IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

YOUNG AMERICANS FOR LIBERTY AT KELLOGG COMMUNITY COLLEGE, *et al.*, *Plaintiffs*, v. **KELLOGG COMMUNITY COLLEGE,** *et al.*. *Defendants*.	Case No.: 1:17-cv-58-RJJ-RSK **THE HONORABLE ROBERT J. JONKER**

REPLY BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

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INTRODUCTION

Recognizing they cannot defend their policies, Defendants resorted to litigating a case of their own invention, one that has nothing to do with students, but instead involves off-campus speakers who failed to get the required sponsor and permit but could have spoken anywhere. This tale lacks any sworn evidence, in contrast to Plaintiffs' Verified Complaint. Defendants admit students have been involved at every stage of the case, including the coming semester, and they never questioned anyone's student status in September 2016. Plus, this tale ignores Defendants' written Speech Permit Policy and the way they enforced their unwritten Speech Zone Policy on numerous occasions.

Legally, Defendants rely on cases involving off-campus speakers (*i.e.*, street preachers) when there is no question their policies were enforced against students, are being challenged by students, and—unless enjoined—will silence students in the coming year. Thus, these plaintiffs are the very "persons entitled to be" on campus. *Widmar v. Vincent*, 454 U.S. 263, 268 (1981). Defendants ask this Court to ignore the case that is directly on point, legally and factually, from the Southern District of Ohio (as well as those from federal courts around the country on which it relies), where members of one of Plaintiffs' sister chapters wanted to engage in the same expression (*i.e.*, collecting signatures), were required to get a permit, were confined to one location, and were threatened with arrest if they exercised their First Amendment rights elsewhere. *Univ. of Cincinnati Chapter of Young Ams. for Liberty v. Williams*, 2012 WL 2160969, *1–2 (S.D. Ohio Jun. 12, 2012). There, the court rejected the argument (which Defendants repeat here) that outdoor areas of campus are limited public fora for students, ruled that the restrictions were unconstitutional prior restraints that were not narrowly tailored to any significant government interests and that were also overbroad and vague, and issued a preliminary injunction. *Id.* at *3–9. This Court—facing more egregious facts, similar policies, and the same tired arguments—should do the same.

ARGUMENT

I. Defendants cannot evade the facts of this case.

A. Defendants cannot pretend that this is anything other than a student speech case.

Defendants say this is not a student speech case by questioning Young Americans for Liberty's ("YAL") and Mrs. Gregoire's status at Kellogg Community College ("KCC"). Defs.' Mot. for

Prelim. Inj. Resp. Br. ("Defs.' Resp.") at 3, 8–11, 14–17, 19, PageID.332, 337–40, 343–46, 348. Yet they admit Mr. Withers was a student when they enforced their policies to stop his speech, *id.* at 3, PageID.332 ("Plaintiff Withers was a KCC student in the fall of 2016[.]"), and Mrs. Gregoire "is currently enrolled as a student at [KCC]." Answer ¶ 19, PageID.213. So they enforced the policies against a student, and a student is challenging those policies. For this injunction, all that matters is that Mrs. Gregoire will be a student in the fall. 1st Gregoire Decl. ¶¶ 5–6, PageID.313.

In September 2016, Mrs. Gregoire was far from a stranger to KCC, unlike a street preacher. She had been a KCC student ever since the summer of 2015. 2d Gregoire Decl. ¶¶ 4–6. While not technically taking classes in the fall of 2016, she started them again in the spring and plans to do so until she completes her degree in 2019. *Id.* ¶¶ 7–8; 1st Gregoire Decl. ¶¶ 5–6, PageID.313. Even Defendants did not question her student status when they arrested her. 2d Gregoire Decl. ¶ 32; Compl. ¶¶ 157–94, PageID.22–26. Instead, they said she was "violating the *Code of Conduct for Students*," which obviously applies to students. Compl. ¶ 180, PageID.25. They cannot treat Mrs. Gregoire as a student when they arrest her and later question her status to evade accountability.

