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Cleveland Scene settles lawsuit against Downtown Cleveland Alliance over removal of newspaper boxes

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By **Eric Heisig, cleveland.com**



A Cleveland Scene distribution box. (Submitted)

CLEVELAND, Ohio -- Alternative weekly newspaper Cleveland Scene has settled a [First Amendment lawsuit](#) it brought last month against the Downtown Cleveland Alliance over the removal of 26 of its distribution boxes in the city's main business district.

The Alliance, a nonprofit whose mission is to boost the development of downtown Cleveland, [removed the boxes in January and February without telling Scene](#) and returned them to their locations after about two-and-a-half weeks.

Scene cried foul and said in its lawsuit that the removal of the boxes was a violation of its free-speech rights, and came after critical coverage of city projects. This included the alt-weekly's take on a deal the city and Cuyahoga County reached with the Cleveland Cavaliers to renovate the Quicken Loans Arena.

The settlement comes less than a month after it was filed. U.S. District Judge Dan Polster presided over settlement talks on Thursday afternoon.

The terms of the settlement have not released. A news release issued Friday says the terms are confidential.

"DCA apologizes for the mistake our team made in removing some of Scene's newspaper boxes from various locations downtown," Alliance President and CEO Joseph Marinucci said in the release. "While well-intentioned staff members believed they were acting properly, the failure to communicate about the missing boxes was unacceptable. We will ensure we maintain solid lines of communication in all such situations going forward. DCA understands the importance of a free press, and regrets even the appearance that we violated Cleveland Scene's First Amendment Rights."

Andrew Zelman, CEO of Scene parent company Euclid Media group, said in the release that "we appreciate DCA's apology reflecting the importance of both the First Amendment and Scene's journalism to the downtown Cleveland community."

Peter Pattakos, an attorney for Scene, said Thursday that "the matter has resolved to Scene's satisfaction."

Alliance spokeswoman Heather Holmes said at the time that Alliance workers, known as "ambassadors," took the boxes after workers reported that several had tipped over onto sidewalks and into the street.

She also said at the time that Alliance workers were mistaken in removing the boxes.

The Alliance only told Scene that its workers removed the boxes after Scene reporter Sam Allard reported on their disappearance, the lawsuit says. Alliance workers said they had not informed the alt-weekly of their removal because they didn't know how to reach anybody at the paper.

The lawsuit noted that Scene's address and phone numbers are listed in its print publication and on its website.

Updated Friday with comments from a news release.

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