

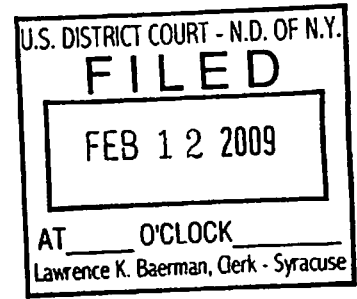
**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JAMES DEFERIO,

Plaintiff,

v.

CASE NO.: 5:08cv1211 GTS-GJD



CITY OF ITHACA; EDWARD VALLELY, individually and in his official capacity as Chief of Police for the City of Ithaca; J. NELSON, individually and in his official capacity as a police officer for the City of Ithaca police department; SCOTT GARIN, individually and in his official capacity as a police officer for the City of Ithaca police department; A. NAVARRO, individually and in his official capacity as a police officer for the City of Ithaca police department; and RICHARD NIEMI, individually and in his official capacity as a police officer for the City of Ithaca police department,

CONSENT JUDGMENT

Defendants.

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

IT IS on this 12th day of February, 2009, upon Stipulation of the parties **ORDERED AND ADJUDGED AS FOLLOWS:**

1. Judgment is entered in favor of plaintiff against the defendant City of Ithaca.
2. Defendant City of Ithaca, and its agents, are permanently enjoined from applying a twenty-five foot (25') standard in the enforcement of City of Ithaca Municipal Code § 240-4, § 157-8, or any other ordinance or policy against anyone in any public place engaged in unamplified speech that can be heard at a distance of twenty-five feet on the public streets, public sidewalks or public ways in the City of Ithaca.

3. Defendant City of Ithaca is ordered to inform and train all current and future police officers employed by the City of Ithaca, on a regular basis, that they may not apply a twenty-five foot (25') standard in the enforcement of any city noise ordinance against anyone in any public place engaged in unamplified speech that can be heard at a distance of twenty-five feet on the public streets, public sidewalks or public ways in the City of Ithaca.

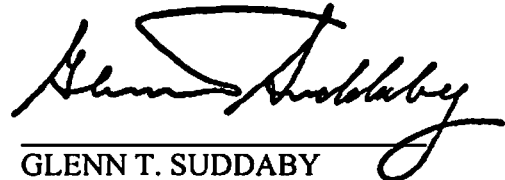
4. Plaintiff is awarded a total of \$4,000 for nominal damages. Plaintiff is further awarded \$13,000 for attorney's fees and costs.

5. All causes of action against the defendants Edward Vallely, J. Nelson, Scott Garin, A. Navorro and Richard Niemi are dismissed with prejudice.

6. The Court retains jurisdiction of this case solely to enforce this consent judgment.

SO ORDERED this 12th day of February, 2009.

BY THE COURT:



GLENN T. SUDDABY
United States District Judge

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

s/Nathan W. Kellum
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