

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION**

**AMERICAN HUMANIST ASSOCIATION and  
DESSA BLACKTHORN**

**PLAINTIFFS**

**V.**

**CASE NO. 3:14-CV-3126**

**BAXTER COUNTY, ARKANSAS and  
MICKEY PENDERGRASS, Baxter County Judge,  
in his official and individual capacities**

**DEFENDANTS**

**JUDGMENT**

Pursuant to the Court's Memorandum Opinion and Order entered this day, the Court hereby finds and directs that Plaintiffs American Humanist Association and Dessa Blackthorn are entitled to a judgment against Defendants Baxter County, Arkansas, and Baxter County Judge Mickey Pendergrass in his official capacity, (1) declaring that the nativity scene on the Baxter County Courthouse grounds in the year 2014 was displayed in violation of the First Amendment to the Constitution of the United States of America, and (2) awarding nominal damages and injunctive relief.

**IT IS THEREFORE ORDERED** that judgment is hereby rendered and awarded to Plaintiffs American Humanist Association and Dessa Blackthorn against Defendants Baxter County, Arkansas, and Baxter County Judge Mickey Pendergrass in his official capacity in the amount of \$1.00.

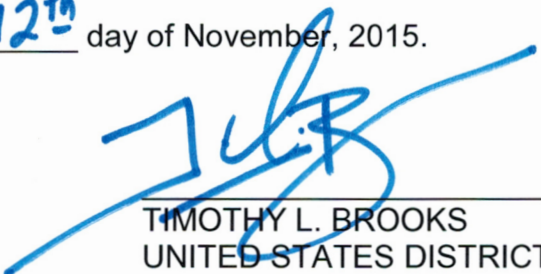
**IT IS FURTHER ORDERED** that Defendants Baxter County, Arkansas, and Baxter County Judge Mickey Pendergrass must either (1) refrain from placing any religiously sectarian seasonal display on the courthouse grounds, or (2) create a public forum on the

courthouse grounds for a seasonal display open to persons of all faiths as well as of no faith at all, without discrimination on the basis of viewpoint.

**IT IS FURTHER ORDERED** that all of Plaintiffs' claims brought against Baxter County Judge Mickey Pendergrass in his individual capacity are **DISMISSED WITH PREJUDICE** under the doctrine of qualified immunity.

**IT IS FURTHER ORDERED** that the Court retains jurisdiction for the limited purpose of considering Plaintiffs' request in their Complaint for relief in the form of costs and attorneys' fees. If Plaintiffs wish to recover costs and attorneys' fees, then Plaintiffs must file a motion on these issues by no later than fourteen calendar days from the date of this Judgment's entry. Defendants shall respond by no later than fourteen calendar days after receiving service of Plaintiffs' motion for costs and attorneys' fees.

**IT IS SO ORDERED** on this 12<sup>th</sup> day of November, 2015.

  
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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE