

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOUGLAS MARSHALL, et al.,	:	Case No. 2:21-cv-04336-GEKP
Plaintiffs,	:	
v.	:	
PETER C. AMUSO, et al.,	:	
Defendants.	:	

PLAINTIFFS' SURREPLY IN RE PENNSBURY'S MOTION TO DISSOLVE THE  
PRELIMINARY INJUNCTION

SURREPLY

In their reply brief, the School District defendants claimed that it was speculative that the current Solicitor's firm, Rudolph Clarke, of which Peter Amuso and Michael Clarke are members, might submit a bid in response to the pending RFP for future legal services to the Pennsbury School District. ECF No. 82 at 3. But Plaintiff Robert Abrams has learned through a Right-to-Know request that the Rudolph Clarke firm has in fact submitted a bid to continue in its role as solicitors to the district. Abrams Dec., Ex. C.

In addition, the School District Defendants argued that the present case was distinguishable from *People Against Police Violence v. City of Pittsburgh*, 520 F.3d 226 (3d Cir. 2008), because an earlier draft revision of Policy 903 allegedly did not contain terms that were subjective. ECF No. 82 at 6-7. But that draft did in fact contain numerous vague and subjective terms, that in Plaintiffs' view, would have invited further content policing by Defendants. *See* ECF No. 82-1 at 7 (§ 2.7.7 et seq.), as well as other features that were hostile to transparency and public discourse.

One can only imagine how Cherissa Gibson and Peter Amuso would interpret the concept of "unlawful racial, ethnic, religious or nationality intimidation" given that they previously characterized fairly mainstream conservative political views as "racist" and "offensive" views that needed to be erased from the meeting record. *Id.* Indeed, the earlier draft of Policy 903 amply demonstrates that Defendants are reluctant to give up the opportunity police the content of public comments; and may revert to doing so when they are no longer under scrutiny.

Dated: June 1, 2022

Respectfully submitted by,

s/Endel Kolde

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