

FILED

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF CONNECTICUT

2009 AUG 17 3 31

JESSE MORRELL,

PLAINTIFF,

vs.

NO.: 3:05-cv-00782-RNC

CITY OF NEW HAVEN, FRANCISCO
ORTIZ, JR., in his official capacity as Chief of
Police of the City of New Haven Police
Department, JOHN LALLI, individually and in
his official capacity as police officer, DAVID
COPPOLA, individually and in his official
capacity as police officer, ROBERT LAWLOR,
individually and in his official capacity as police
officer, with the New Haven Police Department,
and ROBERT CRISCUOLO, individually and
in his official capacity as police officer with the
New Haven Police Department,

DEFENDANTS.

FINAL JUDGMENT BY CONSENT

Final Resolution of this matter and controversy has been settled by and between the parties, and accepted by the Court, as reflected herein.

IT IS on this 13TH day of August, 2009, ORDERED AND
ADJUDGED AS FOLLOWS:

1. Defendants and their agents agree to refrain from applying Conn. Gen. Stat. Section 53a-182(a) subsection 2 to prevent Mr. Morrell's expressive activities except to the extent that Mr. Morrell, with the predominant intent to cause inconvenience, annoyance or alarm, or recklessly creates a risk thereof, engages in conduct that is grossly offensive under contemporary community standards to a person who actually overhears it or sees it, disturbs or impedes the lawful activity of another person.

2. Defendants and their agents agree to refrain from applying Conn. Gen. Stat. Section 53a-182(a) subsection 3 to prevent Mr. Morrell's expressive activities except to the extent that Mr. Morrell with the predominant intent to cause inconvenience, annoyance or alarm, or recklessly creates a risk thereof, causes "unreasonable noise," taking into consideration the time and place at which the noise is made.

3. Defendants shall pay the Plaintiff and Plaintiff's counsel the total amount of \$25,000 for damages, attorney's fees, and litigation costs within 90 days of the date this Order is signed.

4. This consent judgment, with the conditions and obligations contained herein, is not to be construed as either an admission of liability on the part of any of the defendants to this action, or any other present or former officer, employee or agent of the City of New Haven or its departments, nor is it to be construed as a concession by the plaintiff that his rights were not violated by the defendants on May 16, 2004, but rather, the parties in good faith seek an amicable resolution of their dispute arising out of the events of that date.

5. The Court retains jurisdiction of this case solely to enforce the terms of this consent judgment.

SO ORDERED this 13TH day of August, 2009.

BY THE COURT:

/s/ Robert N. Chatigny, USDJ
ROBERT N. CHATIGNY
United States District Judge


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WE HEREBY CONSENT TO THE FORM AND ENTRY OF THE ABOVE ORDER:

For The City of New Haven

John DeStefano
Mayor, City of New Haven

APPROVED AS TO FORM AND CORRECTNESS:


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