

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

<b>MATTHEW LIPSCOMB,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No.: 26-cv-11060-MFL-KGA</b>
	)	
<b>CITY OF DETROIT, MICHIGAN,</b>	)	
	)	
<b>Defendant.</b>	)	<b><u>PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION</u></b>
	)	
	)	
	)	
	)	

COMES NOW Plaintiff Matthew Lipscomb (Lipscomb), pursuant to Fed. R. Civ. P. 65(a), and respectfully moves this Court for a preliminary injunction enjoining Defendant City of Detroit, Michigan (Detroit), its agents, servants, employees, attorneys, and all persons and entities in active concert or participation with it, directly or indirectly, from enforcing Detroit ordinance § 31-14-1 *et seq.* to restrict Lipscomb’s expressive activities on public sidewalks and ways outside Scotsdale Women’s Center and other abortion clinics in Detroit, Michigan. Without the requested preliminary injunction, Lipscomb will suffer irreparable injury, namely, the loss of rights and freedoms guaranteed by the United States Constitution. In support of this Motion, Lipscomb relies on the following:

- A. Declaration of Lipscomb, attached as Exhibit “A”;
- B. Photograph of Lipscomb’s whiteboard with written notations, a true and correct copy attached as Exhibit “B”;
- C. GPS aerial photograph of Scotsdale and surrounding public property, a true and correct copy attached as Exhibit “C”;
- D. Photograph of front side of Scotsdale property, a true and correct copy attached as Exhibit “D”;
- E. Photograph of paved driveway on public property and parking lot on Scotsdale property, a true and correct copy attached as Exhibit “E”;
- F. Photograph of public sidewalk in front of Scotsdale property, a true and correct copy attached as Exhibit “F”;
- G. Photograph of inlet sidewalk extending from public sidewalk to Scotsdale property, a true and correct copy attached as Exhibit “G”;
- H. Photograph of public sidewalk that runs between Grandville Avenue and Scotsdale, a true and correct copy attached as Exhibit “H”;
- I. Photograph of Scotsdale security guard and volunteer escorts near entrance to Scotsdale building, a true and correct copy attached as Exhibit “I”;
- J. Photograph of convenience store and food truck next to Scotsdale property, a true and correct copy attached as Exhibit “J”;

- K. Letter with Attachments from Detroit Law Department to Detroit City Council regarding Ordinance setting buffer and bubble zones, a true and correct copy attached as Exhibit “K”;
- L. City of Detroit Ordinance § 31-14-1 *et seq.*, a true and correct copy attached as Exhibit “L”;
- M. Overhead demonstration of buffer zone in place at Scotsdale and surrounding public property, a true and correct copy attached as Exhibit “M”;
- N. Photograph of placement of orange sticks marking buffer zone in front of Scotsdale, a true and correct copy attached as Exhibit “N”;
- O. Photograph of Lipscomb standing on other side of Scotsdale buffer zone while looking down at his literature and whiteboard, a true and correct copy attached as Exhibit “O”;
- P. Overhead demonstration of bubble zone area in place at Scotsdale and surrounding public property, a true and correct copy attached as Exhibit “P”;
- Q. Photograph of a sign referencing “protesters” on public property next to the driveway and near the parking lot, a true and correct copy attached as Exhibit “Q”;

- R. Photograph of a sign referencing “protesters” on public property on the west side of Scottsdale, a true and correct copy attached as Exhibit “R”;
- S. Photograph of a sign referencing “protesters” on public property on the east side of Scottsdale, a true and correct copy attached as Exhibit “S”;
- T. Photograph of security guard and volunteer escort with signs on the public property on the west side of Scottsdale, a true and correct copy attached as Exhibit “T”;
- U. Photograph of volunteer escort with sign on the public property on the east side of Scottsdale, a true and correct copy attached as Exhibit “U”;
- V. Verified Complaint of Lipscomb; and
- W. Brief in Support of this Motion for Preliminary Injunction filed simultaneously with this Motion.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff Matthew Lipscomb respectfully requests that this Honorable Court grant his Motion for Preliminary Injunction.

Respectfully submitted,

s/ Nathan W. Kellum

Nathan W. Kellum

[Redacted]

First Liberty Institute

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

s/ Jeff T. Schrameck

Jeff T. Schrameck

[Redacted]

Schrameck Law, P.L.L.C

[Redacted]

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Attorneys for Plaintiff Matthew  
Lipscomb

**CERTIFICATE OF CONFERENCE**

As of the date this motion has been filed, Defendant's counsel has not made an appearance in the above-captioned case. Plaintiff's attorney called Detroit Law Department's main office number on April 6, 2026, and spoke briefly with an administrative assistant. After relaying identifying information about the case to her over the phone, Plaintiff's counsel requested to speak with an attorney in the office about this motion. The administrative assistant was unaware of the case and stated that she could not connect Plaintiff's counsel with a City of Detroit attorney. Therefore, Plaintiff was unable to confer with Defendant to ascertain concurrence in the relief sought, pursuant to Local Rule 7.1. Once an appearance has been made by opposing counsel, Plaintiff will seek to confer and comply with Local Rule 7.1 in a timely manner.

s/Nathan W. Kellum  
Attorney for Plaintiff Lipscomb

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<b>MATTHEW LIPSCOMB,</b>	)	<b>Case No.: 26-cv-11060-MFL-KGA</b>
	)	
<b>Plaintiff,</b>	)	<b><u>PLAINTIFF’S BRIEF IN SUPPORT</u></b>
	)	<b><u>OF MOTION FOR PRELIMINARY</u></b>
<b>vs.</b>	)	<b><u>INJUNCTION</u></b>
	)	
<b>CITY OF DETROIT, MICHIGAN,</b>	)	
	)	
<b>Defendant.</b>	)	

**STATEMENT OF ISSUES PRESENTED**

1. Is Detroit Ordinance § 31-14-1 *et seq.*’s fifteen-foot buffer and eight-foot bubble zones around entrances to abortion clinics content neutral when the restrictions on their face and as applied favor pro-abortion speech over anti-abortion speech?
  
2. Is Detroit Ordinance § 31-14-1 *et seq.*’s fifteen-foot buffer zone and floating eight-foot bubble zone extending from abortion clinic entrances narrowly tailored to serve a significant government interest?
  
3. Does Detroit Ordinance § 31-14-1 *et seq.* ’s fifteen-foot buffer and eight-foot bubble zones leave open ample alternative channels of communication?

**AUTHORITY FOR RELIEF SOUGHT**

*Reed v. Town of Gilbert*, 576 U.S. 155 (2015); *McCullen v. Coakley*, 573 U.S. 464 (2014); *City of Ladue v. Gilleo*, 512 U.S. 43 (1994); *Florida Preborn Rescue*,

*Inc. v. City of Clearwater*, 161 F.4th 732 (11th Cir. 2025); *Sisters for Life, Inc. v. Louisville-Jefferson County Metro. Gov't*, 56 F.4th 400 (6th Cir. 2022); *McGlone v. Metro. Gov't of Nashville*, 749 F.App'x 402 (6th Cir. 2018); *Brown v. City of Pittsburg*, 586 F.3d 263 (3d Cir. 2009).

### **STATEMENT OF PERTINENT FACTS**

Lipscomb is a Christian whose faith leads him to share his beliefs about abortion, alternatives to it, and resources for help, on public sidewalks and ways, and particularly, public spaces in front of Scotsdale Women's Center ("Scotsdale"). (Verified Complaint [VC], ¶¶ 12-18, 23; Exhibit [Ex.] "A" to Motion for Preliminary Injunction [MPI], ¶¶ 5-18). He needs to be near people to communicate effectively. (VC, ¶ 44; Ex. A, ¶¶ 19-20). His aim is not to obstruct or harass but to have personal conversations and hand out literature about his earnest beliefs. (VC, ¶¶ 20-21; Ex. A, ¶¶ 21-27). Lipscomb uses a whiteboard with handwritten notations to inform of resources. (VC, ¶¶ 19-20; Ex. A, ¶¶ 28-29; Ex. "B" to MPI). And like-minded individuals often join him in his expressive activities. (VC, ¶¶ 22, 39).

Scotsdale is the leading abortion clinic in Detroit, offering surgical and medication abortions, located at the corner of W. Seven Mile Road and Grandville Avenue. (VC, ¶¶ 24, 26; Ex. A, ¶¶ 38, 41; Ex. "C" to MPI). W. Seven Mile Road is a busy street with many businesses located to the east and west of Scotsdale. (Ex. A, ¶¶ 42-43). The clinic building has two main entrances in the portico at the front

of the building, one facing north, and the other west, and a parking lot to the west of the building. (VC, ¶¶ 27-28, 33; Ex. A, ¶¶ 42, 44, 51; Ex. “D” to MPI). A paved driveway extends from W. Seven Mile Road to the parking lot. (VC, ¶ 28; Ex. A, ¶ 45; Ex. “E” to MPI). A city sidewalk runs alongside Scotsdale approximately two to three feet in front of the building. (VC, ¶ 29; Ex. A, ¶ 46; Ex. “F” to MPI). It is a well-traveled path for pedestrian traffic. (VC, ¶ 29; Ex. A, ¶ 47). An inlet sidewalk on Scotsdale’s private property extends from the building to the city sidewalk. (VC, ¶ 30; Ex. A, ¶ 48; Ex. “G” to MPI). Public green spaces and an intersecting sidewalk lie between the public sidewalk and W. Seven Mile Road. (VC, ¶ 31; Ex. A, ¶ 49; Ex. D). And another public sidewalk flows with Grandville Avenue on the east side of the property. (VC, ¶ 32; Ex. A, ¶ 50; Ex. “H” to MPI).

Scotsdale has security guards who post near the clinic building and volunteer escorts who hover on the grounds and nearby public property. (VC, ¶¶ 34-35; Ex. A, ¶ 52; Ex. “I” to MPI). The guards and escorts retrieve clinic visitors from the parking lot and other places as they exit their vehicles and walk beside them to buffer them from anti-abortion speech. (VC, ¶ 36; Ex. A, ¶¶ 53-54).

Lipscomb has visited Scotsdale regularly to share his abortion beliefs since the summer of 2024. (VC, ¶¶ 37-38; Ex. A, ¶¶ 30-39). He often goes on Saturdays, from approximately 8:30 a.m. to noon. (VC, ¶ 40; Ex. A, ¶¶ 39-40). Up and until Detroit passed its ordinance curbing his speech, Lipscomb had access to all public

areas bounding Scotsdale to convey his life-affirming views. (VC, ¶¶ 41-42; Ex. A, ¶ 56). He usually stood on northern edge of the sidewalk or in the grassy area close to the driveway on the west side of the property where he could conversationally address individuals as they walked from the parking lot to the west clinic door. (VC, ¶¶ 43-44; Ex. A, ¶¶ 57-58). Lipscomb was also able to approach visitors who parked on the streets and their companions who stayed in their vehicles. (VC, ¶¶ 45-46; Ex. A, ¶ 59). He was further free to share his abortion beliefs with pedestrians walking on the public sidewalk who were not visiting Scotsdale but the adjacent food truck, on some other place on the street. (VC, ¶ 47; Ex. A, ¶ 60; Ex. “J” to MPI).

Despite Scotsdale guards and volunteer escorts trying to interfere with Lipscomb’s speech, and intimidate him, he was able to work around these barriers because Detroit police did not interfere with his speech. (VC, ¶¶ 48-53; Ex. A, ¶¶ 55-56, 61-64). But soon after Lipscomb arrived at Scotsdale, the executive director for the abortion clinic, Shelly Miller, plotted with the City to regulate the speech. (VC, ¶¶ 25, 54). Miller asked Detroit City Council, specifically, council member Gabriela Santiago-Romero, to restrict the expressive activity happening around Scotsdale, and Santiago-Romero obliged with a proposed ordinance designed to ban unsolicited discussions near abortion clinics. (VC, ¶ 55; Ex. A, ¶ 65; Ex. “K” to MPI). The Detroit Law Department, in collaboration with a local chapter of the National

Lawyers Guild, and “reproductive justice partners,” drafted an ordinance establishing buffer and bubble zones outside of these facilities. (VC, ¶¶ 55-56, 59; Ex. K).

On September 9, 2024, City Council’s Public Health and Safety Standing Committee, chaired by Santiago-Romero, took up the ordinance. (VC, ¶ 58).<sup>1</sup> After hearing support from Adam Saxby with the Detroit Law Department and lawyers with the National Lawyers Guild, the drafters of the ordinance, the committee moved the ordinance to formal session for a public hearing. (VC, ¶¶ 59-64).

On September 17, 2024, Santiago-Romero introduced the proposed ordinance. (VC, ¶¶ 65-67).<sup>2</sup> Miller appeared and voiced her support for the ordinance, dubbing it as a “clinic protection ordinance.” (VC, ¶ 66). She complained about individuals like Lipscomb being too close to the abortion clinic. (*Id.*).

The following Saturday, September 28, 2024, Santiago-Romero visited Scotsdale to discuss the ordinance with Miller. (VC, ¶ 68). During this visit, Lipscomb addressed Santiago-Romero as she walked toward the abortion clinic.

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<sup>1</sup> See 9/9/24 Public Health and Safety Standing Committee Meeting: <https://pub-detroitmi.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?Id=5a1921c5-94c1-4a25-8a50-c8b3e1e3d3ab>.

<sup>2</sup> See 9/17/24 Formal Session Detroit City Council Meeting: <https://pub-detroitmi.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?Id=fc44a58d-9c2b-49d1-b897-d13e263e4f8f>.

(VC, ¶ 69; Ex. A, ¶ 68). Not recognizing her and presuming she was there for an abortion or consultation, Lipscomb encouraged her to not have an abortion and offered her help. (VC, ¶ 69; Ex. A, ¶¶ 68-69). Santiago-Romero ignored the plea and entered the building where she obtained a binder containing identities, photographs, and personal information about anti-abortion counselors outside of Scotsdale. (VC, ¶¶ 69-70).

Two days later, September 30, 2024, the Public Health and Safety Standing Committee held a public hearing on the ordinance. (VC, ¶ 71).<sup>3</sup> National Lawyers Guild lawyers spoke in support of the measure, as did Miller. (VC, ¶¶ 72-74). Miller stressed a need to keep “protesters” from coming up to patients and going to cars. (VC, ¶ 74). Saxby echoed his previous comments. (VC, ¶¶ 75-76). During public comments, many individuals offered their thoughts, speaking in favor and against the ordinance, all of which centered on activities outside abortion clinics. (VC, ¶¶ 77-79). Following comments, Santiago-Romero indicated buffer and bubble zones are needed to cut off unsolicited conversations about abortion outside of abortion clinics. (VC, ¶¶ 80, 83). To substantiate her point, she referenced her encounter with Lipscomb, describing an interaction with a “white man in his early twenties,”

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<sup>3</sup> See 9/30/24 Public Health and Safety Standing Committee Meeting: <https://pub-detroitmi.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?Id=b871b6d2-ef1b-442f-b04f-32d40b2a8887>.

a description that fits Lipscomb, who said he wanted to save her baby. (VC, ¶ 81; Ex. A, ¶¶ 67-71). Santiago-Romero depicted the remarks as “inappropriate.” (VC, ¶ 82). The committee sent the proposed ordinance to formal session with a recommendation to approve. (VC, ¶¶ 84-85).

The formal session occurred the next day, October 1, 2024, starting with public comments, for and against the ordinance, all pertaining to activity outside of abortion clinics. (VC, ¶¶ 86-97).<sup>4</sup> Santiago-Romero asked Saxby to address whether the ordinance infringes on rights and he opined in the negative, elaborating that it is modeled after the Supreme Court case of *Hill v. Colorado*. (VC, ¶¶ 98-99, 103). Saxby did not link the fifteen-foot buffer zone of § 31-14-4 to legal authority. (VC, ¶ 100). Neither Saxby nor anyone else provided evidential support for § 31-14-1 *et seq.* (VC, ¶101). There was no mention of physical altercations, criminal harassment, obstruction, or other criminal activity outside of abortion clinics. (*Id.*). The City did not indicate that it considered any other options that would restrict less speech. (VC, ¶ 102).

Santiago-Romero assured her office was communicating with the abortion clinics about enforcement and the clinics were measuring from their entrances and

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<sup>4</sup> See 10/1/24 Formal Session Detroit City Council Meeting: <https://pub-detroitmi.escribemeetings.com/Players/ISISStandAlonePlayer.aspx?Id=6fe691e8-59ac-440c-b166-db6ca44392a9>

putting out markers. (VC, ¶ 104). Another council member clarified the City did not “conjure up” the ordinance, confirming the ordinance was brought about by a request from a constituent in the Detroit community, referring to Scotsdale. (VC, ¶ 105). Santiago-Romero stressed the National Lawyers Guild and Detroit Law Department, drafters of the ordinance, believe the ordinance is legal. (VC, ¶ 106). She opined that asking women to reconsider an abortion amounted to harassment. (VC, ¶ 107). She then moved for final reading of the ordinance and approval, which carried, with Detroit City Council adopting § 31-14-1 *et seq.* “*Offenses at Healthcare Facilities.*” (VC, ¶¶ 108-111; Ex. A, ¶¶ 66, 72; Ex. “L” to MPI).

Section 31-14-4 buffer zone does not permit Lipscomb to be within fifteen feet of any entrance to Scotsdale abortion clinic, including the two doors of the portico, the inlet sidewalk leading to the west door, and the driveway entrance to the parking lot. (VC, ¶¶ 112-116; Ex. A, ¶¶ 73, 75-78; Ex. “M” to MPI). This buffer zone is marked off by placement of several orange sticks on the ground, arranged by Scotsdale employees and enforced by Detroit Police Department, engulfing a substantial portion of the public sidewalk and adjacent grassy areas. (VC, ¶¶ 117-118; Ex. A, ¶¶ 79-80; Ex. “N” to MPI). The effect is to push Lipscomb back approximately eight feet from spots where he can have conversations and hand out literature, forcing him to raise his voice to be heard, undermining his purpose. (VC,

¶¶ 119-122, 125; Ex. A, ¶¶ 81-85; Ex. “O” to MPI). The buffer zone also affects readability of his whiteboard. (VC, ¶¶ 123-124; Ex. A, ¶ 84).

The bubble zone in § 31-14-3 thwarts Lipscomb’s attempts to reach individuals parking on nearby streets. (VC, ¶¶ 126, 130, 132; Ex. A, ¶ 74; Ex. “P” to MPI). He must stay eight feet outside of an invisible bubble of every such person, unless he has permission to approach. (VC, ¶ 127; Ex. A, ¶¶ 86-93). Adding to the difficulty, Scotsdale puts out signs in the public, grassy area near the public sidewalk labelling Lipscomb and others as “protesters” who should be avoided. (VC, ¶ 128; Ex. A, ¶¶ 90-91, 95; Exs. “Q”, “R”, & “S” to MPI). Moreover, the consent carve-out is essentially negated by volunteer escorts, for even if Lipscomb secures consent from a clinic visitor, he could never obtain permission from an escort. (VC, ¶ 129). The eight-foot bubble zone further deters Lipscomb from approaching individuals who remain in their parked vehicles or pedestrians walking on the public sidewalk that do not plan to visit Scotsdale. (VC, ¶¶ 131-132; Ex. A, ¶¶ 89, 93).

The buffer zone (§ 31-14-4) and bubble zone (§ 31-14-3) restrict Lipscomb’s speech, individually and in conjunction with each other. (VC, ¶ 133). The combined impact of the two zones censors Lipscomb from sharing his desired religious, life-affirming message to his desired audience outside of Scotsdale. (VC, ¶¶ 133-136; Ex. A, ¶¶ 75-94). All the while, § 31-14-4 (2) explicitly exempts agents of abortion clinics from the buffer zone, allowing them to communicate within the buffer zone

in any way they like. (VC, ¶ 137; Ex. A, ¶ 95; Exs. “T” & “U” to MPI). Scotsdale agents can also avoid application of the eight-foot bubble zone because their messaging does not fall under the categories of “oral protest, education or counseling.” (VC, ¶ 138).

Lipscomb’s desire to communicate his messaging about abortion on public sidewalk and ways outside of Scotsdale abortion clinic has not waned, but the fear of sanction and possible arrest deters him from carrying on with his constitutionally protected expression. (VC, ¶¶ 139-142; Ex. A, ¶¶ 96-97).

### **ARGUMENT**

A preliminary injunction is warranted if the movant shows (1) a likelihood of success on the merits, (2) irreparable harm in the absence of the injunction, (3) the balance of equities favors an injunction, and (4) the injunction serves the public interest. *Sisters for Life, Inc., v. Louisville-Jefferson County Metro. Gov’t*, 56 F.4th 400, 403 (6th Cir. 2022). These considerations “are factors to be balanced, not prerequisites that must be met.” *Hamad v. Woodcrest Condo. Assoc.*, 328 F.3d 224, 230 (6th Cir. 2003) (citation omitted). When the injunction seeks to prevent a potential constitutional violation (as here), likelihood of success on the merits is typically the determinative factor. *City of Pontiac Retired Employees Ass’n v. Schimmel*, 751 F.3d 427, 430 (6th Cir. 2014) (en banc) (citations omitted). Here, every factor, including the merits, weighs in favor of the preliminary injunction.

