

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**JAMES PURSLEY,** )

Plaintiff, )

vs. )

**PENNSYLVANIA STATE UNIVERSITY; ROGER WILLIAMS,** in his official and individual capacities; **PATRICK SCHOLL,** in his official and individual capacities, **GEOFF CONRAD,** in his official and individual capacities, )

Defendants. )

)  
)  
) Case No.:  
)  
) Trial by Jury Requested

**VERIFIED COMPLAINT**

Comes now Plaintiff James Pursley, by and through counsel, and for his Complaint against Defendants Pennsylvania State University, Roger Williams, Patrick Scholl, and Geoff Conrad, states as follows:

## **I. INTRODUCTION**

1. Plaintiff James Pursley is a proud alumnus of Pennsylvania State University (“Penn State”), and wishes to support his alma mater and memorialize his pride in his university by purchasing a brick for the Penn State Alumni Walk. But Penn State rejected his application for a brick because his desired message contained a scripture reference, which was deemed to be inappropriate by the university. As the university has allowed many other personal messages on the bricks, this is a blatant case of content and viewpoint discrimination against religious speech in a public forum.

## **II. JURISDICTION AND VENUE**

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331 (federal question), §1343, and the Civil Rights Act of 1871, 42 U.S.C. §§ 1983 and 1988.
3. This Court has authority to grant the requested injunctive relief under 28 U.S.C. §1343; the requested declaratory relief under 28 U.S.C. §§2201-02;

the requested damages under 28 U.S.C. §1343; and costs and attorneys fees under 42 U.S.C. §1988.

4. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) in that Defendants reside in this District and the acts complained of herein occurred in this District.

### **III. IDENTIFICATION OF PARTIES**

5. Plaintiff James Pursley graduated from Penn State in 2001. He currently resides in Chicago, Illinois.
6. Defendant Penn State is a public university organized and existing under the laws of the Commonwealth of Pennsylvania.
7. Defendant Roger Williams is, and was at all times relevant hereto, the Executive Director of the Penn State Alumni Association. He is sued in both his official and individual capacities.
8. Defendant Williams is, and was at all times relevant hereto, an employee of Penn State.
9. Defendant Williams is, and was at all times relevant hereto, a member of the Executive Board of the Alumni Association.
10. Defendant Patrick Scholl is, and was at all times relevant hereto, the Director of Planning and Business Development of the Penn State Alumni Association. He is sued in both his official and individual capacities.

11. Defendant Scholl is, and was at all times relevant hereto, an employee of Penn State.
12. Defendant Geoff Conrad is, and was at all times relevant hereto, the Associate Director of Business Relations of the Penn State Alumni Association. He is sued in both his official and individual capacities.
13. Mr. Conrad is, and was at all times relevant hereto, an employee of Penn State.

#### **IV. STATEMENT OF FACTS**

14. Plaintiff James Pursley attended Penn State from 1998-2001.
15. While a student at Penn State, Mr. Pursley was a member and Letterman of the Varsity Football team and was involved with Athletes in Action.
16. Mr. Pursley graduated from Penn State in 2001 with a bachelor's degree in Management Sciences and Information Systems.
17. Mr. Pursley is a devout Christian.
18. Mr. Pursley is a Life Member of the Penn State Alumni Association ("Alumni Association").
19. The Alumni Association is part of the university's Division of Development and Alumni Relations.
20. Mr. Pursley is also a member of the Golden Lion Society.

21. Members of the Golden Lion Society are considered Penn State's most loyal alumni and have given to Penn State every year since graduation.
22. In April 2007, Mr. Pursley heard about the Alumni Association's new "Alumni Walk."
23. The Alumni Walk is a stone and brick pathway that runs from the historic University House to the new Hintz Family Alumni Center on Penn State's campus. (Ex. A, Alumni Walk description, at 1).
24. The Alumni Walk is traversed by thousands of students each day, making it one of the most visible and visited features of Penn State's campus. (Ex. A at 1).
25. The Alumni Association invited alumni to purchase personalized bricks or stones for placement in the Alumni Walk. (Ex. A at 1).
26. The contributions earned through the sales of bricks and stones are to be placed in an endowed fund that works to help the student groups affiliated with the Alumni Association—the Blue & White Society and the Lion Ambassadors—as well as student programs assisting underrepresented first-year students and providing mentoring. (Ex. A at 1).
27. Through Alumni Walk, alumni are "invited to add their name...and show generations to come what Penn State means to them, while at the same time helping current and future students." (Ex. A at 1).

28. A brick to be placed in the Alumni Walk can be purchased for \$250, and it may be inscribed with three lines of copy, fifteen spaces each. (Ex. A at 4).
29. A bluestone paver to be placed in the Alumni Walk can be purchased for \$1,000, and it may be inscribed with four lines of copy, fifteen spaces each. (Ex. A at 4).
30. A granite paver to be placed in the Alumni Walk can be purchased for \$5,000, and it may be inscribed with five lines of copy, fifteen spaces each. (Ex. A at 4).
31. Any person may purchase a brick, but the only names that can be inscribed on a brick are that of alumni or those deemed by the Executive Director of the Alumni Association as having a “close affiliation” with the Alumni Association. (Ex. A at 4).
32. As for the content of the bricks, Greek letters and symbols that appear on a keyboard are permitted. (Ex. B, Alumni Walk order form).
33. The policy about content of the bricks on the Alumni Walk purchase order form states:

Inscriptions may not include commercial messages. Company names may not be used. Discriminatory or inappropriate messages that refer to an individual or group’s age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity or veteran status will not be permitted. The Penn State Alumni Association

reserves the right to deny any brick purchase application that is deemed inappropriate.

(Ex. B).

34. On April 15, 2007, Mr. Pursley submitted an online order form for a \$250 brick with an inscription of his name, graduation year, and the words, "Joshua 24:15." (Ex. C, Plaintiff's brick order form).
35. "Joshua 24:15" is a reference to a verse in the Old Testament of the Holy Bible, which states, "But if serving the LORD seems undesirable to you, then choose for yourselves this day whom you will serve, whether the gods your forefathers served beyond the River, or the gods of the Amorites, in whose land you are living. But as for me and my household, we will serve the LORD." (NIV).
36. In late August or early September 2007, Mr. Pursley was contacted by telephone by Shannon Skillings, who works in Business Planning and Development at the Alumni Association.
37. Ms. Skillings told Mr. Pursley that she could not accept his order for a brick because their policy was not to accept any religious messages.
38. Ms. Skillings offered to refund Mr. Pursley for his brick, or invited him to choose another message.

39. Mr. Pursley felt that there was nothing “offensive” or “inappropriate” about his desired message, and decided to look into what other messages were allowed on bricks.
40. Some of Mr. Pursley’s friends were at Penn State on September 15, 2007, and they took pictures of portions of the Alumni Walk so Mr. Pursley could see examples of other bricks.
41. Mr. Pursley has since obtained other photographs of bricks from Defendants’ website.
42. The pictures show that a wide range of personal messages have been allowed on bricks placed in the Alumni Walk. (Ex. D, photographs of Alumni Walk bricks).
43. Examples of several messages included on bricks in the Alumni Walk include:
  - a. “LIVING LIFE TO THE FULLEST/KAP 1985”
  - b. “BS AERSP BS EE/WHR JOCK/CAT 2 CYCLIST/12 PATENTS”
  - c. “WE ARE PSU!”
  - d. “PSU PROUD”
  - e. “\*FTK, FTL, FTG\*/MAD LOVE 2004”
  - f. “SHE’S A BRICK/H-O-W-W-S-E”
  - g. “BLUE BAND”



- h. "SOLID EDUCATION/SUCCESSFUL LIFE"
- i. "THREE PROUD PSU/GENERATIONS"
- j. "KAPPA DELTA"
- k. "MET AT PSU '56"
- l. "FOR THE GLORY/& THE GIRLIES"
- m. "PENN STATE 4EVER"
- n. "FROM YOUR MANY/FRIENDS AT RUS"
- o. "1937-FIRST OF/3GENERATIONS"
- p. "WE LOVE PSU"
- q. "GOD USA PSU/"ALL414ALL"
- r. "MAY GOD BLESS/PENN STATE"
- s. "BEST OF TIMES/PSU 1995-1999"
- t. "MY BEST 5 YEARS"
- u. "PEACE AND LOVE"
- v. "OOGYWAWA"
- w. "MOM &DAD/THANK YOU/ I LOVE YOU"
- x. "MAUREEN, THANKS/FOR THE GREAT/MEMORIES!"
- y. "PSU BROUGHT/US TRUE LOVE"
- z. "TRUE TO PSU/DEAREST GRANA/WE LOVE YOU"
- aa. "MERRY CHRISTMAS"

(Ex. D).

44. On September 27, 2007, Ms. Skillings contacted Mr. Pursley again and inquired about what he wanted to do about his brick application. (Ex. E, E-mail, Skillings to Pursley, Sept. 27, 2007).
45. On October 17, 2007 Mr. Pursley responded that he still wanted to purchase a brick, and did not feel his message was “discriminatory” or “offensive.” (Ex. F, E-mail Exchange, Pursley to Skillings, Oct. 17, 2007).
46. Mr. Pursley asked Ms. Skillings for clarification on what the policy was—whether his message was being deemed “discriminatory” or “offensive” or whether their policy was simply to disallow all religious messages. (Ex. F).
47. Mr. Pursley asked Ms. Skillings if there was someone else at the Alumni Association that he could speak to. (Ex. F).
48. The same day, Ms. Skillings responded, indicating she informed the Director and that his request would be reviewed. (Ex. F).
49. On October 19, 2007, Defendant Conrad responded to Mr. Pursley’s request, denying his brick application:

We did take the time to seriously review the points you raised. However we must still adhere to our original response. Alumni Walk is in celebration of the Penn State family and is inclusive of many varied backgrounds and perspectives. And while we agree that while your request

is not offensive in a general sense, we feel that it is not in keeping with the intent of the walk.

(Ex. G, E-mail, Conrad to Pursley, Oct. 19, 2007).

50. Mr. Pursley is proud of both his university and his religious beliefs, and wishes to reflect his personal message along with the other alumni who purchased bricks for the Alumni Walk.
51. Mr. Pursley still desires to purchase a brick for Alumni Walk stating his name, year of graduation, and “Joshua 24:15.”
52. Ms. Skillings informed Mr. Pursley on September 27, 2007 that only 8 of 20 fields of bricks are remaining. (Ex. E).

## **V. STATEMENT OF LAW**

53. At all times relevant to this Complaint, all alleged acts of Defendants, their officers, agents, servants, employees, or persons acting at their behest or direction, were done and are continuing to be done under the color and pretense of state law, including the statutes, regulations, customs, policies and usages of the Commonwealth of Pennsylvania.
54. Speech, including religious speech, is entitled to comprehensive protection under the First Amendment of the United States Constitution.
55. The Alumni Walk on Penn State’s campus is a public forum, since Defendants have opened it up for expressive use.

56. Regardless of the type of forum, a state entity may not discriminate based upon the viewpoint of the speaker.
57. The Fourteenth Amendment of the United States Constitution prevents states from depriving individuals of their rights of due process and equal protection of the laws.
58. Mr. Pursley challenges Defendants' Alumni Walk policy both facially and as applied to him because it impermissibly restricts expression, involves content-and viewpoint-based discrimination, is vague, and grants state officials unfettered discretion in the restriction of speech.
59. Defendants' practices concerning the Alumni Walk are unconstitutional as applied because they impermissibly restrict expression, involve content-and viewpoint-based discrimination, are vague, and grant state officials unfettered discretion in the restriction of speech.
60. Defendants knew or should have known that denying Mr. Pursley's brick application because of its religious content or viewpoint is a clear violation of his First and Fourteenth Amendment rights.
61. Because Mr. Pursley has been, and is being, prevented from exercising his First Amendment rights through his purchase of a brick for Alumni Walk containing religious content/expressing a religious viewpoint, he is

suffering irreparable injury from the challenged policies of Defendants which cannot be fully compensated by an award of money damages.

**VI. FIRST CAUSE OF ACTION:  
VIOLATION OF THE FREE SPEECH CLAUSE OF THE FIRST  
AMENDMENT OF THE UNITED STATES CONSTITUTION**

62. Mr. Pursley realleges all matters set forth in the preceding paragraphs and incorporates them herein.
63. Mr. Pursley's religious speech is protected by the First Amendment.
64. Through Alumni Walk, Defendants have designated a forum for expression by private individuals on the Penn State campus.
65. Defendants denied Mr. Pursley an opportunity to purchase a brick based on the content and viewpoint of his desired speech.
66. Defendants' Alumni walk policy and its corresponding practices constitute impermissible content and viewpoint based restrictions on constitutionally protected expression in a public forum.
67. Defendants' Alumni Walk policy and its corresponding practices do not serve significant or legitimate government interests, are not narrowly tailored, and do not leave open ample alternative channels of communication.
68. Defendants' Alumni Walk policy and actions in denying Mr. Pursley's order for a brick therefore violate the Free Speech Clause of the First

Amendment, made applicable to the states by incorporation under the Fourteenth Amendment.

**VII. SECOND CAUSE OF ACTION:  
VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH  
AMENDMENT**

69. Mr. Pursley realleges all matters set forth in the preceding paragraphs and incorporates them herein.
70. Defendants' Alumni Walk policy and corresponding practices are vague, lack defining terms, and allow for unbridled discretion by administrators.
71. Defendants' Alumni Walk policy seems to ban only speech that is considered "discriminatory" or "inappropriate," yet Mr. Pursley's desired speech was neither and it was disallowed.
72. Though Defendants' Alumni Walk policy seems to ban speech that is considered "discriminatory" or "inappropriate," Defendants have allowed bricks containing speech that could be considered "discriminatory" or "inappropriate" to be placed in Alumni Walk—for example, "For the Glory and the Girlies" or "She's a Brick H-O-W-W-S-E."
73. Defendants' Alumni Walk policy gives unfettered discretion to administrators because it gives them authority to deny any brick purchase application that is deemed inappropriate in the subjective opinion of the administrator.

