

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARGY M. PHELPS-ROPER,)
)
Plaintiff,)

4:10CV3131

v.)

JON BRUNING, Individually and in)
his Official Capacity as Attorney)
General of the State of Nebraska,)
COLONEL BRYAN TUMA,)
Individually and in his Official)
Capacity as Superintendent of the)
Nebraska State Patrol, L. KENNETH)
POLIKOV, Individually and in his)
Official Capacity as Sarpy County)
Attorney, LEONARD HOULOOSE,)
Individually and in his Official)
Capacity as Chief of the Papillion)
Police Department, DONALD)
KLEINE, Individually and in his)
Official Capacity as Douglas County)
Attorney, ALEX HAYES,)
Individually and in his Official)
Capacity as Chief of the Omaha)
Police Department, and JOHN)
STACEY, Individually and in his)
Official Capacity as Chief of the)
Bellevue Police Department,)
)
Defendants.)

JUDGMENT

Pursuant to the terms of the previous memoranda and orders (filings [52](#), [56](#)) and the joint stipulation filed by the parties (filing [57](#)),

IT IS ORDERED that:

1. Defendants and their agents, servants, and employees and those acting in concert with them, are permanently enjoined from enforcement of Neb. Rev. Stat. § 28-928 as applied to Plaintiff Margy “Megan” M. Phelps-Roper and members of her church, the Westboro Baptist Church, so long as Plaintiff and members of her church otherwise act peacefully while desecrating the American or Nebraska flag during their religiously motivated protests.

2. Except as provided in paragraph one above, Plaintiff’s claims against John Stacey are dismissed with prejudice.

3. Attorneys fees are awarded to Plaintiff in the sum of \$8,000 payable by the defendants described below and judgment is severally, but not jointly, entered against (a) Jon Bruning and Bryan Tuma, individually and in their official capacities, for the sum of \$3,500; (b) Alex Hayes, individually and in his official capacity, for the sum of \$2,000; (c) L. Kenneth Polikov, individually and in his official capacity, for the sum of \$2,000; and (d) Donald Kleine, individually and in his official capacity, for the sum of \$500. Taxable costs determined by the Clerk, the Court or agreed to by Plaintiff and the foregoing defendants are assessed against the foregoing defendants in proportion to their separate liability to pay attorney fees. All attorney fees and costs shall be paid within 30 days of this date except for Jon Bruning and Bryan Tuma. Jon Bruning and Bryan Tuma shall promptly pay their portion of the attorney fees and costs after first promptly complying with Neb. Rev. Stat. § 25-1806 (West 2008). Each defendant described in this paragraph shall file a notice with the Clerk of Court upon satisfaction of the defendant’s share of the attorney fees and costs.

4. Except as provided above in paragraphs one and three, Plaintiff’s claims against Defendants Jon Bruning, Bryan Tuma, Alex Hayes, L. Kenneth Polikov,

Leonard Houloose, and Donald Kleine are dismissed with prejudice.

5. While the Court retains jurisdiction regarding disputes involving the permanent injunction or payment of attorney fees and costs, this case is dismissed.

6. The Clerk shall close this case.

DATED this 2nd day of September, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge