

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DAN MCGHEE,

Plaintiff,

v.

CITY OF WESTLAND, *et al.*,

Defendants.

Case No. 2:17-cv-13191-AC-EAS

Hon. Avern Cohn

STIPULATED ORDER FOR
INJUNCTION

Plaintiff Dan McGhee (“Plaintiff”), by and through his undersigned counsel, and Defendant City of Westland (“Defendant”), by and through its undersigned counsel (collectively referred to as the “parties”), hereby stipulate to the entry of an Order enjoining the enforcement of Section 62-99 of the City of Westland’s Code of Ordinances (hereinafter also referred to as the “City’s Disturbing the Peace Ordinance”) as applied to the unamplified, verbal expressive activity of pro-life demonstrators, including Plaintiff, on the public fora adjacent to the Northland Family Planning Center located at 35000 Ford Road in the City of Westland, Michigan as set forth below.

In support of this request, the parties stipulate as follows:

1. Pursuant to E.D. Mich. LR 7.1, on March 20, 2018, a meet-and-confer was held between counsel for the parties to discuss the matter in light of the Court’s comments during the motion hearing held on February 7, 2018. During this meet and confer, counsel agreed to enter into this proposed stipulated order.

2. The parties stipulate and agree that Defendant is enjoined from enforcing the City's Disturbing the Peace Ordinance as applied to the unamplified, verbal expressive activity of pro-life demonstrators, including Plaintiff, on the public fora adjacent to the Northland Family Planning Center located at 35000 Ford Road in the City of Westland, Michigan.

3. The "public fora adjacent to the Northland Family Planning Center located at 35000 Ford Road" as set forth herein are the public fora recognized as such under the First Amendment, including the public sidewalks and public medians adjacent to the Northland Family Planning Center.

4. The "unamplified, verbal expressive activity of pro-life demonstrators" as set forth herein includes all such individuals engaging in activity protected by the First Amendment, including, but not limited to, prayer, preaching, worship, singing worship songs, holding pro-life signs, distributing literature, and engaging passersby with their pro-life message.

5. The parties agree that the playing or operation of any device designed for sound amplification is not covered by this Order.

6. This injunction only applies to Section 62-99 of the City of Westland's Code of Ordinances. This injunction does not impact or effect any other City ordinance nor any other validly enforced state or federal law.

7. The parties agree that within 30 days of the entry of this Order, Defendant will pay Plaintiff's counsel, American Freedom Law Center, \$28,000 in full satisfaction of attorneys' fees and costs incurred by Plaintiff in this action.

8. The parties agree that within 7 days of receipt of payment of the attorneys' fees and costs set forth in paragraph 7 above, Plaintiff will file a dismissal of this action pursuant to Rule 41 of the Federal Rules of Civil Procedure.

WHEREFORE, pursuant to the above stipulation and agreement, the parties hereby request that the Court enter the requested Order as set forth below:

It is so stipulated and agreed,

/s/ Robert J. Muise

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Counsel for Defendant

* * * * *

ORDER

Pursuant to the stipulation and agreement of the parties and for good cause shown, it is hereby Ordered that

Defendant is enjoined from enforcing Section 62-99 of the City of Westland’s Code of Ordinances (also referred to as the “City’s Disturbing the Peace Ordinance”) as applied to the unamplified, verbal expressive activity of pro-life demonstrators, including Plaintiff, on the public fora adjacent to the Northland Family Planning Center located at 35000 Ford Road in the City of Westland, Michigan as set forth in the above stipulation.

SO ORDERED.

Dated: March 28, 2018

s/Avern Cohn
Hon. Avern Cohn
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on March 28, 2018.

s/Teresa McGovern
Case Manager Generalist