74. Defendants' Alumni Walk policy does not define the terms "discriminatory" or "inappropriate," leaving their definition to the subjective opinions of administrators.

75. Defendants' Alumni Walk policy and corresponding practices therefore violate the Due Process Clause of the Fourteenth Amendment.

**VIII. THIRD CAUSE OF ACTION:  
VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE  
FOURTEENTH AMENDMENT**

76. Mr. Pursley realleges all matters set forth in the preceding paragraphs and incorporates them herein.

77. Freedom of speech under the First Amendment is a fundamental right.

78. The Fourteenth Amendment requires that the government treat all similarly situated individuals equally.

79. Defendants have allowed other individuals to purchase bricks for installation in Alumni Walk that contain a wide variety of personal messages.

80. Defendants' denial of Mr. Pursley's brick order treats Mr. Pursley differently than other similarly situated individuals based on the content and viewpoint of his speech.

81. Defendants do not have a compelling, significant or legitimate governmental interest for such disparate treatment of Mr. Pursley's expression.

82. Defendants' Alumni Walk policy and associated practices therefore constitute a violation of Mr. Pursley's right to equal protection under the law as guaranteed by the Fourteenth Amendment.

### **IX. PRAYER FOR RELIEF**

WHEREFORE, Mr. Pursley respectfully requests that the Court:

- a) Assume jurisdiction over this action;
- b) Declare that Defendants' Alumni Walk policy and corresponding practices as described in this Complaint are unconstitutional on their faces because they violate the right to freedom of speech, due process of law and equal protection under law guaranteed to Mr. Pursley under the First and Fourteenth Amendments of the United States Constitution;
- c) Declare that Defendants' Alumni Walk policy and corresponding practices as described in this Complaint are unconstitutional as applied to Mr. Pursley because they violate the right to freedom of speech, due process of law and equal protection under law guaranteed to Mr. Pursley under the First and Fourteenth Amendments of the United States Constitution;



- d) Issue a preliminary and permanent injunction preserving the status quo by enjoining Defendants, their agents, officials, servants, employees, and any other persons acting on their behalf, from terminating the Alumni Walk program such that it would preclude placement of Mr. Pursley's brick, removing any bricks or stones, obscuring the bricks or stones from public view, or otherwise interfering with the original intent or purpose of Alumni Walk;
- e) Issue a preliminary and permanent injunction against the Defendants, their agents, officials, servants, employees, and any other persons acting on their behalf, from enforcing said policy or practices against Mr. Pursley and others as described in this Complaint;
- f) Grant to Mr. Pursley his reasonable costs and expenses of this action, including attorneys' fees, in accordance with 42 U.S.C. § 1988;
- g) Grant to Mr. Pursley an award of nominal and compensatory damages of \$25.00;
- h) Grant such other and further relief as this Court deems just and proper; and
- i) Retain jurisdiction of this matter for the purpose of enforcing this Court's order.

Respectfully submitted this \_12th\_ day of December, 2007.

By: s/ Leonard G. Brown, III  
Leonard G. Brown, III

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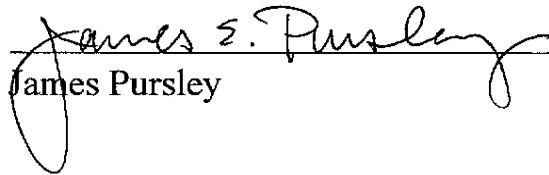
\*\*Applications for *pro hac vice* admissions submitted concurrently

+Of counsel, not admitted in this jurisdiction

**VERIFICATION OF COMPLAINT**

Pursuant to 28 U.S.C. §1746, I verify under penalty of perjury that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of December, 2007.

  
James Pursley

**TABLE OF EXHIBITS**

<b>Exhibit Letter</b>	<b>Description</b>
A	Alumni Walk description
B	Alumni Walk order form
C	Plaintiff's brick order form
D	Photographs of Alumni Walk bricks
E	Email, Skillings to Pursley, September 27, 2007
F	Email exchange, Pursley to Skillings, October 17, 2007
G	Email exchange, Conrad to Pursley, October 19, 2007

# **EXHIBIT A**

Alumni Walk

About the walkway

About the bricks

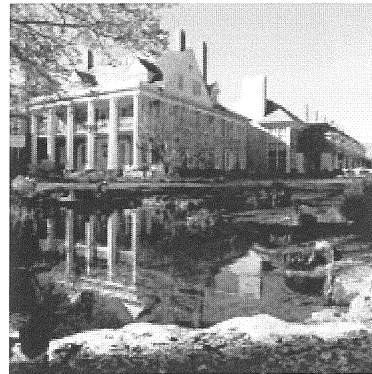
Who can buy a brick?

Commonly asked questions

To order

## Alumni Walk

The Penn State Alumni Association began construction on a handsome brick and stone pathway called the Alumni Walk. Inscribed with the names of dedicated Alumni Association members, the Alumni Walk introduces generations of students to the distinguished Penn State alumni family that waits to welcome them upon graduation.



At the heart of the Hintz Family Alumni Center, this path of destiny runs north-south between the historic University House and the newer main building of the Hintz Family Alumni Center, just steps from the Obelisk on The Mall. The Alumni Walk is traversed by thousands of students each day, making it one of the most visible and visited features at our alumni home on campus.

By purchasing bricks, alumni are also helping student programs. Alumni Walk contributions will be placed in an endowed fund that will work to help the two student groups affiliated with the Penn State Alumni Association—the Blue & White Society and the Lion Ambassadors—as well as help other student programs like the FastStart program for underrepresented first-year students and the LionLink mentoring program.

Members of the Penn State Alumni Association are invited to add their name to the Alumni Walk and show generations to come what Penn State means to them, while at the same time helping out current and future students.

Alumni Walk

About the walkway

About the bricks

Who can buy a brick?

Commonly asked questions

To order

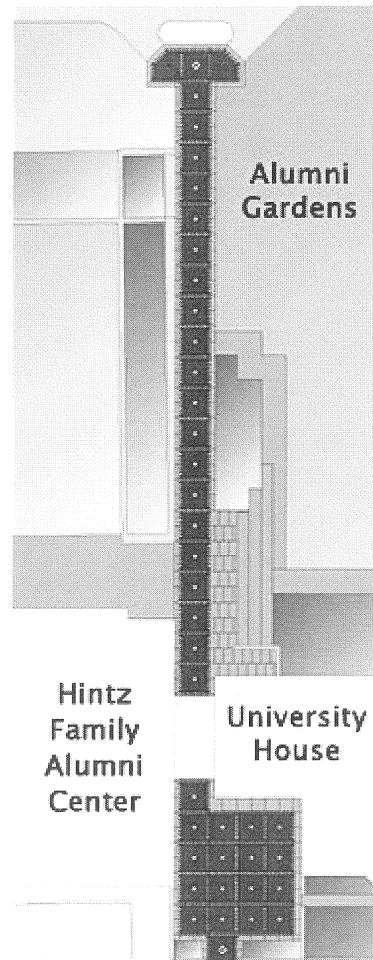
## About the Walkway

The Alumni Walk honoring Penn State alumni is part of the beautiful Hintz Family Alumni Center and the Alumni Gardens, located behind the Obelisk just off The Mall. At the heart of the Hintz Center and Alumni Gardens, the Alumni Walk runs north-south between University House and the newer building of the Hintz Family Alumni Center. The walkway is the final phase of the construction of Penn State's alumni home on campus, the Hintz Family Alumni Center.

