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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BRITTANY COLEMAN, et al., Plaintiffs, v. THE TOWN OF BROOKSIDE, ALABAMA, et al., Defendants.	No. 2:22-cv-00423-RDP

STATEMENT OF INTEREST OF THE UNITED STATES

Courts, prosecutors, and police should be driven by justice—not revenue. Accordingly, the Due Process Clause of the Fourteenth Amendment bars courts, prosecutors, and police from deciding cases or enforcing laws where their decision-making may be distorted by substantial personal or institutional financial interests.

This neutrality requirement exists for good reason. Judges should not profit from their decisions in cases. Nor should funding for prosecutors or police officers depend substantially on unnecessarily aggressive law enforcement aimed at generating income through fines and fees. Criminal justice systems tainted by these unreasonable incentives stand to punish the poor for their poverty and put law enforcement at odds with the communities they are meant to serve.

Plaintiffs' Complaint depicts such a system. Plaintiffs allege that the Town of Brookside fueled its revenue by aggressively enforcing the municipal code. As alleged, Brookside's municipal judge, town attorney, and police department have a direct, substantial financial interest in finding as many violations as possible.

The United States submits this Statement of Interest to address the important principles at issue in this case. As set forth below, the Fourteenth Amendment's Due Process Clause bars

significant financial and institutional conflicts of interest. Plaintiffs have stated Fourteenth Amendment claims that Brookside's municipal judge, town attorney, and police department have significant financial and institutional interests in the enforcement of Brookside's municipal code.

INTEREST OF THE UNITED STATES

The United States has an interest in protecting constitutional rights and enforcing federal laws regarding the imposition and enforcement of unlawful fines and fees. The United States is charged with enforcing 34 U.S.C. § 12601, which authorizes the Attorney General to address patterns or practices of law enforcement conduct that deprive people of federal rights. Pursuant to this authority, on March 4, 2015, the Department issued a Findings Report in its civil rights investigation of the Ferguson Police Department.[1] The report found that "City officials ha[d] consistently set maximizing revenue as the priority for Ferguson's law enforcement activity," and noted the City's significant increases in revenue fueled by municipal code enforcement.[2] As the report described, this approach led to violations of the Constitution and federal statutory law and undermined trust in law enforcement,[3] as police compromised citizens' rights in order to maximize the funds they raised through code enforcement.[4]

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[1] *See* Findings Report, Investigation of the Ferguson Police Dep't, Civil Rights Division, U.S. Dep't of Justice (Mar. 4, 2015), *available at* https://www.justice.gov/sites/default/files/crt/legacy/2015/03/04/ferguson_findings_3-4-15.pdf.

[2] *Id.* at 9.

[3] *Id.* at 15–24.

[4] *Id.* at 24–41. After issuing the findings report, the Department entered into a consent decree with the City of Ferguson, Missouri, that required the City to rectify its allegedly unconstitutional fines and fees practices by, among other things: (1) considering ability to pay in assessing and enforcing fines and fees; and (2) implementing an amnesty program for individuals previously subjected to unconstitutional fines and fees practices. *See* Consent Decree at 79-80, 83-84 (Doc. 41), *United States v. City of Ferguson*, No. 4:16-cv-180 (E.D. Mo. Apr. 19, 2016).

The United States also has an interest in addressing practices that punish people for their poverty, in violation of their constitutional rights. In *Daves v. Dallas County* and *Walker v. City of Calhoun*, for example, the United States filed amicus briefs arguing that bail practices that result in pretrial incarceration based solely on inability to pay violate the Fourteenth Amendment. *See* U.S. Amicus Br. 16-19, *Daves v. Dallas County*, 22 F.4th 522 (5th Cir. Apr. 5, 2021) (No. 18-11368); *see also* U.S. Amicus Br., *Walker v. City of Calhoun*, U.S. Amicus Br. 18-20, *Walker v. City of Calhoun*, 901 F.3d 1245 (11th Cir. Sept. 13, 2017) (No. 16 10521-HH); U.S. Amicus Br. 17-21, *Walker v. City of Calhoun*, 682 F. App'x 721 (11th Cir. Aug. 18, 2016) (No. 16-10521). In *Stinnie v. Holcomb*, the United States filed a Statement of Interest arguing that the Fourteenth Amendment prohibits states from automatically suspending drivers' licenses for unpaid fees. *See* U.S. Statement of Interest 17, *Stinnie v. Holcomb*, No. 3:16-CV-00044, Doc. 27 (W.D. Va. Nov. 7, 2016).

