

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN GAUGHEN and DAVID
KOCUR,

Plaintiffs,

v.

DAUPHIN COUNTY, a political
subdivision of the Commonwealth of
Pennsylvania and
ANTHEA STEBBINS, in her
individual capacity;

Defendants.

Civil Action No.: 1:23-cv-00077

(Hon. Christopher C. Conner)

CONSENT DECREE AND PERMANENT INJUNCTION

IT IS HEREBY AGREED, between Kevin Gaughen and David Kocur (“Plaintiffs”), on the one hand, and Dauphin County, a political subdivision of the Commonwealth of Pennsylvania, and Anthea Stebbins (“Defendants”) on the other hand, that this Consent Decree and Permanent Injunction be entered in this action as set forth below:

WHEREAS, Plaintiffs have engaged and intend in the future to engage in political speech in Fort Hunter Park, a public park operated by Dauphin County and a traditional public forum for protected speech;

WHEREAS, Defendants have maintained a policy and practice of banning all political activity in Fort Hunter Park;

WHEREFORE, upon the consent and request of Plaintiffs and Defendants,

It is **ORDERED, ADJUDGED, and DECREED** that:

1. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1343, 42 U.S.C. §§ 1983 and 1988, and 28 U.S.C. §§ 2201-02, and over the Plaintiffs and Defendants to this action for the purpose of entry and enforcement of this Consent Decree.

2. Dauphin County's policy and practice banning all political activity in Fort Hunter Park violates the First and Fourteenth Amendments to the United States Constitution by prohibiting political activity in a traditional public forum.

3. Defendants Anthea Stebbins and Dauphin County, including their officers, agents, servants, employees, attorneys, and other persons and entities who are in active concert or participation with Defendants, are **PERMANENTLY ENJOINED AND PROHIBITED** from enforcing any policy or practice that bans all political activity in Fort Hunter Park.

4. This permanent injunction is expressly intended to benefit the public. Accordingly, any person affected by a policy or practice banning all political activity in Fort Hunter Park may sue to enforce this consent decree or impose punishment for any violation thereof.

5. No bond or posting of security is required in connection with the entry of this permanent injunction.

6. The Clerk of Court shall CLOSE this case. This Court will retain jurisdiction to enforce this Consent Decree and Permanent Injunction and the terms of the parties' Settlement Agreement.

IT IS SO ORDERED on this 26th day of April, 2023.

Christopher C. Conner
United States District Judge

Dated: April 25, 2023

FOUNDATION FOR INDIVIDUAL RIGHTS
AND EXPRESSION

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