

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JOHN DOES I-IV, *et al.*, )  
 )  
 Plaintiffs, )  
 )  
 v. ) No. 1:06-cv-0865 RLY-WTL  
 )  
 CITY OF INDIANAPOLIS, MARION )  
 COUNTY SHERIFF, )  
 )  
 Defendants. )

**Stipulation to Settle All Issues Following Notice to the Class / Motion to Approve Form of Notice to the Class**

Come now the parties, by their counsel, and stipulate and agree as follows:

**Introduction**

1. This is an action for declaratory and injunctive relief brought by plaintiffs to challenge the constitutionality of Section 631-106(a) of the Revised Code of the Consolidated City and County.
2. Pursuant to this Court's Orders of October 5, 2006 and November 20, 2006, ordering a preliminary injunction in this cause, the defendants are not enforcing the above Ordinance.
3. The defendants do not believe that grounds exist to enter a preliminary injunction in this cause and they do not concede the merits of any of the allegations of the plaintiffs' complaint or amended complaint. However, the parties are desirous of attempting to reach a settlement of this matter and therefore they enter into this Stipulation which is designed to resolve all issues in this case.
4. On November 20, 2006, this Court certified this case as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure, with the class defined as:

All persons who currently, or will in the future, live in, work in, or visit Marion County, and who are, or will be, persons within the category of sex offenders specified in Section 631-106(a) of Chapter 631 of the Revised Code of the Consolidated City and County.

5. Although plaintiffs have approved this Stipulation, the parties agree that this Stipulation can not be approved by the Court until notice is given the class as required by Rule 23(e) of the Federal Rules of Civil Procedure and as further specified below.

#### **Statement of settlement**

6. The parties agree that as a settlement of this action the defendants agree and stipulate that a permanent injunction should be entered as a final judgment in this cause, permanently enjoining enforcement of Section 631-106(a) of the Revised Code of the Consolidated City and County.

7. This permanent injunction should apply to defendants and their agents, officers, employees and those acting in concert with them.

#### **Notice to the class**

8. Inasmuch as this is a class action, notice must be given to the class pursuant to Rule 23(e) of the Federal Rules of Civil Procedure before this Court can consider whether this Stipulation is a fair and appropriate settlement of this matter.

9. Notice shall be given by publishing the attached notice, Attachment 1, as a legal notice in a newspaper of general circulation in Marion County, once a week for two (2) consecutive weeks. The City of Indianapolis will assume the costs of this publication.

10. Additionally, the notice (Attachment 1), shall be immediately posted in a prominent location in the City-County Building in Indianapolis until at least the time that class counsel files his report as noted in paragraph 11, *infra*.

11. No earlier than thirty (30) days after the publication is concluded, plaintiffs shall file their report with the Court informing the Court as to any and all comments received. Following this report the parties anticipate that the Court will decide whether to approve this Stipulation and make it the Order of this Court.

**Attorneys' fees**

12. The parties agree that plaintiffs are prevailing parties and are entitled to reasonable attorneys' fees and costs of \$40,000.

WHEREFORE, the parties file their Stipulation to Settle All Issues with the Exception of Attorneys' Fees and Costs Following Notice to the Class / Motion to Approve Form of Notice to the Class, and request that this Court.

- a. Approve the proposed notice to the class and order that it be given in the manner specified above.
- b. Approve this Stipulation and make it the Order and Final Judgment of this Court following notice to the class and following plaintiffs' report as to that notice.
- c. Grant all other proper relief.

/s/Kenneth J. Falk  
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Attorney for Plaintiffs

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