

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Citizens for Community Values, Inc.,

Plaintiff,

-V-

Case No. C-2-08-223

JUDGE SMITH

Magistrate Judge King

**Upper Arlington Public Library
Board of Trustees,**

Defendant.

FINAL JUDGMENT AND PERMANENT INJUNCTION ORDER

On March 7, 2008, Plaintiff Citizens for Community Values, Inc. filed its Verified Complaint for Declaratory Judgment, Preliminary and Permanent Injunctions, and Nominal Damages under 42 U.S.C. § 1983 against Defendant Upper Arlington Public Library Board of Trustees, asserting violations of their rights under the First and Fourteenth Amendments of the United States Constitution and Section 7, Article I of the Ohio Constitution. On March 11, 2008, Plaintiff filed a Motion for Preliminary Injunction, seeking to enjoin the Library from enforcing its meeting room policy prohibiting Plaintiff from accessing the Library's meeting rooms for its "Politics and the Pulpit" event and other similar events. The parties agreed to consolidate the hearing with a trial on the merits pursuant to Federal Rule of Civil Procedure 65(a)(2). On August 14, 2008, this Court granted Plaintiff's Motion for Preliminary Injunction and converted it to a permanent injunction enjoining Defendant from severing out and excluding activities from its meeting rooms that it concludes are "inherent elements of a religious service" or elements that are "quintessentially religious."

The Court hereby ORDERS that:

1. Based on the reasons and authorities set forth in this Court's August 14, 2008 Opinion and Order, this Court declares that Defendant violated Plaintiff's First Amendment free speech rights by severing out and excluding activities from its meeting rooms that it concluded are "inherent elements of a religious service" or elements that are "quintessentially religious." In reaching this conclusion, the Court finds that Defendant does not violate the Establishment Clause of the United States Constitution by permitting Plaintiff's proposed event to be held in one of Defendant's meeting room. The Court, however, expresses no opinion as to the constitutionality of Defendant's policy of precluding religious services from its meeting rooms.

2. Defendant and each of its officers, principals, agents, servants, employees, successors, and assignees, and all those in concert or participation with Defendant, are **PERMANENTLY ENJOINED** from severing out and excluding activities from its meeting rooms that it concludes are "inherent elements of a religious service" or elements that are "quintessentially religious."

3. Plaintiff is awarded nominal damages in the amount of \$1.00.

4. Plaintiff is the prevailing party for purposes of 42 U.S.C. § 1983 and may be entitled to an award of costs and expenses, including reasonable attorneys fees, in an amount to be determined by the Court.

5. The Court shall retain jurisdiction of this matter to make any orders or findings necessary to enforce this Final Judgment and Permanent Injunction.

IT IS SO ORDERED.

/s/ George C. Smith

GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT