

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH P. RUDOLPH, M.D.

Plaintiff,

v.

TOWNSHIP OF SOUTH PARK,

Defendant.

ELECTRONICALLY FILED

CASE NO.: 2:08-cv-234

Judge Gary L. Lancaster

**CONSENT ORDER**

WHEREAS Plaintiff Joseph P. Rudolph, M.D. filed this 42 U.S.C. § 1983 action on February 19, 2008 alleging facial and as applied violations of his and other residents' First Amendment free-speech rights by the Township of South Park's political sign ordinance(s); and

WHEREAS Plaintiff has also filed a Motion for Temporary Restraining Order and/or Preliminary Injunction seeking to enjoin enforcement of South Park's political sign ordinance(s);

WHEREAS the Court granted a Temporary Restraining Order on February 19, 2008 and scheduled a hearing on Plaintiff's motion for a Preliminary Injunction on February 27, 2008, and;

WHEREAS the parties have reached an agreement to resolve the instant motion,

It is, on this 25th day of February, 2008, hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

1. This Order is entered based on a negotiated settlement between the parties and is not to be construed as an admission of liability by any parties.

2. This agreement commences immediately and will remain in full force and effect until and unless the United States Supreme Court changes, in a material way, its interpretation of the First Amendment to the United States Constitution as applied to political campaign signs on private residential property.
3. The Township of South Park will amend Subsection 2203.7 of its sign ordinance to provide that political signs are permitted on private residential property at all times of the year without any temporal restriction or permit or bond requirement.
4. The Township of South Park will amend the portion of its sign ordinance governing public right-of-ways to restrict all signs in a public right-of-way to 6 square feet. No other restrictions, including but not limited to temporal restrictions or permit or bond requirements, will be imposed on political signs in the public right-of-way in front of private residential property, where the signs are placed by the owner of that private residential property.
5. The Township of South Park will amend its sign ordinance to provide that any individual who violates the size restriction on signs in the public right-of-way in front of private residential property shall be given written notice to inform them how far back they need to move their sign so that it is outside the public right-of-way, and reasonable opportunity to cure the violation prior to the imposition of any fine or other penalty.
6. The Township of South Park agrees not to enforce any of its ordinances restricting political signs on private residential property until such amendments have been enacted.

7. This Consent Order resolves completely Plaintiff's Motion for Temporary Restraining Order and/or Preliminary Injunction. That motion is, accordingly, hereby dismissed as moot. and the hearing of February 27, 2008 at 3 PM is cancelled.
8. This Consent Order also resolves Plaintiff's claims for injunctive and declaratory relief and damages.
9. This Consent Order does not resolve the outstanding issue of Plaintiff's entitlement to attorneys' fees. The parties shall by March 14, 2008, file a joint status report advising the Court whether the entire action has been settled. If the parties advise that the action has not been settled, the Court shall issue a scheduling order to resolve the fee dispute.
10. This Court shall retain jurisdiction to enforce this Order, including any relief the Court deems appropriate, should either party breach the terms hereof.

s/Paul J. Gitnik  
Paul J. Gitnik, Esq.

s/Witold J. Walczak  
Witold J. Walczak, Esq.

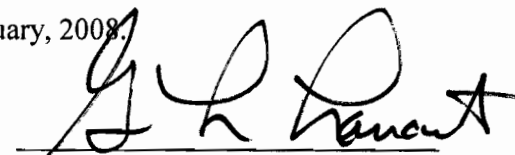
s/Ryan  
Dansak  
Ryan Dansak, Esq.

s/Stephanie R. Reiss  
Stephanie R. Reiss, Esq.

For the Defendant

For the Plaintiff

IT IS SO ORDERED, this 25<sup>th</sup> day of February, 2008.

  
Hon. Gary L. Lancaster  
U.S.D.J.