Students regularly enlist off-campus entities to help effectuate their speech, and yet it is still rightly considered student speech. When the Fifth Circuit struck down a university's leafletting restrictions, the plaintiffs were a "small local newspaper" and "students currently enrolled" at the university. *Hays Cnty. Guardian v. Supple*, 969 F.2d 111, 114 (5th Cir. 1992). Like Defendants, the university tried to frame the case as excluding non-students, but the Fifth Circuit refused because, as here, plaintiffs challenged rules restricting student speech. *Id.* at 121. When a student group successfully challenged another speech zone, it was hosting a large display consisting of vinyl panels, aluminum pipes, and sandbags provided by an off-campus entity. *Pro-Life Cougars v. Univ. of Hous.*, 259 F. Supp. 2d 575, 578 (S.D. Tex. 2003). Yet the court still treated the display as student speech. *Id.* at 582 (finding areas of campus in question were "public fora designated for student speech"). Hence, even if Mr. Withers were the only student involved in September 2016, this is still a student speech case. Neither Plaintiffs' affiliation with a national group committed to defending free speech nor their cooperation with non-students changes the nature of this case.

B. Defendants cannot revise the challenged policies or change the reasons that they stopped Plaintiffs and arrested Mrs. Gregoire.

Defendants claim Plaintiffs ran afoul of the rule requiring off-campus groups (*i.e.*, YAL) to be sponsored before speaking on campus. Defs.' Resp. at 10, 14–15, PageID.339, 343–44. Yet no KCC official ever mentioned this rule. 2d Gregoire Decl. ¶ 33; Compl. ¶¶ 157–94, PageID.22–26. Instead, they treated Mrs. Gregoire as a student and admit Mr. Withers was one. So YAL needed no sponsor. They repeatedly allowed Mrs. Gregoire to table for YAL and another start-up group during 2015–16 without a sponsor as she was a student recruiting members for new student groups. 2d Gregoire Decl. ¶¶ 13, 21, 30; Compl. ¶¶ 136–44, PageID.20–21. If Defendants now want to re-interpret their policies to treat students who are not affiliated with a recognized student group as "[n]on-College organizations" under the Speech Permit Policy, requiring these students to find an official student group to sponsor them before speaking, Plaintiffs will challenge this policy. But that is not how they interpreted or enforced the policy in the nearly two years preceding their brief.

Next, Defendants try to revise their policies by claiming expression is not limited to a table and can occur anywhere. Defs.' Resp. at 13–17, PageID.342–46. Earlier, they faulted Plaintiffs for choosing "not to conduct their Solicitation in a location approved by KCC," explaining that Plaintiffs "could continue soliciting in the Student Center." *Id*. at 7, PageID.336. This is what KCC officials consistently told Plaintiffs. In early 2016, they stopped Mrs. Gregoire from speaking outdoors, saying that "she was required to reserve a table in the Student Center to speak with students." Compl. ¶ 137, PageID.20. In September 2016, a KCC official told Plaintiffs the same. *Id.* ¶ 157, PageID.22. Defendant Hutchinson told them "'solicitation' was not allowed in this area of campus" (*i.e.*, outside the Binda Center). *Id*. ¶ 161, Answer ¶ 161, PageID.232. He repeatedly said KCC policy restricted student speech "to an information table in the Student Center." Compl. ¶¶ 162, 170–74, PageID.23–24. Defendant West reiterated that Plaintiffs were violating the *Code of Conduct for Students* by continuing to speak outside the Binda Center. *Id*. ¶ 180, PageID.25. In 2015, KCC officials consistently confined Mrs. Gregoire to an indoor table and stopped her when she tried to speak elsewhere. 2d Gregoire Decl. ¶¶ 9–25. Defendants cannot enforce a policy for almost two years, arrest people for violating it, and then pretend that it does not exist.

Though they invoke insubordination, Defs.' Resp. at 6–7, 18, PageID.335–36, 347, Defendants cannot "prevent [Plaintiffs] from exercising a constitutional right simply by telling them not to do so." *Holloman v. Harland*, 370 F.3d 1252, 1276 (11th Cir. 2004). Even high school "officials may not punish indirectly, through the guise of insubordination, what they may not punish directly." *Id.*

II. Defendants cannot evade the fact that their policies violate the First Amendment.

A. Both policies are content- and viewpoint-based and were enforced that way.

Defendants seek to distract from the viewpoint discrimination inherent in their Speech Permit Policy by pointing to random quotations about colleges' "educational mission." Defs.' Resp. at 11, PageID.340. But none of those quotations discuss a policy like Defendants', where speech is "permitted only when [it] support[s] the mission of [KCC] or . . . of a recognized college entity or activity." Compl. ¶ 107, PageID.16. Instead, those courts discussed how colleges can limit outside speakers not affiliated with a student or student group because the campus is supposed to be dedicated to students. *See Gilles v. Miller*, 501 F. Supp. 2d 939, 948 (W.D. Ky. 2007); *Bowman v. White*, 444 F.3d 967, 980 (8th Cir. 2006). But Defendants do not deny that Mrs. Gregoire is a student and will be one for the period for which the injunction is sought. Unlike Defendants, none of these universities required speakers to support their institutional missions to speak on campus.

Trying to dodge their Speech Permit Policy's language, Defendants quote their mission statement. Defs.' Resp. at 4, PageID.333.[1] But under it, they can ban anything they decide it does not "enrich our community [or] the lives of individual learners." Kellogg Cmty. Coll., *About KCC*, http://www.kellogg.edu/about (last visited Jul. 5, 2017). Its "core components" magnify the viewpoint discrimination. Under these, Defendants can ban speech they decide does not "lead to enhanced employability," help students "think critically," or "demonstrate global awareness." *Id.* They can silence anything they deem does not "promote, support, and enhance student success" or provide "opportunities that result in personal growth and development." *Id.* If speech expresses views that Defendants decide meets these amorphous criteria, it is allowed. If not, it is banned.

[1] In addition, the purpose of Defendants' policies is irrelevant. *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2228 (2015) (finding content discrimination despite "an innocuous justification").

This is a textbook example of targeting "particular views taken by speakers on a subject." *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). Neither KCC's mission nor its "core components" provides the "narrow, objective, and definite standard to guide" officials that the First Amendment requires. *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 150–51 (1969); *Gregoire v. Centennial Sch. Dist.*, 907 F.2d 1366, 1374 (3d Cir. 1990) (finding "educational mission" is "so vague" as to give "virtually unbridled discretion").

Despite a conclusory assertion, Defs.' Resp. 11–12, PageID.340–41, this policy puts no limits on discretion. Even Defendants cannot identify the limits they insist exist. *Id.* Terms like "assur[ing] reasonable conduct of public business, the educational process, [and] unobstructed access to the College," Compl. ¶ 89, PageID.14, call for the "appraisal of facts, the exercise of judgment, and the formation of an opinion," thus violating the First Amendment. *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 131 (1992). Defendants interpreted them to mean that four people handing out Constitutions blocked access to education and had to be arrested or threatened with arrest. Compl. ¶¶ 159–91, PageID.23–26. Indeed, any expressive activity poses more risk of disruption or obstruction than its absence, and so these terms can be used to stop anything. Besides, nothing requires officials to approve requests that meet all the "governing conditions," allowing officials to deny them for other unspecified reasons (*e.g.*, an official's whim). *Id.* ¶¶ 102–03, PageID.16.

The same is true of Defendants' Speech Zone Policy, which, being unwritten, is analogous to the unwritten policy stricken at Oregon State. Pls.'s Mot. for Prelim. Inj. Br. ("Pls.' Br.") at 11–12, PageID.296–97. The "fact that the 'policy' [is] not written . . . mean[s] there [are] no standards by which the officials [can] be limited," leaving "them with unbridled discretion." *OSU Student Alliance v. Ray*, 699 F.3d 1053, 1064–65 (9th Cir. 2012). By now pretending that this policy does not exist, Defendants just highlight this constitutional flaw. *See supra* Part I.B.

Defendants claim Plaintiffs "fail to provide any evidence that the Policy results in viewpoint discrimination." Defs.' Resp. at 11, PageID.340. But "[f]acial attacks . . . are not dependent on the facts surrounding any particular permit denial." *City of Lakewood v. Plain Dealer Publ'g Co.*, 486 U.S. 750, 770 n.11 (1998). Their success "rests not on whether the administrator has exercised his

discretion in a content- [or viewpoint-] based manner, but whether there is anything in the [policy] preventing him from doing so." *Forsyth Cnty.*, 505 U.S. at 133 n.10.[2]

Besides, Plaintiffs provided ample evidence of viewpoint- and content-based enforcement. Defendant Hutchinson observed Plaintiffs' innocuous communication (*i.e.*, "Do you like freedom and liberty?"), labeled it "provocative," and ordered them to stop speaking outside the Binda Center and go through the process of getting a table in the Student Center. Compl. ¶¶ 164–66, PageID.23. But to "exclude a group simply because it is controversial or divisive is viewpoint discrimination." *C.E.F. of N.J., Inc. v. Stafford Twp. Sch. Dist.*, 386 F.3d 514, 527 (3d Cir. 2004) (Alito, J.); *Matal v. Tam*, 137 S. Ct. 1744, 1763 (2017) ("Giving offense is a viewpoint."). He did this to "protect" rural students who "might not feel like they have the choice to ignore the question." Compl. ¶ 169, PageID.24. Yet "[l]istener's reaction to speech is not a content-neutral basis for regulation." *Forsyth Cnty.*, 505 U.S. at 134. KCC officials are not empowered to protect adults, even "unwilling listener[s]," from hearing things. *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 210 (1975).

Defendants point to language saying they "will not take the content of the speech into consideration." Defs.' Resp. at 1, PageID.330. But they did just that here. So the cited language is just an empty promise, not a limit on discretion or a protection against content or viewpoint discrimination. The University of Houston similarly said it "considers only content-neutral factors when applying [its policy]," but the court rejected this as it "presumes [officials] will act in good faith and adhere to standards absent from the [policy's] face," which "'is the very presumption that the doctrine forbidding unbridled discretion disallows.'" *Pro-Life Cougars*, 259 F. Supp. 2d at 584 (quoting *Lakewood*, 486 U.S. at 770). Defendants' already-broken promise deserves a similar fate.

B. The outdoor areas of campus represent designated public fora for students.

Defendants say their "campus is a limited public forum," citing *Gilles v. Garland*, 281 Fed. Appx. 501, 511 (6th Cir. 2008). Defs.' Resp. at 9, PageID.338. But *Williams*, 2012 WL 2160969, at *4–5, rejected this: "*Gilles* does not suggest, nor is this Court aware of any other precedent

[2] Nor must Plaintiffs seek a permit, Defs.' Resp. at 6, PageID.335, as "it is well established that one has standing to challenge a statute on the ground that it delegates overly broad licensing discretion . . . whether or not he applied for a license." *Freedman v. Maryland*, 380 U.S. 51, 56 (1965).

establishing, that a public university may constitutionally designate its entire campus as a limited public forum *as applied to students*." The "public exterior areas" at issue here "*remain designated public fora as to students*." *Id.* Treating them as anything less would be "anathema to the nature of a university." *Id*. Indeed, they can be traditional and designated public fora, even for nonstudents. *McGlone v. Bell*, 681 F.3d 718, 732–33 (6th Cir. 2012); Pls.' Br. at 14–15, PageID.299–300. Here, no one disputes Plaintiffs include people who will be students this fall.

C. In addition to failing strict scrutiny, Defendants' policies flunk the intermediate scrutiny reserved for content-neutral restrictions.

Defendants never try to show that their policies pass the strict scrutiny reserved for content- and viewpoint-based policies. *Reed*, 135 S. Ct. at 2226. Most of their intermediate scrutiny argument consists of pretending that their Speech Zone Policy does not exist, Defs.' Resp. at 15–16, PageID.344–45, though they enforced it for years. *See supra* Part I.B.

