

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

John Williams, : Case No. 1:15-cv-112
 :
 Plaintiff, :
 :
 vs. :
 :
 City of Middletown, et al, :
 :
 Defendants. :

CONSENT ORDER AND JUDGMENT

Final Resolution of this matter and controversy has been settled by and between the parties, and accepted by the Court, as reflected herein.

IT IS on this 8th day of June, 2015, ORDERED AND ADJUDGED AS FOLLOWS:

1. This Court hereby declares that Plaintiff John Williams, on July 23, 2014, was unconstitutionally banned from engaging in religious speech on public streets and ways in downtown Middletown, Ohio within the confines of a Broad Street Bash event.

2. Defendants are hereby permanently enjoined from enforcing policy or acting in any other manner that would unlawfully prohibit or interfere with the constitutionally-protected expression of John Williams or other third-party speakers on public streets and ways in downtown Middletown, Ohio during Broad Street Bash events.

3. Defendants shall pay Plaintiff the amount of \$1.00 as nominal damages within thirty days of the date this Order is entered. Defendants shall also pay reasonable attorney fees and litigation costs to Plaintiff's attorneys. The amount of reasonable attorney fees and litigation

costs to be paid by Defendants shall be in an amount to be agreed upon by the parties or, if the parties are unable to reach an agreement, in an amount to be determined by this Court upon motion and briefing by the parties. If the parties are able to reach an agreement on the amount of reasonable attorney fees and litigation costs, such amount shall be paid by Defendants within thirty days of the date the agreement is reached. However, if the parties are unable to come to an agreement regarding fees and costs, Plaintiff will have up to thirty days after the date this Order is entered in which to petition the Court for attorney fees and costs to be awarded to Plaintiff's attorneys according to 42 U.S.C. §1988 and Fed. R. Civ. P. 54. If the amount of reasonable attorney fees and litigations costs is determined by order of this Court, such amount shall be paid by Defendants within thirty days of the date such order is entered by this Court.

4. Nothing in this Order shall preclude Defendants from enforcing reasonable noise restrictions, including but not limited to those set forth in Middletown, Ohio Code of Ordinances Section 648.09 (Noise-producing instruments and sound-amplifying devices), on Mr. Williams or other third-party speakers to prevent noise and voice amplification that would interfere with on-going events taking place in the Broad Street Bash or exceed the acceptable decibel levels for the location and time.

5. Nothing in this Order shall preclude Defendants from enforcing reasonable measures, including but not limited to those set forth in Middletown, Ohio Code of Ordinances Section 644.18 (Signs and posters), that would prevent Mr. Williams or third-party speakers from blocking pathways or causing congestion on public ways with their presence and signage.

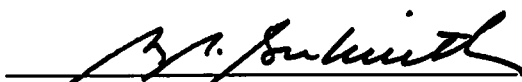
6. Nothing in this Order shall preclude Defendants from enforcing any local, state, or federal law, including but not limited to those set forth in Middletown, Ohio Code of

Ordinances Sections 606.14 (Obstructing official business), 636.02 (Assault), 636.04 (Aggravated menacing), 636.05 (Menacing), 648.04 (Disorderly conduct), 648.05 (Disturbing a lawful meeting), 648.07 (Inducing panic), 648.10 (Inciting to violence), and 660.03 (Littering), or from taking any action to preserve the public health and safety.

7. This Court retains jurisdiction of this case solely to enforce the terms of this consent order and judgment.

IT IS SO ORDERED.

DATED: June 8th, 2015.


Sandra S. Beckwith, Senior Judge
United States District Court

WE HEREBY CONSENT TO THE FORM AND ENTRY OF THE ABOVE ORDER:

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