

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

FREDRIC W. BAUMANN,)	
)	
Plaintiff,)	CASE NO. 2:07-CV-0095-WCO
)	
vs.)	
)	
THE CITY OF CUMMING,)	
GEORGIA, and MIKE EASON,)	
in his official capacity as Chief of)	
Police of the City of Cumming,)	
)	
Defendants)	

STIPULATED DISMISSAL AND SETTLEMENT AGREEMENT

NOW COME the Parties, through their respective counsel, and hereby file this Stipulated Dismissal and Settlement Agreement, stating as follows:

1. Plaintiff filed a Complaint (Doc.#1) and Motion for Preliminary Injunction (Doc. #9) challenging Defendants’ Parade and Demonstration Ordinance as unconstitutional both on its face and as applied to Plaintiff’s religious speech activities;
2. Defendants dispute Plaintiff’s claims and deny any and all liability related thereto;

3. The Court conducted a hearing on Plaintiff's Motion for Preliminary Injunction on October 31, 2007;
4. On November 2, 2007, the Court entered an Order (Doc. #24) granting Plaintiff's Motion for Preliminary Injunction and enjoining Defendants from enforcing their Parade and Demonstration Ordinance pending a final resolution of this case;
5. Soon thereafter, the Defendant City of Cumming formally rescinded its Parade and Demonstration Ordinance;
6. WHEREAS, the Parties have now reached a permanent settlement that will dispose of the entire case and which includes the following terms:
 - a. Defendants agree that with the rescission of the City's parade and demonstration ordinance, Plaintiff does not have to obtain a permit to distribute literature on City sidewalks. Plaintiff must, however, abide by all other applicable local, state, and federal laws;
 - b. Defendants agree to pay Plaintiff a monetary amount to settle his alleged violation of his constitutional rights; and
 - c. Defendants agree to pay Plaintiff's attorneys' fees in a predetermined amount.

7. Based on this Agreement and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby agree to dismiss this action with prejudice.

STIPULATED AND AGREED TO THIS 27th DAY OF FEBRUARY, 2008 BY:

s/ Dana K. Maine
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Attorneys for Plaintiff

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1D, I hereby certify that the foregoing complies with LR 5.1,
as it was prepared using Times New Roman, 14-point font.

s/ David A. Cortman

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CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2008, I electronically filed the foregoing Stipulated Dismissal and Settlement Agreement with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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