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WILLIAM T. WALSH  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JOSEPH PAOLELLA,  
Plaintiff,

v.

CASE NO. 3:14-cv-06609-AET-LHG

BOROUGH OF POINT PLEASANT BEACH,  
NEW JERSEY, a municipal entity of the  
State of New Jersey,  
Defendant.

Judge Anne E. Thompson  
Magistrate Judge Lois H. Goodman

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**CONSENT JUDGMENT AND ORDER**

Upon stipulation and consent of the parties, this Court finds as follows:

1. Plaintiff Joseph Paoella (hereafter "Plaintiff") is an adult resident of the State of New Jersey.
2. Defendant Point Pleasant Beach (hereafter "Defendant") is a public entity formed under the laws of the State of New Jersey. Defendant, through its officers, agents, servants, employees, attorneys, police, and successors in office, promulgates and enforces under the color of law the policies, practices, and customs governing the public use of the Point Pleasant Beach Boardwalk (hereafter "Boardwalk").
3. According to Section 3-32.2 of Defendant's Code of Ordinances, the Boardwalk is "that area of public right-of-way normally constructed of wood materials and lying between Ocean Avenue on the west and the Atlantic Ocean beach or certain limited established businesses on the east of said right-of-way. It shall also include all ramps and street-end areas leading to the boardwalk."
4. Plaintiff, as an exercise of his Christian beliefs, intends to go to the public areas of the Boardwalk, hold a sign expressing a religious message, and speak about God and hand out

religious literature, at no charge, to those who wish to receive his message. He will not solicit any charitable donations.

5. Defendant's policies, practices, and customs require Plaintiff and similarly-situated individuals to submit the following documents thirty-days in advance for Defendant to consider whether to allow them to engage in religious speech and expression on the Boardwalk: (1) a "Religious Activities Application and Facility Use Form," (2) a "Memorandum of Understanding," (3) a "Hold Harmless Agreement," and (4) "proof of insurance satisfactory to the Municipal Clerk" once the "Religious Activities Application" is approved (hereafter referred to as "Boardwalk policies"). True and correct copies of the "Religious Activities Application and Facility Use Form," "Memorandum of Understanding," and "Hold Harmless Agreement" are attached hereto as Exhibits A, B, and C, respectively.

6. Defendant agrees to stop applying and enforcing its present Boardwalk policies with regard to Plaintiff and similarly-situated individuals who want to exercise their free speech rights, including religious expression, on the Boardwalk, and Defendant agrees that Plaintiff and similarly-situated individuals may engage in free speech activities on the Boardwalk without first having to seek or obtain approval from Defendant, sign any agreement, or provide proof of insurance.

7. The parties agree that nothing in this agreement shall be construed to limit the power of the Borough of Point Pleasant Beach, bestowed upon it by the State of New Jersey, to adopt and enforce Ordinances, policies and procedures governing activities on the Boardwalk, provided such Ordinances, policies, and procedures are consistent with the First Amendment's requirements regarding reasonable time, place, and manner regulations that are viewpoint and content neutral.

8. Plaintiff and Defendant agree that, in light of this consent judgment and order, the claims against Defendant, as set forth in the complaint in this action, should be dismissed with prejudice.

9. Defendant agrees to pay Plaintiff's attorneys their reasonable attorneys' fees and costs in the amount of \$5,000.00, payable to the American Center for Law & Justice.

10. Defendant agrees that it will inform its officers, agents, servants, employees, attorneys, police, and successors in office about the terms of this consent judgment and order.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. Defendant, its officers, agents, servants, attorneys, police, and successors in office shall not apply or enforce against Plaintiff and similarly-situated individuals any of Defendant's Boardwalk policies that are set forth in paragraph 5 above.

2. Defendant, its officers, agents, servants, attorneys, police, and successors in office shall not enforce the present Ordinance, policy and procedure that requires Plaintiff and similarly-situated individuals to seek or obtain approval from Defendant, sign any of the documents described above in paragraph 5, and provide proof of insurance, before they may engage in free speech activities, including religious expression, on the Boardwalk. Nothing in this paragraph shall be construed to limit the power of the Borough of Point Pleasant Beach, bestowed upon it by the State of New Jersey, to adopt and enforce new and different Ordinances, policies and procedures governing activities on the Boardwalk, provided such Ordinances, policies, and procedures are consistent with the First Amendment's requirements regarding reasonable time, place, and manner regulations that are viewpoint and content neutral.

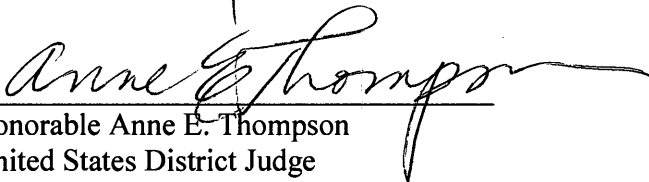
3. Plaintiff's claims against Defendant, as set forth in the complaint in this action, are dismissed with prejudice.

4. Defendant shall pay Plaintiff's attorneys their reasonable attorneys' fees and costs in the amount of \$5,000.00, payable to the American Center for Law & Justice, within sixty days of the date on which this consent judgment and order is entered on the court docket.



5. Defendant shall inform its officers, agents, servants, employees, attorneys, police, and successors in office about the terms of this consent judgment and order.

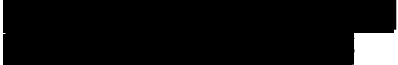

6. This consent judgment and order shall operate as a final adjudication of Plaintiff's claims as set forth in the complaint filed in this action. This Court, however, shall retain jurisdiction over the parties and the subject matter of this action for the purpose of enforcing this consent judgment and order.

IT IS SO ORDERED on this 15<sup>th</sup> day of December, 2014.

  
Honorable Anne E. Thompson  
United States District Judge

Approved for entry:


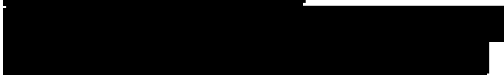
/s/ Francis J. Manion  
Francis J. Manion\*  
Geoffrey R. Surtees\*\*  
American Center for Law & Justice  
  


Edward L. White III\*\*  
American Center for Law & Justice  
  


\* Admitted to D.N.J. Bar  
\*\* Admitted pro hac vice

*Counsel for Plaintiff*

Approved for entry:

/s/ Kevin Riordan  
Kevin Riordan  
Borough Attorney  
Borough of Point Pleasant Beach  
  


*Counsel for Defendant*

Dated: December 11, 2014