

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF FLORIDA
NORTHERN DISTRICT**

SAINT FAUSTINA OLD CATHOLIC CHURCH,	:	Case No. 3:09-cv-180
	:	
	:	
Plaintiff,	:	Judge Benson
	:	
-vs-	:	
	:	
CITY OF PENSACOLA; CITY MANAGER AL COBY, in his individual capacity,	:	
	:	
Defendants.	:	

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff (“Church”) brought suit before this Court to seek a preliminary and permanent injunction against Defendants’ unconstitutional access policy for Plaza Ferdinand VII, a public park in downtown Pensacola. Defendants had a policy, effective since 1987, that required permit applications for Plaza use for groups of as little as two persons. The policy was inconsistently enforced and, in February of 2009, was enforced against the Church to absolutely deny access for Plaza use, forcing the Church to stop holding its weekly public picnics at the Plaza. After attempting unsuccessfully to regain access to the Plaza without recourse to litigation, the Church filed suit on April 23, 2009.

After several months of negotiations and consultation with the Church to develop a new Plaza access policy, Defendants rescinded their unconstitutional 1987 access policy on July 23, 2009. On August 13, 2009, Defendants enacted a Plaza access policy that addressed the primary concerns raised by the Church’s lawsuit. Accordingly, the Church files this voluntary notice of

dismissal, dismissing the current action with prejudice and with the parties paying their own costs and fees.

Respectfully submitted this 17th day of August, 2009,

/s/ Erik Stanley

Erik Stanley
FL Bar No. 0183504
Daniel Blomberg
KS Bar No. 23723
ALLIANCE DEFENSE FUND
15192 Rosewood
Leawood, KS 66226
Telephone: (913) 685-8000
Facsimile: (913) 685-8001
Email: estanley@telladf.org
dblomberg@telladf.org

Mark Welton (local counsel)
FL Bar No. 999202
WELTON & WILLIAMSON, LLC
1020 South Ferdon Blvd.
Crestview, FL 32536
Telephone: (850) 682-2120
Facsimile: (850) 689-0706
Email: mark@welwill.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2009, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all parties.

/s/ Erik Stanley

Erik Stanley
FL Bar No. 0183504
ALLIANCE DEFENSE FUND
15192 Rosewood
Leawood, KS 66226
Telephone: (913) 685-8000
Facsimile: (913) 685-8001
Email: dblomberg@telladf.org