Not only is the Alumni Walk a beautiful addition to the Hintz Center, but it also honors thousands of loyal alumni who want to leave their own small mark on the University Park campus—an affordable remembrance that will last from one generation to the next. Alumni Walk also reminds thousands of students daily that they will one day soon become part of the Penn State family of alumni nearly a half million strong.

The walkway will be made up of more than 3,900 bricks and stones in three sizes:

- four-inch-by-eight-inch red bricks,
- eight-inch-square bluestone pavers, and



will be an exclusive, diamond-shaped granite paver.

Construction of the Alumni Walk is being done in phases. The first phase, which included more than half of the walk, was installed in the summer of 2007.

ALUMNI WALK   PENN STATE ALUMNI ASSOCIATION   PENN STATE   ANNUAL GIVING



Alumni Walk

About the walkway

About the bricks

Who can buy a brick?

Commonly asked  
questions

To order

## About the Bricks

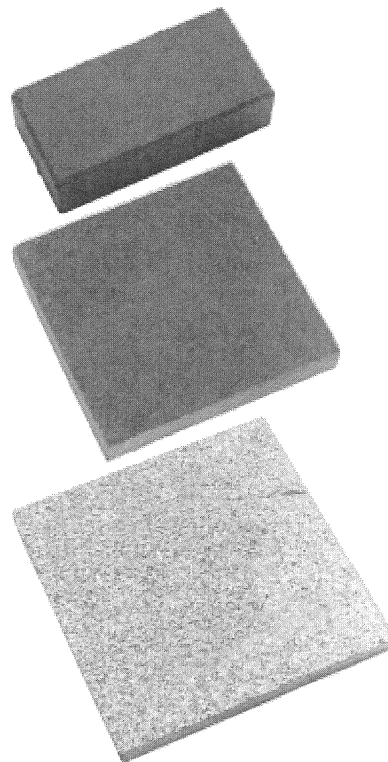
Nearly 4,000 bricks and stones engraved with the names of Alumni Association members will shape the Alumni Walk, adjacent to the Alumni Association's beautiful Alumni Gardens.

Alumni Association members may be recognized on the bricks or they may honor another member or deceased alum on one of three sizes of bricks:

- 4" x 8" Penn State red brick at \$250  
(up to three lines of copy, 15 spaces each)
- 8" x 8" family bluestone paver at \$1,000  
(up to four lines of copy, 15 spaces each)
- 12" x 12" diamond granite paver at \$5,000  
(up to five lines of copy, 15 spaces each)

All donations for the purchase of Alumni Walk bricks are tax deductible to the fullest extent allowable by law. Please consult your tax advisor for specific amounts.

All inscriptions will be centered on the brick in capital letters (except for names that include a small "c" as in McCoy). There is a maximum of 15 characters per line, including spaces and punctuation marks as separate characters. Greek letters and symbols that appear on a keyboard may be used. All lines available need not be used—



Alumni Walk

About the walkway

About the bricks

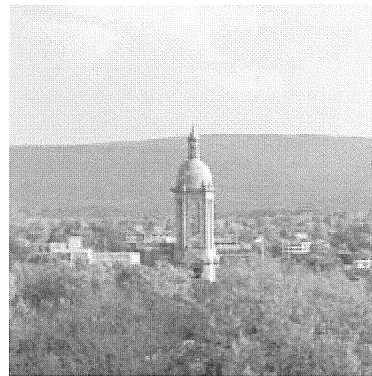
Who can buy a brick?

Commonly asked  
questions

To order

## Who Can Buy a Brick?

Anyone can purchase a brick but only individuals or groups fitting the following criteria may be inscribed on the brick.



Names on the bricks must be:

1. A current member of the Penn State Alumni Association whether the individual is an alumnus, alumna, or associate member.
2. A deceased Penn State alumnus or alumna.
3. A family name, provided that one family member is a current member of the Penn State Alumni Association.
4. An alum who is not a member of the Penn State Alumni Association— but the cost of an annual membership (\$50) or a life membership (varies) will be added to the price of the brick.
5. Any affiliate group of the Penn State Alumni Association defined as a chapter, constituent society, alumni interest group, or alumni program group.
6. Other individuals or groups not outlined above who in the determination of the Executive Director have a close affiliation with the Penn State Alumni Association.

ALUMNI WALK PENN STATE ALUMNI ASSOCIATION PENN STATE ANNUAL GIVING

Alumni Walk

About the walkway

About the bricks

Who can buy a brick?

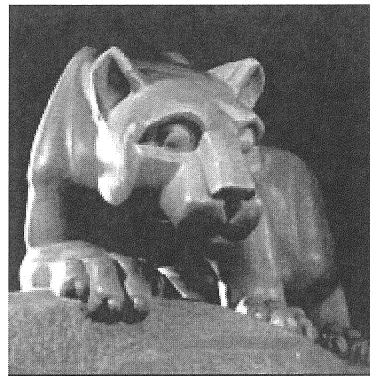
Commonly asked  
questions

To order

## Commonly Asked Questions

### **Q: What is the Alumni Walk?**

A: The Alumni Walk is a visible tribute on the University Park campus to alumni and those who have supported the University through their membership in the Penn State Alumni Association. The walkway itself will consist of nearly 4,000 bricks inscribed with the names of Alumni Association members throughout the history of Penn State.



### **Q: Where is the Alumni Walk located?**

A: The Alumni Walk is part of the Hintz Family Alumni Center on Penn State's University Park campus. The Alumni Walk is the third and final phase of the construction and beautification plans for the Hintz Family Alumni Center. (The first two were the construction of the Hintz Center and the installation of the Alumni Gardens.) The Alumni Walk, as part of the Hintz Family Alumni Center, is just steps away from the Obelisk on The Mall and is in a high traffic area for students on campus.

### **Q: What does Alumni Walk look like?**

A: There are three sizes of bricks that will be arranged in 20 "fields" of approximately 178 bricks each to make up the Alumni Walk.

### **Q: Who can have their name on a brick?**

Alumni Walk

About the walkway

About the bricks

Who can buy a brick?

Commonly asked  
questions

To order

## To Order

It's easy to order a brick. Using our [online order form](#), just begin with the pull-down menu to choose the brick size you wish to order. Then follow the step-by-step instructions. The interactive Web page will take your information and show you *approximately* what your brick will look like. Your actual brick inscription may be slightly different in text size, character spacing, and line placement.

To order a brick by phone, you can call toll-free 877-778-7467.

