

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRED H. KELLER, JR., JUAN DOE,
and JUANA DOE #2,

Plaintiffs,

v.

CITY OF FREMONT, DALE
SHOTKOSKI, in his Official Capacity,
and TIMOTHY MULLEN, in his Official
Capacity,

Defendants.

CASE NO. 8:10CV270

DECLARATORY JUDGMENT
AND PERMANENT INJUNCTION

MARIO MARTINEZ, JR., PAULA
MERCADO, MARTIN MERCADO,
JANE DOE, MARIA ROE, STEVEN
DAHL, ACLU NEBRASKA
FOUNDATION, UNITED FOOD AND
COMMERCIAL WORKERS UNION,
LOCAL 22, AND BLAKE HARPER,

Plaintiffs,

v.

CITY OF FREMONT; DALE
SHOTKOSKI, IN HIS OFFICIAL
CAPACITY AS FREMONT CITY
ATTORNEY; AND TIMOTHY
MULLEN, IN HIS OFFICIAL
CAPACITY AS FREMONT CHIEF OF
POLICE,

Defendants.

CASE NO. 4:10CV3140

DECLARATORY JUDGMENT
AND PERMANENT INJUNCTION

For the reasons set out in the Memorandum and Order entered this day,

1. Declaratory Judgment is entered in favor of all Plaintiffs in Case No. 8:10cv270, and all Plaintiffs except ACLU Nebraska Foundation and United Food and Commercial Workers Union Local 22 in Case No. 4:10cv3140, as follows:

a. Section 1, Part 2, Part 3.L., and Part 4.D., of Fremont Municipal Ordinance No. 5165, prohibiting the harboring of illegal aliens, providing for the revocation of occupancy licenses, and providing for certain penalties following the revocation of occupancy licenses, is declared void because those provisions are conflict-preempted by the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*, in general, and § 1324, specifically, with respect to “harboring,” and violate the Fair Housing Act, 42 U.S.C. § 3604;

b. All Defendants are permanently enjoined from taking any action to enforce Section 1, Part 2, Part 3.L., and Part 4.D., of the Ordinance;

2. All other claims of all Plaintiffs in Case No. 8:10cv270 and Case No. 4:10cv3140 are dismissed, with prejudice; and
3. Any motions for attorney fees and costs shall be filed pursuant to Fed. R. Civ. P. 54(d)(2) within fourteen days of the entry of this Judgment.

DATED this 20th day of February, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge