

FILED
LORAIN COUNTY COURT OF APPEALS
9TH APPELLATE DISTRICT
BY FAX DATED
06/05/2020
TOM ORLANDO, CLERK OF COURTS

**IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT
LORAIN COUNTY, OHIO**

GIBSON BROS, INC., *et al.*,
Plaintiffs-Appellee/Cross-Appellants,
v.
OBERLIN COLLEGE, *et al.*,
Defendants-Appellants/Cross-Appellees.

CASE NOS. 19CA011563; 20CA011632
(Consolidated)

APPEAL FROM THE LORAIN COUNTY
COMMON PLEAS COURT, CASE NO.
17CV193761

**MOTION OF NATIONAL COALITION AGAINST CENSORSHIP, BRECHNER CENTER
FOR FREEDOM OF INFORMATION, DEFENDING RIGHTS & DISSENT, AND DKT
LIBERTY PROJECT FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* ON BEHALF OF
OBERLIN COLLEGE, *ET AL.***

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Pursuant to Ohio App. R. 17, National Coalition Against Censorship, Brechner Center For Freedom of Information, Defending Rights & Dissent, and DKT Liberty Project move for an order granting leave to file the brief of *amici curiae* which has been submitted simultaneously with this motion in these consolidated appeals. In support of their motion, *amici* state as follows:

1. National Coalition Against Censorship (“NCAC”) is an alliance of more than 50 national non-profit literary, artistic, religious, educational, professional, labor, and civil liberties groups that are united in their commitment to freedom of expression. Since its founding, NCAC has worked to protect the First Amendment rights of artists, authors, students, readers, and the general public. NCAC has a longstanding interest in opposing viewpoint-based censorship and is joining in this brief to urge the Court to preserve the protections of the First Amendment. The views presented in this brief are those of NCAC and do not necessarily represent the views of each of its participating organizations.
2. The Brechner Center for Freedom of Information (the “Center”) in the College of Journalism and Communications at the University of Florida in Gainesville is a center of research dedicated to advancing access to civically essential information. The Center’s focus on encouraging public participation in government decision-making is grounded in the belief that a core value of the First Amendment is its contribution to democratic governance. Since its founding in 1977, the Brechner Center has served as a source of academic research and expertise about the law of gathering and publishing news. The Center is exercising the academic freedom of its faculty to express scholarly views, and is not submitting this brief on behalf of the University of Florida or the University of Florida Board of Trustees.

3. Defending Rights & Dissent (“DRAD”) is a national not-for-profit public education and advocacy organization based in Washington, DC. The mission of the organization is to make real the promise of the Bill of Rights for everyone. DRAD was founded by activists, including civil rights activists, who were persecuted by the infamous House Un-Americans Activities Committee. As a result, while we cherish the entire Bill of Rights, it devotes particular attention to protecting the right to political expression. DRAD strongly supports the rights of people to engage in collective action and political protest to build a more just world. As DRAD know the right to protest is imperative to securing social change, it opposes curtailments and limitations of that right.
4. The DKT Liberty Project is a non-profit organization founded in 1997 to promote individual liberty against encroachment by all levels of government. Based on Thomas Jefferson’s warning that “[t]he natural progress of things is for liberty to yield, and government to gain ground,” DKT Liberty Project advocates vigilance over regulation of all kinds—particularly where it constrains the First Amendment rights of citizens. DKT Liberty Project has frequently participated as amicus to assist state and federal courts across the country in addressing those key First Amendment issues.
5. The judgment of the Loraine County Court of Common Pleas has had and will continue to have an enormously deleterious effect on free speech and expression on public and private universities across Ohio and the United States. As nonpartisan organizations dedicated to protecting free speech, free association, free expression, and the freedom of academic inquiry, proposed *amici* regularly act as friends of the court in examining the historical underpinnings and impact of this type of judgment. Given the enormity of the award, the resulting speech codes imposed by universities as a result, and the rights

implicated by the Gibson's claims, *amici's* knowledge and expertise in this particular area of law would be desirable to aid the Court in rendering its decisions.

6. Because *amici* file this motion and brief in support of the position of Defendants-Appellants Oberlin College *at al.*, *amici's* deadline for filing its brief, if permitted, would be today, June 8, 2020.

For these reasons, the undersigned respectfully request that this Court enter an order granting National Coalition Against Censorship, Brechner Center For Freedom of Information, Defending Rights & Dissent, and DKT Liberty Project leave to file the brief of *amici curiae* which has been submitted simultaneously with this motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing brief was sent to all counsel of record via

USPS, first class postage prepaid mail, this 5th day of June 2020, to the following:

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