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Due Process: Allegations of Procedural Due Process Infirmities Do Not Satisfy Substantive Due Process Property Interest Requirements

***Manley v. Law*, 16-3846 (7th Cir. May 10, 2018).**

A teacher's failure to demonstrate a protectible property or liberty interest in mental and emotional well-being prevented her procedural due process claim from proceeding.

In the winter of 2015 Hinsdale Township High School District 86 in DuPage County, Illinois had a school board election coming up. Claudia Manley (Manley), a current member, was not up for reelection, but her allies were. At a high school play a student was leafletting against those allies and Manley got into a verbal altercation with the student that escalated and resulted in her insisting the student was violating school board policy by doing leafletting. The parents called Manley and got no return from their messages, leading to a public campaign - including newspaper articles, letters, and public comment - to remove her from the board. This led to an investigation by the school board and the conclusion that Manley violated policy by unilaterally trying to enforce the district leafletting/electioneering policy and a public reprimand. This, in turn, led to Manley's filing suit to enjoin the investigation (it failed) and then the case progressing to arguments that the school district's investigation violated due process. The district court dismissed the action.

As is often the case with due process claims, Manley's lawsuit stumbled on whether she had a protected liberty or property interest at stake. Manley argued three of her interests were protected and remediable: "a feeling of fair-dealing on the part of the government; the[Manley's] mental and emotional well-being; and entitlement to processes mandated by the state and the district itself." The first interest was easily dealt with by the Circuit with the recognition that Manley failed to allege a substantive due process component, instead faultily relying on the procedural due process clause as a basis for this interest. Without substance, however, no due process claim can lie. As for the second interest, the Circuit acknowledged that some states recognize an interest in emotional well-being via the ability to bring a tort claim under theories of intentional and negligent infliction of emotional distress, but promptly followed up that these have never been recognized as an independent liberty interest under the due process clause doctrine. By allowing these tort claims, the court pointed out that states concomitantly set the process due with the nature of the tort itself, specifically access to the courts to file a tort claim. Having failed to allege that the school district deprived the Manley's of the ability to pursue such claims, it affirmed the lower court's holding that this is not a protected interest. Third, Manley alleged that the school board did not follow state and local procedure in its investigation, but the Court found this too failed since the "purely procedural rules of state and local law give rise to constitutionally protected interests only when the mandated procedure contains within it a substantive liberty or property interest. In other words, the federal Constitution does not enforce compliance with state procedural rules." The lower court was affirmed.

LINK

Due Process: No Violation of Property Interest where Building Permit Obtained under False Pretenses

Rockville Cars LLC, d/b/a BMW of Rockville v. City of Rockville, No. 17-1175 (4th Cir. May 24, 2018).

Where an auto dealer obtained a building permit under false pretenses-by stating that it owned the parcel and that it was only going to convert an existing structure, rather than demolish and build a new facility-it did not have a valid property right and could not claim a due process violation.

Rockville Cars leased a parcel in Rockville, Maryland seeking to convert the existing building into a showroom. It thus filed a Minor Site Plan Application with the City's Department of Community

Planning and Development Services (related to compliance with zoning ordinances) and stated therein that the showroom would "replace the vacated, approved restaurant use within the existing building" and that it did *not* own the parcel. Thereafter it filed a Commercial Building Permit Application, stating that Rockville Cars would *not convert*, but rather demolish and renovate the building, and it stated *it was* the parcel owner. Rockville Cars razed the building, but shortly thereafter got notice from the City that the property owner called and claimed Rockville Cars lacked authority to submit the building permit. This led to an inspection from the City and the building permit being halted with a Stop Work Order stating that the Building Permit did not comport with the Minor Site Plan approved by the City. This was followed by further clarification that the demolition of the building violated zoning ordinances, specifically an ordinance requiring that new buildings within a certain distance of the road meet new construction standards, which Rockville Car's did not since it was not approved for demolition, but conversion. Rockville Cars went back to the City and conceded to a variety of City requirements - at significant expense - and then promptly filed suit in district court arguing it was deprived of its due process rights. It did not appeal to the City Board of Adjusters. The district court granted the City's Motion to Dismiss, or alternatively, Motion for Summary Judgment, holding Rockville Cars did not have a property interest in a Building Permit premised on misinformation, and even if it did, it was not deprived due process because it failed to appeal as provided for in the City ordinances.

