



**LAW OFFICES OF MELO AND
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February 26, 2018

Joe Carlini, City Manager, City of Tulare
JCarlini@tulare.ca.gov
City Council, City of Tulare
411 East Kern Avenue, Tulare, California 93274

Re: Tulare Ordinance

VIA EMAIL AND US MAIL

Dear Mr. Carlini and Council Members,

The Law Offices of Melo and Sarsfield LLP is a law firm that practices in the area of civil rights, First Amendment Constitutional issues and voting cases. We represent a group of Tulare City residents. These residents are supporters of Matt Darby, candidate for the office of Tulare County District Attorney.

In exercise of their First Amendment rights to free speech and in order to show their support for Mr. Darby, our clients wish to display signs and other campaign paraphernalia on their private property within the jurisdictional boundaries of the City of Tulare. Tulare City Ordinance 10.188.050, et seq, prevents them from exercising these rights.

Ordinances such 10.188 have been ruled to be unconstitutional. See *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015); *City of Ladue v. Gilleo*, 512 U.S. 43 (1994). Despite these clear Supreme Court rulings, the City of Tulare has taken no action to repeal these laws which are invalid on their face.

Continued enforcement of such clearly unconstitutional provisions not only chills free speech, it also suppresses votes. Public expression of one's political views is a *fundamental* right which is being denied and infringed by the City. Public debate and public support of candidates such as support for Mr. Darby is a cornerstone of political engagement.

Therefore, on behalf of our clients, we demand that the City of Tulare take immediate steps to repeal these unconstitutional provisions and immediately cease any enforcement of same. As the prevailing party in this dispute, we are entitled to reasonable attorney's fees and costs. We will submit a bill separately. Additionally, we demand that the City of Tulare conduct voter education to undo the damage which your unconstitutional ordinance has done.

Should the City of Tulare refuse such reasonable requests, my clients will be seeking judicial enforcement of their rights. I have included a draft of the lawsuit which we will be filing with the Tulare County Superior Court should the City of Tulare continue to promulgate such unconstitutional laws.

We look forward to your reply in all due haste.

Very truly yours,

LAW OFFICES OF MELO AND SANSFIELD LLP

By: Marguerite Melo

Encl: Draft Complaint