

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

LUKE FONTANA,

Plaintiff,

v.

The CITY OF NEW ORLEANS; MAYOR LATOYA CANTRELL, in her official capacity, MICHAEL HARRISON, FORMER SUPERINTENDENT OF THE NEW ORLEANS POLICE DEPARTMENT, in his official capacity; SHAUN FERGUSON, SUPERINTENDENT OF THE NEW ORLEANS POLICE DEPARTMENT, in his official capacity, and NEW ORLEANS POLICE OFFICERS BARRY SCHECHTER, SIDNEY JACKSON, JR. and ANTHONY BAKEWELL, in their official capacities,

Defendants.

CIVIL ACTION NO.: 19-cv-9120

JUDGE ASHE

MAGISTRATE JUDGE WILKINSON

CONSENT AGREEMENT

NOW COME THE PARTIES to the above captioned matter and advise the Court that Defendants have agreed that the City and the New Orleans Police Department will not enforce the Clean Zone ordinance or other municipal ordinances against Mr. Fontana for engaging in speech on behalf of Save Our Wetlands at the 2019 French Quarter Festival. In consideration of this agreement Plaintiff is not filing for a temporary restraining order with this Court.

The Parties further agree that representatives, employees, or any agent of the City of New Orleans, including the New Orleans Police Department shall not interfere with, harass,

intimidate, or obstruct Plaintiff or members or representatives of Save Our Wetlands, Inc. from, or arrest such members for, the distribution of informational literature or pamphlets to, and/or enlisting new members from, the general public who are attending the French Quarter Festival provided that the members or representatives of Plaintiff remain on public property and do not obstruct any pedestrian or vehicular passageway, Further, Plaintiff will remain a distance of 75 feet from the entrances to Woldenberg Park, Jackson Square, the U.S. Mint, and the French Market. Further, Plaintiff will remain a distance of 75 feet from any performance stage.

The Parties further agree that Plaintiff shall not be immune from arrest and/or prosecution for violation of any other laws and/or ordinances.

The Parties further specifically agree that the City does not waive any defenses, objections or arguments that it may have as to the constitutionality of the challenged ordinance, the actions of the Defendants, or any other matters raised by Plaintiff's Complaint.

This Consent Judgment is not an admission of liability or of any wrongdoing whatsoever on the part of any party to this litigation.

Respectfully submitted by:

/s/ Katie Schwartzmann

Katie Schwartzmann, La, Bar No. 30295

Bruce Hamilton, La. Bar No. 33170

ACLU Foundation of Louisiana

P.O. Box 56157

New Orleans, Louisiana 70156

Telephone: (504) 522-0628

Facsimile: (504) 613-6511

Email: bhamilton@laaclu.org

kschwartzmann@laaclu.org

Counsel for Plaintiff

/s/ Mark D. Macnamara _____.

Mark Daniel Macnamara, La. Bar No. 24532

Donesia D. Turner, La. Bar No. 23338

Sr. Chief Deputy City Attorney

Sunni J. Lebeouf, La. Bar. No. 28633

City Attorney

1300 Perdido Street

City Hall - Room 5e03

New Orleans, Louisiana 70112

Telephone: (504) 658-9800

Facsimile: (504) 658-9868

Counsel for Defendant, City of New Orleans