If you would prefer to order by mail, you may [print an order form](#) and return the completed form to:

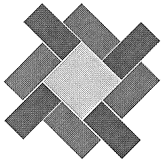
Alumni Walk

Penn State Alumni Association

Hintz Family Alumni Center

University Park, PA 16802-1439

# **EXHIBIT B**



# Alumni Walk



## Can I buy a brick and what can it say?

Anyone can purchase a brick, but only current Alumni Association members or deceased alums can have their name engraved on one of the bricks.

All inscriptions will be centered on the brick in capital letters (except for names that include a small "c" as in McCoy). There is a maximum of 15 characters per line, including spaces and punctuation marks as separate characters. Greek letters and symbols that appear on a keyboard may be used. All lines available need not be used—for instance, the family bluestone paver allows for four lines of copy with 15 spaces each, but a family may choose to use just two lines for their inscription.

Inscriptions may not include commercial messages. Company names may not be used.

Discriminatory or inappropriate messages that refer to an individual or group's age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity, or veteran status will not be permitted.

The Penn State Alumni Association reserves the right to deny any brick purchase application that is deemed inappropriate.

**Please complete one order form for each brick purchase.**

### Brick Selection

- Individual Brick, 4" x 8" (3 lines of inscription): \$250
- Family Bluestone, 8" x 8" (4 lines of inscription): \$1,000
- Diamond Granite Centerpiece, 12" x 12" (5 lines of inscription): \$5,000

**Inscription on Your Brick** (please print clearly using capital letters)

1															
2															
3															
FOR 8" X 8" FAMILY BLUESTONE (MAY USE UP TO FOUR LINES)															
4															
FOR 12" X 12" DIAMOND GRANITE CENTERPIECE ONLY (MAY USE UP TO FIVE LINES)															
5															

### Payment Information

- I have enclosed a check made payable to "Penn State"
- Please charge to my
  - MasterCard
  - Visa
  - Discover
  - American Express

Card # \_\_\_\_\_

Name as it appears on the card \_\_\_\_\_

Exp. date (month/year) \_\_\_\_\_

Signature on card \_\_\_\_\_

### Return Address

Alumni Walk, Penn State Alumni Association,  
Hintz Family Alumni Center, University Park, PA 16802-1439

### Your Contact Information

The tax deductible receipt will be sent to this address:

Name (first): \_\_\_\_\_ (middle): \_\_\_\_\_

Name (last): \_\_\_\_\_ (maiden): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Are you an alum:  YES  NO Grad year and college: \_\_\_\_\_

### For Memorial or Gift Bricks

If you would like to have an acknowledgement sent to the individual honored by this brick, please provide the following information:

Name (first): \_\_\_\_\_ (middle): \_\_\_\_\_

Name (last): \_\_\_\_\_ (maiden): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

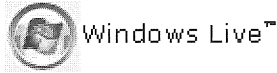
Are they an alum:  YES  NO Grad year and college: \_\_\_\_\_

How would you like your name to appear on the notification letter?

Name: \_\_\_\_\_

PXRBC AAUEWP

# **EXHIBIT C**



## Alumni Walk Brick Purchase Notification

From: [alumniwalk@psu.edu](mailto:alumniwalk@psu.edu)  
Sent: Sun 4/15/07 4:32 PM  
To: [jep187@hotmail.com](mailto:jep187@hotmail.com)

# Alumni Walk Brick Purchase Notification

Your brick purchase is complete. Below are the details of your purchase:

- **Brick Size:** 4" x 8" Penn State red brick at \$250
- **Text Line 1:** JAMES E PURSLEY
- **Text Line 2:** '01 BUS
- **Text Line 3:** JOSHUA 24:15
- **Text Line 4:**
- **Text Line 5:**
- **Affiliation to PSU:** Alumni
- **Class Year:** 2001
- **First Name:** James
- **Middle Name:** Edwin
- **Last Name:** Pursley
- **Maiden Name:**
- **Address Line 1:** 2600 N. Hampden Ct. 5K
- **Address Line 2:**
- **City:** Chicago
- **State:** IL
- **Zip Code:** 60614
- **Phone Number:** 773-857-1562
- **Email Address:** [jep187@hotmail.com](mailto:jep187@hotmail.com)
- **Card Type:** MAST
- **Name as it appears on card:** James E Pursley
- **Card Number:** \*\*\*\*\*3112
- **Expiration Month:** 11
- **Expiration Year:** 2007
- **Transaction Reference Number:** 100113016
- **Purchase Amount:** \$250.00
- **Solicitation Code:** AAUZWG
- **Allocation Code:** PXRBC
- **Special Instructions:** Will you provide me with the location of my brick on the walk or is the searching part of the experience? Best Regards, Jim Pursley '01

If you experience any problems, please contact us at 877-778-7467, or via e-mail at [alumniwalk@psu.edu](mailto:alumniwalk@psu.edu) and we will be happy to assist you further.



# **EXHIBIT D**

LIVING LIFE TO  
THE FULLEST  
DEAN S. BORDNER  
KAP 1985  
BRITTANY-BROOKE

TOM HOLMES 1975  
BS AERSP. BS EE  
WHR JOCK  
CAT 2 CYCLIST  
12 PATENTS

DISCIPLINES  
SCIENCE AND  
COMMUNICATION

GRIMSLEY FAMILY  
BRIAN, DEBBIE  
AMANDA & BROCK

KEITH T KIRK  
CLASS OF 1985  
WE ARE PSU!

ERIC M. DIETL  
1969 - BUSINESS  
ΛΧΑ

KUJALIA  
KUPCHA

TIMOTHY DIEHL  
CHEM ENG '02

JAMES SMITH  
'68 ACCTG  
PSU PROUD

MEGAN HEITZMANN  
COLIN HEITZMANN  
'96 EDU '97 EMS

CLASS OF 1980  
MARK A. MALE  
B.S., MARKETING

STEM  
TOM, T  
'58

HOYT '80 &  
AUSTIN '81  
LOVE PSU!