Finally, the United States has a broad interest in ensuring equal access to justice. In October 2021, the Department of Justice announced the re-establishment of the Office for Access to Justice (ATJ). ATJ is tasked with "promot[ing] uniformity of Department of Justice and government-wide policies and litigation positions relating to equal access to justice."[5] ATJ's mission includes safeguarding the integrity of justice systems and ensuring that they deliver outcomes that are fair and accessible to all, irrespective of wealth and status.[6]

The United States has authority to file this Statement of Interest pursuant to 28 U.S.C. § 517, which permits the Attorney General to attend to the interests of the United States in any case pending in federal court.

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[5] 28 C.F.R. § 0.33(a).

[6] *See* Office for Access to Justice, U.S. Dep't of Justice, http://www.justice.gov/atj.

BACKGROUND

Named Plaintiffs, representing two putative classes, brought this suit on April 4, 2022, and filed an Amended Complaint on June 17, 2022. *See generally* Compl. (Doc. 1); Am. Compl. (Doc. 32). Plaintiffs allege that Brookside's police department, town attorney, and municipal courts seize property and enforce municipal laws in violation of the neutrality requirement of the Fourteenth Amendment's Due Process Clause.[7]

Plaintiffs allege that Brookside has substantially increased its budget by collecting municipal fines and fees and seizing vehicles during traffic stops. Am. Compl. (Doc. 32) ¶ 49. Brookside has fewer than 1,300 residents, and its police jurisdiction spans six miles of roads and a 1.5-mile stretch of Interstate 22. *Id.* ¶ 40. According to Plaintiffs, both fines and fees collection and vehicle seizures ballooned between 2018, when Brookside's new police chief took office, and 2020. In 2018, police ordered 50 cars towed and impounded; by 2020, that number had risen to 789. *Id.* ¶ 54. In the same period, traffic citations rose from 382 to 3,024 per year, nearly an eight-fold increase. *Id.* ¶ 53. Overall, by 2020, revenue from fines, fees, and forfeitures made up around 49% of Brookside's annual revenue. *Id*. ¶ 67.

The vast majority of that revenue allegedly went to the Town's police department. *Id*. ¶¶ 10, 164. As funds flowed in, Brookside's police used the budget increases on (among other things) conferences, training, unmarked SUVs, and "a mine-resistant vehicle (known to residents as the 'town tank')." *Id*. ¶¶ 165–167. Brookside's police force also grew from a single full-time officer to nine full-time officers and several part-time officers, a per-capita size that is nearly five

[7] Plaintiffs also brought claims against a towing company that allegedly partnered with the Town of Brookside and three Brookside police officers, in their individual capacities. The United States takes no position on those claims or any other issue not addressed in this Statement of Interest.

times larger than the national average. *Id.* ¶ 48. The increase in officers accompanied more citations and arrests—and more revenue. *Id*. ¶¶ 49–67.

Brookside's municipal courts and town attorney also allegedly saw increased revenue. As municipal code enforcement intensified between 2019 and 2021, the Brookside City Council more than doubled the municipal judge's salary. *Id*. ¶¶ 183, 188. During that same period, the council also increased the annual salary of the town attorney by over $50,000. *Id*. ¶¶ 186, 198–199. The town attorney allegedly said that one of the factors explaining the salary increases was the "increase in the number of cases having to be processed through the municipal court" as a result of Brookside's policing practices. *Id*. ¶ 200.

DISCUSSION

The Fourteenth Amendment's Due Process Clause requires impartiality when judges, prosecutors, and police officers enforce the law. *Marshall v. Jerrico*, 446 U.S. 238, 250 (1980); *Tumey v. Ohio*, 273 U.S. 510, 523 (1927). This "neutrality" requirement bars officials from enforcing laws or deciding cases where their decision-making may be distorted by substantial personal or institutional interests.