On Rockville Car's appeal, the Circuit affirmed. Rockville Cars argued that the City's ordinances created a property interest because the Building Permit could only be suspended or revoked for cause - thus creating an entitlement. The City answered, not by disagreeing but by arguing instead that, even if there might be a property interest, the interest failed to vest when obtained via a material misrepresentation and when the building demolition resulted in a zoning ordinance violation on the lessor's property. The Circuit agreed, citing Maryland's established law that a "property interest fails to accrue if the City grants a permit on the basis of mistake or in violation of the law." Here Rockville Cars first misrepresented the scope of the building demolition on different documents it submitted, it misrepresented the owner of the property, and third, it stated the construction would conform to the zoning ordinances (but it did not).

While it could have, the Circuit did not stop there, but rather reinforced its decision by noting that even if a property interest had vested, no §1983 procedural due process claim would lie for Rockville Cars because it failed to exhaust its administrative remedies, rushing to federal court instead of appealing to the Board of Adjusters.

LINK

Employment: City's Placement of Gay Police Officer on Administrative Leave after Anonymous Complaint Requires Trial

Franks v. City of Santa Ana, No. 16-55671 (9th Cir. May 30, 2018).

The fact that a city placed a gay police officer on administrative leave under circumstances materially different from its normal processes (e.g. based only on an anonymous complaint and before conducting an internal investigation) required reversal and a trial on the issue of pretextual termination.

Tammy Franks (Franks) served as a police officer in Santa Ana, California and was openly gay. The City received an anonymous complaint about her, immediately after which the City placed her on administrative leave. Franks filed suit against the City alleging disparate treatment as a result of her gender and sexual orientation under Title VII. The district court granted summary judgment to the City, determining the City's proffered reason for placing her on administrative

leave was not pretextual and Franks appealed.

The Ninth Circuit found the lower court incorrectly only countenanced whether the City placed Franks on leave for a pretextual reason, while there are multiple factors to consider when determining a Title VII discrimination case before granting summary judgment. The Court focused on the facts that Franks was the only person ever put on administrative leave for an anonymous complaint, immediately after the complaint and prior to completing an internal investigation and, critically, based on the fact that Santa Ana's own internal review board had found the investigation was handled differently than others. Noting those with experience dealing with internal investigations of the Santa Ana Police Department "questioned whether the City's actions were discriminatory," the Court ruled Franks had met her burden of showing that a jury of her peers could find the City's proffered reasons were pretextual. It reversed the lower court on this issue, enabling the case to go to trial.

LINK

Equal Protection: No "Class of One" Claim where City Revokes Tow Truck Permit

Rountree v. Dyson, no. 17-40443 (5th Cir. June 11, 2018).

Noting that municipalities have broad discretion in selecting private contractors, the Fifth Circuit has upheld the actions by Beaumont, Texas in revoking a tow operator's license.

For 30 years, Landry Rountree (Rountree), a towing business owner, participated in the Beaumont, Texas (City) "non-consent" tow rotation-a system whereby a police officer responding to a traffic accident calls a company on the rotation list to clear the wreck. These non-consent tows made up roughly two-thirds of Rountree's annual income.

In December 2013, the City's Police Chief revoked Rountree's City-issued towing permit. The revocation was ostensibly based on a complaint by a competing tow company, which asserted-truthfully-that three of Rountree's state-issued licenses had lapsed. But Rountree alleged that the Police Chief, through one of his officers, persuaded the competitor to lodge the complaint. In response to the complaint, the Police Chief sent Rountree a suspension letter and revoked his permit for two years. Rountree unsuccessfully appealed the suspension to the City Council and Mayor.

In March 2014, one of Rountree's customers called him to an accident. Because his permit remained suspended, Rountree could not tow the customer's vehicle. Instead of towing the wreck himself, Rountree called a permitted tow truck to assist. While Rountree was on the scene, Officer Troy Dyson (Dyson) arrived and ordered Rountree to leave. When Rountree refused, Dyson arrested him for violating a city ordinance that forbids a tow driver from stopping within 1,000 feet of an accident without a valid tow-truck permit. The charge was eventually dismissed.

In January 2016, Rountree sued the City and Dyson in state court under § 1983 and related state law. The defendants removed; following a round of motions to dismiss, the magistrate judge dismissed all of Rountree's claims.

