

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

FILED  
JAMES BONINI  
CLERK

2007 APR 18 P 1:04

WAYNE DOYLE

Case No. 3:07-cv-003

Plaintiff,

-vs-

District Judge Thomas M. Rose  
Chief Magistrate Judge Michael Merz

**JOHN McConagha and  
The CLARK COUNTY LIBRARY,  
Et al,**

Defendants.

**. MOTION FOR:**

1. Time to hire legal counsel to represent me.
2. Additional time to respond to defendant John Mc Conagha March 30,2007, Motion to dismiss.

**IN SUPPORT OF THE FOREGOING**

I, Wayne Doyle recently found out that my pleadings filed with the Court were incomplete and incorrect. See attached.

**RELIEF SOUGHT**

I, Wayne Doyle would like a additional (60) days to obtain legal counsel organize the case file, and respond to the defendant's motion to dismiss.

**SERVICE**

Mailed to: Lois a Gruhin  
21 East State Street  
Columbus, Ohio 43215  
This 16<sup>th</sup> day of April, 2007.

*Wayne Doyle*



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## Ex-patron sues library



Wayne Doyle is suing the Clark County Library for nearly \$400,000, claiming racial discrimination. > Article

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# Ex-patron sues library in federal court over two-year banishment



By Valerie Lough Staff Write

Thursday, April 12, 2007

Wayne Doyle frequented the main branch of the Clark County Public Library for many years.

He considered himself a loyal patron until 2005, when library officials violated his civil rights, he said. Now, he's suing the library for nearly \$400,000.

### Latest headlines

- Man allegedly owes \$62,358 in support
- Ex-patron sues library in federal court over two-year banishment
- Teens charged after jumping off cliff while fleeing police
- Bill would require emergency rooms
- Mile walk will promote benefits of exercise

He filed a lawsuit in U.S. District Court against the library and Director John McConagha, claiming racial discrimination. Doyle is seeking \$350,000 in damages because he was banned from the library for two years.

He was banned for violating library policies by harassing other patrons, according to documents library officials sent him, Doyle said.

He did not bother anyone, and wasn't given the opportunity to defend himself before the ban was imposed, Doyle said.


### The circumstances

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Doyle is accused of harassing an unidentified female library patron on March 18,

2005.

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In a library incident report, a security officer at the main branch wrote that the woman said Doyle "was following her around the library and staring at her, making her feel uncomfortable."

As a result, McConagha wrote Doyle a letter, informing Doyle that he was banned from the library from March 21, 2005 to March 21, 2007.

When Doyle visited the library on March 21, 2005, he was handed the letter and told to leave or be arrested for trespassing, he said. He appealed the decision, and following a hearing with McConagha on April 15, 2005, the ban was upheld.

Doyle has not visited the library since then.

**Letter a surprise**

Doyle said he wasn't aware of any problems until he received McConagha's letter.

"No one asked me if I did anything or got my side of the story," said Doyle. "I was minding my own business, and they handed me this letter and told me I was banned."

Doyle said he believes library officials fabricated the story to keep him out, a move he says was racially motivated.

"I think it was part of it," he said. "I don't think it was the only thing."

He's afraid the library's policy allows officials to ban any patron for any reason, Doyle said.

"There's no telling how many other people they've done this to, white and black," he said.

The library's former director, Bob Saunter, questioned him years ago regarding similar complaints, but he was never banned from the library, Doyle said.

Although the ban expired weeks ago, Doyle said he has not returned to the library.

"I don't feel comfortable going into that facility," he said.

**Library code of conduct**

Patty Fonseca, the library's assistant director, declined comment.

She would not discuss the library's procedure for banning patrons or the number of people who have been banned. She referred all questions to the library's policy manual.

In the March 21 letter to Doyle, McConagha wrote that the complaint was made by "a female African-American library user."

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According to the library's policy manual, patrons "shall not harass or annoy others by ... staring, following another person about the building, or behaving in a manner which reasonably can be expected to disturb others."

Patrons may be banned from six months to two years for violating any of the policies, according to the manual.

The library's code of conduct suggests that patrons aren't notified prior to being banned.

"Facility managers will issue the ban after consultation with the library director," according to the code of conduct. "Persons banned will be notified in writing if possible. They may appeal the ban in writing to the Library Director within 30 days of the receipt of the ban letter."