In its Motion to Dismiss, Brookside largely ignores the neutrality requirement and does not acknowledge the proper test for conflict-of-interest claims. Brookside Mot. to Dismiss 18–20 (Doc. 39).[8] But as described below, under Supreme Court and Eleventh Circuit precedent, the Fourteenth Amendment's due process neutrality requirements apply to courts, prosecutors, and law enforcement officers, and Plaintiffs' claims must be assessed according to those principles. Based on the facts alleged, Plaintiffs have stated claims that Brookside's municipal code

[8] The United States takes no position on the additional issues raised in Defendants' motions to dismiss that are not addressed in this Statement of Interest.

enforcement practices violate the Fourteenth Amendment. *See Harper v. Pro. Prob. Servs. Inc.*, 976 F. 3d 1236, 1240 n. 1, 4 (11th Cir. 2020) (noting that, at the motion to dismiss stage, courts accept as true "all non-conclusory allegations in the plaintiffs' complaint" and that dismissal is appropriate "when, ignoring any 'mere conclusory statements,' the remaining allegations do not 'plausibly suggest'" that the defendant is liable) (citing *Neitzke v. Williams*, 490 U.S. 319, 326–27 (1989); quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 681 (2009)).

I. The Due Process Clause of the Fourteenth Amendment Requires Courts to Be Impartial

The Due Process Clause "entitles a person to an impartial and disinterested tribunal in both civil and criminal cases." *Marshall*, 446 U.S. at 242. This neutrality requirement "preserves both the appearance and reality of fairness" by ensuring that litigants and criminal defendants can present their cases before arbiters who are "not predisposed to find against [them]." *Id.* It is therefore "well-settled that any judge . . . must be impartial." *Harper*, 976 F. 3d at 1241 (11th Cir. 2020). Accordingly, the Due Process Clause bars any "procedure which would offer a possible temptation to the average man as a judge . . . which might lead him not to hold the balance nice, clear and true." *Tumey v. Ohio*, 273 U.S. 510, 532 (1927).

"At a bare minimum," the neutrality requirement forbids a judge "from adjudicating a case in which he has a 'direct, personal, substantial, pecuniary interest.'" *Harper*, 976 F.3d at 1241 (quoting *Tumey*, 273 U.S. at 523). In line with the principle that no one can be a judge in their own cause, *see Tumey*, 273 U.S. at 525, judges cannot preside over cases that have significant consequences for their own bank accounts. Courts have therefore found due process violations where (for example) a judge's salary depended substantially on what decisions she made. *See, e.g.*, *Tumey*, 273 U.S. at 532 (reversing a conviction from a municipal court in which the mayor presiding over the case received a salary increase only if the defendant was

convicted); *Brown v. Vance*, 637 F.2d 272, 276, 284–86 (5th Cir. 1981) (judges received no salary and instead were paid for each case docketed in their court, creating a system where judges' "bread and butter" depended on arresting officers viewing them favorably).[9]

According to Plaintiffs, the Brookside municipal judge's salary depends on the money he brings in through his decisions in court. Brookside's municipal court has jurisdiction over municipal code violations, and fines and fees assessed in those cases are mostly paid directly to Brookside. Am. Compl. ¶¶ 157, 160. Brookside, in turn, pays the municipal judge's salary, which is set by Brookside's City Council. *Id.* ¶ 183. As Brookside's revenues from municipal code enforcement grew, so did the amount that Brookside paid to the judge. Between 2017 and 2020, Brookside's annual returns from fines and forfeitures grew nearly 1,100 percent, and by 2020 they constituted 49 percent of Brookside's annual revenue. *Id.* ¶¶ 66, 67. With this rise in revenue, the judge's salary increased 127 percent, from $8,800 to $20,000 from 2019 to 2021. *Id.* ¶ 188. The Constitution forbids this sort of "direct, personal, substantial pecuniary interest" in matters that the judge is adjudicating. *Tumey*, 273 U.S. at 523; *see Harper*, 976 F.3d at 1241 ("[A] judge's income can't directly depend on how he decides matters before him.").

Plaintiffs also allege that the municipal judge's job security is tethered to his ability to generate revenue for Brookside. Brookside's City Council—which is itself funded by municipal court revenue—has significant power over staffing the municipal court. It appoints the municipal judge and, at the end of each term, can decide whether to replace her or to abolish the municipal court altogether. Am. Compl. ¶¶ 182, 185. A municipal judge's success therefore depends on the

[9] *Brown* was decided on January 30, 1981. It is therefore binding precedent in the Eleventh Circuit. *See Bonner v. City of Prichard*, 661 F.2d 1206, 1209–10 (11th Cir. 1981) (en banc) (adopting as precedential "the decisions of the United States Court of Appeals for the Fifth Circuit . . . as that court existed on September 30, 1981").

support of the City Council, which in turn has an incentive to maximize revenue from the municipal court. The City Council's control over the appointment, tenure, and salary of Brookside's municipal judge undermines the municipal judge's neutrality. *See Ward*, 409 U.S. at 60 (finding a due process violation where non-monetary benefits could predispose the mayor, acting as a judicial officer, to impose financial penalties); *see also Brucker v. City of Doraville*, No. 21-10122, 2022 WL 2277661, at *9 (11th Cir. June 24, 2022) (Newsom, J., concurring) (stating that "there could well be a Due Process Violation" where a judge "know[s] that the convictions she renders meaningfully contribute to the city's bottom line and, more importantly, that the city could remove her or reduce her salary if she didn't deliver convictions (and thus revenue)").

Non-monetary incentives may raise due process concerns as well. Here, Brookside is responsible for furnishing the municipal court's facilities and support personnel. Am. Compl. ¶ 184. Plaintiffs allege that "the more revenue Brookside has, the more is available for its municipal judge, its municipal court and personnel, and its prosecutor." *Id.* ¶ 187. These sorts of benefits—where the financial health and operations of a court significantly depend on the fines and fees the presiding judge assesses—create conflicts that offend due process. *See, e.g.*, *Caliste v. Cantrell*, 937 F.3d 525, 530 (5th Cir. 2019) (finding an impermissible conflict where money from the bonds the judge set was used to pay for the judge's staff and office supplies); *Cain*, 281 F. Supp. 3d at 655 (finding a due process violation where "th[e] funding structure put[] the Judges in the difficult position of not having sufficient funds to staff their offices unless they impose[d] and collect[ed] sufficient fines and fees from a largely indigent population of criminal defendants").

Due process also bars conflicts that arise when a judge has an institutional interest in the outcome of a case, even when there is no prospect of personal financial gain. As the Supreme Court has explained, the "possible temptation" to take a biased view may also exist when judges' decisions bear on the financial wellbeing of the system in which they operate. In *Ward v. Vill. of Monroeville*, 409 U.S. 57, 60 (1972), the Court "invalidate[d] a procedure by which sums produced from a mayor's court accounted for a substantial portion of municipal revenues, even though the mayor's salary was not augmented by those sums." *Marshall*, 446 U.S. at 243 (citing *Ward*, 409 U.S. at 60); *see also Tumey*, 273 U.S. at 535 (finding a due process violation in part because the mayor presiding over the municipal court had an "official motive to convict and to graduate the fine [in the plaintiff's case] to help the financial needs of the village"); *Cain v. City of New Orleans*, 281 F. Supp. 3d 624, 656–57 (E.D. La. 2017), *aff'd sub nom. Cain v. White*, 937 F.3d 446 (5th Cir. 2019) ("That the Judges have an institutional, rather than direct and individual, interest in maximizing fines and fees revenue is immaterial" to whether there is an impermissible conflict.); *but see Brucker*, No. 21-10122, 2022 WL 2277661, at *6 (finding, based on the facts presented at summary judgment, that a municipal judge was not biased by the City's institutional interests).

Importantly, the neutrality requirement "imposes a 'stringent rule' that may preclude adjudication even by 'judges who have no actual bias.'" *Harper*, 976 F.3d at 1241 (quoting *Marshall*, 446 U.S. at 243). Revenue schemes are unconstitutional when they create an untenable risk of bias. For example, in *Caliste*, the Fifth Circuit found a due process violation where the fees assessed on commercial surety bonds comprised a significant portion of an expense fund that paid for the judge's staff and office supplies. 937 F.3d at 531–32. Under this system, "the more often the magistrate require[d] a secured money bond as a condition of release, the more

money the court ha[d] to cover expenses." *Id.* at 526. There, the judge "d[id] not receive a penny, either directly or indirectly, from his bail decisions." *Id.* at 530. Instead, "the incentives that [the] court's structure create[d] in every case" caused the violation. *Id.*

