
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM CRAMER,

Plaintiff,

v.

BOROUGH OF NAZARETH, PA

Defendant.

Case No.

COMPLAINT

INTRODUCTION

1. This lawsuit seeks to vindicate the free speech rights of William Cramer and others like him to use a traditional form of low-cost commercial speech to advertise personal vehicles for sale. Defendant Borough of Nazareth (“the Borough”) has, through a local ordinance, criminalized for-sale signs displayed on vehicles that are otherwise legally parked on public streets. Parking a vehicle with a for-sale sign on the street will result in a criminal conviction and fine.
2. Technically, Nazareth Local Ordinance § 15-410 (“Ordinance”) prohibits parking for the purpose of selling a car. But, as a matter of policy, practice, and custom, the Borough applies the statute only against speech. If a Borough police officer

sees a car parked on a public street with a for-sale sign, the officer tickets the car. If a car does not have a for-sale sign, the owner will not be cited. As a matter of policy, practice, and custom, Borough police do not investigate whether the car with the for-sale sign has been parked on a public street for the purpose of selling it.

3. Plaintiff Cramer's situation illustrates how the Ordinance operates in the real world. In fall 2023, Plaintiff decided to sell his 1987 Chevy truck by putting a for-sale sign in the window while it was parked on the street in front of his home. He did not park for the purpose of selling his truck. His home does not have a driveway and he parked his truck on the street in front every day. A Borough police officer spotted the for-sale sign and issued Plaintiff a citation. Plaintiff pled not guilty, and at his trial, the officer testified that he issued the citation based solely on the presence of the sign. Plaintiff was convicted and fined.
4. This case is not a challenge to that conviction. But Plaintiff Cramer wants to sell another car—his 2009 Buick LaCrosse—and intends to use a for-sale sign in his car while parked in front of his home. He seeks a declaration and a permanent injunction under the First Amendment prohibiting the Borough from enforcing the Ordinance against a traditional, low-cost, and effective form of personal commercial speech.

JURISDICTION AND VENUE

5. Plaintiff brings this civil rights lawsuit pursuant to the First and Fourteenth Amendments to the United States Constitution; the Civil Rights Act of 1871, 42

U.S.C. § 1983; and the Declaratory Judgment Act, 28 U.S.C. § 2201. Plaintiff seeks a declaration that the Borough's ordinance, to the extent that it prohibits the use of for-sale signs in or on otherwise lawfully parked vehicles, is unconstitutional and its enforcement against Plaintiff violates the First Amendment. Plaintiff also seeks permanent injunctive relief.

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331.
7. Venue lies in this court pursuant to 28 U.S.C. § 1391(b) in that Defendant is situated in this federal judicial district, and the events giving rise to Plaintiff's claim occurred in this district.

THE PARTIES

8. Plaintiff William Cramer is a resident of the Borough of Nazareth, County of Northampton, State of Pennsylvania.
9. Defendant Borough of Nazareth is a borough organized under the laws and Constitution of the state of Pennsylvania.

BACKGROUND

Enforcement of Nazareth's Ordinance Against William Cramer

10. Plaintiff Cramer lives in a single-family home on East High Street in Nazareth. Like many of his neighbors, he does not have a driveway. So, like many of his neighbors, his normal parking place for his vehicle is on the public street in front of his home. It is legal to park on East High Street in front of Plaintiff's home.

