

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON
(PRECEDENT CASE)
PUBLIC CONCERN

Case No. c-3-07-0003
March 22, 2007

WAYNE DOYLE,

Case No. c-3-07-0003

Plaintiff,

District Judge Thomas M. Rose

Vs

Chief Magistrate Michael Merz

JOHN MC CONAGHA and
THE CLARK COUNTY PUBLIC
LIBRARY, et al.,

MEMORANDUM CONTRA DEFENDANT'S MARCH 30, 2007
MOTION TO DISMISS

A. FACTS

This case involves claims regarding Plaintiff's unlawful ban from the Clark County Public library. On March 20, 2005, Jeff Smith a Security Officer with the Clark County Library allegedly took a unverified-unsigned complaint claiming Plaintiff Wayne Doyle was following, staring and harassing a female patron somewhere, somehow, someway in the Clark County library. This (unknown-unreachable) female patron has not been physically, mentally, spiritually, or in any other way identified Wayne Doyle as the man who harrassed, staring, or followed anyone around the library. (See Incident Report, Exhibit 1.) As of June 22, 2007, no one has come forth on the record to verify the incident report nor has anyone identified Wayne Doyle as the person who Harrassed anyone. (see incident report and Doyle's sworn statement for restraining order.

Wayne Doyle

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On March 21, 2005, Defendant John Mc Conagha (said) he called the Complainant regarding the 3/18/2005 incident report taken by Security Officer Jeffery S. Smith. (See Exhibit 3, March 30,2005 alleged notes of the telephone conversation.) Later that day, Plaintiff arrived at the Clark County Library, whereupon he was approached by John Dempsey with a letter banning Doyle from the library for (2) years. This letter was give to Plaintiff without an opportunity to speak for himself to give his side of the story. John Dempsey told Wayne Doyle that he was to leave the property, to read the letter, and that he was trespassing, but Plaintiff knowing that he had harrassed anyone ,asked to see the Director. John Dempsey escorted Wayne Doyle to the Directors office. Wayne Doyle began to ask the Director why he was Being barred from the Library? the Director responded "YOU ARE TRESPASSING YOU ARE TO LEAVE NOW OR THE POLICE WILL BE CALLED IMMEDIATLEY." Wayne Doyle said ok and Left. (see Exhibit 4 John Dempsey statement on 3/21/2005.

On April 15, 2005, Defendant McConagha Conducted an appeal hearing wherin only Plaintiff Wayne Doyle was present. Wayne Doyle (on the record) told McConagha that he did not know Angie Jones and he had not harassed or followed

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anyone around the library. Angie Jones, Jeff Smith nor John Dempsey were present to verify or present evidence to support the claims against Wayne Doyle.

B. PROCEDURAL HISTORY

-CLAIMS-
-UNVERIFIED-UNSUPPORTED-
-HEARSAY EVIDENCE BARRED WAYNE DOYLE-

1. Freedom of speech denied Plaintiff Doyle when he was escorted to John Mc Conagha office and not allowed to ask the question: Why am I being barred from the library before he was barred from that public facility? Speech Chilled.(see Exhibits 5,6,7)
2. Right to peacefully assemble denied when given barred before a hearing I did not violate the law nor the code of conduct for the library. See Exhibit 7 11/16/2006 public records request.(see Exhibits 5,6,7)
3. Right of liberty of movement without due process taken when barred for (9) days before a hearing was scheduled.(see exhibits 5,6,7)
4. Malicious prosecution administered because Angie Jones does not exist.(see Exhibits 5,6,7)
5. Intentional infliction of emotional distress. when Mc Conagha upheld the ban because Doyle "was not able to offer an explanation of why the complaintant would fabricate such a story." How was Doyle expected to know why someone who he does not know exist would say anything about him.?(see Exhibits5,6,7)
6. RACIAL DISCRIMINATION is the energy source behind why Plaintiff Doyle was barred from the library on the word of a John McConagha a (white) man using his imagination. Because of my race I believe I was barred from the library.(see Exhibits 5,6,7)
7. SEX DISCRIMINATION: Because a female suspose to have made a complaint of harassment against (a) male I was barred from the library without given an opportunity to deny the claims against me.(see Exhibits 5,6,7)

8. Hearsay evidence: Plaintiff Wayne Doyle was barred from the library on unverified hearsay evidence. Judge Merz said during the Court's telephone hearing "She's already answered that question to the extent that she knows. That is that there's a police officer and a security guard who saw you on the premises, and Miss Jones says it was you. And that's all hearsay, and that's all Mc Conaga had to go on. Mr Doyle: That's hearsay. THE COURT: yes, it is. (see Exhibit 8,9,10,11) transcript of telephone hearing with the court.
9. Defamation: Because I have been barred from the library for harassing a patron who I don't know people are looking at me differently and avoiding me every where I go.

10. *RETRIBUTION* From the last suspension. McConaga didn't want me to be allowed to come in the library because the white girls would look at my muscles. I am a body builder.

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SERVICE

MAILED TO: LOIS A. GRUHIN
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THIS 22ND DAY OF JUNE 2007

Wayne Doyle
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