

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANAKA HUNTER,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12-CV-4 ERW
)	
BOARD OF TRUSTEES, SALEM PUBLIC)	
LIBRARY, et al.,)	
)	
Defendants.)	

[PROPOSED] CONSENT ORDER AND JUDGMENT

Upon the parties’ joint motion for entry of consent judgment, the Court, having reviewed and taken notice of the pleadings herein, and with the consent of Plaintiff and Defendants, hereby enters Judgment as follows:

FINDINGS

1. Beginning in 2010, Plaintiff, Anaka Hunter, conducted research at the Salem Public Library. Some of the websites she attempted to access were blocked by the Internet filtering system Netsweeper employed by the Library through MOREnet, the service provider for Defendants’ Internet Content Filtering.

2. Plaintiff brought this § 1983 action asserting violations of her rights under the First and Fourteenth Amendments.

3. Defendants maintained the minimum default filtering categories offered by MOREnet, which included “adult image,” “pornography,” “phishing,” “proxy anonymizer,” “viruses,” “occult,” and “criminal skills,” to filter internet activity from no later than April 30, 2009, until on or about August 1, 2011.

4. On or about August 1, 2011, prior to the time this litigation was filed, Defendants received an email from MOREnet. In the email, MOREnet informed Defendants that as of August 1, 2011, the default category filters activated by MOREnet would be more circumscribed than had been the case. According to the email, the service change was prompted by concerns raised by several organizations. Institutions subscribing to the Netsweeper filter software through MOREnet were required to print and complete a Category Configuration Form to indicate which, if any, content filtering categories would be activated pursuant to local policy or preference.

5. On or about August 1, 2011, prior to the time this litigation was filed, Glenda Wofford, as representative for the Salem Public Library, completed MOREnet's Internet Content Filtering Order Form. On the form she indicated that the only content category to be blocked by the Salem Public Library beyond the minimal default categories of "adult image," "pornography," "phishing," "proxy anonymizer," "viruses," activated by MOREnet would be "web chat." The remaining content filtering category blocks, including "occult" and "criminal skills," were no longer activated and have not been activated since.

6. As a result of the changes made on August 1, 2011, prior to the filing of this suit, library patrons had and currently have unblocked access at Salem Public Library public Internet terminals to all of the websites at issue in this litigation.

7. In this suit, Plaintiff sought declaratory judgment pursuant to 42 U.S.C. § 1983; a permanent injunction enjoining Defendants from enforcing or implementing unconstitutional policies, practices, and customs; nominal damages for deprivation of her constitutional rights; and costs, including reasonable attorneys' fees, pursuant to 42 U.S.C. § 1988.

ORDER

Based on the aforementioned Findings, the Court hereby orders as follows:

1. Defendant Board of Trustees, Salem Public Library, its officers, agents, and employees are prohibited from reactivating –locally, through MOREnet staff, or otherwise– Netsweeper content filtering categories “occult” or “criminal skills” or any filtering category other than “adult image,” “pornography,” “phishing,” “proxy anonymizer,” “viruses,” or “web chat,” except as specifically required and necessary to comply with federal or state law.

2. The parties agree that they will bear their own attorneys’ fees and costs.

3. This Judgment fully and finally resolves the claims assert in Plaintiff’s Complaint, and Judgment is hereby entered.

4. This Court retains jurisdiction to enforce this Judgment.

DATED: March ____, 2013.

Honorable E. Richard Webber
UNITED STATES DISTRICT JUDGE