In a letter to Doyle's attorney April 25, 2005, McConagha wrote that, upon appeal, Doyle was given the opportunity to tell his side of the story.

However, McConagha upheld the ban, in part because Doyle "was not able to offer an explanation of why the complaintant would fabricate such a story."

Contact this reporter at (937) 328-0360 or vlough@coxohio.com

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

WAYNE DOYLE,

Plaintiff,

-vs-

CLARK COUNTY PUBLIC LIBRARY,  
et al.,

Defendants.

Case No. 3:07-cv-003

District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

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**ORDER TO *PRO SE* PLAINTIFF**

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Plaintiff is hereby notified that Defendants have filed an Amended Motion to Dismiss this case pursuant to Fed. R. Civ. P. 12(b)(6) on various grounds (Doc. No. 46). Plaintiff is required to respond to this Motion not later than April 23, 2007.

The Amended Motion to Dismiss was made under Fed. R. Civ. P. 12(b)(6) whose purpose is to allow a defendant to test whether, as a matter of law, the plaintiff is entitled to legal relief even if everything alleged in the complaint is true. *Mayer v. Mylod*, 988 F.2d 635, 638 (6th Cir. 1993), citing *Nishiyama v. Dickson County, Tennessee*, 814 F.2d 277, 279 (6th Cir. 1987). Put another way, "The purpose of a motion under Rule 12(b)(6) is to test the formal sufficiency of the statement of the claim for relief; it is not a procedure for resolving a contest about the facts or merits of the case." Wright & Miller, FEDERAL PRACTICE AND PROCEDURE: Civil 2d §1356 at 294 (1990). In other words, the purpose of the Motion is not to test Plaintiff's evidence or proof of his claims. Instead, a motion under Rule 12(b)(6) essentially claims that, even if everything a plaintiff says in his Complaint is true, he is still not entitled to relief. Plaintiff should prepare his response with this standard in mind.

March 31, 2007.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge



Filed 1/4/2007

~~NO TIME START~~

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Wayne Doyle  
202 Southern Avenue  
Springfield, Ohio 45506

Civil case #: 07 CV 0003

Judge

Magistrate

Plaintiff,

Jury Demand

v.

COMPLAINT

John McConagha and  
Clark County Library et, al  
201 Fountain Avenue Springfield,  
Ohio 45506

Defendant's

**PLAINTIFF'S VERIFIED COMPLAINT**

Plaintiff does hereby present to this honorable Court his Verified Complaint and Demand for damages.

SUBMITTED  
*Wayne Doyle*  
WAYNE DOYLE  
202 Southern Avenue  
Springfield, Ohio 45506

Original



1

# INCIDENT REPORT

Branch: Dayton  
 Date of Incident: 3/18/05  
 Time of Incident: 2:00 p.m.

1. Client <u>Clark County Library</u>	Address <u>201 South Fountain Ave. Spfld</u>	Post
2. Police / Fire Department Notified: <input type="checkbox"/> Yes <input type="checkbox"/> No Time: Officer's Name: RPT#/Badge #		
3. Securitas Office Notified: <input type="checkbox"/> Yes <input type="checkbox"/> No Time: Name: Title:		
4. Client Notified: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Time: Name: <u>John McConagha</u> Title: <u>Director</u>		
5. Persons Involved/Witnesses (insert category of relationship letter opposite name in " column) A. Employee B. Client Employee C. Other		
* Name / Position Title	Phone Number	Organization Name and Address
<u>Angie <del>Jones</del> Jones</u>	<u>937-520-6774</u>	<u>Patrol</u>
6. Description of Property / Equipment ( example: Brand, Model, License or Serial #, Color, Year ) <u>None</u>		
7. Description of Incident / Injury (WHO, WHAT, WHERE, WHY, and HOW. Include all information in detail and attach statement if required.)		
<p><u>Angie <del>Jones</del> Jones told me Jeff Smith, Security Officer that Wayne Doyle was harrassing her on the Date of March 18<sup>th</sup> 2005. She gave me her name and number on March 20<sup>th</sup> 2005 with a full detailed complaint of the incident.</u></p> <p><u>Angie said he was following her around the library, and staring at her, making her feel uncomfortable. This was not the first time he has followed her around. Angie told me that she has seen Wayne in the Back Section of the library, messing around with young females, and romping around with them. Angie was very concerned about the well being of the young girls. On March 21<sup>st</sup> 2005 12:50p.m. John Demosey Security Officer, gave Wayne Doyle the letter that the Director told him to give to Wayne Doyle. See Attached Sheet</u></p>		
Officer Name <u>Jeffrey S. Smith</u>	Signature <u>Jeffrey S. Smith</u>	Date & Time of Report <u>3/21/05</u>

witness?