11. Plaintiff Cramer is a recently retired schoolteacher. He taught high-school biology and geometry at the Union County T.E.A.M.S. Charter School in Plainfield, New Jersey.
12. In December 2023, Plaintiff Cramer retired from fulltime teaching and, in January 2024, embarked on a year-long journey to Tacloban in the Philippines to teach English.
13. This is not his first time teaching abroad. Plaintiff has also spent extended periods teaching in Costa Rica and Nicaragua.
14. Before he left for Tacloban, Philippines, Plaintiff decided to sell his 1987 Chevrolet Custom Deluxe truck.
15. Plaintiff Cramer is a thrifty person who buys and sells used cars as he needs them. He previously sold a used 2008 Chevrolet Malibu in November 2021.
16. Plaintiff Cramer initially used social media to advertise his 1987 Chevy truck for sale while it was parked, as normal, in front of his home. His social-media advertising did not generate any response.
17. Because social media was not an effective way to advertise, Plaintiff Cramer decided to use the sort of commonplace for-sale sign in the window of his truck that people across the country routinely use. He himself had used this method before.
18. Plaintiff Cramer purchased a “for-sale” sign at a Wal-Mart and placed it in the window of his truck. A picture of the sign in the truck’s window is below (parked on his lawn, not in the street).



19. Plaintiff Cramer simply placed the for-sale sign in the window of his truck while it was parked exactly where he legally parked it every day. He then continued to use it as he normally would have. He did not park in front of his home, or anywhere else, for the purpose of selling his car. He parked for the purpose of parking his car while he was not driving it. He placed a sign in the window for the purpose of selling his car. But the car would have been there anyway, with or without the sign.
20. To the extent the sign was in his window while driving or parked anywhere else in Nazareth, that speech was incidental to an ordinary activity Plaintiff Cramer was engaged in, such as shopping for groceries. Plaintiff never drove or parked his car anywhere for the sole or even primary purpose of selling it, but the presence of the sign made it illegal for him to park anywhere.

21. On October 9, 2023, after displaying his sign for approximately one week, Plaintiff Cramer discovered a citation on his truck, issued by Officer Austin J. Signarovitz, for a violation of the Ordinance.
22. Nazareth Local Ordinance § 15-410, entitled “Parking for Certain Conditions Prohibited,” prohibits parking a vehicle upon any street for the purposes of “displaying the same for sale; or, [g]reasing or repairing.”
23. Plaintiff Cramer immediately removed the for-sale sign from his car after receiving the citation. He also parked his 1987 Chevy truck on his lawn to avoid any further trouble. The photograph in paragraph 18 above depicts the truck on his lawn after he moved it off the street.
24. Plaintiff Cramer ultimately sold his truck because of his illegal for-sale sign. He sold his truck approximately 12 days after removing the sign. He sold it to someone who had previously contacted him after seeing the for-sale sign. That person later called again to ask if the truck was still for sale, which it was.
25. Plaintiff Cramer researched his citation. He did not believe the citation from Officer Signarovitz was valid for two reasons. First, Plaintiff did not believe he violated the Ordinance because he did not park for the purpose of displaying his vehicle for sale. Second, Plaintiff believes that he has a First Amendment right to use a sign in his car window to tell the public that it is for sale.
26. Plaintiff Cramer pled not guilty.
27. Magisterial District Judge John C. Capobianco held a criminal trial on December 5, 2023, styled *Commonwealth of Pennsylvania v. William O. Cramer*. Plaintiff

and Officer Signarovitz appeared as witnesses. There was no prosecutor. Plaintiff did not contest that the truck in question was his or that he had placed the for-sale sign in the window to communicate to passers-by that the truck was for sale.

Plaintiff presented uncontested testimony that his 1987 Chevy truck was parked in its normal spot in front of his home, and that he had not parked for the purpose of selling his car. No question of fact was in dispute.

28. Officer Signarovitz testified that he issued the citation solely based on the presence of the “for-sale” sign in the window.
29. Officer Signarovitz did not speak to Plaintiff prior to issuing the citation to determine if Plaintiff had parked “for the purpose” of selling his Chevy truck.
30. Officer Signarovitz testified that it is the official policy, practice, and custom of the Borough to enforce the Ordinance solely against speech. If an officer sees a for-sale sign on a vehicle parked on a public street, official policy, practice, and custom requires the officer to ticket the vehicle for violating the Ordinance. It is official policy, practice, and custom not to investigate whether the vehicle is parked for the purpose of displaying it for sale. By official policy, practice, and custom, written speech to the effect of “this vehicle is for sale” is a complete offense that triggers enforcement.
31. Plaintiff Cramer, who has no legal training, argued both of his defenses *pro se* to Judge Capobianco: (1) He did not violate the Ordinance because he did not park for the purpose of displaying his 1987 Chevy truck for sale; and (2) Even if he did