KRISTIN MUTZIG  
\*FIK, FITL, FIG\*  
MAD LOVE, 2004

ROBIN BROOKS '6  
KIT CARSON '63  
KAΘ-ΣΑΕ

MARK &  
YVONNE  
MATSKO

DAVE & MEG LARKO  
IN MEMORY OF  
GUS & VERA LARKO

SPANGLER  
JOHN FREDERIC  
DELTA CHI 195

JESUS M BARAJAS  
CLASS OF 2003

WDH/  
LYND/  
WMH

NAN  
01

RONALD & SYLV

RS. ION  
ORTIZ  
'03 BUS  
ENE CRAWFORD  
PSU

IN MEMORY OF  
BOB LEVANDUSKI  
CLASS OF 1966

JOAN PAUL STOVE  
JACK & CLAIRE

MICHAEL  
1981  
KAROL

DR. AND MRS.  
JOHN R. WHITMAN  
1948-1950

ANDSAYS  
'64 '68  
'67

THE KELLYS '49  
B. WAYNE AGED  
WILMA K. H. EC

THE  
HANHAUSER  
FAMILY

SHE'S A BRICK  
H-O-W-W-S-E  
TIM & LES '83-'86

IN MEMORY OF  
OUR MOM-MOM  
JENN & JONATHAN

KAROLYN  
PETERSON  
CLASS OF 1998

MARK A. BATZEL  
'83 MKTG  
BLUE BAND

DAVID  
CLAS  
TRAC

RICHARD & JOAN  
CLARK ZANOWICK  
'56 CHEM ENG/LA

HARTNETT FAMILY  
JOHN III & IV  
M. DIANE FRAZIER

HARRAND FAMILY  
THREE PROUD PSU  
GENERATIONS

PAUL BERNAUER  
'61 MECHANICAL  
ENGINEERING

SOLID EDUCATION  
SUCCESSFUL LIFE  
WILDA QUIGG '59

Y G. BIRO  
STATE  
BIOLOGY

ITALE  
KTMG

JOYCE E. NESBITT  
KAPPA DELTA

HENRY FAMILY  
FRED-CLASS 1959  
LORI-CLASS 1988

JON PLAUT  
ANNE FRIEDBERG  
MET AT PSU '56

STAN WASTOWICZ  
FROM YOUR MANY  
FRIENDS AT RUS

ERIC ANNE MANCIA  
MATHESON '84 '78  
PENN STATE 4EVER

F SHOULDIS '66  
THERESA C '91  
MARK R '94

RENAE - BS '92  
FOR THE GLORY  
& THE GIRLIES

ST  
RIC  
MACU

CK  
1946  
STRY

CHARLES HUBER  
1937 - FIRST OF  
3 GENERATIONS

WE LOVE PSU  
LISA GRABAR  
NICK VITALI

ILENE HAIMOVITZ  
'73 HE ED

ROBERT WOLFE '83  
JOHN WOLFE '78  
PAXTON WOLFE '50

HAZEL BROWN  
EMERICK

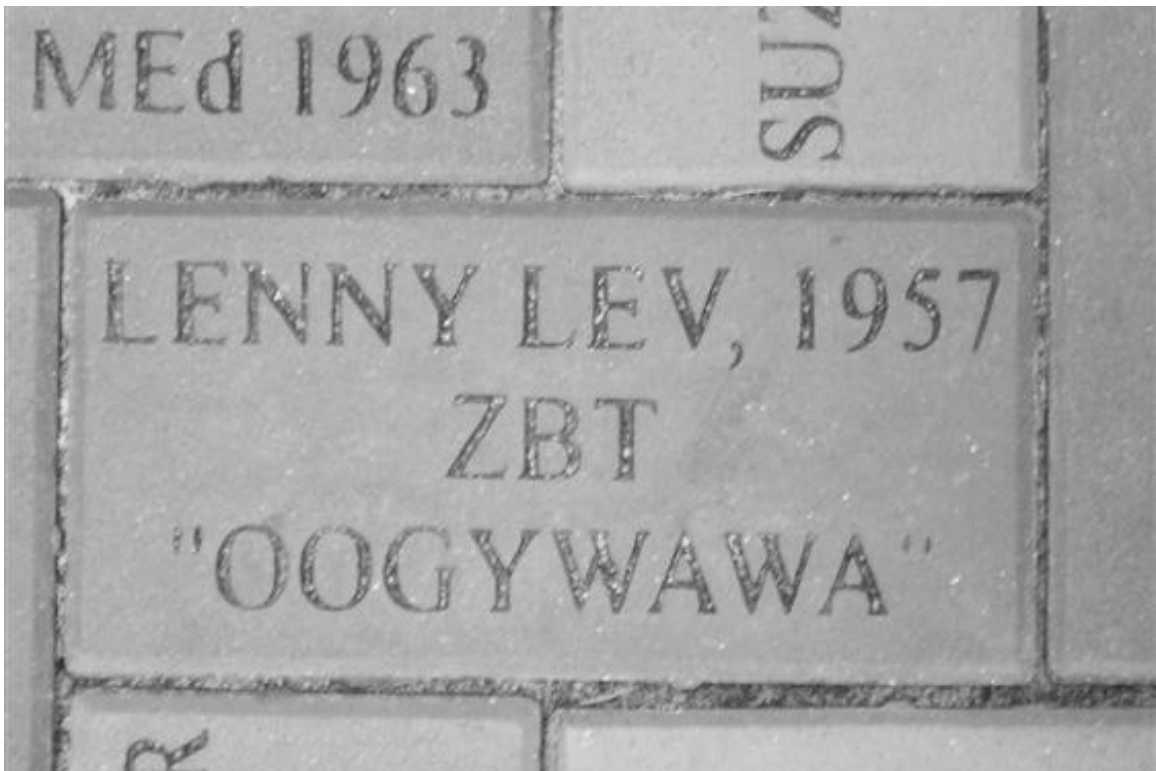
FENSTER FAMILY  
PHILLIP '69, '71  
LESLIE MAX

IN ME  
JAMEST  
LOVE

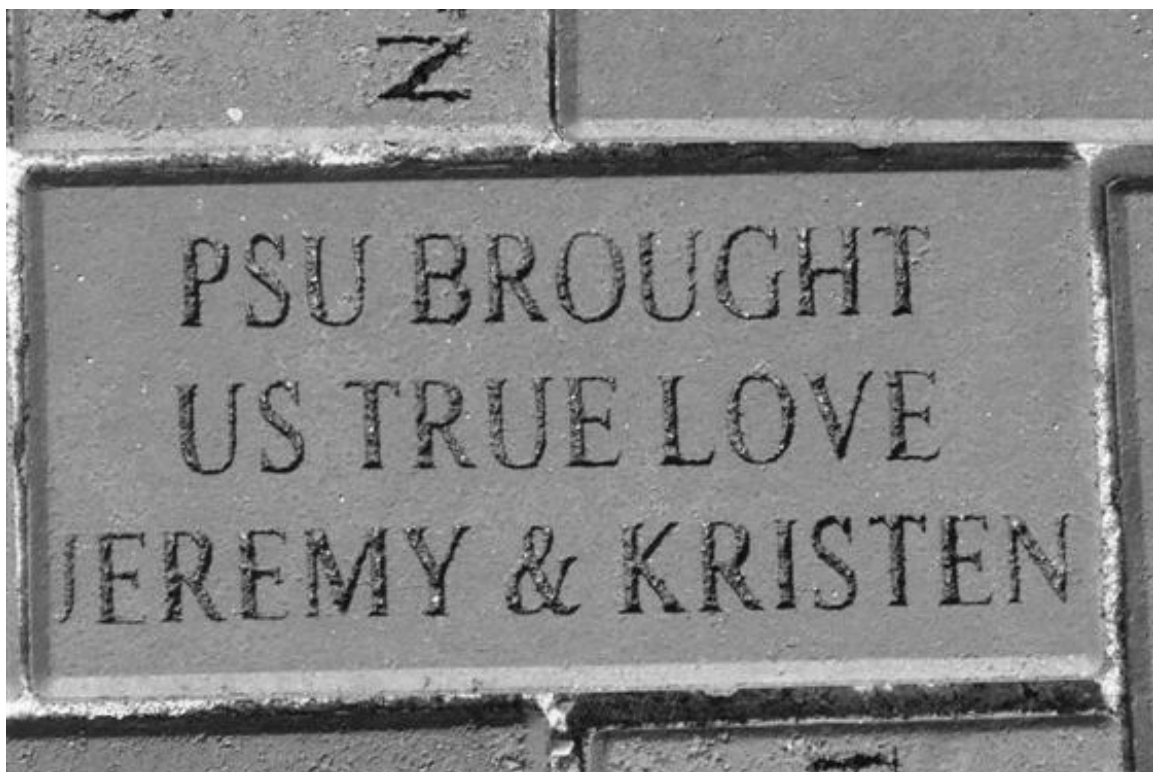
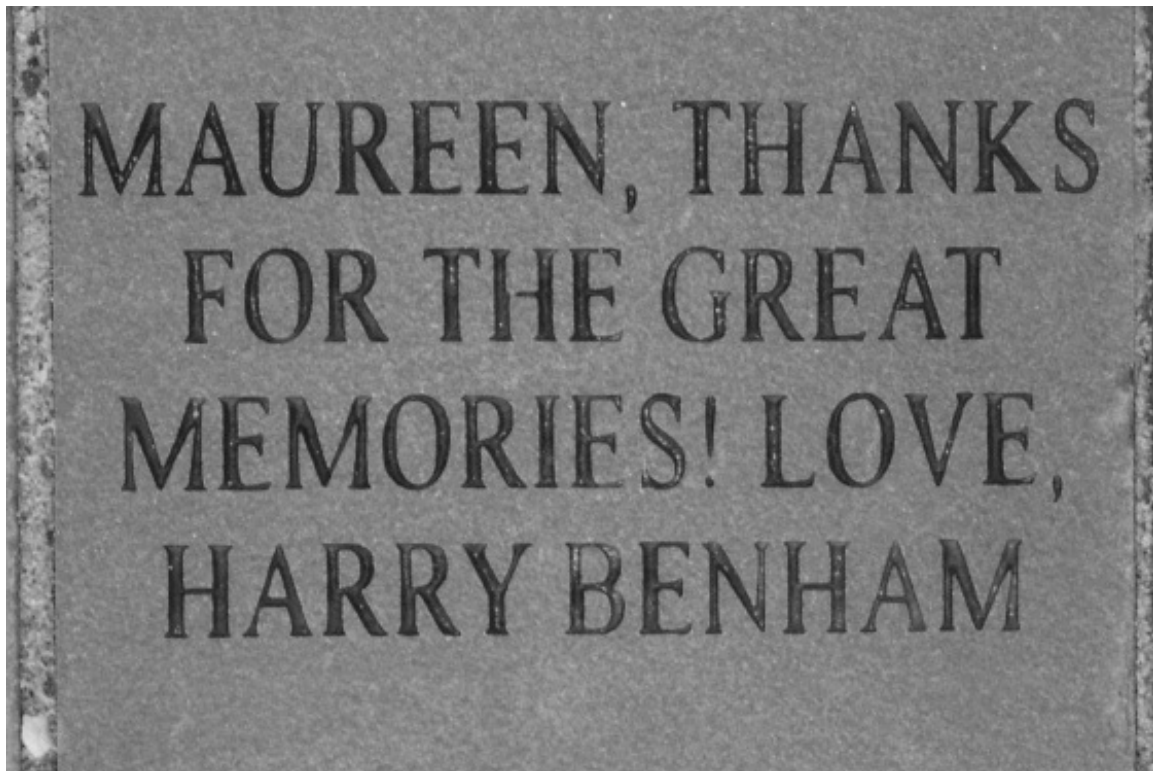
BEST OF TIMES  
PSU 1995 - 1999  
CHRIS MACALUSO

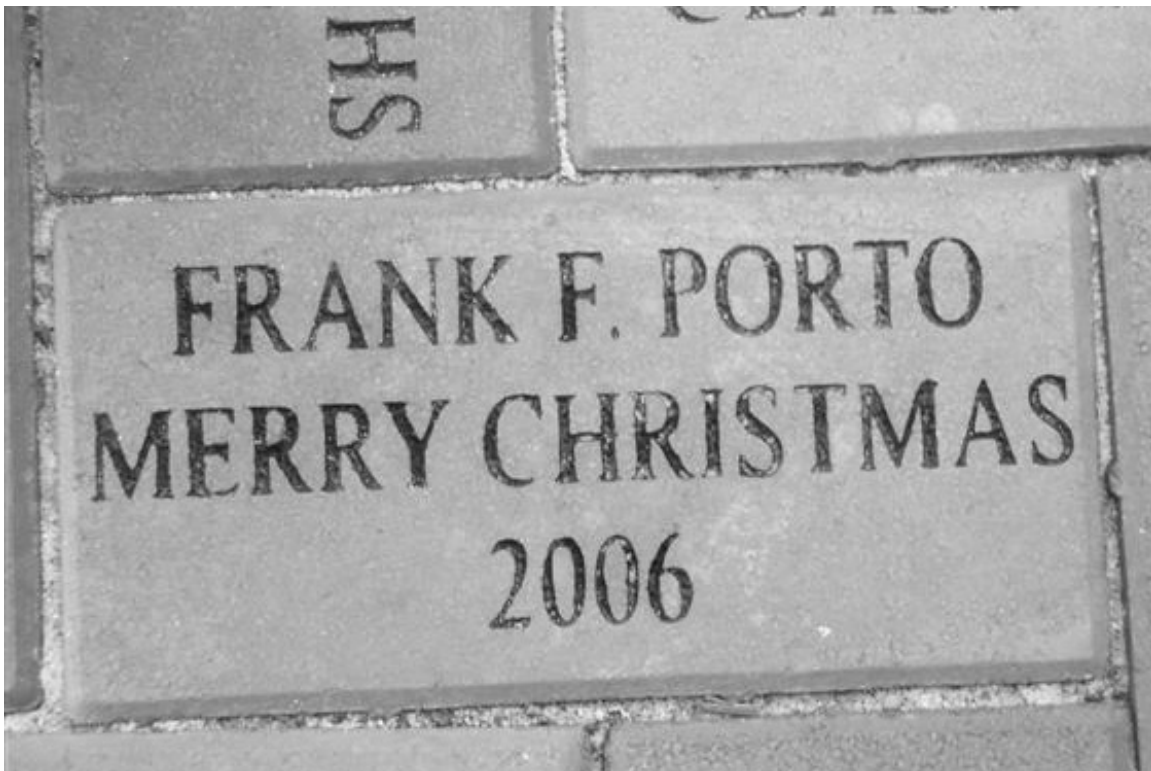
67 99 196  
MAY GOD BLESS  
PENN STATE  
THE KOPCHAS





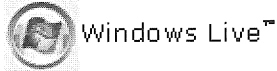






BARBARA RAPHAEL  
TRUE TO PSU  
DEAREST GRANA  
WE LOVE YOU

# **EXHIBIT E**



## Penn State Alumni Walk

From: **Skillings, Shannon** (sx1175@psu.edu)  
Sent: Thu 9/27/07 3:49 PM  
To: jep187@hotmail.com

Hi James,

I am following up with you regarding your brick purchase for the Penn State Alumni Walk. I understand you want to think about your next step regarding your inscription. Please let me know at your earliest convenience about your decision as we have sold over 12 fields of bricks and have 8 fields to go. If you are unsatisfied, please let me know and I will promptly credit your credit card for the amount purchased.