Rountree first contended that the district court erred in dismissing his claims against the City. He describes the dismissal as "*sua sponte*" because, although the City had moved to dismiss, Rountree amended his complaint while the city's motion was pending. That amendment, to Rountree, "nullified" the pending motion to dismiss, and the court's dismissal was therefore *sua*

sponte. The Circuit disagreed. "Defendants should not be required to file a new motion to dismiss simply because an amended pleading was introduced while their motion was pending."

Rountree's second theory was that the court should not have dismissed his class-of-one equal protection claim for suspension of his towing permit. But a permit was not required for general, private tows; it was merely required to be on the City's non-consent tow list-a discretionary governmental decision. "[A] class-of-one equal-protection claim is unavailable in a public employment context," and "[t]hat conclusion logically applies as well to a local government's discretionary decision to include or not include a company on a non-consent tow list." The court cited the "vast array of subjective, individualized assessments" involved in municipal hiring decisions; in the case of non-consent tows, that might include "factors that are not reasonably measurable, such as reputation, personal experience, and the particularities of how the city wishes to operate its non-consent tow program." Therefore, "If a city has the discretion to choose from whom it contracts private services, then it must equally retain the discretion to choose when to terminate such relationship."

Rountree's equal-protection claim was further flawed because he did not sufficiently allege that he had been treated differently from others similarly situated, and, as *Ashcroft* advises "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice."

Finally, Rountree challenged the dismissal of his false-arrest claim. Officer Dyson was "entitled to qualified immunity unless there was no actual probable cause for the arrest" and he was "objectively unreasonable in believing there was probable cause for the arrest." Crucially, the probable cause "may be for any crime and is not limited to the crime that the officers subjectively considered at the time they perform an arrest." Here, there was a City ordinance that provided Officer Dyson to act: "All tow truck operators shall . . . [o]bey all lawful orders given by any police officer and not in any manner interfere with any police officer in the performance of his/her duty."*See* Beaumont, Tex. Ord. § 6.08.007(a). Because Rountree did not obey Dyson's apparently lawful order, Dyson was not objectively unreasonable in believing that he had probable cause to arrest. Rountree's false-arrest claim failed.

LINK

Prisons: Prisoners Retain First Amendment Rights to Speak-and to Refrain from Speaking

Burns v. Martusello, No. 15-1631 (2d Cir. May 9, 2018).

Reversing the lower court, in a retaliation case brought by an inmate who was sanctioned by the prison for refusing to act as a "snitch," the Second Circuit has found that prisoners' First Amendment rights include the prerogative not to speak-however, that righty had not previously been clearly established, entitling the prison officials to qualified immunity.

Mark Burns (Burns) is an inmate in Coxsackie Correctional Facility (Facility) in New York. In 2010 guards at the Facility requested Burns serve as a "snitch" for them at the jail and threatened that should he fail to agree to do so he would be placed on a restricted status. Burns refused and was placed on such a status, leading him to file a variety of claims against the Facility Superintendent and associated staff, relevant here being a claim that he had a right not to serve as a prison informant and that his being retaliated against for refusing to do it formed the basis for a viable First Amendment retaliation claim. The lower court rejected the theory, but the Second Circuit disagreed.

The Circuit decision ranged widely, mentioning the long-recognized idea that the Frist Amendment protects both the right to speak and not to speak, and the long-established right to remain silent as of paramount importance to liberty. It also noted it previously recognized "that citizens enjoy a First Amendment right to refuse to provide false information to the government, but [that it had] not previously recognized this right in the prison context." Of course, prisoners have limited First Amendment rights, but the Circuit did not find that that meant they *could be forced to speak*. In particular, "a prison inmate retains those First Amendment rights that are not inconsistent with his status as a prisoner or with the legitimate penological objectives of the corrections system." The Supreme Court has not addressed this issue, leaving the Circuit some leeway to develop its doctrine, including discussing the Supreme Court's framework for deciding whether a prison policy violates an inmate's First Amendment rights (not quite on point since no policy was at issue) and its own precedent about whether a prison guard's individual action violated a prisoner's First Amendment rights (also not quite on point). The Circuit concluded:

> "Applying these principles, we find that Burns held a strong First Amendment interest in refusing the demands of the guards that he provide both false information, and truthful information on an ongoing basis. At the most basic level, Burns' claims derive from the guards' attempt to force him to speak against his will. The right not to speak, as articulated in *Barnette*, *Wooley*, and *Jackler*, safeguards a humble but vitally important restraint on the government's coercive powers. And, in light of the unobtrusive but foundational nature of the right not to speak, we think it clear that inmates generally retain a First Amendment interest in declining to speak."

