

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TINA MORRIS, *et al.*,

Plaintiffs,

v.

CITY OF INDIANAPOLIS, *et al.*,

Defendants.

No. 1:13-cv-1303 SEB-TAB

STIPULATION TO AGREED JUDGMENT

The parties, by their counsel, enter into this Stipulation to an Agreed Judgment that is designed, upon approval by this Court, to resolve all pending issues in this case. The parties stipulate and agree as follows:

1. The plaintiffs withdraw their motions for class certification (*see* ECF Nos. 4, 39, 48) and their motion for a preliminary injunction (ECF No. 6).
2. The City of Indianapolis agrees to the following declaratory judgment.

It is declared that Sections 431-701 through 431-704 of the Revised Code of the Consolidated City of Indianapolis and the County of Marion ("Indianapolis-Marion County Code"), as they are currently written, apply only to activities in roadways or activities directed toward roadways and vehicles. It is further declared that Sections 431-701 through 431-704 of the Indianapolis-Marion County Code do not apply to persons who are on sidewalks soliciting contributions from pedestrians only.

It is further declared that the City of Indianapolis has the right to enforce the above Ordinance sections against persons who are soliciting in roadways or whose solicitations are directed towards roadways and vehicles.

It is further declared that nothing herein prevents the City of Indianapolis from pursuing violations of Indiana Code § 35-45-17-2 or Sections 407-102 (to the extent not pre-empted by Indiana law), § 645-512, and § 645-513 of the Indianapolis-Marion County Code.

3. The City of Indianapolis agrees that a permanent injunction should be entered against it as follows:

The City of Indianapolis, its employees, officers, agents, and all those acting in concert with them are permanently enjoined:

a. from enforcing Sections 431-701 through 431-704 of the Indianapolis-Marion County Code, as they are currently written, against persons on sidewalks soliciting pedestrians, even if this activity is taking place within 50 feet of intersections controlled by automatic traffic signals or stop signs.

b. from interfering with persons on sidewalks soliciting pedestrians unless the solicitors are violating Indiana Code § 35-45-17-2; the following sections of the Indianapolis-Marion County Code: § 407-102 (to the extent not preempted by Indiana law), § 645-513; or other provisions of Indiana law or the Indianapolis-Marion County Code.

4. The City of Indianapolis has voided the citation entered against Frederick Correll for allegedly violating Section 431-702 of the Indianapolis-Marion County Code and will timely void the citation entered against Tina Morris for allegedly violating Section 431-702 of the Indianapolis-Marion County Code. The City of Indianapolis will review the pending citations against Frederick Strader, David Stalker, Robert McBrady, Douglas Ayres, and Steven Frantz, and if it is determined those persons did not violate the agreed upon interpretation of Section 431-702, the citations will be dismissed and prosecution will be declined.

5. The City of Indianapolis will pay plaintiffs the sum of \$17,000 for full satisfaction of any claim for attorneys' fees and costs that plaintiffs could make in this cause.

WHEREFORE, the parties file their Stipulation to Agreed Judgment and request that it be approved by the Court.