

UNITED STATES DISTRICT COURT FILED
DISTRICT OF WYOMING U.S. DISTRICT COURT
DISTRICT OF WYOMING

WYWATCH FAMILY ACTION, INC., a
Wyoming non-profit corporation,

Plaintiff,

v.

RICH CATHCART, individually, and in
his official capacity as Executive Secretary
of State Building Commission of
Wyoming, MATTHEW H. MEAD, in his
official capacity as a member of the State
Building Commission of Wyoming, MAX
MAXFIELD, in his official capacity as a
member of the State Building Commission
of Wyoming, CYNTHIA I. CLOUD, in her
official capacity as a member of the State
Building Commission of Wyoming,
JOSEPH B. MEYER, in his official
capacity as a member of the State Building
Commission of Wyoming, and CINDY
HILL, in her official capacity as a member
of the State Building Commission of
Wyoming,

Defendants.

2012 APR 5 PM 4 26

STEPHAN HARRIS, CLERK
CHEYENNE

DOCKET NO.: 2:12-cv-00001-NDF

CONSENT ORDER

This matter is before the Court on the parties' Notice of Settlement and Stipulated Consent Order. The parties have resolved and settled this matter and the Court accepts the settlement.

IT IS ORDERED:

1. The Plaintiff voluntarily dismisses Defendant Rich Cathcart from this case in his individual capacity only. The Court acknowledges that dismissal.
2. The parties agree, and the Court accepts, that the remaining Defendants unconstitutionally prevented Plaintiff from engaging in protected expression in the Herschler


Gallery in February 2011 by enforcing an unconstitutionally vague policy against the Plaintiff and by enforcing that policy in such a way to discriminate against the viewpoint of Plaintiff's expression.

3. The State of Wyoming, through the remaining Defendants, hereby agrees and consents to waiving its Eleventh Amendment Sovereign Immunity solely regarding the terms of this Consent Order.

4. The remaining Defendants shall pay Plaintiff the amount of \$1.00 as nominal damages in recognition of the violation of Plaintiff's First Amendment rights in 2011. The remaining Defendants shall also pay fees and litigation costs to Plaintiff's attorneys in the amount of \$30,000.00 within 45 days of the date this Order is signed.

5. The Court retains jurisdiction of this case solely to enforce the terms of this Consent Order.

Dated this 5 day of April, 2012.


Nancy D. Freudenthal
Chief Judge United States District Court