Unfortunately for Burns, and even though the Circuit found he made a sufficient showing for each and every prong of a First Amendment retaliation claim, since this right had not been previously recognized the government officials were entitled to qualified immunity, and the lower court was ultimately affirmed.

LINK

Search and Seizure: Discovery of Drugs in Vehicle Impounded After Driver's Arrest for Lack of Valid License is Upheld

United States of America v. Perez-Trevino, Nos. 17-1289/1352 (8th Cir. May 29, 2018).

Where a driver was pulled over for an inoperable taillight and was then arrested for driving without a valid license, the discovery of methamphetamine in a sealed cooler in the vehicle's back seat during an inventory before impounding the car did not violate the Fourth Amendment and could not be suppressed.

In August 2015 eleven individuals were charged with conspiracy to deliver methamphetamine in and around Marshalltown, Iowa. Some cooperated with the government and some took their case to trial before a jury, leading to a variety of appellate challenges including hearsay evidence, wiretaps and other issues. Marcos Perez-Trevino (Perez-Trevino), the driver of a vehicle in which methamphetamine had been found, said from the beginning that the evidence seized from his car, which was incident to his arrest for driving without a valid license, should be disallowed. He argued that the impoundment and the inventory search of his car was unlawful. A magistrate rejected the suppression argument; the magistrate's report and recommendation, over Perez-Tevino's objection, was adopted by the district judge. Perez-Tevino was sentenced to 292 months in prison. He appealed the denial of the suppression motion.

The Eighth Circuit set forth the primary facts: that after being stopped for a taillight issue, the Chouteau Oklahoma police officer found Perez-Trevino did not have a valid license, leading to his arrest; the officer followed department policy to remove his vehicle from the road (rather than leaving it there), thus leading to an inventory of his car prior to towing. This, ultimately, led to the discovery of methamphetamine in a cooler in the back seat of the vehicle. Perez-Trevino argued that searching the cooler violated the Fourth Amendment because the Chouteau Police Department did not have a sufficiently standardized procedure for searching closed containers in vehicles. The Circuit avoided the thorniest and fact-based issues in the argument by holding that at the time the officer opened the cooler he had probable cause to do so under the automobile exception, rather than delving into Perez-Trevino's arguments about whether the Chouteau Police Department's vehicle inventory policy was standardized enough. The Court noted that prior to opening the cooler the officer had obtained conflicting stories from the driver and passenger, found drug residue on an item in the car, and found marijuana. The suppression holding was affirmed.

LINK

Trials: Preclusion Principles Allow Dismissal of Pending FHA Case, even if Jury Trial is Forgone

New West, L.P. v. City of Joliet, No. 17-2865 (7th Cir. May 23, 2018).

The Seventh Circuit has upheld a district court's conclusion that a bench trial in a property owner's condemnation case against a city precluded the plaintiff's simultaneous FHA trial against the same defendant, even though plaintiff would have had a jury trial in the precluded case.

IMLA members may recognize this case, as it is the fourth time it has been appealed to the Seventh Circuit. New West, a property owner challenged an action by Joliet, Illinois (Joliet) in 2005 to condemn a complex owned by New West and convert it to parkland. In 2016, after a second appeal, the parties finally had a condemnation trial, which took 100 days, 18 calendar months, and was concluded when the judge in the bench trial ruled that Joliet was entitled to take ownership of an apartment complex and a jury determined the just compensation for the complex was $15 million. During the trial New West argued - defensively - that the condemnation would violate the Fair Housing Act (FHA) since it used federal HUD monies to construct the complex. At the time of the condemnation trial New West's independent countersuit was pending in which it alleged Joliet was violating the FHA.

The Circuit affirmed the condemnation judgment and rejected as unripe New West's prediction that the district judge would use that final judgment to dismiss its pending FHA suit against Joliet based on preclusion principles, thus depriving it of its Seventh Amendment right to a jury trial in the FHA suit. New West's prediction did come to pass and the judge dismissed New West's FHA case against Joliet. New West appealed, again, arguing that Supreme Court precedent dictates that it get a new jury trial even though standard preclusion principles would bar its pending suit based on the prior condemnation judgment.

Judge Easterbrook deftly rejected New West's argument in a few pages pointing out that a latter Supreme Court case clarified that those cases New West relied on *were not* Constitutional decisions; rather, they set forth that courts have discretion to determine the order of issues in a case. New West conceded that if its FHA suit against Joliet had been in state court, while Joliet's condemnation suit against it was in federal court, the federal court's condemnation trial result would preclude its state-court case. But, New West argued, since the cases were *both* in federal court before the *same* judge, that judge should have stayed the condemnation case while first

addressing the FHA case before a jury.