In identifying interests their policies serve, Defendants "cannot simply assert interests that are important in the abstract," *Williams*, 2012 WL 2160969, at *6, but that is all they did. Defs.' Resp. at 15–16, PageID.344–45. Drawing from street-preacher cases, they identified interests courts have previously found not narrowly tailored for similar policies. *See, e.g.*, *Hays Cnty.*, 969 F.2d at 119–21 (finding leafleting restrictions not narrowly tailored to "preserving the academic environment and security," "traffic control," and "preserving the campus's appearance," *inter alia*); *Roberts v. Haragan*, 346 F. Supp. 2d 853, 863, 869–70 (N.D. Tex. 2004) (striking prior permission policy as not narrowly tailored to preserving an academic environment, avoiding conflicting uses of space, and traffic concerns); *OSU Student Alliance*, 699 F.3d at 1064 (striking unwritten policy despite interest of "maintaining the aesthetic beauty of campus"). Even their interest in "fostering a diversity of uses" is suspect because the "'concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment.'" *Hays Cnty.*, 969 F.2d at 121 (quoting *Buckley v. Valeo*, 424 U.S. 1, 48–49 (1976)).

Also, Defendants never showed how their policies are narrowly tailored to these interests. Too often "silencing the speech is . . . the path of least resistance. But by demanding a close fit between

ends and means, the tailoring requirement prevents the government from too readily sacrific[ing] speech for efficiency." *McCullen v. Coakley*, 134 S. Ct. 2518, 2534 (2014). Distributing a political newspaper is "compatible" with a college's "academic mission," *Hays Cnty.*, 969 F.2d at 119, so distributing Constitutions is as well. If KCC needs to coordinate the use of space, it can create an optional reservation process and prohibit students speaking spontaneously from disrupting other events. To address safety, it should focus on events that threaten it, not "paint with a broad brush to encompass all speech." *Williams*, 2012 WL 2160969, at *7. But it "is simply unfathomable that a [KCC] student needs to give [KCC] advance notice of an intent to gather signatures [or distribute literature]. *There is no danger to public order arising out [of] students walking around campus with clipboards seeking signatures [and distributing Constitutions]*." *Id.* at *7 n.5.

Defendants claim to provide ample alternative channels for communication by saying students can always go off campus if they want to speak without first getting KCC's permission. Defs.' Resp. at 16, PageID.345. This is hardly ample for communicating with fellow students. Plus, "one is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place." *Schneider v. New Jersey*, 308 U.S. 147, 163 (1939).

D. Defendants' policies would not pass muster even in a limited public forum.

Even in a nonpublic forum, Defendants' Speech Permit and Speech Zone Policies have been unconstitutional for thirty years. In the 1980s, Los Angeles International Airport banned expressive activities in its terminals. *Bd. of Airport Comm'rs of L.A. v. Jews for Jesus, Inc.*, 482 U.S. 569, 570–71 (1987). Defendants do likewise. Anywhere on campus, "solicitation," which they define to encompass vast swaths of protected speech, "is permitted only if [it] has been approved by Student Life." Compl. ¶¶ 83–87, PageID.13–14. To speak on campus, students must get a permit and stay behind a table in the Student Center. *See supra* Part I.B. Like LAX's, Defendants' policies "reach[] the universe of expressive activity, and, by prohibiting *all* protected expression, purport[] to create a virtual 'First Amendment Free Zone'" on campus. *Jews for Jesus*, 482 U.S. at 574. Such bans, especially with a permit-based exemption, are unconstitutional in any forum: "We think it is obvious that such a ban cannot be justified even if LAX were a nonpublic forum because no

conceivable governmental interest would justify such an absolute prohibition on speech." *Id.* at 575. Telling students to leave campus to speak does not fix anything. *Lee v. Int'l Soc'y for Krishna Consciousness, Inc.*, 505 U.S. 830, 831 (1992) (finding ban on leafleting in nonpublic fora inside airport, which allowed it on sidewalks outside, violated First Amendment).

A policy unreasonable in airports cannot be reasonable for students in the "marketplace of ideas," *Cornelius v. NAACP Legal Def. & Educ. Fund*, 473 U.S. 788, 809 (1985) (noting reasonableness "must be assessed in the light of the purpose of the forum"), especially when Defendants have discretion to grant exceptions via permits.

