



WHEREAS, Plaintiff filed this lawsuit in the United States District Court for the district of Kansas, seeking injunctive and declaratory relief and damages, based on his wrongful arrest, claiming that Defendants' actions violated Plaintiff's constitutional rights to free speech, due process, and the free exercise of religion;

WHEREAS, the Defendants do not contest that they violated Plaintiff's constitutional rights and seek to resolve this matter;

WHEREAS, Plaintiff's arrest in this matter has already been expunged from the records of the City of Wichita Municipal Court, with a court finding that in the interest of the public welfare, the records will not be available to the public for any purpose;

WHEREAS, the parties desire to resolve this matter without the necessity of a trial by entering into this Consent Order;

WHEREAS, after reviewing the terms of this Consent Order, the court concludes that the entry of this Consent Order comports with federal and state law and is appropriate under all the circumstances to ensure compliance with the requirements of the United States Constitution;

NOW, THEREFORE, it is ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. Defendant violated Plaintiff's constitutional rights to free speech, due process, and free exercise of religion by arresting him based on his religious speech in a traditional public forum.
2. The City of Wichita agrees to permit Mark Holick to engage in his First Amendment rights in the future on the same terms and conditions as all other citizens, and will not be discriminated against due to his religious speech.
3. The city Defendant has paid Plaintiff \$11,700.00 in damages for the unlawful

arrest in accord with the City's ordinary accounting procedures.

4. Defendant has paid the Plaintiff's attorneys' fees and litigation costs in the amount of \$2,500.00 in accord with the City's ordinary accounting procedures.
5. The provisions of this Consent Order will be governed by the laws of the State of Kansas.
6. Plaintiff releases the Defendants from all claims or actions arising out of the facts that are the subject of this lawsuit.
7. Nothing in this Consent Order will be construed to limit any party's right to enforce this Consent Order according to its terms. If any court of competent jurisdiction determines that any provision contained in this Consent Order, or any part thereof, cannot be enforced, the parties agree that such determination shall not affect or invalidate the remainder of the Consent Order.
8. The Consent Order shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors, and assigns.
9. This case is hereby dismissed with prejudice in view of the parties' agreement and pursuant to the terms of this Order.
10. This Consent Order may be executed in multiple counterparts, all of which together shall constitute one original document.

SO ORDERED, this 30<sup>th</sup> day of March, 2009.

s/ J. Thomas Marten  
U.S. DISTRICT JUDGE

APPROVED:

/s/ Joel Oster  
JOEL OSTER  
Attorney for Plaintiff

/s/ Jay C. Hinkel  
JAY C. HINKEL  
Deputy City Attorney  
Attorney for Defendants