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**IN THE UNITED STATES DISTRICT COURT
DISTRICT COURT OF ARIZONA**

HECTOR LOPEZ, et. al.,

Plaintiffs

v.

TOWN OF CAVE CREEK, ARIZONA, et.
al.,

Defendants.

Case No. 2:08-CV-566-ROS

**FINAL JUDGMENT AND
PERMANENT INJUNCTION**

On March 25, 2008, Plaintiffs Hector Lopez, Leopoldo Ibarra and Ismael Ibarra filed a Complaint for Injunctive and Declaratory Relief under 42 U.S.C. § 1983 against Defendants Town of Cave Creek, Mayor Vincent Francia and Deputy Mayor Gilbert Lopez, asserting violations of their rights under the First and Fourteenth Amendments. On March 31, 2008, Plaintiffs filed a Motion for a Preliminary Injunction seeking a preliminary order enjoining Defendants from enforcing Section 72.17(C) of the Cave Creek Town Code (“Ordinance”), which Defendants adopted on September 24, 2007 and which went into effect on October 24, 2007. On June 2, 2008, this Court granted Plaintiffs’ Motion for a Preliminary Injunction, and enjoined Defendants from enforcing the Ordinance throughout the pendency of the litigation.

The parties have now filed with the Court a Stipulation for Entry of Final Judgment and Permanent Injunction. The Court has reviewed the Stipulation submitted by the parties and has concluded that it is appropriate for the Court to enter this Stipulated Final Judgment and Permanent Injunction.

1 Pursuant to the parties' Stipulation, **IT IS HEREBY ORDERED, ADJUDGED**
2 **AND DECREED** that:

3 1. A stipulated permanent injunction enjoining the Defendants from enforcing
4 the Ordinance shall be issued by the Court, for the reasons and based upon the authorities
5 set forth in the Court's June 2, 2008 preliminary injunction order entitled "Order;
6 Findings of Fact and Conclusions of Law."


7 Accordingly, **IT IS HEREBY ORDERED** that Defendants and each of its
8 officers, principals, agents, servants, employees, successors and assignees, and all those
9 in concert or participation with Defendants, are **PERMANENTLY ENJOINED** from
10 enforcing Section 72.17(C) of the Cave Creek Town Code.

11 2. Plaintiffs are the prevailing party for purposes of 42 U.S.C. § 1988 and may
12 be entitled to an award of reasonable attorneys' fees as part of the costs in an amount to
13 be determined by the Court.

14 3. The Court retains jurisdiction of this matter for purposes of construction
15 and enforcement of this Stipulated Final Judgment and Permanent Injunction and shall
16 have jurisdiction to make any orders or findings necessary to effectuate and enforce the
17 permanent injunction.

18 4. This Stipulated Final Judgment and Permanent Injunction is applicable only
19 to the Ordinance (Section 72.17(C) of the Cave Creek Town Code) as adopted on
20 September 24, 2007, and not any other ordinance, resolution, or provision of the Town
21 Code.

22 Dated this 8th day of August, 2008.

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26 Roslyn O. Silver
27 United States District Judge
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