Thank you in advance,

Shannon

**Shannon M. Skillings '99**

Penn State Alumni Association

Business Planning & Development

Hintz Family Alumni Center

University Park, PA 16802

Phone: (814) 863 - 2810

Email: sx1175@psu.edu

# **EXHIBIT F**



RE: Penn State Alumni Walk□  
From: **Skillings, Shannon** (sx1175@psu.edu)  
Sent: Wed 10/17/07 1:52 PM  
To: Jim P. (jep187@hotmail.com)

Hi Jim,

I understand your inquiry and I have informed our Director. Your inquiry will be reviewed and I will get back to you within the week about your brick purchase. I apologize for any inconvenience this has caused. Please feel free to call me if you have any other questions.

I will be in touch soon.

Shannon M. Skillings '99  
Penn State Alumni Association  
Business Planning & Development  
Hintz Family Alumni Center  
University Park, PA 16802  
Phone: (814) 863 - 2810  
Email: sx1175@psu.edu

-----Original Message-----

From: Jim P. [mailto:jep187@hotmail.com]  
Sent: Wednesday, October 17, 2007 11:47 AM  
To: Skillings, Shannon  
Subject: RE: Penn State Alumni Walk

Ms. Skillings,

As a proud member of the Penn State Alumni Association, I would still like to purchase a brick. As you will recall, I selected a \$250 brick and submitted the online form to have it inscribed with my name, year of graduation, and the words, "Joshua 24:15." However, you told me that I could not have Joshua 24:15 inscribed on the brick because it was religious, and the policy was not to allow any religious content.

On the Alumni Walk website, it states that inscriptions may not include commercial messages or company names, and that "discriminatory or inappropriate messages that refer to an individual or

group's age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity or veteran status will not be permitted." While "Joshua 24:15" is a religious reference, I do not believe it is "discriminatory or inappropriate" in the least, and my understanding is that there are other bricks on the Alumni Walk with personal messages or references.

Could you please clarify why my desired message was deemed "discriminatory or inappropriate?" Or is your policy to exclude any religious messages? Please advise. Is there someone else at the Alumni Association who I can speak to about this matter? I would like to purchase a brick with a personal message, and I still do not understand why my desired message was rejected.

Sincerely,  
Jim Pursley  
Class '01

Subject: Penn State Alumni Walk  
Date: Thu, 27 Sep 2007 16:49:53 -0400  
From: sx1175@psu.edu  
To: jep187@hotmail.com

Hi James,

I am following up with you regarding your brick purchase for the Penn State Alumni Walk. I understand you want to think about your next step regarding your inscription. Please let me know at your earliest convenience about your decision as we have sold over 12 fields of bricks and have 8 fields to go. If you are unsatisfied, please let me know and I will promptly credit your credit card for the amount purchased.

Thank you in advance,  
Shannon

Shannon M. Skillings '99  
Penn State Alumni Association  
Business Planning & Development

Hintz Family Alumni Center  
University Park, PA 16802  
Phone: (814) 863 - 2810  
Email: [sxl175@psu.edu](mailto:sxl175@psu.edu)

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Climb to the top of the charts! Play Star Shuffle: the word scramble challenge with star power.  
[http://club.live.com/star\\_shuffle.aspx?icid=starshuffle\\_wlmailtextlink\\_oct](http://club.live.com/star_shuffle.aspx?icid=starshuffle_wlmailtextlink_oct)

# **EXHIBIT G**

FW: Penn State Alumni Walk□  
From: **Conrad, Geoffrey** (jlc24@psu.edu)  
Sent: Fri 10/19/07 4:19 PM  
To: Jim P. (jep187@hotmail.com)  
Williams, Roger (rlw1@psu.edu); Scholl, Patrick (PJS1@psu.edu); Davis, Anne  
Cc: (akd115@psu.edu); Skillings, Shannon (sxl175@psu.edu); Korbich, Kimberly  
(KKS4@psu.edu); Stocker, Kathy (KNS1@psu.edu)

Dear Mr. Pursley,

Thank you for taking the time to write us with your request.

We did take the time to seriously review the points you raised. However we must still adhere to our original response. Alumni Walk is in celebration of the Penn State family and is inclusive of many varied backgrounds and perspectives. And while we agree that while your request is not offensive in a general sense, we feel that it is not in keeping with the intent of the walk.

If this response is still not satisfactory, we are happy to refund your purchase in its full amount. Please contact Shannon Skillings to either request a new inscription or refund.

We again thank you for your support and participation in Alumni Walk.

Regards,  
Geoff

Geoff Conrad  
Associate Director of Business Relations  
The Penn State Alumni Association  
Hintz Family Alumni Center  
University Park, PA 16802  
P: 814.863.0518  
F: 814.865.6662  
www.alumni.psu.edu

-----Original Message-----

From: Jim P. [mailto:jep187@hotmail.com]

Sent: Wednesday, October 17, 2007 11:47 AM

To: Skillings, Shannon

Subject: RE: Penn State Alumni Walk

Ms. Skillings,

As a proud member of the Penn State Alumni Association, I would still like to purchase a brick. As you will recall, I selected a \$250 brick and submitted the online form to have it inscribed with my name, year of graduation, and the words, "Joshua 24:15." However, you told me that I could not have Joshua 24:15 inscribed on the brick because it was religious, and the policy was not to allow any religious content.

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Sincerely,

Jim Pursley

Class '01

Subject: Penn State Alumni Walk

Date: Thu, 27 Sep 2007 16:49:53 -0400

From: sxl175@psu.edu  
To: jep187@hotmail.com

Hi James,

I am following up with you regarding your brick purchase for the Penn State Alumni Walk. I understand you want to think about your next step regarding your inscription. Please let me know at your earliest convenience about your decision as we have sold over 12 fields of bricks and have 8 fields to go. If you are unsatisfied, please let me know and I will promptly credit your credit card for the amount purchased.

Thank you in advance,  
Shannon

Shannon M. Skillings '99  
Penn State Alumni Association  
Business Planning & Development  
Hintz Family Alumni Center  
University Park, PA 16802  
Phone: (814) 863 - 2810  
Email: sxl175@psu.edu

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Climb to the top of the charts! Play Star Shuffle: the word scramble challenge with star power.  
[http://club.live.com/star\\_shuffle.aspx?icid=starshuffle\\_wlmailtextlink\\_oct](http://club.live.com/star_shuffle.aspx?icid=starshuffle_wlmailtextlink_oct)