## **I. LIPSCOMB IS LIKELY TO SUCCEED ON THE MERITS OF HIS CONSTITUTIONAL CLAIM**

Lipscomb “*must* be deemed likely to prevail” unless Detroit can prove its speech-restrictive ordinance is constitutionally valid. *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 666 (2004) (emphasis added). This burden is evaluated through forum analysis, prompting this Court to A) assess whether the expressive activity is deserving of constitutional protection, B) ascertain the nature of the forum where the speech is sought, and from which C) apply the requisite level of scrutiny to the restriction. *Cornelius vs. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 797 (1995); *accord Bays v. City of Fairborn*, 668 F.3d 814, 820-21 (6th Cir. 2012). A working-out of forum analysis in this matter reveals § 31-14-1 *et seq.* is unconstitutional on its face and as applied to Lipscomb’s speech.

### **A. Lipscomb’s Expression Garners Constitutional Protection**

Lipscomb wishes to convey a religiously inspired message about abortion, its ramifications, and alternatives, through close conversations, literature, and use of a whiteboard. Religious expression is protected under the First Amendment, *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 831 (1995), a safeguarding that extends to perspectives on abortion. *Hill v. Colorado*, 530 U.S. 703, 715 (2000). This protection further covers the means these beliefs can be communicated. *See Boos v. Barry*, 485 U.S. 312, 318 (1988) (signs); *Murdock v. Pennsylvania*, 319 U.S. 105, 110 (1943) (literature and conversation); *Schneider v.*

*New Jersey*, 308 U.S. 147, 160-61 (1939) (literature distribution). Though some might find Lipscomb’s messaging about abortion unsettling, or even offensive, constitutional protection does not wane as a result. *Hill*, 530 U.S. at 716. The First Amendment shields his life-affirming message outside of abortion clinics.

### **B. Public Sidewalks and Ways Near Scotsdale are Traditional Public Fora**

Lipscomb wants to communicate his abortion beliefs on city sidewalks and grassy rights-of-way contiguous to Scotsdale abortion clinic. This circuit recognizes four different property types for speech purposes: traditional public fora, designated public fora, limited public fora, and nonpublic fora. *Agema v. City of Allegan*, 826 F.3d 326, 335 (6th Cir. 2016). The places Lipscomb contemplates for his speech, public sidewalks and ways, have long been pegged traditional public fora, representing “quintessential public forums for free speech,” *Saieg v. City of Dearborn*, 641 F.3d 727, 734 (6th Cir. 2011) (citation omitted), “occupy[ing] a special position in terms of First Amendment protection.” *McCullen v. Coakley*, 573 U.S. 464, 476 (2014) (citation and internal quotation marks omitted). Detroit is thus “strictly limited” in its ability to restrain expression in these places. *Pleasant Grove City v. Summum*, 555 U.S. 460, 469 (2009).

### **C. Section 31-14-1 et seq. is an Unconstitutional Bar on Protected Speech**

As part of Detroit’s Ordinance entitled “*Offenses at Healthcare Facilities*,” § 31-14-4 creates a buffer zone that keeps Lipscomb at least fifteen feet away from

any entrance to Scotsdale. Section 31-14-3 instills a floating bubble zone that forces Lipscomb to stay at least eight feet away from anyone he wishes to approach within a one-hundred-foot radius of any entrance door to the clinic. These two sections work independently and jointly to constrain Lipscomb’s messaging about abortion. Such encroachment on free speech in traditional public fora must be “content-neutral, [] narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication” to pass muster. *Bays*, 668 F.3d at 821 (citation omitted). Detroit’s buffer and bubble zones fall short in every way.

### **1. The Buffer and Bubble Zones are Not Content Neutral**

All protected speech enjoys an equal playing field under the First Amendment—irrespective of content. *Reno v. ACLU*, 521 U.S. 844, 885 (1997). “[T]he government may not selectively...shield the public from some kinds of speech on the ground that they are more offensive than others.” *McCullen*, 573 U.S. at 477 (citation and internal quotation marks omitted). See *McGlone v. Metro. Gov’t of Nashville*, 749 F.App’x 402, 405 (6th Cir. 2018) (forcing speakers to leave public property because of religious views deemed a content-based restriction). An ordinance betrays this content-neutrality principle whenever its operation favors one point of view over another. *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). This concern can arise if a law employs categories that require evaluation of the “function or purpose” of speech. *Id.* If this evaluation is allowed, the rationale behind the law

is of no consequence, for no content-neutral justification can save it. *Id. See City of Austin v. Reagan Nat’l Adv. of Austin*, 596 U.S. 61, 74 (2022) (affirming *Reed*’s “function or purpose” test).

In *Reed*, the Supreme Court held a law making a distinction between signs invoked content and was subject to strict scrutiny. 576 U.S. at 163-70. The Court held that delving into the purpose of the messaging – whether to inform of an event, persuade someone to vote a certain way, or convince someone to adopt an ideological viewpoint – necessarily made the regulation content based because content determined the restriction on the speech. *Id.* at 164-65. The same is true with the categories activating the buffer zone in § 31-14-4, targeting certain kinds of speech due to their function or purpose. This section does not regulate all activity taking place within fifteen feet of Scotsdale or other healthcare facilities, just select, expressive activity, namely, that associated with “congregat[ing], patrol[ing], picket[ing] or demonstrat[ing].” These distinctions equate to content discrimination. While Lipscomb’s anti-abortion views are prohibited within a fifteen-foot radius of the entrances to the abortion clinic, Scotsdale agents remain free to share pro-abortion views in the same spaces, including signs that depict Lipscomb and others as “protesters” that should be ignored. The ordinance further permits commercial speech in the buffer zone space. Someone can stand on or near the public sidewalk and hold up a directional sign to promote the next-door food truck. Presumably, so

can a person carry a sign or hand out leaflets supporting a mayoral candidate. The categories set out in § 31-14-4 turn on the content of the speech expressed.

An ordinance is also content based if it “distinguish[es] among different speakers, allowing speech by some but not others.” *Citizens United v. Federal Election Comm’n*, 558 U.S. 310, 340 (2010). This type of distinction is imbedded in § 31-14-4(b)(2). The sub-section exempts “security, personnel, employees, or agents” of Scotsdale and other healthcare facilities from the ban applied to Lipscomb – despite being in the same public space – as long as they are “engaged in assisting patients or other persons to enter or exit” the clinics. This exception leads to a gross disparity in how anti-abortion speakers are treated versus their pro-abortion counterparts. Favoring one side of the debate renders § 31-14-4 a content-based provision on its face. *See Sisters for Life*, 56 F.4th at 404 (observing an ordinance that “exempt[s] pro-choice speakers while suppressing pro-life speakers” is content based and triggers strict scrutiny).

The section in the ordinance concerning bubble zones, § 31-14-3, is similarly content based as applied to Lipscomb’s speech at Scotsdale because the enforcement distinguishes between the two different perspectives found outside abortion clinics. Application of the bubble zone to Lipscomb prevents him from approaching any individual near Scotsdale whenever that person comes within one hundred feet of a clinic entrance, while clinic security guards and escorts do not face the same

obstacle. They can approach clinic visitors in the Scotsdale parking lot (since the provision only applies to public rights-of-way) and remain within the eight-foot bubble of them on public property as they traverse to and from the abortion clinic, strategically placing themselves between Lipscomb and the visitors. The disparate treatment creates a divergent impact on their respective messaging. Lipscomb is unable to have close conversations with or distribute literature to individuals to dissuade them from having an abortion while guards and escorts are permitted to persuade visitors to go through with the procedure.

Content-based restrictions, like those found here, are presumptively unconstitutional in traditional public fora. *Reed*, 576 U.S. at 163. They are subject to strict scrutiny, requiring the municipality to show the restriction is narrowly drawn to serve a compelling state interest. *Id.* This standard is “the most demanding test known to constitutional law.” *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997). *See, e.g., McGlone*, 749 F. App’x at 409 (city could not muster a compelling interest for barring protected speech from public fora). Detroit cannot possibly meet it.

## **2. The Buffer and Bubble Zones are Not Narrowly Tailored Restrictions**

Even if considered content neutral, an ordinance restricting protected expression in public fora is “not something this country lightly allows.” *Sisters for Life*, 56 F.4th at 404. The notion of addressing policy through a speech regulation “is a means of last resort, not first resort ....” *Id.* Any speech restriction must be

narrowly tailored to meet a significant government interest to survive scrutiny. *Bays*, 668 F.3d at 821.

Narrow tailoring demands a law not “burden substantially more speech than is necessary to further the government's legitimate interests.” *Ward v. Rock Against Racism*, 491 U.S. 781, 798 (1989). Undoubtedly, Detroit’s ordinance imposes significant burdens on Lipscomb’s speech activities, compromising his ability to have friendly conversations with people, hand out literature to them, or show them a whiteboard. *See Sisters for Life*, 56 F.4th at 406 (observing a 10-foot buffer zone around abortion clinics inhibited the effectiveness of conversation and leafletting). To keep a government entity from burdening a substantial amount of speech for its own convenience, the tailoring requirement commands a “close fit between the ends and means” of the law. *Id.* at 404 (quoting *McCullen*, 573 U.S. at 486). The assessment centers on the “breadth of the regulation.” *Sisters for Life*, 56 F.4th at 405. A fit is not right if the restriction strays too far from true concerns. *Id.* Additionally, the “inquiry turns on whether the [City] ‘seriously undertook to address’ the problems it faces ‘with less intrusive tools readily available to it.’” *Id.* (quoting *McCullen*, 573 U.S. at 494).

Section 31-14-1 *et seq.* does not correspond with its stated goal. Detroit’s explicit interest in this ordinance is to “ensure that patients have unimpeded access to medical services while ensuring that the First Amendment rights of demonstrators

to communicate their message to their intended audience is not impaired.” (Ex. L). The latter item, relating to First Amendment rights, is obviously a poor fit since the buffer and bubble zone restrictions only serve to undermine these rights. And neither does the former item, regarding unimpeded access to medical services, fit well with the restrictions. The ban goes far beyond any legitimate concerns over access, covering a broad swath of protected speech taking place in a massive amount of public fora without due (or apparently any) consideration of less-restrictive alternatives.

**a. Overly broad in scope**

Oral expression, literature distribution, and sign display are appropriate and innocuous means of communication. These expressive activities, when conducted by individuals or small groups, cannot in and of themselves cause obstruction or harassment. The professed need to suppress these harmless forms of speech in public areas bordering medical facilities throughout the city is unsubstantiated.

Applying the ordinance’s restrictions to all healthcare facilities in the City signals overbreadth. All concerns specified by council member Santiago-Romero, the drafters of the ordinance, as well as citizens who spoke during public comments for and against the measure, all related to activities occurring outside of abortion clinics, with Scotsdale being the only “healthcare facility” identified. The inclusion of other medical providers in the ordinance is superfluous at best. In *Sisters for Life*,

the Sixth Circuit struck down a like provision enforcing a 10-foot buffer zone as not narrowly tailored because it applied to “*all* medical facilities in Louisville” when the record only indicated problems with an abortion clinic. 56 F.4th at 405 (emphasis in original) *See McCullen*, 573 U.S. at 493) (holding application of a 35-foot buffer zone at every abortion clinic in Massachusetts for a problem that only occurred at one clinic as “hardly a narrowly tailored solution”). Section 31-14-1 *et seq.* lacks adequate tailoring for the same reason.

Additionally, the layered approach set out in Detroit’s ordinance with both buffer and bubble zones eliminates too much protected speech in public places. The buffer zone provision, § 31-14-4, bans Lipscomb’s desired expressive activities within fifteen feet of any entrance to Scotsdale, placing him back approximately eight feet away from a public sidewalk. This displacement puts Lipscomb beyond arms-reach of visitors, hindering his ability to converse with them or pass out literature to them as they walk from the parking lot of Scotsdale to the clinic building. The distance also inhibits his use of a whiteboard, affecting readability of his messaging. Thus, the buffer zone leaves only individuals who park on the street as possible recipients of Lipscomb’s message, and the bubble zone provision, § 31-14-3, forecloses this limited opportunity. The floating bubble zone forecloses any attempt to reach these individuals, prohibiting Lipscomb from approaching anyone within an invisible 8-foot bubble zone without advance permission.

The two interrelated zones work in tandem to eviscerate Lipscomb of his intended audience. Such effect is not a narrowly tailored way to deal with any legitimate concerns about obstruction or other interference with access to medical services. *See United States v. Grace*, 461 U.S. 171, 176, 181-82 (1983) (ban on literature distribution and sign display on sidewalks bordering Supreme Court not narrowly tailored to address obstruction or tranquility concerns); *see also Bays*, 668 F. 3d 814, 823, 825 (6th Cir. 2012) (policy banning “solicitation of causes,” including sign display, literature distribution, conversation, and “preaching” outside of booths at a public festival in a park held not narrowly tailored to address concerns about pedestrian traffic flow, public safety, congestion and overcrowding).

In *Brown v. City of Pittsburg*, the Court of Appeals for the Third Circuit invalidated an ordinance akin to Detroit’s – that combined an eight-foot bubble zone with a fifteen-foot buffer zone near abortion clinic entrances – as not sufficiently tailored in scope. 586 F.3d 263, 279-80 (3d Cir. 2009). Reaching this conclusion, the appellate court described the layering of the two restrictions as an “unprecedented” way to prevent speakers from conveying their messages in public pathways, “severely curtail[ing],” if not “effectively foreclos[ing] leafletting entirely.” *Id.* at 279, 281. The Third Circuit found no case law supporting the fusion of both zones as a narrowly tailored means for achieving any legitimate government interests. *Id.* at 279.

The mishmash of a bubble zone with a buffer zone is not supported by any legal authority here either, and certainly not the singular authority cited by Detroit City Council and the authors of the ordinance, *Hill v. Colorado*. In fact, the Supreme Court in *Hill* held an eight-foot bubble zone was narrowly tailored only because it did not prevent speakers from being in a location where their desired audience would pass by close enough to engage in conversation, receive literature and read their signs. 530 U.S. at 726-28. That § 31-14-1 *et seq.* triggers all these ill-effects with its coupling of speech zones, the ordinance is not narrowly tailored to meet a significant government interest.

**b. Detroit failed to seriously consider less intrusive alternatives**

What's more, Detroit has not demonstrated a willingness to use methods that restrict less speech to maintain access to medical services. The City could have prevented obstruction to healthcare facilities in far more judicious ways—had it wished to do so. Most obvious, the City could directly address obstruction concerns by regulating this behavior instead of protected speech. *See McCullen*, 573 U.S. at 492 (holding state failed to look to less intrusive means for addressing obstruction concerns when it ignored local obstruction ordinance in favor of a buffer zone).

In *Sisters for Life*, the appellate court held the county showed inadequate tailoring for a buffer zone when it already had an obstruction law at its disposal. 56 F.4th at 405. The ordinance not allowing anyone to “knowingly obstruct, detain,

hinder, impede, or block another person’s entry or exit from healthcare facility” was deemed a superior option, described by the court as “assuredly a law whose ends and means fit snugly.” *Id.* at 402, 405. The Sixth Circuit also pointed out the advantages of targeted injunctions and additional patrols over a law designed to suppress speech. *Id.* at 405-06. *See also Florida Preborn*, 161 F.4th at 744 (found city did not adequately consider alternative measures to a buffer zone when it could have considered obstruction or solicitation laws).

All these options were on the table for Detroit, and remain so, to facilitate access to medical services. The City should have considered existing harassment and obstruction laws or crafted additional ones to address the purported concerns. Detroit has ignored these available options. While a blanket ban on disfavored speech in public spaces might mollify Scotsdale and the other abortion clinics, and keep them from complaining further, “[t]o meet the requirement of narrow tailoring, the government must demonstrate that alternative measures that burden substantially less speech would fail to achieve the government’s interests, not simply that the chosen route is easier.” *McCullen*, 573 U.S. at 495. Detroit cannot make this showing. Its failure to consider and employ speech-friendly options dealing with obstruction or access interference dooms § 31-14-1 *et seq.* as not narrowly tailored.

### **3. The Buffer and Bubble Zones Do Not Leave Open Ample Alternative Channels of Communication**

Independent of other constitutional requirements, speech restrictions in traditional public fora must leave open ample alternative channels of communication to be upheld as constitutional. *Bays*, 668 F.3d at 825. The ample alternative evaluation looks to how the messaging is impacted. “An alternative is not ample if the speaker is not permitted to reach the intended audience.” *Saieg*, 641 F.3d at 740 (citation and quotation marks omitted). Moreover, government entities cannot banish speech from “appropriate places [] on the plea that it may be exercised in some other place.” *Schneider*, 308 U.S. at 163. For “it cannot rightly be said that all [] forums are equal.” *Mahoney v. Babbitt*, 105 F.3d 1452, 1459 (D.C. Cir. 1997).

Section 31-14-1 *et seq.*, with the combined impact of the buffer and bubble zones, keeps Lipscomb from conversing and leafleting with individuals he is trying to reach. Certain methods of speech, like those used by Lipscomb, are irreplaceable. *City of Ladue v. Gilleo*, 512 U.S. 43, 56 (1994).

In *City of Ladue*, the Supreme Court held a ban on the display of most types signs from residences did not leave ample alternatives – despite leaving all other forms of expression untouched – due the unique communicative importance attributed to signs in the residential context. *Id.* at 56-57. Adopting the same reasoning, the *McCullen* Court stressed the historical importance of normal conversation and leafletting on public sidewalks, referring to the restriction on these

forms of communication as “an especially significant First Amendment burden.” 573 U.S. at 488-89.

The extraordinarily broad ban set out in § 31-14-1 *et seq.* fails to account for this burden imposed on conversation and leafleting, as well as signs. It imposes two kinds of speech restrictions that operate conjunctively to wipe out these fundamental methods of expression that Lipscomb and others utilize on public ways outside of Scotsdale and other abortion clinics. Serving to deprive Lipscomb of his ability to winsomely communicate with people, Detroit’s ordinance does not leave any ample alternatives for him. “If all that the women can see and hear are vociferous opponents of abortion, then the buffer [and bubble] zones have effectively stifled [Lipscomb’s] message.” *McCullen*, 573 U.S. at 489-90.

## **II. LIPSCOMB WILL SUFFER IRREPARABLE HARM WITHOUT THE REQUESTED PRELIMINARY INJUNCTION**

Without the benefit of the requested preliminary injunction, Lipscomb is deprived of his ability to exercise his First Amendment right of free speech on public sidewalks and ways. “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Bays*, 668 F.3d at 825 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

## **III. THE BALANCE OF INTERESTS FAVORS GRANTING THE PRELIMINARY INJUNCTION**

The requested preliminary injunction will prevent Lipscomb from suffering any further irreparable harm. Conversely, the grant of it can cause no conceivable harm to Detroit—merely requiring the City to honor constitutional freedoms. “[I]f the plaintiff shows a substantial likelihood that the challenged law is unconstitutional, no substantial harm to others can be said to inhere its enjoyment.” *Bays*, 668 F.3d at 825 (citation and internal quotation marks omitted).

#### **IV. PUBLIC INTEREST FAVORS PRELIMINARY INJUNCTION**

Finally, “it is always in the public interest to prevent violation of a party's constitutional rights.” *Id.* (citation omitted). The public’s interest in safeguarding the First Amendment right to share earnest beliefs on public sidewalks and ways is manifest.

#### **CONCLUSION**

For the reasons set forth herein, Plaintiff Matthew Lipscomb respectfully requests this Court grant his Motion for Preliminary Injunction.

Respectfully submitted,

s/ Nathan W. Kellum  
Nathan W. Kellum

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Attorney for Plaintiff

## INDEX OF EXHIBITS

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5. I am a Christian and a devout Catholic. My faith informs my thinking and beliefs about everything in the world, including the topic of abortion.

6. Based on teachings in the Bible and from the Catholic Church, I believe every person is created in the image of God and that life begins at fertilization in the mother's womb.

7. I believe every pre-born child, as a person bearing God's image, has a fundamental right to live, no matter the stage or level of development of the child.

8. I believe surgical and medical abortions destroy innocent human life and do great harm to the welfare and health of mothers.

9. My Christian faith compels me to share my biblical and doctrinal understandings about abortion with other people.

10. I want to tell mothers, their companions, and anyone else willing to listen to me about the human dignity and intrinsic value of pre-born life.

