

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREEDOM FROM RELIGION	:	
FOUNDATION, INC., STEPHEN	:	
MEHOLIC, DAVID SIMPSON, JOHN	:	
BERRY, AND CANDACE WINKLER,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 16-4504
	:	
v.	:	
	:	
THE COUNTY OF LEHIGH,	:	
	:	
Defendant.	:	

JUDGMENT, PERMANENT INJUNCTION, AND STAY ORDER

AND NOW, this 2nd day of November, 2017, having granted Plaintiffs’ Motion for Summary Judgment, the Court hereby enters judgment as follows:

IT IS ORDERED, ADJUDGED, and DECREED as follows:

1. That the Lehigh County seal adopted by the Lehigh County Board of Commissioners on December 28, 1944, and all subsequent adaptations and versions of it that are currently being used or displayed and that feature the Latin cross (collectively the “Lehigh County Seal”) violate the Establishment Clause of the First Amendment of the United States Constitution;
2. That the Lehigh County flag, which displays the Lehigh County Seal, violates the Establishment Clause of the First Amendment of the United States Constitution;
3. That Lehigh County, its officers, agents, employees, and all persons acting in concert therewith, are hereby PERMANENTLY ENJOINED from any and all use, display, or implementation of the Lehigh County Seal, including in connection with any County service, program, document, facility, building, equipment, and activity, effective 180 days from the date

of this Judgment, Permanent Injunction, and Stay Order (“Judgment”) or the lifting of the stay in Paragraph 6, whichever is later, provided, however, that Lehigh County is immediately enjoined, subject to a 30-day grace period to effectuate this provision, from drafting, printing, designing or otherwise creating any new materials or displays of the Lehigh County Seal, including but not limited to new materials based upon templates or other forms and documents created prior to the date of this Judgment, Permanent Injunction, and Stay Order;

4. Without otherwise limiting the forgoing, documents featuring the Lehigh County Seal that were created prior to entry of this Judgment and that are intended to be maintained permanently in the ordinary course of business, or maintained until destroyed pursuant to ordinary business practice, including official records, may be maintained and produced as required by law without violating this Judgment; and

5. The Court awards nominal damages to each plaintiff in the amount of \$1.

6. In the event of an appeal from this Judgment, Paragraphs 3 and 5 of this Judgment shall be stayed pursuant to Rule 62(c) until the final disposition of any such appeal, provided, however, that Lehigh County shall be immediately enjoined from initiating any new use of the Lehigh County seal beyond those uses currently in place or being practiced.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.