

JAN 29 2003

By MARKUS B. ZIMMER, Clerk  
DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

FIRST UNITARIAN CHURCH OF SALT  
LAKE CITY; UTAHNS FOR FAIRNESS;  
UTAH NATIONAL ORGANIZATION FOR  
WOMEN; and CRAIG S. AXFORD

Plaintiffs,

vs.

SALT LAKE CITY CORPORATION, a  
municipal corporation,

Defendant,

CORPORATION OF THE PRESIDING  
BISHOP OF THE CHURCH OF JESUS  
CHRIST OF LATTER-DAY SAINTS,

Intervenor.

JUDGMENT AND PERMANENT  
INJUNCTION

Case No. 2:99-CV-912-ST

Pursuant to the November 25, 2002, appellate mandate from the Tenth Circuit Court  
of Appeals, it is

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Entered on docket:

1/29/03 by:

KAM  
Deputy Clerk

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ORDERED that the following are VACATED: (1) the Order Granting Defendant's and Intervenor's Motions for Summary Judgment and Denying Plaintiff's Motion for Partial Summary Judgment, entered on May 4, 2001; (2) the Judgment, entered on May 4, 2001; and (3) the Taxation of Costs entered on August 17, 2001. It is further

ORDERED that taxation of costs and motions for attorneys fees are governed by DUCivR 54-2. It is further

ORDERED that summary judgment is entered in favor of Plaintiffs and against Defendant Salt Lake City Corporation and Intervenor Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, declaring that the Special Warranty Deed's restrictions on the pedestrian easement reserved to Defendant Salt Lake City Corporation are facially invalid under the Free Speech Clause of the First Amendment of the United States Constitution. It is further

ORDERED, ADJUDGED AND DECLARED that the pedestrian easement reserved to Salt Lake City Corporation pursuant to the April 27, 1999 Special Warranty Deed is a public forum to which the First Amendment applies; that the restrictions on expressive conduct on the pedestrian easement contained in sections 2.2, 2.3, and 3 of the April 27, 1999 Special Warranty Deed violate the First Amendment of the United States Constitution; and said restrictions are therefore invalid. It is further

ORDERED that Defendant Salt Lake City Corporation and Intervenor Corporation of the Presiding Bishop of the Church of Jesus Church of Latter-Day Saints, are PERMANENTLY ENJOINED from enforcing the restrictions on the reserved pedestrian easement contained in sections 2.2, 2.3 and 3 of the April 27, 1999 Special Warranty Deed.

DATED this 29<sup>th</sup> day of January, 2003.

BY THE COURT:



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TED STEWART  
United States District Judge

United States District Court  
for the  
District of Utah  
January 29, 2003

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:99-cv-00912

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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