- violate the Ordinance, he has a First Amendment right to use a sign in an otherwise legally parked car to communicate to the public that his car is for sale.
32. Plaintiff Cramer argued that the burden is on the government under the First Amendment to justify the restriction on his speech. Judge Capobianco allowed Plaintiff Cramer to examine Officer Signarovitz on what harm Plaintiff Cramer's sign caused and what benefit the Borough obtained when Plaintiff Cramer removed the sign as ordered. Officer Signarovitz testified that he could not identify any harm from the sign or any public benefit due to its removal.
 33. Judge Capobianco ruled from the bench, rejecting Plaintiff Cramer's statutory and constitutional defenses without oral explanation of why Plaintiff's defenses were legally wrong. The judge found Plaintiff guilty based on the fact that his car was parked on a public street with a for-sale sign in the window. The judge required Plaintiff to pay \$123.75 in fines and court costs.
 34. Plaintiff Cramer was convicted before a Magisterial District Judge. These proceedings are limited and do not involve constitutional questions. The judge did not issue a written decision other than the standard form for adjudication of guilt. After conviction in a magistrate court, defendants are entitled to a *de novo* appeal before the county Court of Common Pleas, and so the decision of the Magisterial District Judge has no preclusive effect on future proceedings.
 35. Plaintiff Cramer's written adjudication of guilt indicates that his violation of the Ordinance was a criminal offense.

36. Due to the time and expense involved, and what were his then-upcoming travel plans to the Philippines, Plaintiff Cramer elected not to appeal the judgment of the Magisterial District Court to the Northampton County Court of Common Pleas. He paid the fine and court costs, which terminated the matter.
37. The 1987 Chevy truck was not the only vehicle Plaintiff Cramer wanted to sell before he went to the Philippines. He also wanted to sell a 2009 Buick LaCrosse. He intended to sell the 2009 Buick LaCrosse after he sold the 1987 Chevy truck, but he did not do so. Plaintiff declined to try to sell his Buick because the only method that seemed to work was a for-sale sign, but he did not want to use that while the Buick was parked in front of his home because he had been cited for selling his truck that way.
38. Plaintiff Cramer intends to return home to Nazareth in 2024 after his year in Tacloban, Philippines. He intends to sell the 2009 Buick LaCrosse, now currently parked at his daughter's residence in Columbus, Ohio, that he could not sell before he left due to the Borough of Nazareth's prohibition on for-sale signs in cars otherwise lawfully parked on public streets. But for the Ordinance, he would try to sell his car by placing a for-sale on it while it is otherwise legally parked on East High Street in front of his home. Plaintiff Cramer does not want to resort to any other method of selling his car because nothing is as effective and inexpensive, and because he believes as a matter of principle that he has a First Amendment right to communicate to the public that his car is for sale via a simple sign in the car's window.

By Policy, Practice, and Custom, the Town Enforces Its Ordinance Against Speech

Alone and Does So Without Any Discernable Benefit

39. By its plain language, Nazareth’s Ordinance purports to regulate *where* one may park to sell a car, prohibiting parking on a public street for the purpose of selling a car. Nazareth Ord. § 15-410 (“No person shall park a vehicle upon any street for any of the following purposes: (A) Displaying the same for sale”).
40. But the Ordinance—by policy, practice, and custom—is not enforced against parking for a prohibited purpose. Instead, by policy, practice, and custom, the Ordinance operates solely as a prohibition on speech.
41. By policy, practice, and custom, the sole trigger for enforcement is speech: If a for-sale sign is on the car, Borough police issue a ticket.
42. If Borough police discover a car on a public street with a for-sale sign, the police do not investigate to determine whether the owner parked the car for the purpose of selling it (as opposed to parking for a separate purpose, *e.g.*, visiting a store or parking in one’s normal parking space at home).
43. Borough police do not look at newspaper or social media ads for cars for sale in the Borough and then investigate whether an advertised car has been parked on a public street for the purpose of selling it.
44. Borough police have never issued a citation under the Ordinance to a vehicle that did not bear a for-sale sign while parked on a public street.

