

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

DUSTIN OWENS,
Plaintiff,

v.

METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY,
Defendant.

F.O-2
No. 17-205-II
A

FILED
2017 MAR 21 PM 12:24
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
MB

AGREED ORDER

As evidenced by the signatures of counsel below, the parties have agreed to the following:

1. Plaintiff is correct that the bumper sticker at issue in this lawsuit does not fit the criteria of "obscene and patently offensive" as those terms are defined in Tenn. Code Ann. § 55-8-187 and under relevant First Amendment jurisprudence.
2. Metro will file a voluntary nonsuit of Traffic Court Ticket No. K-535142 in the General Sessions Court of Nashville and Davidson County.
3. Plaintiff waives any claims related to the issuance of Traffic Court Ticket No. K-535142 against the Metropolitan Government or its employees.
4. A declaratory judgment that Plaintiff's bumper sticker is protected by the First Amendment to the U.S. Constitution shall issue.
5. All remaining claims that were brought in this litigation should be dismissed pursuant to Tenn. R. Civ. P. 41.01. The parties shall bear their own costs incurred in bringing and defending this case.

It is therefore **ORDERED** the lawsuit is dismissed pursuant to Tenn. R. Civ. P. 41.01. This constitutes a final order in this action. Defendant shall bear the court costs incurred in this action, for which execution may issue if necessary.

ENTERED this the _____ day of _____, 2017.

William E. Young
Chancellor

AGREED FOR ENTRY:

/s/ Catherine J. Pham
Lora Barkenbus Fox, #17243
Catherine J. Pham, #28005
Metropolitan Attorneys
Metropolitan Courthouse, Suite 108
Post Office Box 196300
Nashville, Tennessee 37219-6300
(615) 862-6341

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 27th DAY OF March 2017
BY BETH WELCH
MARIA M. SALAS, CLERK & MASTER
DEPUTY

/s/ Daniel A. Horwitz (with permission by CJP 3/13/2017)
Daniel A. Horwitz, #32176
1803 Broadway, Suite #531
Nashville, TN 37203
(615) 739-2888
Counsel for Plaintiff