



GRANTED

EFiled: Jul 16 2012 11:25AM EDT
Transaction ID 45349593
Case No. 7027-VCG



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

OCCUPY DELAWARE, an unincorporated)
association,)

Plaintiff,)

v.)

C.A. No. 7027 - VCG

CITY OF WILMINGTON,)

Defenda nt and)
Counterclaim Plaintiff,)

v.)

OCCUPY DELAWARE, an unincorporated)
association, WILLIAM FASANO; MARK)
PERRI; and JOHN DOE,)

Counterclaim)
Defenda nts.)

STIPULATED ORDER

Whereas Occupy Delaware filed this ac tion on November 9, 2011 seeking, *inter alia*, an order e njoining the City of Wilmington (“City”) from preventing Occupy Delaware from conducting an “occupation” on Peter Spencer Plaza (“Plaza”);

Whereas the City filed on May 9, 2012 a counterclai m seeking the ejection of Occupy Delaware from the Plaza;

Whereas the Plaza is to be renovated, and renovations are expected to begin with the closure of the Plaza (except for limited foot traffic) and tree demolition starting on September 17, 2012, and

Whereas the renovations will require that the Plaza be vacated, and;

Whereas by agreeing to this Stipulated Order neither party agrees to or admits to any of the allegations of the other party in the suit now pending before Chancery Court, which is scheduled for trial on August 20, 2012, and the parties request that the trial be taken off the Court's calendar if this Stipulated Order is approved by the Court.

IT IS HEREBY ORDERED this _____ day of _____, 2012 that:

1. Occupy Delaware will remove all tents, signs and other structures or items it (or its members) have placed on the Plaza, and vacate the Plaza on or before September 10, 2012 or, if renovations begin later than September 17, 2012, 7 days prior to the start of renovations;
2. Occupy Delaware shall not add any tents, signs or other structures to the encampment as it existed on the date this Stipulated Order was executed by all counsel, and the City shall not seek to have any tents, signs or other structures removed prior to the termination of the encampment, absent a health and safety issue;
3. The November 10, 2011 agreement is terminated;

4. This order shall be binding on all parties to this action and all persons acting in concert with them.

5. Each party shall bear its own attorneys fees and costs.

Vice Chancellor

Agreed to:

/s/ Richard H. Morse
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This document constitutes a ruling of the court and should be treated as such.

Court: DE Court of Chancery Civil Action

Judge: Sam Glasscock

File & Serve

Transaction ID: 45289973

Current Date: Jul 16, 2012

Case Number: 7027-VCG

/s/ Judge Sam Glasscock