

STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

State of Minnesota,

Case No. 19AV-VB-08-15147

Plaintiff,

vs.

STIPULATION AND ORDER

Barbara Gilliland,

Defendant.

WHEREAS on January 27, 2009, defendant Barbara Gilliland filed a motion to dismiss this action based on discriminatory enforcement of Minn. Stat. §169.68 by the City of Burnsville against individuals exercising their U.S. and Minnesota constitutional rights to free speech; and

WHEREAS the City of Burnsville denies that it enforced Minn. Stat. §169.68 in a manner that violated free speech rights; and

WHEREAS on February 4, 2009, the plaintiff, the City of Burnsville agreed to withdraw its prosecution of defendant Gilliland; and

WHEREAS counsel for the plaintiff have represented to the defendant that it will not enforce Minn. Stat. §169.68 or any similar city ordinance in a manner that violates freedom of speech; and

WHEREAS the City of Burnsville preserves the right to enforce Minn. Stat. §169.68 or any similar city ordinance when necessary to preserve public safety; and

FILED
CAROLYN M. REMPEL, County Administrator
DAKOTA COUNTY

APR 15 2009

BY GT DEPUTY

WHEREAS the parties wish amicably to resolve the current matter and avoid any discriminatory enforcement of Minn. Stat. §169.68 or any similar city ordinance by the City of Burnsville against individuals exercising their U.S. and Minnesota constitutional rights to free speech without the necessity of further litigation;

The parties hereby agree, stipulate, and request that this Court order that:

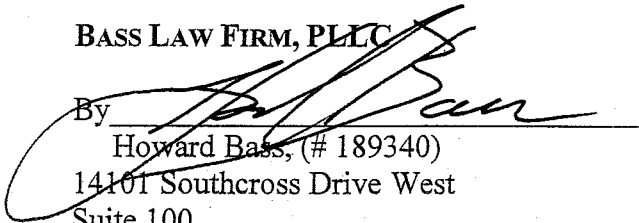
1. The citation against defendant Gilliland for violation of Minn. Stat. §169.68 is hereby dismissed in its entirety and defendants shall not initiate further prosecution of the defendant arising out of the incident that led to the initial citation.
2. The Defendants shall not issue citations for improper use of a vehicle horn in violation of Minn. Stat. §169.68 or any similar City ordinance that may be adopted in the future except under circumstances where the enforcement is necessary to preserve public safety.
3. The Defendants will issue a directive to its officers and amend the relevant Burnsville Police Department Policies and Procedures documents to state that Minn. Stat. §169.68 or any similar City ordinance that may be adopted in the future shall not be enforced in a manner that violates freedom of speech and that Police shall not issue citations for violations of the statute except under circumstances where the enforcement is necessary to preserve public safety.

4. In light of the foregoing, the trial scheduled before this Court on April 8, 2009 is no longer necessary, and is hereby cancelled and removed from the Court's calendar.

~~March~~, 2009

4/14/09

BASS LAW FIRM, PLLC

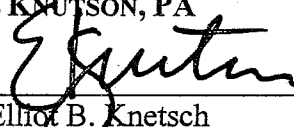
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AMERICAN CIVIL LIBERTIES UNION OF
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4/13/09
March _____, 2009

CAMPBELL KNUTSON, PA

By 
Elliot B. Knetsch
Burnsville City Attorney
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Attorney for Plaintiff

ORDER

IT IS SO ORDERED.

Dated: _____

4-15-09