Patrol

FACE The Accuser

MLK





John Dempsey told Wayne Doyle that he was to leave the property, to read the letter, and that he was trespassing, but he did not leave the property. He asked to see the Director. I. John Dempsey escorted him, to the Directors Office. The Director John McConagha informed him, he was trespassing, and was to leave now, or the Police would be called immediately. Wayne Doyle said OK, and left.





The Information Place.

2

MAIN LIBRARY  
201 SOUTH FOUNTAIN AVE  
PO. BOX 1080  
SPRINGFIELD OHIO  
45501-1080  
937 323-9751  
FAX: 937 328-6908  
www.ccpl.lib.oh.us

HOUSTON BRANCH  
5 W JAMESTOWN ST  
BOX 127  
SOUTH CHARLESTON OHIO  
45368  
937 462-8047

INDIAN MOUND  
BRANCH  
45 INDIAN DR  
ENON OHIO  
45323  
937 864-2502

PARK CENTER BRANCH  
119 BECHLE AVE  
SPRINGFIELD OHIO  
45504  
937 322-2498

SOUTHERN VILLAGE  
BRANCH  
1123 SUNSET AVE  
SPRINGFIELD OHIO  
45505  
937 322-2226

March 21, 2005

Mr. Wayne Doyle

Dear Mr. Doyle:

Because you have violated the Clark County Public Library's Code of Conduct by staring, following a library user about the library, and harassing a library user, you are banned effective March 21, 2005 until March 21, 2007 from all library facilities. The complaint against you was made to one of our security officers at the Main Library on Friday, March 18, 2005 by a female African-American library user. I confirmed the complaint by phone today.

Under the ban you are not permitted to use or be in or on the grounds of any Clark County Public Library facility. If you are on the property of any Clark County Public Library facility during the ban time period, you will be arrested for trespassing.

You may appeal this decision in writing to me within 30 days of your receipt of this letter. Your appeal may include your version of events on March 18, 2005.

Sincerely,

*John McConagha*  
John McConagha  
Library Director

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information*

*part*





The Information Place.

3

April 25, 2005

MAIN LIBRARY  
201 SOUTH FOUNTAIN AVE  
PO BOX 1080  
SPRINGFIELD OHIO  
45501-1080  
937 323-9751  
FAX: 937 328-6908  
www.ccpl.lib.oh.us

HOUSTON BRANCH  
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45504  
937 322-2498

SOUTHERN VILLAGE  
BRANCH  
1123 SUNSET AVE  
SPRINGFIELD OHIO  
45505  
937 322-2226

Mr. Edwin A. Grinvalds, Esq.  
12 West Main Street  
Springfield, Ohio 45502

Re: Wayne Doyle Appeal Decision

Dear Mr. Grinvalds:

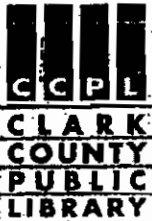
This appeal came before me, the Clark County Public Library ("CCPL") Director, on Friday, April 15, to determine whether Mr. Wayne Doyle should be suspended from the library for violating the Library's Code of Conduct.

CCPL's Code of Conduct states that "Patrons shall respect the rights of others and shall not harass or annoy others by acts including, but not limited to: staring, following another person about the building, or behaving in a manner which reasonably can be expected to disturb others." A library patron ("Complainant") reported that Mr. Doyle was harassing her by staring and following her around the library. This behavior is in violation of CCPL's Code of Conduct.

In making my decision, I have considered the report of the security guard, my phone call to the Complainant, the affidavit of Stephanie Southers as well as Mr. Doyle's statement given at the appeal hearing. I found the Complainant's version of what happened and the security guard's report to be credible. The Complainant's statement that she made to me was consistent with what she reported to the Officer. I did not find Mr. Doyle's version of what happened on March 18, 2005 credible.

At the hearing, Mr. Doyle was given an opportunity to tell his side of the story. He denied that he followed the Complainant around the library, and was staring at anyone. Mr. Doyle did however acknowledge that he frequently sits in the Teen Room. Although he denies the Complainant's report of what happened, Mr. Doyle was not able to offer an explanation of why the Complainant would fabricate such a story.





The Information Place.

Re: Wayne Doyle Appeal Decision (continued)

Therefore, I will reinstate the suspension effective immediately until March 21, 2007, from all library facilities. As detailed in my letter sent to Mr. Doyle on March 21, 2005, Mr. Doyle is not permitted to use, be in, or on the grounds of any Clark County Public Library facility. If Mr. Doyle is found on the grounds of the Clark County Public Library, he will be arrested for trespassing.

Sincerely,  
*John McConagha*  
John McConagha  
Library Director

**MAIN LIBRARY**  
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937 462-8047

**INDIAN MOUND  
BRANCH**  
45 INDIAN DR  
ENON OHIO  
45323  
937 864-2502

cc: Wayne Doyle  
Johnny Pryor, Esq.

**PARK CENTER BRANCH**  
1119 BECHTLE AVE  
SPRINGFIELD OHIO  
45504  
937 322-2498

**SOUTHERN VILLAGE  
BRANCH**  
1123 SUNSET AVE  
SPRINGFIELD OHIO  
45505  
937 322-2226





4.25.05  
the Second Conviction  
WAYNE Doyle  
STATEMENT given  
TO JOHN McConagha

(4)

UNverified  
HEAR - SM

- SEVERAL OCCASIONS
- FROM OUT OF TOWN
- OCCASIONALLY USES CCPL

March 30, 2005

Notes from John McConagha's phone call to complainant regarding March 18, 2005 incident:

John McConagha, Library Director, called the complainant on March 21, 2005, regarding harassment by Wayne Doyle. The complainant, an African-American female adult, informed me that Mr. Doyle had been staring at her and following her on several occasions. When asked for a specific date/time, she indicated that one instance was in the afternoon on Friday March 18, 2005. The complainant said that she was from out of town and only occasionally uses CCPL, but was in the library to do some research. She further indicated that she observed Mr. Doyle staring at and following teenagers and younger children. The complainant said that Mr. Doyle situated himself in the Teen Room at the Main Library in such a way as to be able to stare at teenage children in the Teen Room and to stare at young children in the adjacent Children's Room. She observed the same behavior from Mr. Doyle toward herself and others on Saturday, March 19 as well. She filed a complaint with the library security officer on Sunday, March 20.

a Statement From Wayne Doyle

I also have witnesses from security staff name John Dempsey, on the second page of the incident report, that there were no teens or children in the teen area at no time, when I was using the area alone to read certain book that were in that area.

Other adults use the same area ~~with~~ without CCPL



3

October 23, 2006

John McConagha, Director  
Clark County Public Library  
201 Fountain Avenue  
Springfield, Ohio 45506

Re: PUBLIC RECORDS REQUEST

Wayne Doyle v. Clark County Library

This is a public information request for a copy of any and all reports, documents, recordings in your care,

These materials should include but not limited to: (1) Angie Jones March 20, 2005 written detailed statement.

(2) Angie Jones recorded statement taken by John McConagha on or about March 20, 2006.

I would appreciate your prompt and immediate response to this request.

Wayne Doyle  
202 Southern Avenue  
Springfield, Ohio 45506

10/31/06

① THERE IS NO WRITTEN STATEMENT FROM ANGIE JONES

② ANGIE JONES RECORDED STATEMENT FROM 3/21/05 IS ENCLOSED.

John McConagha



6

John McConagha, Director

November 6, 2006

Clark County Library  
201 Fountain Avenue  
Springfield, Ohio 45506

Re: PUBLIC RECORDS REQUEST

Wayne Doyle v. Clark County Library

This is a public information request for a copy of any and all reports, documents, records, recordings in your file concerning Angie Jones complaint against Wayne Doyle.

These materials should include but not be limited to:

- (1) Angie Jones tape recorded statement taken by John Mc Conagha on March 20, 2005.
- (2) A copy of the library's code of conduct.
- (3) The posting locations of the library's code of conduct in the library.
- (4) The number of patrons who have been barred from the library for looking at other patrons in a inappropriate way.
- (5) The number of patrons who have been barred from the library for following other patrons.