The Circuit deemed this inaccurate for two reasons, first because the district judge did not have discretion given the Seventh Circuit's direction that it hear the condemnation case first after the third appeal. Second, Judge Easterbrook pointed out that the FHA suit was *not* a compulsory counterclaim meaning New West was absolutely free *not* to argue the FHA issue at the condemnation trial. New West had used its theory that Joliet was violating the FHA as a defense by choice and, as a result, the entire appeal issue was its own making, leaving the Circuit comfortable affirming the lower court's dismissal of the FHA claim under preclusion principles.

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eNEWS BRIEFS:

COLLECTIVE BARGAINING - WORKERS COMPENSATION - ARBITRABILITY

Worker claimed that CBA allowed greater time for return to work than Workers Compensation statute. City claimed statute preclusive and commission decision regarding return to work preempts rights under CBA. Worker was terminated under a provision of Workers Compensation statute that requires return to work within a period of time after injury and after maximum medical improvement. CBA provided for more time before losing right to reinstatement. Supreme Court of Rhode Island concludes that CBA prevails and that the issue is subject to the CBA grievance procedure and that the CBA can grant greater benefits than state statute.

Town of Cumberland v. Cumberland Town Employees Union, No. 17-186 (R.I. May 14, 2018)

LINK

CONDITIONAL USE PERMIT - NOTICE REQUIREMENT - HEARING REQUIREMENT

A couple sought a conditional use permit on their 75 acre parcel. They applied and the Planning Commission heard their application, complied with notice requirements, heard opposition and nevertheless recommended the approval of the permit to the board of county commissioners. The Commissioners approximately three months later approved the permit as recommended. The opponents challenged the action claiming they were not given a meaningful opportunity to be heard. The Georgia Supreme Court reversing the lower courts sided with the opponents saying that the Planning Commission recommendation was not sufficiently descriptive to justify the commissioners approving the permit.

Hoechstetter v. Pickens County, No. S17G1500 (Ga. June 4, 2018)

LINK

IMMUNITY - OBSTRUCTIONS TO ROADWAYS - DUTY TO REMOVE

The Ohio Supreme Court issued an opinion today reversing an intermediate appellate court's decision to deny immunity to a municipality involving an automobile accident where the driver of one of the vehicles asserted that she ran a stop sign because it was not clearly visible. The allegation was that bushes and shrubbery some 34 feet distant from the stop sign impeded the driver's view of the sign and that for that reason she did not stop and the collision ensued. She sought to sue the city. The Ohio Supreme Court in construing the statutes determined that the city was entitled to immunity saying:

> "In this case, the stop sign was in repair, because it was in good or sound condition and was not deteriorated or disassembled. And because the foliage was not on the stop sign, the city had no obligation to remove it from the devil strip. No genuine issues of material fact remain, the city is immune from liability, and the trial and appellate courts erred in failing to render judgment in its favor."

Pelletier v. Campbell, Slip Opinion No. 2018-Ohio-2121 (Oh. June 5, 2018)

LINK

PRISONER SUITS - CIVIL DEATH STATUTES

Inmate claims he was assaulted by another inmate and that a guard knew about the impending assault and did nothing to protect him. On eve of trial, trial court raises state's civil death statute - a person committed to life in prison is considered dead for all purposes under state law - and dismisses claim as inmate is under two life sentences. Inmate attempts to amend complaint to bring Section 1983 claim for same incident. Court denies that effort. Rhode Island Supreme Court concludes civil death statute properly raised, but court should not have denied effort to bring Section 1983 claim without explanation.

Dana Gallop v. Adult Correctional Institutions et al., No. 16-278 (R.I. May 8, 2018)

LINK

VOLUNTEERS - WORKERS COMPENSATION - POSSE COMITATUS

A 911 caller received a whispered call saying only "help me." The dispatcher tried reaching back out to no avail. A deputy called neighbors from where the call originated and asked them to check on the caller as the deputy was likely an hour or more away and asserted that it was likely related to the inclement weather. The neighbors responded and happened on a murder and they were savagely attacked. They survived and sued the county and the deputy. California law provides volunteers workers compensation and where workers compensation applies, it is the only remedy. An intermediate appellate court affirmed the lower court determination to dismiss the suit based on the applicability of workers compensation to volunteers in law enforcement activities.

