.

Chief Legal Officer Bruce McMullen said neither lawsuit filed against the city and MPD has "any merit."

The Mid-South Organizing Committee and its 29-year-old lead organizer Antonio Cathey allege the Memphis Police Department "engaged in a pattern and practice of various intimidation tactics aimed at discouraging [workers] from engaging in protected free speech activities."

Lawsuit filed over city hall 'blacklist'

(<https://www.commercialappeal.com/videos/news/2017/02/22/lawsuit-filed-over-city-hall-'blacklist'/98273106/>).

MPD's Michael Rallings defends City Hall 'blacklist'

(<https://www.commercialappeal.com/story/news/government/city/2017/02/21/mpds-michael-rallings-defends-city-hall-blacklist/98191200/>).

Jim Strickland's response to 'blacklist' disappoints

(<https://www.commercialappeal.com/story/opinion/editorials/2017/02/26/jim-stricklands-response-blacklist-disappoints/98324208/>).

Among the grievances listed in the complaint, the plaintiffs say Cathey was told multiple times by Memphis police officers that they had "authorization" from the president of McDonald's to make arrests. Cathey also complained police officers followed him for extended periods after Fight for \$15 protests in September 2014 and used iPads to video protesters.

Cathey and two other organizers with the group, Jayanni Webster and Keedran Franklin, were among the 43 people placed on the City Hall escort list in January. Franklin was one of the four plaintiffs who filed a similar lawsuit against MPD last week. The other plaintiffs were Elaine Blanchard, an ordained minister, and Mid-South Peace and Justice Executive Director Bradley Watkins and organizer Paul Garner.

Jerry Martin, who served until recently as the U.S. attorney for Middle Tennessee, said the city is right to remove the names of protesters from the City Hall escort list, but that the litigation is about more than the list.

"The MPD is engaging in an intentional and illegal campaign to intimidate workers in an effort to prevent them from exercising their constitutional right to speak out," Martin, an attorney for the Mid-South Organizing Committee, said in a statement. "We've read about such behavior in history books, but unfortunately, in Memphis, intimidation and harassment of protesters is not just a thing of the past."

The alleged actions violate the First Amendment and a 1978 federal order barring MPD from conducting political surveillance, Martin said.

The lawsuit filed last week has the potential to become a class action, but Martin said his clients are focused on the specific issues raised in their lawsuit.

Memphis Chief Legal Officer Bruce McMullen released the following statement in response to the lawsuit:

"The City of Memphis is aware of the lawsuit but has not been served. However, based on what we know about the allegations made in the complaint, we do not believe the lawsuit has any merit."

Ashley Cathey, a Church's Chicken worker and member of the Fight for \$15 National Organizing Committee, said in a statement that the group would continue campaigning for a higher minimum wage.

"They're trying to stop us from speaking out, but even though it's riskier, we know we have a right to protest and we're not going to be intimidated," she said. "Our fight for \$15 is changing the country and it's the Memphis Police Department that's going to have to change along with it."



Memphis Director of Police Michael Rallings, left, and the city's chief legal officer, Bruce McMullen, spoke with the media in February about the City Hall "blacklist," its origins and plans to re-evaluate the names on the list. (Photo: Jim Weber / The Commercial Appeal)

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