45. Not only is the Ordinance triggered solely by speech and not by conduct, the speech trigger is highly content-specific. Only a commercial message indicating that a car is for sale triggers a citation under the Ordinance.
46. A vehicle parked on a public street bearing any commercial message other than “this vehicle is for sale” does not trigger a citation under the Ordinance or any other law.
47. Nor does parking for the purpose of advertising anything for sale *other* than the vehicle in question trigger enforcement under the challenged statute or any other. A cookie store could lawfully park its delivery van painted with advertising on a public street solely for the purpose of advertising the business.
48. A vehicle parked on a public street bearing any noncommercial message does not trigger a citation under the Ordinance or any other law. Anyone could lawfully park a vehicle bearing a noncommercial message such as “Go Steelers” or “Smith for President” without fear of a citation.
49. Nor does parking solely for the purpose of disseminating a noncommercial message trigger enforcement under the Ordinance or any other law. A political candidate could lawfully park a vehicle on a public street solely for the purpose of displaying a “Smith for President” sign without fear of enforcement.
50. The Borough’s policy, practice, and custom of enforcing the Ordinance against speech alone suppresses protected speech without any identifiable benefit to the Borough.

51. If, as in Plaintiff's case, a driver parks on a public street for a legitimate purpose such as parking in front of one's home, putting up a for-sale sign causes no harm to the public, but causes a significant harm to the driver who wants to sell his car by informing the public that it is for sale.
52. Forcing such a driver to take down a for-sale sign produces no benefit to the public and causes harm by depriving the public of the valuable message that the car is for sale.
53. Forcing such a driver to remove a for-sale sign but allowing an otherwise identical sign with different words such as "Buy Girl Scout Cookies" or "Vote for Renewable Energy," produces no benefit to the public and harms the public by depriving it of the valuable message that the car is for sale.
54. The Borough has no evidence that a car for-sale sign creates actual, real-world harms.
55. The Borough has never examined whether there is evidence that car for-sale signs create actual, real-world harms in other jurisdictions.
56. The Borough has no evidence that anyone in the Borough of Nazareth has ever been harmed by a car for-sale sign.
57. The Borough has no evidence that a vehicle bearing a message advertising the car for sale creates an actual, real-world harm that is distinct from any actual, real-world harm (if any) created by a vehicle bearing a message about something other than the vehicle itself being for sale.

58. At any given moment, the public streets of the Borough of Nazareth are filled with vehicles—some on the move and some lawfully parked—bearing commercial speech. These vehicles include Amazon and FedEx delivery trucks, contractor vans for plumbers, painters, and other trades, and other business-related vehicles with business names, contact information, logos, slogans, and promotional speech and art. The Borough does not regulate how these vehicles move or park based on the commercial message they display.

59. At any given moment, the public streets of the Borough of Nazareth are filled with vehicles—some on the move and some lawfully parked—bearing noncommercial messages such as “Jesus Saves,” “Baby on Board,” as well as vehicles affiliated with noncommercial entities such as churches that bear the entity’s name, contact information, logos, slogans, and promotional speech and art. The Borough does not regulate how these vehicles move or park based on the noncommercial message they display.

INJURY TO PLAINTIFF

60. On October 9, 2023, Officer Signarovitz issued a citation to Plaintiff under the challenged ordinance while his 1987 Chevy Deluxe truck was otherwise lawfully parked in front of his home with a for-sale sign in the window.

61. Plaintiff immediately removed the for-sale sign from his truck as a result of the citation and parked his car on the grass in his front yard.