E. Defendants' policies are overbroad.

To obscure their policies' overbreadth, Defendants pretend one policy does not exist and invoke insubordination. Defs.' Resp. at 17–18, PageID.346–47. But these efforts fail. *See supra* Part I.B. Their policies still restrict practically all forms of constitutionally protected speech in all areas of campus. Compl. ¶¶ 83–86, PageID.13–14. They led to arresting three people who were peacefully distributing Constitutions and talking with students and to threatening a fourth. They clearly burden substantially more speech than needed to achieve any legitimate, let alone significant or compelling, interest Defendants may have. *See supra* Part I.D; Pls.' Br. at 17–21, PageID.302–06.[3]

III. Defendants cannot evade the fact that the other factors favor enjoining both policies.

Plaintiffs clearly demonstrated an irreparable injury, seeing as "'even minimal infringement upon First Amendment values constitutes irreparable injury sufficient to justify injunctive relief.'" *Williams*, 2012 WL 2160969, at *8 (quoting *Miller v. Cincinnati*, 622 F.3d 524, 540 (6th Cir. 2010)). They clearly wish to speak spontaneously, something that is impossible given Defendants' policies, but have held back, fearing further enforcement. Compl. ¶¶ 200, 202–03, 208–13,

[3] Defendants' Fourteenth Amendment arguments similarly fail. Nothing they say changes how their policies are vague because they give so much discretion as to "present[] [KCC] officials with the opportunity for arbitrary or discriminatory enforcement," making them "unconstitutionally vague on [their] face." *Williams*, 2012 WL 2160969, at *7–8. Plus, "[KCC's] own employees have different understandings of the[ir] terms." *Id.* Even if arrest were a possible sanction, Defendants do not explain how their policies can be clear when so many officials gave Plaintiffs so many different messages and had to spend so much time consulting on what the policies meant and how they applied. Pls.' Br. at 22–23, PageID.307–08. As to equal protection, this was student speech, giving Plaintiffs as much right to speak as any other group, regardless of its status).

PageID.27–28; 2d Gregoire Decl. ¶¶ 34–37. Defendants' assurance—"Just do what we say, and no one gets hurt"—hardly alleviates the chill and constitutional injury.

After having Plaintiffs arrested and threatened with arrest, Defendants fault them for "not attempt[ing] to resolve their issue . . . through other avenues." Defs.' Resp. at 21, PageID.350. Yet they faulted YAL's national organization for urging students to resolve matters outside the legal system. *Id.* at 3, PageID.332. More importantly, "exhaustion of state administrative remedies is not a prerequisite to an action under § 1983." *Patsy v. Bd. of Regents of State of Fla.*, 457 U.S. 496, 507 (1982); *Felder v. Casey*, 487 U.S. 131, 147 (1988) (same); *Daily Servs., LLC v. Valentino*, 756 F.3d 893, 900 (6th Cir. 2014) (same). Still, since filing this lawsuit, Plaintiffs (and this Court) have pointed Defendants to policies they could use to remedy the issues presented in this motion. As they rejected this input, it is absurd to assume they would have been more receptive to an informal request from students they threatened with arrest or arrested and banned from campus.

The balance of harms and public interest also decidedly favors Plaintiffs because "'it is always in the public interest to prevent the violation of a party's constitutional rights.'" *Williams*, 2012 WL 2160969, at *8 (quoting *Miller*, 622 F.3d at 540). Despite Defendants' dire warnings, Defs.' Resp. at 23, PageID.352, neither injunctions nor policy revisions have thrown the University of Cincinnati, Grand Valley State University, or any other university where similar policies have been successfully challenged into anarchy or chaos.[4] *See* Pls.' Br. at 7 n.2, PageID.292.

CONCLUSION

When a public university confined student speech to one corner of a quad, required students to give notice and get a permit, and threatened to arrest them if they spoke elsewhere, a federal court issued a preliminary injunction. *Williams*, 2012 WL 2160969 at *1–2, 9. Defendants confine student speech to one indoor location, require students to get a permit, and both threatened to arrest and actually arrested them for speaking elsewhere. Thus, Plaintiffs respectfully request that this Court issue a preliminary injunction against Defendants' Speech Permit and Speech Zone Policies.

[4] Alliance Defending Freedom, *Grand Valley State University Revises Expressive Activity Policy*, *available at* http://www.adfmedia.org/News/PRDetail/?CID=93009 (last visited Jul. 5, 2017).

Respectfully submitted this 5th day of July, 2017,

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of July, 2017, I electronically filed a true and accurate copy of the foregoing document with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to the following attorneys of record:

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