Thus, when assessing a due process violation, the proper inquiry "is not whether a particular man has succumbed to temptation, but whether the economic realities make the design of the . . . system vulnerable to a 'possible temptation' to the 'average man' as judge." *Brown*, 637 F.2d at 284 (quoting *Tumey*, 273 U.S. at 532). The test for an impermissible conflict "is levelled at the system, not the individual." *Id.*

Plaintiffs' allegations raise these institutional concerns. Indeed, Brookside's overall funding scheme—where the municipal courts generate significant funding for Brookside, which in turn funds those same courts—appears from Plaintiffs' allegations to create a starker conflict than those in other cases where courts have found due process violations. For example, in *Caliste*, the Fifth Circuit found a Fourteenth Amendment violation where revenue from a judge's bond decisions comprised 20 to 25 percent of a judicial expense fund. 937 F.3d at 531–32. In Brookside, Plaintiffs allege that the percentage of municipal revenue from fines and forfeitures is nearly double that—49 percent. Am. Compl. ¶ 10. This proportion is also on par with that in *Ward*, where the Supreme Court found a due process violation. *See DePiero v. City of Macedonia*, 180 F.3d 770, 778 (6th Cir. 1999) (explaining that the village in *Ward* derived 35 to 50 percent of its general revenue from "fines, forfeitures, costs, and fees imposed by the mayor in the mayor's court").

II. The Due Process Clause Requires Prosecutors and Police Officers to Be Impartial When Enforcing the Law

The Fourteenth Amendment's neutrality requirement is not limited to courts; it applies to other officials as well, including prosecutors and police officers. *See Marshall*, 446 U.S. at 249–

50; *Brucker*, No. 21-10122, 2022 WL 2277661, at *7, *8 (11th Cir. June 24, 2022) (explaining that due process imposes impartiality requirements on prosecutors and police officers). These officials are subject to less stringent standards than judicial officers because they are permitted to "be zealous in their enforcement of the law." *Marshall*, 446 U.S. at at 248. But the Due Process Clause nevertheless places limits on their potential for bias. *Id.* at 249. Thus, prosecutors, police officers, and other enforcement officers operate under impermissible conflicts when they have a significant personal financial interest—such as their salary or job security—in their enforcement responsibilities. *See Brucker*, No. 21-10122, 2022 WL 2277661, at *7, *8. And like judges, these officers also operate under impermissible conflicts when there is "a realistic possibility that [their] judgment will be distorted by the prospect of institutional gain as a result of zealous enforcement efforts." *Marshall*, 446 U.S. at 250; *Brucker*, No. 21-10122, 2022 WL 2277661, at *7, *8.

Applying this standard, courts have found that police and prosecutors violate the neutrality principle when significant portions of their salaries or institutional funding are tied closely to their enforcement efforts. *See, e.g.*, *Harjo v. City of Albuquerque*, 326 F. Supp. 3d 1145, 1193–95 (D.N.M. 2018) (finding a due process violation where the City's enforcement personnel—including police officers and prosecutors—had a financial incentive to seize cars and prosecute forfeiture actions, since forfeiture funds were used both to pay for the forfeiture program and to fund discretionary purchases at their offices); *see also Flora v. Sw. Iowa Narcotics Enforcement Task Force*, 292 F. Supp. 3d 875, 904–05 (S.D. Iowa 2018) (allowing Fourteenth Amendment claims to proceed against a narcotics task force and assistant county attorney whose offices were largely funded by forfeiture revenue).

However, programs that financially benefit law enforcement institutions are not *per se* unconstitutional. Courts have found no due process violation when the interest at stake is not substantial enough to raise concerns about the official's neutrality. Thus, in *Marshall*, the Supreme Court ultimately found no Fourteenth Amendment violation because the salary of the official at issue was fixed by law and the funds collected represented substantially less than one percent of the institution's budget. 446 U.S. at 251. Therefore, there was no "realistic probability" that the official's judgment would be distorted by the prospect of personal or institutional gain. *Id.; see also Brucker*, No. 21-10122, 2022 WL 2277661, at *7–8 (recognizing that prosecutors and police officers may violate due process when they operate under conflicts of interest, but finding no such violation based on the evidence at summary judgment).