62. On December 5, 2023, Plaintiff Cramer was convicted under the challenged ordinance based on the citation and the testimony of Officer Signarovitz.

63. On December 5, 2023, Plaintiff Cramer paid fines and court costs of \$123.75 as a result of his criminal conviction for violating the challenged ordinance.
64. Though he strongly opposed his conviction as a matter of constitutional principle, Plaintiff Cramer could not realistically hire a lawyer at an hourly rate to seek a *de novo* trial in the court of common pleas and, if necessary, pursue appeals.
65. When he returns home from the Philippines in late 2024, Plaintiff Cramer will be parking his 2009 Buick LaCrosse in front of his home and using it in the normal course of his day as he needs.
66. As he has done with other vehicles, Plaintiff Cramer intends to sell his 2009 Buick LaCrosse using the same low-cost, popular, easily accessible, and demonstrably effective method that has worked in the past—placing a sign in the vehicle’s window while it is legally parked in front of his home and in various other places around town.
67. But for the Ordinance and the Borough’s policies, practices, and customs related to its enforcement against speech alone, Plaintiff Cramer would park his 2009 Buick LaCrosse in front of his home on the public street with a for-sale sign in the window.
68. But for the Ordinance and the Borough’s policies, practices, and customs related to its enforcement against speech alone, the public would learn via Plaintiff Cramer’s for-sale sign that his 2009 Buick LaCrosse is for sale.
69. But for the Ordinance and the Borough’s policies, practices, and customs related to its enforcement against speech alone, Plaintiff Cramer would engage in the

form of commercial speech that personal experience has shown to be the most effective for selling a vehicle in the Borough of Nazareth.

70. But for the Ordinance and the Borough's policies, practices, and customs related to its enforcement against speech alone, Plaintiff Cramer's commercial speech would not be chilled.
71. But for the Ordinance and the Borough's policies, practices, and customs related to its enforcement against speech alone, Plaintiff would not fear enforcement by a Borough of Nazareth police officer.
72. Plaintiff Cramer has a concrete, nonspeculative fear of future enforcement because the Ordinance has been enforced against him in the past.
73. Plaintiff Cramer has a concrete, nonspeculative fear of future enforcement because Borough officers are supposed to enforce the Ordinance whenever they see a for-sale sign in or on a vehicle parked on a public street.
74. Because the very purpose of a for-sale sign is to attract the attention of the public, there is a concrete, nonspeculative likelihood that any sign in the window of Plaintiff Cramer's 2009 Buick LaCrosse would attract the attention of Borough police.
75. Because Plaintiff Cramer has recently been convicted under the Ordinance, it is likely that a Borough officer seeing a for-sale sign in the window of Plaintiff Cramer's Buick would regard Plaintiff Cramer as a recidivist, refuse to exercise whatever residual discretion an officer might have in this situation, and issue Plaintiff Cramer another citation.

76. But for the Ordinance and the Borough's policies, practices, and customs related to its enforcement against speech alone, Plaintiff would not fear having to defend himself in a criminal trial for violating the ordinance.
77. But for the Ordinance and the Borough's policies, practices, and customs related to its enforcement against speech alone, Plaintiff would not fear having to pay a fine and court costs following another conviction.
78. But for the Ordinance and the Borough's policies, practices, and customs related to its enforcement against speech alone, Plaintiff would not face the financially impractical choice of paying an attorney an hourly rate to seek a *de novo* trial in the court of common pleas and, if necessary, pursue appeals.
79. But for the Ordinance and the Borough's policies, practices, and customs related to its enforcement against speech alone, Plaintiff would not suffer what he strongly believes is the inherent indignity and wrongness of having his valuable speech censored.
80. But for the Ordinance and the Borough's policies, practices, and customs related to its enforcement, Plaintiff would be able to park his 2009 Buick LaCrosse in front of his home while conveying commercial speech in the same manner that similarly situated vehicles such as Amazon delivery trucks park on the public streets while conveying commercial speech.
81. But for the Ordinance and the Borough's policies, practices, and customs related to its enforcement, Plaintiff would, without arbitrary and irrational interference, be

able to put an innocuous for-sale sign in the window of his car while it is parked in front of his home in its normal spot.

CLAIMS

COUNT ONE – FREEDOM OF SPEECH

82. Plaintiff Cramer incorporates and realleges each and every allegation contained in Paragraphs 1 through 81 of this Complaint as if fully set forth herein.
83. Count One is a prospective claim related to the future enforcement of the Ordinance against a car that Plaintiff Cramer intends to sell in the future. Count One is not a retrospective attack on his prior conviction for violating the Ordinance by having a for-sale sign in the window of his 1987 Chevy truck on October 9, 2023.
84. Count One is brought pursuant to the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1983.
85. The Free Speech Clause of the First Amendment protects the right to commercial speech.
86. Plaintiff Cramer's sign is protected commercial speech.
87. Plaintiff Cramer wants to use a for-sale sign to advertise his vehicle for sale—while legally parked in front of his residence—in the future. He has done so in the past, and he has concrete plans to do so again for his 2009 Buick LaCrosse.
88. By policy, practice, and custom, the Borough's enforcement of the Ordinance operates as a restriction on Plaintiff Cramer's speech, not his conduct.

89. By policy, practice, and custom, the Borough's enforcement of the Ordinance is triggered solely by speech, not conduct.
90. By policy, practice, and custom, the Borough's enforcement of the Ordinance is not a content-neutral reasonable time, place, and manner restriction because it is triggered solely by the content of the message that a sign on a vehicle bears. Only a message to the effect of "this vehicle is for sale" triggers enforcement and not any other message.
91. Because the enforcement policies, practices, and customs of the Ordinance are content-based, strict scrutiny applies.
92. Even if the enforcement policies, practices, and customs of the Ordinance are content-neutral, intermediate scrutiny applies.
93. Alternatively, because a car for-sale sign is commercial speech, the enforcement policies, practices, and customs of the Ordinance are subject to intermediate scrutiny under the test established by the Supreme Court in *Central Hudson Gas & Electric Corp. v. Pub. Serv. Comm'n of New York*, 444 U.S. 557 (1980).
94. The Borough of Nazareth cannot satisfy any standard of First Amendment scrutiny because every standard places the burden on the government to prove that real—not just speculative—harms exist and that the challenged regulation is meaningfully tailored to addressing those harms. There is no evidence that putting a for-sale sign in one's own car while it is otherwise legally parked in front of one's home creates any harm at all, and banning such signs is not meaningfully

tailored because significant speech is burdened without any identifiable public benefit.

95. The Ordinance is also overbroad on its face because, even if it has a legitimate sweep in prohibiting parking for the purpose of displaying a car for sale, the Ordinance operates solely on the basis of speech, prohibiting for-sale signs in all cars parked on public streets, including those that were not in fact parked for the sole purpose of advertising the car for sale. The Ordinance thus operates as a broad prohibition of protected speech well outside the sweep of any narrow and legitimate regulation of parking.
96. Plaintiff seeks a declaration that the Ordinance violates the First Amendment on its face and as applied, as well as permanent injunctive relief against future enforcement.

COUNT TWO – EQUAL PROTECTION

97. Plaintiff incorporates and realleges each and every allegation contained in Paragraphs 1 through 81 of this Complaint as if fully set forth herein.
98. Count Two is a prospective claim related to the future enforcement of the Ordinance against a car that Plaintiff Cramer intends to sell in the future. Count Two is not a retrospective attack on his prior conviction for violating the Ordinance by having a for-sale sign in the window of his 1987 Chevy truck on October 9, 2023.
99. Count Two is brought pursuant to the equal-protection clause of the Fourteenth Amendment.

