

ROGER ALBRIGHT

Attorney & Counselor at Law

3301 ELM STREET
DALLAS, TEXAS 75226-2562
RALAW@ROGERALBRIGHT.COM

Licensed in
Texas and California

Phone (214) 939-9222
Fax: (214) 939-9229

February 23, 2016

Mr. Warren M.S. Ernst
City Attorney
City of Dallas, Texas
1500 Marilla Street, Room 7BN
Dallas, Texas 75201

VIA E-MAIL: warren.ernst@dallascityhall.com

Mr. Thomas P. Brandt
Fanning, Harper, Martinson, Brandt
& Kutchin
Two Energy Square
4849 Greenville Avenue, Suite 1300
Dallas, Texas 75206

VIA E-MAIL: tbrandt@fhmbk.com

RE: Three Expo Events, L.L.C. v. City of Dallas, et al.

Dear Warren & Tom:

Attached is a copy of the Complaint which I have been authorized to file on behalf of Three Expo Events, L.L.C. ("Expo") regarding Exxxotica being banned from the Dallas Convention Center through the administrative fiat of eight members of the City Council on February 10, 2016. As you know, through my service on City boards or otherwise, I have been personally, professionally and positively involved with the City for almost four decades. This is not a lawsuit which I want to file nor do I think this litigation is in the best interest of the City. Our collective tax dollars can be much more wisely spent than hiring yet more lawyers to defend what I consider an unnecessary lawsuit and/or presumably paying my fees as might be awarded by the Court.

I would ask you to review the contents of this Complaint with your clients at their meeting tomorrow in an effort to determine if this matter might be resolved without litigation. While I am sure you will professionally disagree, I believe the facts and case law I have set forth in the Complaint make clear that my client and the citizens of Dallas have been denied their First Amendment rights to freedom of expression, association and assembly. I believe there is a sound basis for seeking damages including damages from individual Council Members.

Mr. Ernest
Mr. Brandt
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At this stage, this dispute remains a relatively simple matter of whose convention center it is, how might the Convention Center be managed or marketed and/or the economic losses my client has and will suffer by being denied access. If, instead, this becomes a culture war between competing values and beliefs formented by outside forces, then the City of Dallas, its citizens and the First Amendment all will lose.

Dallas has always prided itself on being the City that works and a city that thinks BIG. I am hard-pressed to believe with perhaps a bit more calm reflection and discussion than apparently occurred at the meeting on February 10, 2016 that we can't collectively reach a resolution mutually acceptable to our respective clients and the City of Dallas as a whole.

If you have questions or need additional information, please contact me. Otherwise, I look forward to hopefully receiving a positive response from either you or the Council. If neither occurs, we all know where the courthouse is.

Sincerely,



Roger Albright

RA/kph
Encl.