I would appreciate your prompt and immediate response to this request.

Wayne Doyle  
202 Southern Avenue  
Springfield, Ohio 45506

*John McConagha*  
11/16/06

- ① WE DO NOT HAVE A RECORDED STATEMENT FROM ANGIE JONES
- ② LIBRARY CODE OF CONDUCT IS ENCLOSED
- ③ THE CODE OF CONDUCT IS POSTED AT THE ENTRANCE OF ALL LIBRARY FACILITIES.
- ④ THIS IS NOT A REQUEST FOR PUBLIC RECORDS
- ⑤ THIS IS NOT A REQUEST FOR PUBLIC RECORDS



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John McComagha, Director  
Clark County Library  
201 Fountain Avenue  
Springfield, Ohio 45506

November 16, 2006

Re: **PUBLIC RECORDS REQUEST**

Wayne Doyle v. Clark County Library

*This is a public information request for a copy of any and all documents, Records, recordings, in your care concerning Angie Jones complaint against Wayne Doyle. These materials should include but not be limited to:*

- (1) *Date and time of the code of conduct posting at the Clark County library located at 201 S. Fountain Avenue Springfield, Ohio 45506.*
- (2) *A copy of the Disorderly Conduct charge brought against Wayne Doyle as defined under ORC 2917.11 in the Library Code of Conduct which states: Patrons shall not engage in conduct which interferes with library use including but not limited to, impeding access to library property; fighting; using abusive, menacing, insulting, obscene, or profane language; and verbal and or physical propositions or threats.*
- (3) *A copy of any criminal charges filed against Wayne Doyle by the Clark County library for harrasing Angie Jones.*
- (4) *A copy of any criminal charges filed against Wayne Doyle by Angie Jones for harrasing her.*

*I would appreciate your prompt and immediate response to this request.*

Wayne Doyle  
202 Southern Avenue  
Springfield, Ohio 45506

- ① HAS BEEN CONTINUALLY POSTED SINCE 2/03.
- ② NO CHARGES FILED
- ③ NO CHARGES FILED
- ④ WE HAVE NO RECORD OF THAT

*John McComagha*  
11/27/06





**PLAINTIFF'S VERIFICATION:**

**THE UNDERSIGNED HAS COMPLETED THE ABOVE-CITED ALLEGATIONS TO THE FULLEST AND MOST ACCURATE EXTENT POSSIBLE, USING THEIR FIRST HAND KNOWLEDGE TO COMPLETE SAME,**

---

**SWORN AND SIGNED BEFORE ME THIS 3<sup>RD</sup> DAY OF JANUARY, 2007**

**JURY DEMAND**

***Plaintiff hereby demands a trial by jury on the merits in this matter.***

---

**THE CLAIMS**

**COUNT ONE:**

**VIOLATION OF PLAINTIFF'S SUBSTANTIVE DUE PROCESS RIGHTS, AS GUARANTEED BY THE (1<sup>ST</sup>) AMENDMENT TO THE UNITED STATES CONSTITUTION.**

***Plaintiff has a right to peacefully assemble and visit the Clark County Library. Such right was violated by Defendants.***

**COUNT TWO:**

**VIOLATION OF PLAINTIFF'S SUBSTANTIVE DUE PROCESS RIGHTS GUARANTEED BY THE FOURTEENTH(14) AMENDMENT TO THE UNITED STATES CONSTITUTION.**



***Plaintiff has had his liberty of movement taken from him without due process of law.***

**COURT THREE:**

**VIOLATION OF 42 U.S.C. @1983.**

***The above cited civil rights violations were conducted at the behest of state actors, a fact which clearly implicates several and numerous 42 U.S.C. @ 1983 violations.***

**COURT FOUR:**

**MALICIOUS PROSECUTION**

***The above-cited facts provide a strong basis for a restraining order and acquittal in the underlying case, with respect to the spurious complaint brought by the defendants against Plaintiff. As Much , Malicious Prosecution may be readily inferred.***

**COUNT FIVE:**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

***Plaintiff asserts that any reasonable observer will concur that the Defendant's behaviour shocks the conscience and that they are liable for the above-cited pendant state law tort.***

**COUNT SIX:**

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

***Plaintiff asserts that any reasonable observer will concur that***

