

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CITIZENS FOR COMMUNITY VALUES, INC.,	:	
Plaintiff,	:	Case No. 2:08-cv-00223
v.	:	Judge George C. Smith
UPPER ARLINGTON PUBLIC LIBRARY BOARD OF TRUSTEES,	:	Magistrate Judge King
Defendant.	:	

**DEFENDANT'S RESPONSE TO PLAINTIFF'S PROPOSED FINAL JUDGMENT AND
PERMANET INJUNCTION ORDER**

On August 28, 2008, Plaintiff Citizens for Community Values, Inc. "(Plaintiff") filed its Proposed Final Judgment and Permanent Injunction Order. Defendant Upper Arlington Public Library Board of Trustees ("Defendant Library") has no objection to the language suggested by Plaintiff, but respectfully requests that the following provisions also be added to the proposed Order:

- The Court expresses no opinion as to the constitutionality of Defendant Library's policy of precluding religious services from its meeting rooms.
- The Court finds that Defendant Library does not violate the Establishment Clause of the United States Constitutional by allowing Plaintiff's proposed event to be held in one of Defendant Library's meeting rooms.

Respectfully submitted,
SCHOTTENSTEIN, ZOX & DUNN

/s/ Susan Porter

Susan Porter, Esq. (0036867)

250 West Street

Columbus, Ohio 43215

(614) 462-2314 (telephone)

(614) 462-5135 (facsimile)

E-mail: SPorter@szd.com

Trial Attorney for Defendant

OF COUNSEL:

Angelique Paul Newcomb, Esq. (0068094)

SCHOTTENSTEIN, ZOX & DUNN

250 West Street

Columbus, Ohio 43215

(614) 462-2257 (telephone)

(614) 462-5135 (facsimile)

E-mail: ANewcomb@szd.com

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September 2008, a copy of the foregoing Defendant's Response to Plaintiff's Proposed Final Judgment and Permanent Injunction was filed electronically and served upon the following individuals via the Court's electronic notification system:

Timothy D. Chandler, Esq.
ALLIANCE DEFENSE FUND
101 Parkshore Drive, Suite 100
Folsom, California 95630
tchandler@tclladf.org
Attorney for Plaintiff

and

David R. Langdon, Esq.
LANGDON & HARTMAN LLC
11175 Reading Road, Suite 104
Cincinnati, Ohio 45241
dlangon@langdonlaw.com
Attorney for Plaintiff

/s/ Angelique Paul Newcomb
Angelique Paul Newcomb