100. The Ordinance singles out parking for the purpose of advertising a vehicle for sale.
101. Neither the Ordinance nor any other law prohibits parking for the purpose of advertising anything but the vehicle itself for sale.
102. A plumber, for example, could lawfully park his company van on a public street in front of his business for the purpose of advertising the plumbing business to passers-by. That same plumber could not, by contrast, lawfully park in the exact same spot for the purpose of advertising the vehicle itself for sale. Because there is no material difference between a plumbing van parked in front of a plumbing business to advertise the plumbing business and a plumbing van parked in front of a plumbing business to advertise the plumbing van for sale, the Ordinance's distinction between parking for the purpose of advertising a vehicle for sale and parking for any other purpose is arbitrary and irrational, fails rational-basis review, and hence violates equal protection.
103. To the extent that the classification described above regulates the fundamental right to free speech (and not just the conduct of parking for a specific purpose), the distinction is subject to strict scrutiny and hence violates equal protection because an arbitrary and irrational distinction that cannot survive rational-basis review also cannot survive strict scrutiny.
104. Plaintiff seeks a declaration that the Ordinance violates the equal-protection clause, as well as permanent injunctive relief against future enforcement.

COUNT THREE – SUBSTANTIVE DUE PROCESS

105. Plaintiff incorporates and realleges each and every allegation contained in Paragraphs 1 through 81 of this Complaint as if fully set forth herein.
106. Count Three is a prospective claim related to the future enforcement of the Ordinance against a car that Plaintiff Cramer intends to sell in the future. Count Three is not a retrospective attack on his prior conviction for violating the Ordinance by having a for-sale sign in the window of his 1987 Chevy truck on October 9, 2023. Count Three is brought pursuant to the due-process clause of the Fourteenth Amendment.
107. This is a substantive due-process claim, not a procedural due-process claim.
108. Plaintiff has liberty interests in selling his car, parking on public streets, and conveying to the public that his car is for sale while it is parked on public streets.
109. To the extent that Plaintiff parks his own car in front of his own home just as he lawfully does every day, it is arbitrary and irrational to punish him for placing a for-sale sign in the window of his car on the theory that he is parking for the primary purpose of selling his car and not for the normal life purpose of parking your car somewhere when you are at home.
110. To the extent that Plaintiff parks his car somewhere besides his own home while living his life (going to the grocery store, for example), it is arbitrary and irrational to punish him for placing a for-sale sign in the window of his car on the theory that he is parking for the primary purpose of selling his car and not for a normal life purpose (such as getting groceries).

111. It is arbitrary and irrational for the Borough of Nazareth to see personal commercial speech such as a for-sale sign on a car and assume that the primary purpose of the underlying activity such as parking is to engage in the commercial speech. If a person wears a “Nike” t-shirt while jogging down the sidewalk, it would be arbitrary and irrational to assume that the person was using the sidewalk for the primary purpose of promoting Nike products.
112. Because prohibiting Plaintiff from putting a for-sale sign in the window of his car while it is lawfully parked in front of his home in its usual spot is arbitrary and irrational, the prohibition violates substantive due process.
113. Plaintiff seeks a declaration that the Ordinance violates the substantive component of the due-process clause, as well as permanent injunctive relief against future enforcement.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests relief as follows:

- A. An entry of judgment declaring that the Borough’s Local Ordinance §15-410, “Parking for Certain Purposes Prohibited,” is unconstitutional to the extent that it prohibits the use of “for-sale” signs displayed in or on vehicles to advertise those vehicles for sale.
- B. A permanent injunction prohibiting Defendant from enforcing Local Ordinance §15-410 against Plaintiff and other similarly situated individuals who advertise vehicles for sale using “for-sale” signs on the vehicles.

- C. An award of attorneys' fees, costs, and expenses in this action pursuant to 42 U.S.C. § 1988; and
- D. All further legal and equitable relief as the Court may deem just and proper.

Dated: April 9, 2024

Respectfully submitted.

s/ Samantha Harris

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**Pro hac vice motions to be filed*

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