Gund v. County of Trinity, No. C076828 (Cal. Ct. App. June 4, 2018)

LINK

ZONING - CONDITIONAL USE - PERMITTED USE - SIMILAR USES - OIL

AND GAS DRILLING

The Pennsylvania Supreme Court concluded that a person seeking to establish that a use not provided for in a zoning ordinance bears the burden of proving that it is "similar" to a permitted use. In this case, the court concluded that the evidence of similarity was sorely lacking and that a permit should not issue to an oil and gas driller. The court specifically concluded by saying that municipalities that wish to allow oil and gas drilling can amend their ordinances to allow it but can't approve the use as being similar to other permitted uses without substantial evidence of similarity.

Gorsline v Bd. of Sup. of Fairfield Twp., No. 67MAP2016 (Pa. June 1, 2018)

LINK

THIS JUST IN:

RAMAPO GOVERNMENT LAWYERS BARRED FROM SEC PRACTICE RE: MUNICIPAL BOND FRAUD

In further fallout from Ramapo, New Jersey's cover-up of its deteriorating financial condition in financial disclosures to municipal bondholders regarding a $60 million stadium, two municipal attorneys have been prohibited from practice before the SEC-in addition to disbarment and fines already imposed. *Thanks to IMLA member Robert Doty for this story and his continuing input about local government lawyers' responsibilities-and potential sanctions-regarding municipal bond offerings and disclosure statements.*

The articles are available below:

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"BIG LEMONADE" STEPS IN TO SHIELD SIDEWALK VENDORS FROM MUNICIPAL ENFORCEMENT

An article by Rachel Siegel in the June 12, 2018 Business section of the Washington Post describes the ongoing tensions between localities demanding permits and children selling lemonade:

Bullies were shutting down America's lemonade stands. These lawyers work for big lemonade.

"When life gives you arcane laws, make lemonade." And call Legal-Ade.

That's the message Kraft Heinz's lemonade brand Country Time is selling to young entrepreneurs and their summertime businesses. That would be: children and their lemonade stands.

More specifically: children who get fined for running lemonade stands without a permit.
Take Autumn Thomasson, a 6-year-old California girl with long blonde hair and gold nail polish.

"My lemonade stand got shut down because I didn't have a permit," Thomasson said in a Legal-Ade video. "It was unfair."

Now, Country Time wants to assure Thomasson and all lemon squeezers under 5 feet tall that this summer, things will be different.

"We heard a couple of these stories happening and frankly, didn't believe that they were real," said Adam Butler, Kraft Heinz's general manager for beverages and nuts. "You look into it and, wow, this is actually real. We huddled up and decided we've got to do something about this."

It may be surprising to learn that in many cities and municipalities, lemonade stands aren't supposed to set up shop on public sidewalks or roads without a permit, which often come with applications and fees. Police officers and local officials often give kids and their lemonade stands a pass - but not always.

Country Time's solution is to reimburse children who have been fined for running a lemonade stand without a permit, or cover the cost of a permit already secured, until Aug. 31, or until $60,000 has been awarded. All a parent has to do is upload an image of the child's fine or permit and, in the child's own words, include a description of what the lemonade stands means to them.

Parents can report fines incurred in 2017 or 2018. Country Time was sure to note: The company is not providing any legal advice or services.

For every retweet the Legal-Ade promotional video receives, Country Time will donate $1 to help bail out future kids in a squeeze. By Tuesday morning, the video had garnered 93,000 retweets.

For most, a lemonade stand conjures images of sunscreened children working together to hand people cups of joy. Apparently some see gross violations of law and order.
In Georgia, police cracked down on a lemonade stand run by three girls raising money to go to the water park.

"The girls are now doing chores and yard work to make money," the AP reported at the time.

In Texas, two girls lasted one hour before the police shut their stall down. Donations poured in to help the girls get their father to a water park for Father's Day.

"But the family says they will donate that money to scholarships," Fox News reported.
In Legal-Ade's video, a girl in overalls and a headband stands behind a lemonade stand adorned with hand-drawn signs and small glasses of lemonade for 25 cents each. She's flanked by six stern-looking adults, dressed in suits, arms crossed and who appear to mean business.

One of the Legal-Ade defenders sips from a yellow plastic cup, then crunches it in his hand.

"Tastes like justice," he says.

LINK

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