

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

HAROLD SHURTLEFF, and CAMP	:	CIVIL ACTION
CONSTITUTION, a public charitable trust,	:	
	:	No. 1:18-cv-11417-DJC
Plaintiffs,	:	
	:	
v.	:	
	:	
CITY OF BOSTON, and GREGORY T.	:	
ROONEY, in his official capacity as	:	
Commissioner of the City of Boston	:	
Property Management Department,	:	
	:	
Defendants.	:	

**[PROPOSED] CONSENT FINAL ORDER AND JUDGMENT
ISSUING PERMANENT INJUNCTIVE RELIEF,
ADDRESSING ATTORNEY’S FEES AND COSTS, AND DISMISSING ACTION**

This case is before the Court on remand from the First Circuit Court of Appeals (Docs. 86, 88) for further proceedings consistent with the United States Supreme Court’s opinion in *Shurtleff v. City of Boston*, 142 S. Ct. 1583 (2022). On the consent of the parties, and the Court’s being otherwise fully advised, it is hereby, **ORDERED AND ADJUDGED:**

1. Defendants, CITY OF BOSTON and GREGORY T. ROONEY, in his official capacity as Commissioner of the City of Boston Property Management Department, and their respective officers, agents, servants, employees, and attorneys, and all other persons who are in active concert or participation with any of them, are hereby permanently enjoined from enforcing against Plaintiffs, HAROLD SHURTLEFF and CAMP CONSTITUTION, the policies governing the City’s flag raising program on the City Hall Flag Poles which were in effect on or after July 28, 2017, and which were the subject of this action, to the extent such policies on their face or as

applied prohibited the raising of Plaintiffs' Christian flag on the City Hall Flag Poles because Defendants deemed the flag religious. (Doc. 60 at 4–22.)

2. Defendants shall allow Plaintiffs to conduct a flag raising event at the City Hall Flag Poles, for approximately two hours, on August 3, 2022, beginning at 11:00 AM EDT, including Plaintiffs' raising of the Christian flag which was the subject of Plaintiffs' flag raising application to the City on July 28, 2017. (Doc. 60 at 2–3.)

3. Plaintiffs are prevailing parties in this action under 42 U.S.C. § 1988(b), and are entitled to recover their reasonable attorney's fees and costs.

4. Plaintiffs and Defendants shall engage in good faith settlement negotiations with respect to the amount of attorney's fees and costs to be recovered by Plaintiffs. In the event the parties are unable to reach a compromise, Plaintiffs shall file their bill of costs and motion for attorney's fees and nontaxable expenses within 60 days after the entry of this Order.

5. This action is hereby **DISMISSED**. The Court, however, will retain jurisdiction over this action for purposes of enforcing the provisions of this final order and judgment, and, if necessary, determining and entering an award for attorney's fees and costs.

DONE AND ORDERED this July ____, 2022.

DENISE J. CASPER
UNITED STATES DISTRICT JUDGE