In assessing whether prosecutors, police officers, and other enforcement officials operate under impermissible conflicts, courts consider "whether government officials stand to profit economically from vigorous enforcement, whether the officials' salaries are fixed by law," and whether the conflicts are significant enough that they may distort the official's judgment. *Flora*, 292 F. Supp. 3d at 903 (citing *Marshall*, 446 U.S. at 250); *see also Brucker*, No. 21-10122, 2022 WL 2277661, at *7–8 (weighing these factors). Here, all of these factors point to potential due process violations.

Plaintiffs have alleged sufficient facts to state a claim that Brookside's town attorney is personally conflicted when he enforces violations of the municipal code because his salary is tied directly to the amount of money those cases raise. The town attorney prosecutes code violations in the Brookside Municipal Court. Am. Compl. ¶ 180. Like Brookside's municipal judge, the town attorney is appointed by the city council and paid by Brookside. *Id.* ¶ 186. Between 2018 and 2020, as Brookside intensified its enforcement practices, the town attorney's salary "more

than doubled—from $8,200 to $18,000." *Id.* ¶ 198. When asked by a journalist to explain the increase in his salary, the town attorney said that one of the factors that led to the increase was the greater number of cases being processed through the municipal court. *Id.* ¶ 200. In short, the town attorney not only "stands to profit economically from vigorous enforcement" of Brookside's municipal code—he already has: the more cases he opts to prosecute, the more money he makes. *Marshall*, 446 U.S. at 250; *see also Harjo*, 326 F. Supp. at 1184 (finding that courts must consider "whether the amount of penalties or prosecutions affects an official's salary" in assessing whether that official operates under an unlawful conflict); *Brucker*, No. 21-10122, 2022 WL 2277661, at *7 (finding no due process violation where "[the prosecutor's] compensation [wa]s not directly contingent on the number of cases he prosecute[d]").

As set forth by Plaintiffs, the Brookside Police Department's revenue structure creates impermissible institutional interests. The Town of Brookside receives fines and fees for violations of its municipal code, as well as $175 for vehicles that police officers order to be seized and towed. Am. Compl. ¶¶ 134, 160. Plaintiffs allege that these funds directly benefit the police department: "Brookside puts its revenue from fines, fees, and forfeitures almost entirely back into its police department." *Id.* ¶ 164. $544,077 of the $610,307 raised in 2020 "went directly to the police, in the form of training, conferences, computer and software purchases, vehicle maintenance and purchases, and salaries." *Id.* ¶ 165. The Brookside police have used these funds "to acquire, among other things, military-style equipment, expensive unmarked black SUVs, a new communications center and jail, and a K9 unit," which includes a drug-sniffing dog named "K9 Cash." *Id.* ¶¶ 166, 170; *see also id.* ¶¶ 10, 48 (describing how Brookside's police department has chosen to use the influx of funds it received as a result of its enforcement

efforts); *cf. Caliste*, 937 F.3d at 532 (finding an impermissible institutional interest where a judge served as both "the sole source of essential court funds and an appropriator of them").

If, as alleged, Brookside's police officers and town attorney are dependent on revenues from fines, fees, and forfeitures, Plaintiffs have stated a claim that these officials are impermissibly conflicted when they enforce the code violations and vehicle forfeitures that raise those funds. Courts have found Fourteenth Amendment violations in similar, but less extreme, circumstances. For example, in *Flora*, Plaintiffs brought Fourteenth Amendment conflict-of-interest claims against a narcotics task force and an assistant county attorney for their operation of a forfeiture program. 292 F. Supp. 3d at 883–84, 902–03. Funds from successfully prosecuted forfeitures were distributed in large part to the task force (60 percent) and the county attorney's office (20 percent). *Id.* at 884. Based on the allegations that the task force and county attorney's office would "profit economically" from forfeitures, the court found that Plaintiffs had sufficiently pled their claims. *Id.* at 902–03. Similarly, in *Harjo*, the district court found that the City's police officers and prosecutors had an impermissible financial incentive to seize cars and prosecute forfeiture actions because the resulting revenue was used to pay a significant proportion of the budget for the forfeiture program itself and for discretionary purchases in their offices. 326 F. Supp. at 1193–95.

CONCLUSION

For the foregoing reasons, this Court should allow Plaintiffs' claims under the Fourteenth Amendment against Brookside's municipal judge, town attorney, and police department to proceed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

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