11. I also want to make sure that mothers and their companions are fully informed about the abortion procedure and its harmful ramifications. Many people are unaware of the physical and emotional harm abortions can do to mothers.

12. I want to encourage mothers who are considering an abortion to see their child as a real person and a blessing, and that they need not fear the future with their child.

13. I am also compelled to share the love of Jesus Christ with people. I want women thinking about having an abortion, along with their family and friends, to know Jesus loves them and their children.

14. I realize women considering an abortion often feel desperate and alone. I want them to know that I am willing to help them get anything they need for their child.

15. I offer various kinds of practical aid to women considering an abortion, including money for rent and help with food and gas. I am also willing to give long-term aid, like resources for mental health support, housing, childcare assistance, diapers, clothing, and adoption.

16. The best places for me to share my abortion beliefs and extend offers of help are public sidewalks and ways in front of abortion clinics. These places are where I can find people who are considering an abortion.

17. I usually don't talk with strangers, but I am compelled by my faith and convictions to share my abortion beliefs and offers of help with individuals near abortion clinics, especially those individuals entering and exiting the abortion clinic.

18. My prayer is that these encounters will prevent the death of a child and help desperate mothers.

19. For my message to be effective, I have to be on public property bordering abortion clinic property, a public sidewalk or public right-of-way, close

enough to where I can have conversations at a conversational tone and hand out literature to people.

20. I do not want to yell or use an amplification device outside of abortion clinics. The noise would make me look like a protester. Hardly anyone would want to speak with me if they think I am there to protest the abortion clinic or abortion generally.

21. I never harass people about my abortion views or anything else.

22. I never obstruct people from entering or exiting the abortion clinic.

23. In my experience, the best way to convince people to choose life and not have an abortion is to have honest and genuine conversations with them about the abortion procedure and the options that are available to them.

24. Through these friendly and close conversations, I advise mothers and their companions of help that is available to them.

25. I often ask mothers and companions how they are doing, how they feel about the situation, and try to meet them where they are in that moment. I tell them about the hope they can find in Jesus.

26. I want to hand out literature to people visiting an abortion clinic or just passing by the clinic. My prayer is that the literature will pique their interest and lead to a respectful conversation, either then or at some point in the future.

27. The literature contains detailed information about the abortion procedure and ramifications. It also contains a comprehensive list of resources available to help support a new child and a new mother.

28. I also bring a whiteboard with my handwritten notes on it.

29. With notations on the whiteboard, I encourage women to not have an abortion. I also invite them to chat with me about getting help. I include the phone numbers of various resources willing to assist with free pregnancy testing, ultrasounds, options consultation and prenatal and after birth resources, pregnancy & parenting classes and material resources, support programs, community referrals, housing assistance, jobs, childcare, food, diapers and other financial and tangible resources, and adoptions, as well as a number of a resource that can help reverse the effects of an oral abortifacient, and a website for workers in the abortion industry looking to find different jobs. A true and correct copy of a photograph of the whiteboard with notations I use is attached to the Motion for Preliminary Injunction (“MPI”) as Exhibit (“Ex.”) “B.”

30. I started my abortion ministry shortly after graduating from MSU.

31. I had mistakenly signed up for a course for visiting abortion clinics to counsel with women and stayed for the completion of the course out of intrigue.

32. A few weeks later, in the summer of 2024, I happened to stumble across an abortion clinic, which changed everything for me, and prompted me to join some friends in their abortion ministries.

33. That day, I was at an intersection in Detroit near Scotsdale Women's Center ("Scotsdale") to analyze the site of a traffic accident. While I was running my equipment for the analysis, I looked up and noticed Scotsdale. I knew it was an abortion clinic, and it hit me that children were dying and mothers were getting hurt in that place, right then, right there, in front of me.

34. I was overwhelmed and convicted that I needed to do something to help children and mothers. At that moment, I felt like God wanted me to start ministering at abortion clinics. It is my belief that God put me there for a reason.

35. I soon joined my friends at abortion clinics to help them with their ministry.

36. Initially, I met up with friends at Summit Women's Center ("Summit"), an abortion clinic in the Detroit metropolitan area that provides surgical and medication abortions.

37. My experience with my friends at Summit was wonderful and insightful. I learned about the urgent needs of mothers visiting the clinic, how to best help them, and how to respectfully speak with them about their needs.

38. But I soon felt a pull to go to Scotsdale specifically. Like Summit, Scotsdale conducts surgical abortions and facilitates chemical abortions. A lot of women go there. But it seemed like not many people were engaged in ministry at Scotsdale. All my friends were going to Summit at that time.

39. Sensing a real need at Scotsdale, I started going there on a regular basis, usually every Saturday.

40. Typically, I visit Scotsdale on Saturday mornings, from around 8:30 a.m. to noon, a time when I can expect the highest volume of women to visit the clinic.

41. Scotsdale is located at the intersection of W. Seven Mile Road and Grandville Avenue, both public thoroughfares. Its address is 19305 W. Seven Mile Rd., Detroit, Michigan. A true and correct copy of a GPS aerial photograph of Scotsdale and surrounding public property is attached to the MPI as Ex. "C".

42. The front of the Scotsdale building faces W. Seven Mile Road, a busy thoroughfare that runs through the northern Detroit metropolitan area.

43. To the east and west of Scotsdale are various businesses, including gas stations, food trucks, laundry mats, and liquor stores.

44. At the front of the Scotsdale building is an enclosed portico that slightly juts out toward W. Seven Mile Road. There are two entrance doors to the portico, one in the front—facing W. Seven Mile Road—and another door on the west side of

the portico. The southside of the building also has a back entrance door. A true and correct copy of a photograph of the front side of Scotsdale property is attached to the MPI as Ex. “D”.

45. Scotsdale’s private parking lot is on the west side of the building. There is a driveway that extends from the curb cut of W. Seven Mile Road to the entrance of the parking lot. The driveway exists on public property and intersects with the main public sidewalk. A true and correct copy of a photograph of the driveway and parking lot is attached to the MPI as Ex. “E”.

46. A public sidewalk runs parallel with the Scotsdale building, flowing east and west, about two to three feet away from the front of the building. A true and correct copy of photograph of this sidewalk is attached to the MPI as Ex. “F”.

47. This public sidewalk is a well-traveled path for pedestrian traffic going to various places on W. Seven Mile Road.

48. Scotsdale has an inlet sidewalk on its private property that branches off of the public sidewalk and leads directly to Scotsdale’s main entrance door on the west side of the portico. A true and correct copy of a photograph of the inlet sidewalk leading to the west entrance of Scotsdale is attached to the MPI as Ex. “G”.

49. In between the public sidewalk and W. Seven Mile Road is some grassy space and a sidewalk that cuts through the middle of it, connecting W. Seven Mile Road to the public sidewalk running east and west, intersecting directly in front of

the north-facing door of Scotsdale's portico. The grassy area and the perpendicular sidewalk are public property.

50. East of the Scotsdale building is Grandville Avenue, where individuals visiting the abortion clinic can also park. There's a sidewalk that goes north-south between Grandville Avenue and the Scotsdale building, about one foot away from the building. A true and correct copy of a photograph of the sidewalk along Grandville Avenue is attached to the MPI as Ex. "H".

51. Whether a visitor parks on the street or in the Scotsdale parking lot, that person must walk toward the front of the building and enter through one of the portico doors.

52. Scotsdale has security guards that station themselves near the entrance of the building at the portico. They also have volunteer escorts that float around the outside of the clinic on Scotsdale property and public property. A true and correct copy of a photograph showing security guard and volunteer escorts near entrance is attached to the MPI as Ex. "I".

53. The escorts are almost always at the clinic on Saturday mornings when I'm there and there's usually two of them. They watch out for people visiting Scotsdale, walk up to them, and escort them from their parked vehicles to the entrance of the clinic. Sometimes the guards will walk with people in the clinic too.

54. The guards and escorts put themselves between the visitors and me to try to block them from seeing or hearing me. The escorts also try to talk over me and say bad things about me.

55. The volunteer escorts and staff have tried to intimidate me and other anti-abortion counselors. They frequently take our literature away from the visitors before they enter the building.

56. Still, before Detroit passed the ordinance with buffer and bubble zones, I could go anywhere on public property and freely share my message.

57. I like to stand on the northern edge of the public sidewalk directly in front of the building or in the grassy area close to the driveway and parking lot. From these and other public spots I can address individuals as they come from the parking lot and walk toward the clinic door.

58. The ability to speak near people is critical for my message because I want to have a conversation, not shout at people. I need to address people in a conversational tone. I also have to be within a few feet of them to hand out literature to them. The short distance also helps people read the notes on my whiteboard.

59. Before the ordinance, I could also approach and speak with visitors walking toward Scotsdale from W. Seven Mile Road or Grandville Avenue or share my message with those accompanying the women while they waited in their vehicles.

60. On top of that, I could approach and share my views and my mission with pedestrians walking on the public sidewalks who were not going to Scotsdale, but some other place nearby, like the convenience store and food truck that are next door to clinic property. A true and correct copy of a photograph of the convenience store and food truck is attached to the MPI as Ex. "J".

61. While clinic escorts and security guards did their best to get in the way of my speech, I could always re-position myself on or near the sidewalk to have conversations with women or hand them literature, if they were open to it.

62. Scotsdale volunteers and staff have taken photos of me and other anti-abortion counselors, including photos of our license plates. I understand they have compiled personal information about us and put it into a binder. It's unclear to me who has access to this information and how they are using it.

63. Additionally, security guards have warned me to stay away from visitors. On one occasion a security guard tried to knock literature out of my hands.

64. But none of these things discouraged me from going back out to Scotsdale on Saturdays to share my message. I was still able to reach women and their companions with my anti-abortion message, even preventing some abortions from happening.

65. However, this changed in the fall of 2024 when Detroit passed a new ordinance that severely limits my ability to communicate my message to anyone near Scotsdale.

66. Titled “*Offenses at Healthcare Facilities*,” § 31-14-1 *et seq.* is supposed to “advance the City’s interests both in protecting the ability of individuals to exercise their right to free speech and expression, and in protecting the right of individuals to seek medical treatment and advice free from harassment.” A true and correct copy of § 31-14-1 *et seq.* is attached to the MPI as Ex. “L”.

67. I became aware that in a recording of city council meeting, council member Santiago-Romero said that, during her visit to Scotsdale on September 28, 2024, a white male in his early twenties pled with her not to kill her baby. She stated that the experience was very traumatic and overwhelming for her, despite not being pregnant.

68. Her comments shocked me. Though I do not have a specific recall of this conversation with Councilwoman Santiago-Romero, nor would I have known what she looked like at that time, I feel certain it must have been me that she was describing.

69. I match her description of the anti-abortion counselor exactly, and I believe I was in fact at Scotsdale that Saturday. There were not many anti-abortion counselors attending Scotsdale on Saturdays that fall, and no one I know fits her

description except me. And I have pled with women to not abort their babies as they are walking into the clinic, though I always focus on how I can help them.

70. I noticed that the councilwoman offered this interaction with me as an example of harassment used to justify § 31-14-1 *et seq.*

71. Her remarks confirmed my suspicion that the City's reasons for the ordinance are less about behavior and more about disagreement with the message. The City considers words opposing abortion to be harassment.

72. The ordinance creates two zones, a buffer zone and a bubble zone, that significantly interfere with my ability to communicate with anyone near an abortion clinic, especially women who are contemplating an abortion.

73. First, § 31-14-4 creates a "buffer zone" that prohibits a person from congregating, patrolling, picketing, or demonstrating within a fifteen (15) foot radius of any entrance to a healthcare facility. Those categories include my activity since I am often with someone else, looking for clinic visitors, holding my whiteboard, and expressing my beliefs about abortion.

74. Second, § 31-14-3 creates a "bubble zone" that prohibits me or anyone else within a one hundred (100) foot radius of any entrance door to an abortion clinic from approaching within eight feet of another person for the purpose of communicating my abortion beliefs with that person in the public right-of-way or sidewalk, unless that person consents.

75. I didn't know about the ordinance when it first passed. I had taken a break from counseling at Scotsdale in the late fall and early winter of 2024 and was unaware of the ordinance until I returned to Scotsdale one Saturday in January of 2025.

76. On that Saturday of my return, I saw a copy of the ordinance attached to a pole planted near the entrance of Scotsdale. I quickly figured out the ordinance would have a huge impact on my speech.

77. I don't think Scotsdale is a true healthcare facility, but it is considered such under the ordinance. As a result, I cannot be within fifteen feet of any entrance to Scotsdale at any time, even if someone consents to me approaching them to talk.

78. With a fifteen-foot radius, the buffer zone pushes me back from large portions of the public sidewalk and the grassy areas in front of Scotsdale's building, approximately eight feet away from the places where I preferred to stand prior to the ordinance. A true and correct copy of a depiction of the buffer zone in place at Scotsdale is attached to the MPI as Ex. "M".

79. On another visit to Scotsdale, I noticed orange sticks placed in the grassy areas in front of the building marking off the buffer zone. A true and correct copy of a photograph of the placement of orange sticks marking buffer zone in front of Scotsdale is attached to the MPI as Ex. "N".

80. Scotsdale's security guards and Detroit police officers warned me and the other anti-abortion counselors to stay on the other side of the orange sticks and away from the women walking on the sidewalk to enter the clinic to avoid violating the ordinance. A true and correct copy of me standing on other side of Scotsdale buffer zone while looking at my literature and whiteboard is attached to the MPI as Ex. "O".

81. Because I cannot step within the buffer zone, even if someone consents to me approaching them, it's impossible for me to have close conversations with them inside the buffer zones or to hand them literature as they are walking on the public sidewalk from the parking lot.

82. This restriction makes it impossible for me to have a personable conversation or hand out literature to anyone that parks in the Scotsdale parking lot.

83. Those visitors are also now far less likely to ever come up to me for a conversation. The forced distance between us, coupled with the noise coming from W. Seven Mile Road behind me, forces me to raise my voice at individuals in the parking lot or walking on the public sidewalk. People are not prone to approach me if I am speaking loudly.

84. While I can still use my whiteboard, it's unclear how well people can read it from that distance. Even if they could read my letter sizing from that distance, Scotsdale's escorts continue to try to block the visitors from seeing my whiteboard.

But unlike before, I'm now prevented from moving to a place where they can see it. I cannot reposition myself or work around their obstructive efforts.

85. The buffer zone does not keep me from having conversations or passing literature to individuals visiting the clinic who park elsewhere and walk outside the buffer zone, but these opportunities are rare and severely limited.

86. A large majority of Scotsdale visitors use the parking lot. And to the extent people do park on the streets, I'm prohibited from approaching them due to the eight-foot bubble zone, unless they give consent to do so.

87. The scope of the eight-foot bubble zone is massive, extending a circumference of 100 feet, covering all public sidewalks surrounding Scotsdale as well as public sidewalks located across both streets. A true and correct copy of an overhead demonstration of the bubble zone in place at Scotsdale and surrounding public property is attached to MPI as Ex. "P".

88. Obtaining consent to talk with someone is very difficult in practice. People seem to find it awkward and off-putting when I formally ask them for their consent to speak with me from afar.

89. And those who wait inside the parked cars on these streets usually have their windows rolled up, causing me to yell from eight feet away to try and obtain consent to come closer. That can be scary to people.

90. Compounding the issues I'm facing, Scotsdale places signs in the public, grassy areas near the public sidewalk in front of the building. These signs discourage people from consenting to conversation, with statements like "Protesters may not come within 8 feet of you – It's the law" and "Ignore Protesters." A true and correct copy of photograph of a sign referencing "protesters" on public property next to the driveway and near the parking lot is attached to the MPI as Ex. "Q", a true and correct copy of photograph of a sign referencing "protesters" on public property on the west side of Scotsdale is attached to the MPI as Ex. "R", and a true and correct copy of photograph of a sign referencing "protesters" located on public property on the east side of Scotsdale is attached to MPI as Ex. "S".

91. These signs falsely paint me as a protester and as someone women need to stay away from. The signs, along with marked-off buffer zone and the invisible bubble I have to honor, make me look like I'm dangerous or that something is wrong with me, and that they cannot approach me. This perception that the clinic perpetuates makes it even less likely that anyone is going to give me consent to approach and speak with them.

92. Under the language of § 31-14-3, I could avoid the restrictions of the bubble zone by standing stationary near one of the entrances to the abortion clinic. But, of course, the buffer zone eliminates this possibility.

93. Since the bubble zone applies to any person located within one hundred feet of the clinic's entrance door, it restricts me from even speaking with pedestrians walking on the public sidewalk who have no intention of going to Scotsdale. The one-hundred-foot radius goes all the way across W. Seven Mile Road, all the way across Grandville Avenue, cover sidewalks on both sides of both streets, and even reaches a portion of the public property close to where the gas station and food truck sit.

94. Both the bubble zone and the buffer zone severely restrict my speech and even more so when working in tandem.

95. Adding to the frustration, the ordinance allows clinic staff and volunteer escorts to share their pro-abortion viewpoints with visitors in the public places where my anti-abortion speech is prohibited. Not only can they share their views through oral communication in these same areas, but they can and do post signs on public property where I am prevented from having a sign. A true and correct copy of photograph of security guard and volunteer escort with sign on the public property on west side of Scotsdale is attached to the MPI as Ex. "T", and a true and correct copy of photograph of volunteer escort and sign on the public property on the east side of Scotsdale is attached to MPI as Ex. "U".

96. My calling to share the gospel, help mothers, and protect the lives of children has not waned, not in the least. I believe now more than ever that God

wants me to share His love for all persons through my speech and counseling in front of Scotsdale and other abortion clinics in Detroit.

97. But the threat of criminal sanction and possible arrest prevents me from engaging in my religious speech in public ways in an effective manner. I need relief from this ordinance that keeps me from exercising my constitutional rights as soon as possible.

DECLARATION

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed, this 6 day of April, 2026.

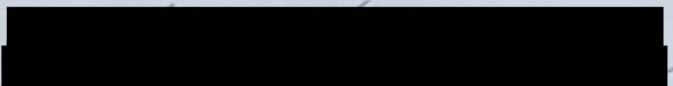
  
Matthew Lipscomb

Exhibit B



Exhibit C

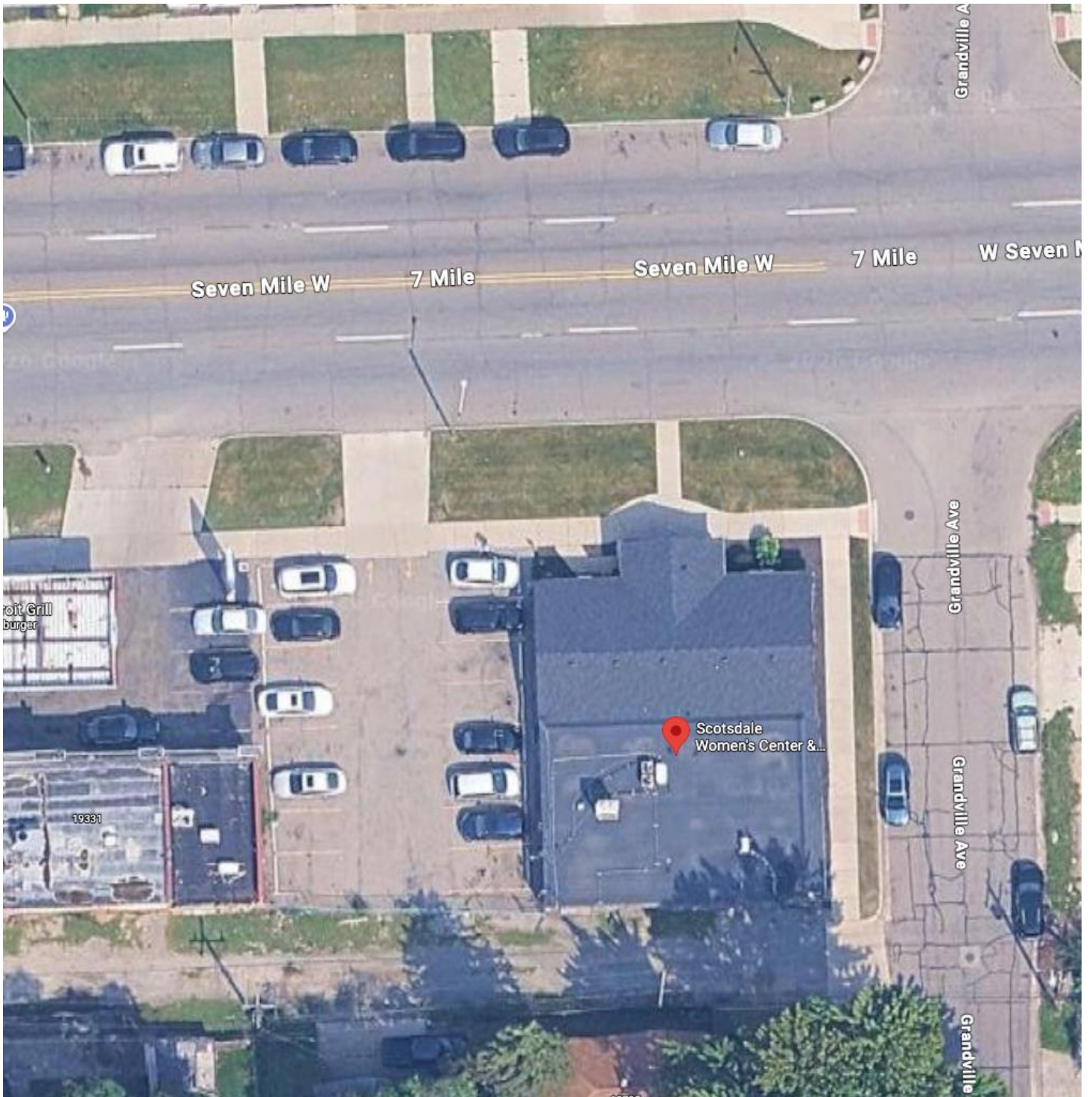


Exhibit D



Exhibit E



Exhibit F



Exhibit G



Exhibit H



Exhibit I



Exhibit J



Exhibit K



LAW DEPARTMENT



August 20, 2024

Detroit City Council



Re: Ordinance to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*

Honorable City Council:

Council Member Santiago Romero has requested that the Law Department prepare an ordinance to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*, by adding Article XIV, *Offenses at Healthcare Facilities*, which consists of Section 31-14-1, *Purpose*; Section 31-14-2, *Definitions*; Section 31-14-3, *Eight-foot personal bubble zone*; and Section 31-14-4, *Fifteen-foot buffer zone*; to advance the City's interests in both protecting the ability of individuals to exercise their rights to free speech and expression, and protecting the right of individuals to seek medical treatment and advice free from harassment. A copy of the ordinance which has been approved as to form is attached for your review and consideration.

We are available to answer any questions that you may have concerning this proposed ordinance.

Respectfully submitted,

Adam Saxby  
Senior Assistant Corporation Counsel

*Enclosure*

cc: Malik Washington, City Council Liaison

SEP 17 2024



Handwritten signature in red ink

1 **BY COUNCIL MEMBER** \_\_\_\_\_ :

2 **AN ORDINANCE** to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*, by adding Article  
3 XIV, *Offenses at Healthcare Facilities*, which consists of Section 31-14-1, *Purpose*; Section 31-14-2,  
4 *Definitions*; Section 31-14-3, *Eight-foot personal bubble zone*; and Section 31-14-4, *Fifteen-foot buffer*  
5 *zone*; to advance the City’s interests in both protecting the ability of individuals to exercise their rights to  
6 free speech and expression, and protecting the right of individuals to seek medical treatment and advice  
7 free from harassment.

8 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**  
9 **THAT:**

10 **Section 1.** Chapter 31 of the 2019 Detroit City Code, *Offenses*, is amended by adding  
11 Article XIV, *Offenses at Healthcare Facilities*, to consist of Section 31-14-1 through Section 31-14-4, to  
12 read as follows:

13 **CHAPTER 31. OFFENSES**

14 **ARTICLE XIV. OFFENSES AT HEALTHCARE FACILITIES**

15 **Sec. 31-14-1. Purpose.**

16 The City recognizes that access to healthcare facilities for the purpose of obtaining medical  
17 counseling and treatment is important for residents and visitors to the City. The City also  
18 recognizes that the exercise of a person's right to protest or counsel for or against certain medical  
19 procedures is a First Amendment activity that must be balanced against another person's right to  
20 obtain medical counseling and treatment in an unobstructed manner. The City finds that the  
21 limited, viewpoint neutral, buffer and bubble zones outside of healthcare facilities established by  
22 this article will ensure that patients have unimpeded access to medical services while ensuring that  
23 the First Amendment rights of demonstrators to communicate their message to their intended  
24 audience is not impaired.

9-1-2

1 **Sec. 31-14-2. Definitions.**

2 For the purposes of this article, the following words and phrases shall have the meaning  
3 respectively ascribed to them by this section:

4 Healthcare facility means a hospital or medical office/clinic or any combination of the two.

5 Hospital means a facility primarily engaged in providing by, or under, the supervision of  
6 physicians, medical services that includes inpatient acute care services to injured, disabled, or sick  
7 persons.

8 Medical office/clinic means an establishment providing therapeutic, preventative, corrective,  
9 healing and health-building treatment services on an out-patient basis by physicians, dentists and  
10 other practitioners.

11 **Sec. 31-14-3. Eight-foot Personal Bubble Zone.**

12 No person, within a 100 foot radius of any entrance door to a healthcare facility, shall  
13 knowingly approach within 8 feet of another person for the purpose of passing a leaflet or handbill  
14 to, displaying a sign to, or engaging in oral protest, education or counseling with such other person  
15 in the public right of way, unless such other person consents.

16 **Sec. 31-14-4. Fifteen-foot Buffer Zone.**

17 (a) No person, or persons shall knowingly congregate, patrol, picket or demonstrate  
18 within a 15-foot radius of any entrance to the healthcare facility.

19 (b) This section shall not apply to the following:

20 (1) Police and public safety officers, fire and rescue personnel, or other  
21 emergency workers in the course of their official business; or

1           (2) Authorized security personnel employees or agents of the hospital, medical  
2                           office or clinic engaged in assisting patients and other persons to enter or  
3                           exit the hospital, medical office, or clinic.

4 **Secs. 31-14-5 -- 31-14-10. Reserved.**

5           **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,  
6 safety, and welfare of the People of the City of Detroit.

7           **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are  
8 repealed.

9           **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City Council  
10 Members serving, it shall be given immediate effect and become effective upon publication in  
11 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed  
12 by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective  
13 on the thirtieth (30) day after enactment, in accordance with Section 4-118 of the 2012 Detroit City  
14 Charter.

Approved as to form:

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Conrad L. Mallett  
Corporation Counsel

**Exhibit L**

**ORDINANCE NO. 2024-45**

**ORDINANCE NO. 2024-45  
CHAPTER 31  
ARTICLE XIV**

**AN ORDINANCE to amend Chapter 31 of the 2019 Detroit City Code, Offenses, by adding Article XIV, Offenses at Healthcare Facilities, which shall consist of Section 31-14-1, Purpose, Section 31-14-2, Definitions, Section 31-14-3, Eight-foot personal bubble zone, and Section 31-14-4, Fifteen-foot buffer zone, to advance the City's interests both in protecting the ability of individuals to exercise their right to free speech and expression, and in protecting the right of individuals to seek medical treatment and advice free from harassment.**

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

**Section 1.** Chapter 31 of the 2019 Detroit City Code, *Offenses*, be amended by adding Article XIV, *Offenses at Healthcare Facilities*, which shall consist of Sections 31-14-1, 31-14-2, 31-14-3 and 31-14-4, to read as follows:

**CHAPTER 31. OFFENSES  
ARTICLE XIV. OFFENSES AT  
HEALTHCARE FACILITIES**

**Sec. 31-14-1. Purpose.**

The City recognizes that access to healthcare facilities for the purpose of obtaining medical counseling and treatment is important for residents and visitors to the City. The City also recognizes that the exercise of a person's right to protest or counsel for or against certain medical procedures is a First Amendment activity that must be balanced against another person's right to obtain medical counseling and treatment in an unobstructed manner. The City finds that the limited, viewpoint neutral, buffer and bubble zones outside of healthcare facilities established by this article will ensure that patients have unimpeded access to medical services while ensuring that the First Amendment rights of demonstrators to communicate their message to their intended audience is not impaired.

**Sec. 31-14-2. Definitions.**

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Healthcare facility* means a hospital, or medical clinic or office, or any combination of the two.

*Hospital* means a facility primarily engaged in providing by, or under, the

supervision of physicians, medical services that include inpatient acute care services to disabled, injured, or sick persons.

*Medical clinic or office* means an establishment providing therapeutic, preventative, corrective, healing, and health-building treatment services on an out-patient basis by physicians, dentists, and other practitioners.

**Sec. 31-14-3. Eight-foot personal bubble zone.**

No person, within a 100-foot radius of any entrance door to a healthcare facility, shall knowingly approach within eight feet of another person for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education or counseling with such other person in the public right-of-way unless such other person consents.

**Sec. 31-14-4. Fifteen-foot buffer zone.**

(a) No person or persons shall knowingly congregate, patrol, picket or demonstrate within a 15-foot radius of any entrance to the healthcare facility.

(b) This section shall not apply to the following:

(1) Police and public safety officers, fire and rescue personnel, or other emergency workers in the course of their official duties; or

(2) Authorized security, personnel, employees, or agents of the hospital, or medical clinic or office, engaged in assisting patients and other persons to enter or exit the hospital, or medical clinic or office.

**Secs. 31-14-5 – 31-14-10. Reserved.**

**Section 2.** All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

**Section 3.** This ordinance is declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

**Section 4.** In the event this ordinance is passed by a two-thirds majority of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is passed by less than a two-thirds majority of City Council Members serving, it shall become effective on the 30th day after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

(J.C.C. pp. : September 17, 2024)  
Passed: October 1, 2024  
Approved: October 10, 2024  
Published: October 22, 2024  
Effective: October 22, 2024

