

**IN THE CIRCUIT COURT
OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

GORDON JOHNSTON,

Plaintiff

Case No. _____

v.

TAMPA SPORTS AUTHORITY, and
HENRY G. SAAVEDRA, in his official
Capacity as Executive Director of the
Tampa Sports Authority,

Defendants.

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

I. PRELIMINARY STATEMENT

1. Plaintiff GORDON JOHNSTON (hereinafter “Johnston” or the “Plaintiff”) brings this action to prevent Defendant TAMPA SPORTS AUTHORITY (hereinafter “TSA”) and Defendant HENRY G. SAAVEDRA, in his official capacity as Executive Director of the TSA (hereinafter “Saavedra”) (collectively, the “Defendants”) from violating Plaintiff’s constitutional rights by conducting unlawful pat-down searches of persons entering Raymond James Stadium to watch Tampa Bay Buccaneers (“Buccaneers”) football games. Plaintiff asks this Court to (A) issue an injunction prohibiting the Defendants from conducting warrantless, suspicionless pat-down searches of patrons attending NFL games at Raymond James Stadium; (B) declare the pat-down searches unlawful; (C) order such other equitable relief as may be just and proper, and (D) award damages caused by the Defendants’ unconstitutional actions. As grounds for his Complaint, the Plaintiff alleges as follows:

II. JURISDICTION

2. This Court has subject matter jurisdiction over this action pursuant to Article V, Section 5(b) of the Florida Constitution and section 26.012(2)(a) of the Florida Statutes.

3. This Court has jurisdiction to issue an injunction pursuant to Article V, Section 5(b) of the Florida Constitution; section 26.012(3) of the Florida Statutes; and Florida Rule of Civil Procedure 1.610.

4. This Court also has jurisdiction to grant declaratory relief pursuant to Article V, Section 5(b) of the Florida Constitution and section 86.011 of the Florida Statutes.

5. Venue is proper in Hillsborough County because the office of the Tampa Sports Authority is located in Hillsborough County, Florida.

III. PARTIES

6. Plaintiff Johnston is a high-school teacher of United States history and government, and an ordained minister who resides in Hillsborough County, Florida. He is a Buccaneers season ticket holder.

7. Defendant TSA, a governmental entity, is the owner and operator of Raymond James Stadium, Tampa, Florida. Its offices are located in Hillsborough County, Florida.

8. Defendant Saavedra is the Executive Director of Defendant TSA. He is sued in his official capacity.

IV. STATEMENT OF THE CASE

9. Johnston has held season tickets with the Buccaneers since approximately the 2001-02 football season.

10. As a condition of being a season ticket holder, Johnston had to pay the Buccaneers a

seat deposit of approximately \$544.00. As a season ticket holder, Johnston's seat deposit is being returned to him at the rate of 5% a year, for a period of 10 years, with the remainder of the seat deposit being returnable in 2011. If Johnston ceases to be a season ticket holder at any time before 2011, the remaining portion of his season ticket deposit is forfeited.

11. According to the Buccaneers' web site, the waiting list for season tickets is currently over 100,000 people long. Therefore, if Johnston would be forced to give up his season tickets for the 2005-06 season, it would likely to be a very long time before he could obtain season tickets again.

12. On or around February 20, 2005, Johnston renewed his season tickets for the 2005-06 season at a cost of \$869.20 plus a \$250.00 payment for stadium parking. Upon renewal, Johnston received his packet of season ticket information and season tickets. Neither the renewal information nor the tickets informed Johnston in any way that he would be subject to a pat-down search when attending the Buccaneers games.

13. On September 13, 2005, the TSA held a special meeting to consider whether to conduct pat-down searches of persons attending NFL games at Raymond James Stadium. The official in charge of stadium security announced that the searches would involve brief pat-downs of only the upper body. At that meeting, the TSA's lawyer stated that, in his legal opinion, the pat-down searches would be unlawful if imposed on season ticket holders without their consent, unless the season ticket holders were offered refunds of their tickets if they objected to the searches.

14. No evidence was offered of any specific threat to persons attending games at Raymond James stadium, nor was any evidence offered of any specific threat to NFL games in general. When TSA board members asked if any facts warranted a different security analysis than in other post-2001 years when no pat-down searches were deemed necessary, no such facts were

presented at the meeting, other than comments to the effect of “All the other stadiums are doing it, and you don’t want to be the only one.”

15. Nonetheless, the TSA Board voted to require the searches and has implemented pat-down searches at all Buccaneer games at Raymond James Stadium. TSA hires a security firm that employs all personnel conducting the pat-down searches.

16. In addition to hosting the Buccaneers, TSA’s Raymond James Stadium also hosts the University of South Florida’s (“USF”) football games. Upon information and belief, no pat-down searches are conducted of persons attending the USF games.

17. Shortly before the September 18, 2005 Buccaneers home game, Johnston learned that the TSA was going to conduct pat-down searches of all patrons. He contacted the Buccaneers to object. He was informed that the Buccaneers would not refund the cost of season tickets for him and other ticket holders who objected to the pat-down policy.

18. Johnston is not willing to consent to the pat-down searches as a condition of retaining his season tickets, nor is he willing to give up his tickets, which would entail not only losing the cost of season tickets and the remainder of his seat deposit, but also losing his right to renew season tickets and his right to enjoy the Buccaneers games for the remainder of the 2005-06 season.

19. Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs herein alleged. Plaintiff is now suffering and will continue to suffer irreparable injury from the Defendants’ acts unless he is granted the relief prayed for herein.

20. There is a bona fide dispute between the Plaintiff and the Defendants and a need for a declaration by the Court adjudicating their respective rights, duties and obligations. The needed declaration is based on a present controversy and upon an ascertainable set of facts. The powers,

duties and obligations of the parties concern purely legal questions concerning the construction of Fla. Const. Art. I, §12. The position of the Plaintiff and the Defendants with respect to the foregoing is adverse and antagonistic.

V. CAUSE OF ACTION

21. Plaintiff re-alleges paragraphs 1-20 herein.

22. This is an action brought to enjoin, and declare unlawful, warrantless, suspicionless pat-down searches in violation of Article I, Section 12 of the Florida Constitution.

23. Defendants, and those acting in concert with Defendants, are governmental actors conducting pat-down searches of all persons entering Raymond James Stadium for Buccaneers games.

24. These pat-down searches are being conducted pursuant to a pattern, practice, and policy expressly adopted by the TSA.

25. Plaintiff, as a season ticket holder, has a right to enter Raymond James Stadium to enjoy the experience of attending Buccaneers football games. He is not willing to consent to a pat-down search as a condition of entering the stadium. Nor is he willing to give up his right to enjoy the games.

26. Plaintiff has no adequate remedy at law, because unless the policy is enjoined he cannot exercise his right to enjoy the Buccaneers games without being forced to undergo an unlawful pat-down search of his person without his consent.

WHEREFORE, Plaintiff requests this Court to:

1. Declare the TSA pat-down policy violative of the Florida Constitution;
2. enjoin Defendants from conducting warrantless, suspicionless pat-down searches of persons entering Raymond James stadium;

3. award Plaintiff nominal damages; and
4. award such other relief as the Court may deem just and proper.

Respectfully submitted,

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