

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Clark and Jane Moeller, *et al.*,

Plaintiffs,

vs.

Bradford County, *et al.*,

Defendants.

CIVIL ACTION
No. 3:05-CV-334

Judge James M. Munley

Magistrate Judge Thomas M. Blewitt

CONSENT ORDER

Plaintiffs Clark Moeller, Jane Moeller, Jeffrey Gonzalez, Laura Blain, and Kris Schwenke ("Plaintiffs"), and Defendant Bradford County, having agreed to resolve this dispute in the manner set forth below, this Court orders that:

1. All contracts that provide for payment by Bradford County of federal, state, or local funds (collectively, "Public Funds") to any other entity ("Funded Entity") shall contain the following restrictions:
 - a. Public Funds shall not be used to support any Religious Activities (the term "Religious Activities" includes religious instruction, worship, rituals, proselytization, and indoctrination, and any other religious activity).
 - b. Public Funds shall not be used to purchase religious materials or pay for the supervisory, administrative, labor, or other costs of

construction, maintenance, or repair of buildings that are used primarily as houses of worship or primarily for Religious Activities.

- c. The Funded Entity's officers, employees, and volunteers shall not pressure or coerce any beneficiary of or participant in the program that is funded with the Public Funds ("Funded Program") to attend or participate in any Religious Activities.
- d. If the Funded Entity offers or engages in Religious Activities, the Religious Activities must occur separately in time and space from the Funded Program, must be wholly voluntary, and must occur in a manner that protects program beneficiaries and participants from any pressure or coercion to take part in the Religious Activities.
- e. The Funded Entity shall keep Public Funds in an account that is separate from any account it uses to support Religious Activities, and shall maintain separate financial records for the account that contains Public Funds.
- f. In admitting beneficiaries or participants into the Funded Program, and in rendering assistance to beneficiaries of and participants in the Funded Program, the Funded Entity must not discriminate against or among beneficiaries or participants based on religion, a

religious belief, a refusal to express or to hold a religious belief, or a refusal to attend or participate in a Religious Activity.

2. If a statute or regulation applicable to particular Public Funds prohibits the recipient of the Public Funds from discriminating in hiring or employment based on religion, then the contract between Bradford County and the Funded Entity must incorporate that prohibition.
3. Bradford County officials or employees shall monitor the compliance of each religious, religiously-affiliated, and faith-based Funded Entity with paragraphs 1 and (where applicable) 2. Such monitoring shall include at least the following measures:
 - a. Unannounced visits, occurring at least four times each year, to the site of the Funded Program.
 - b. Confidential interviews, at least four times per year, of beneficiaries of and participants in the Funded Program.
 - c. Annual reviews of those financial and accounting records maintained by the Funded Entity that relate to the Public Funds.
 - d. Where paragraph 2 is applicable, annual reviews of any employment-related policies and any advertisements and notices of employment openings maintained or issued by the Funded Entity.

- e. Preparation of written reports documenting each visit, set of interviews, and annual review required above.
4. Bradford County shall provide notice and explanation of the requirements of this Consent Order ("Order") to all its officers and employees who are involved with the dissemination of Public Funds and to all personnel of Funded Entities who are involved with Funded Programs. Bradford County shall require each person who must receive such notice and explanation to sign a statement that they have received the notice and explanation and that they understand the requirements of this Order.
5. Bradford County shall require each entity (henceforth, "Intermediary") that receives Public Funds from it and then provides the Public Funds to other entities to comply with the requirements of paragraphs 1 and 2. Bradford County shall itself perform the duties required under paragraphs 3 and 4 with respect to the programs that receive Public Funds from such Intermediaries, unless the Intermediary is a governmental body that agrees to and does perform those duties.
6. If any Bradford County taxpayer, or any other person who has recognized legal standing, notifies Bradford County in writing that he or she believes that a Funded Entity is engaging in conduct that is prohibited by

paragraphs 1 or (where applicable) 2, or that Bradford County or an Intermediary is not complying with any of its duties under this Order, then Bradford County shall conduct an investigation of the complaint and shall make the results of its investigation available to the complaining party within 60 days of receiving the complaint.

7. At the request of any of the Plaintiffs, Bradford County will provide to the requesting Plaintiff(s) a copy of each report that it or an Intermediary prepares pursuant to paragraphs 3(e) and 6. Any such reports required under these paragraphs may be redacted to protect from disclosure information that is required to be kept confidential by law.
8. By entering into this Order, Bradford County, its officials, and its employees do not admit that they have committed any violation of the law or other wrongdoing.
9. In the event that Bradford County is found by a court of competent jurisdiction to have violated any term of this Order, Plaintiffs may request attorney's fees, costs, and expenses for enforcement of the Order and for the work undertaken in connection with Plaintiffs' claims against Bradford County in this action prior to entry of this Order. For purposes of adjudicating such a request for fees, costs, and expenses, Plaintiffs will be deemed prevailing parties under 42 U.S.C. § 1988 with respect to both

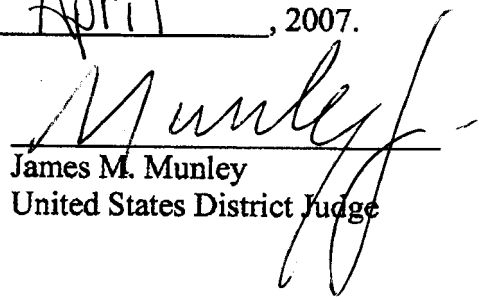
said enforcement work and said prior work; the Court will determine the amount of the fees, costs, and expenses for both the enforcement work and the prior work in accordance with the case law under 42 U.S.C. § 1988 for awarding fees to prevailing parties. Notwithstanding the foregoing, no violation of this Order that occurs more than two years after the entry of this Order may serve as a basis for a request by Plaintiffs for any fees, costs, or expenses for the work undertaken in connection with Plaintiffs' claims against Bradford County in this action prior to entry of this Order. Furthermore, if Bradford County complies with this Order, Bradford County shall not be required to pay any of the fees, costs, and expenses of Plaintiffs' attorneys in this case.

10. This Court reserves jurisdiction to enforce this Order. In the event that Bradford County fails to comply with this Order, Plaintiffs may file a motion with this Court seeking enforcement of the Order.

11. This Order is intended to resolve all claims made in this action against defendant Bradford County by Plaintiffs Clark Moeller, Jane Moeller, Jeff Gonzalez, Laura Blain, and Kris Schwenke. Except as provided herein, the parties do not waive their rights or obligations with regard to future claims.

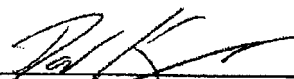
12. A full and final Order having been entered with respect to the claims of Plaintiffs Clark Moeller, Jane Moeller, Jeffrey Gonzalez, Laura Blain, and Kris Schwenke against defendant Bradford County, those claims are dismissed with prejudice and without costs or attorneys' fees (except as may be required under paragraph 9) to any party.

SO ORDERED this 4th day of April, 2007.


James M. Munley
United States District Judge

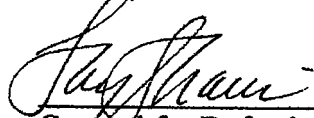
THE PARTIES HEREBY CONSENT TO THE FORM AND ENTRY OF THIS ORDER:

Date: March 29, 2007


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