JANICE M. WINFREY  
City Clerk

Exhibit M

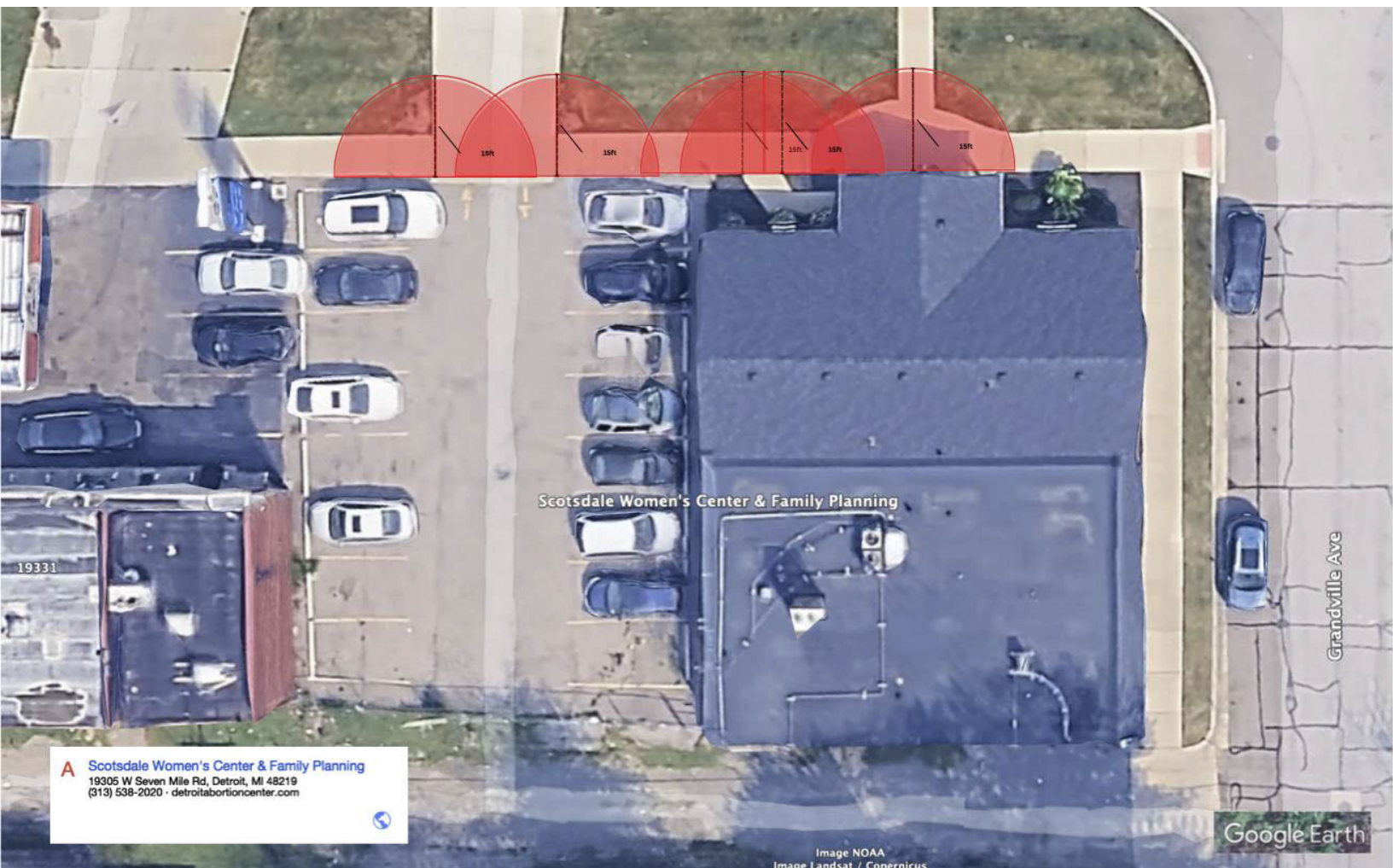


Exhibit N



Exhibit O

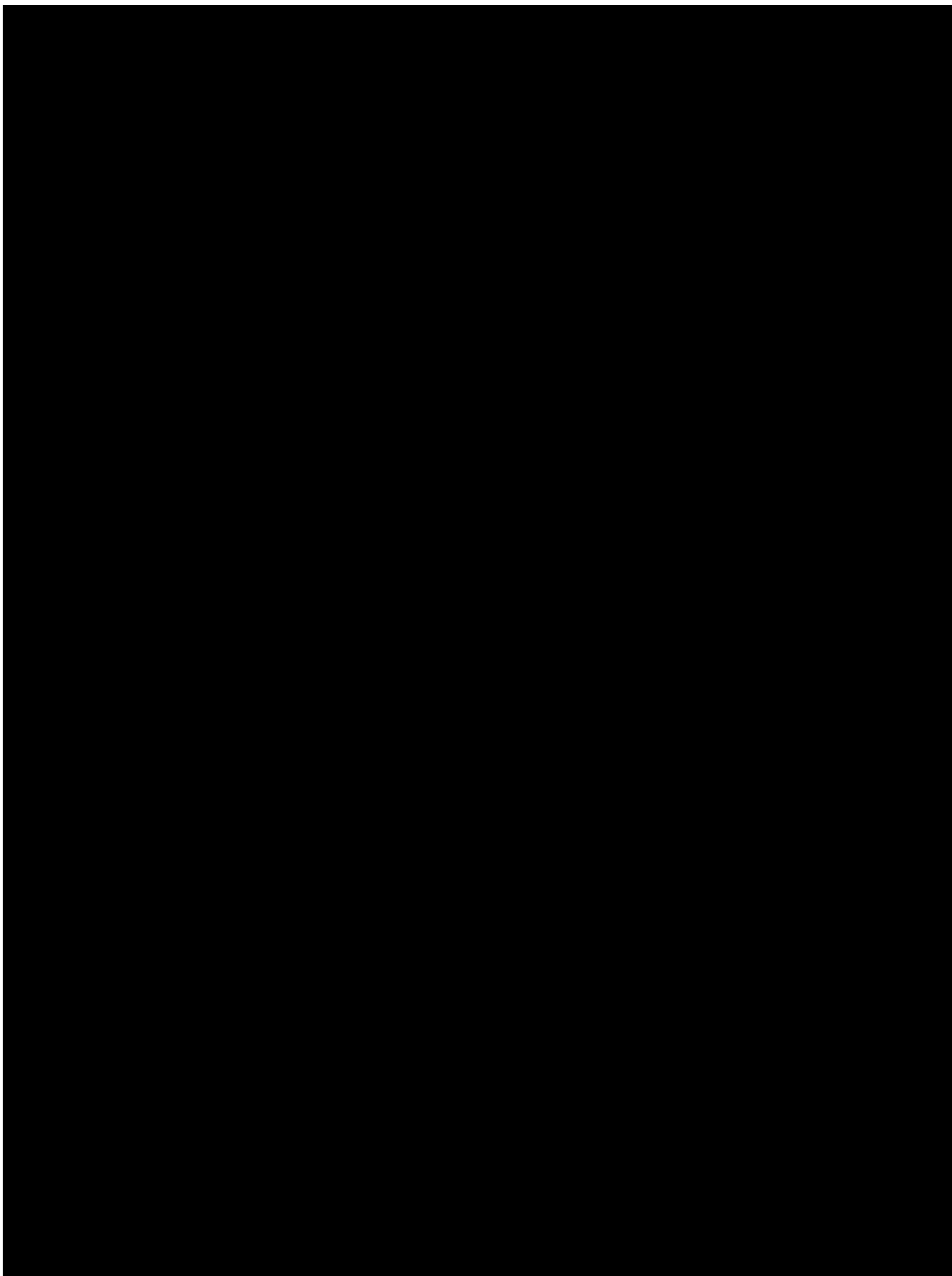


Exhibit P

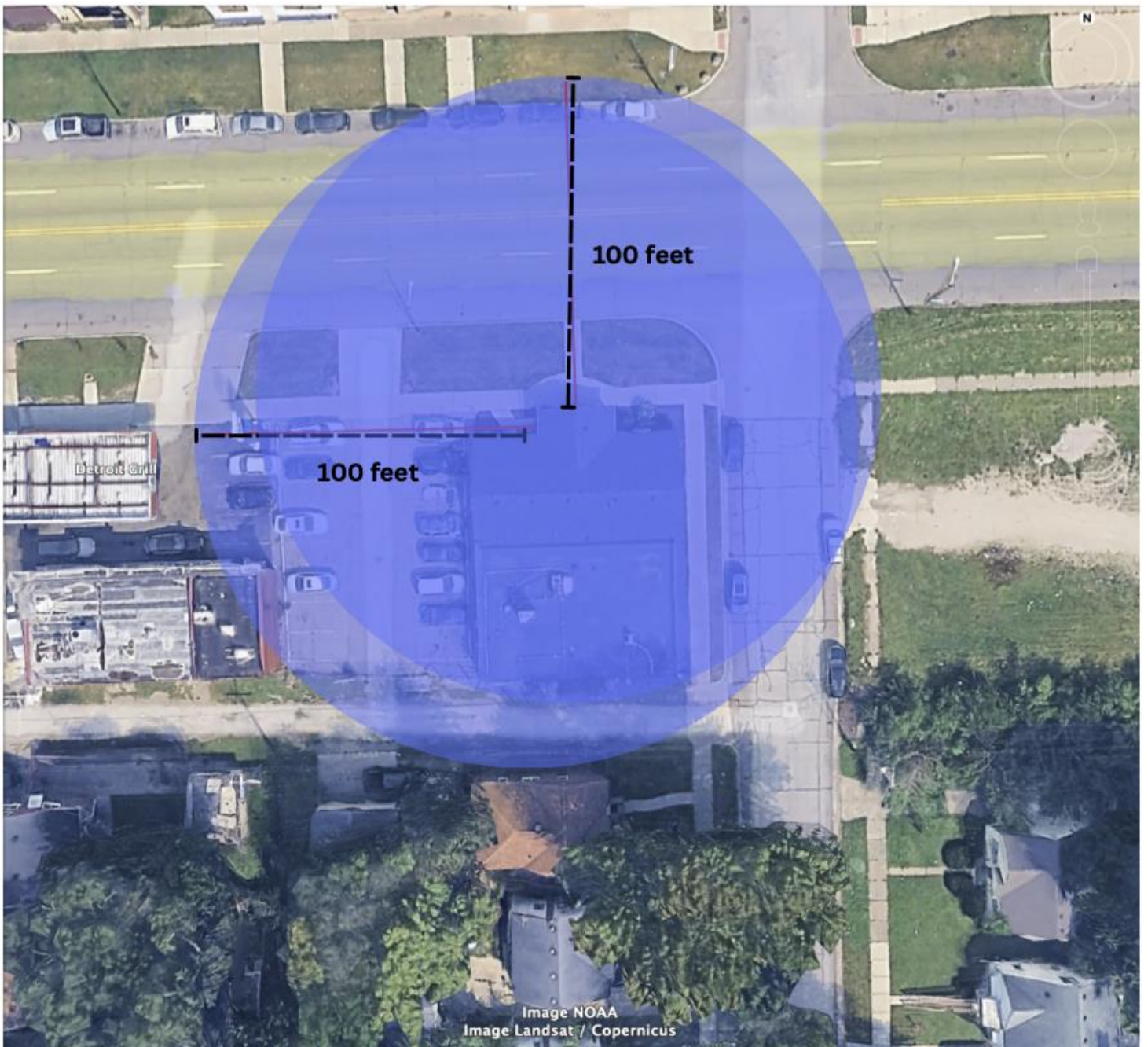


Exhibit Q



Exhibit R



Exhibit S



Exhibit T



Exhibit U

