

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

_____)	
JEFFERY PENDLETON,)	
)	
Plaintiff,)	
)	
v.)	Civil Case. No. 1:14-cv-00365
)	
TOWN OF HUDSON,)	
)	
Defendant)	
_____)	

PERMANENT CONSENT ORDER

WHEREAS, Plaintiff Jeffery Pendleton (“Plaintiff”) brought this lawsuit alleging that the Defendant Town of Hudson (“Defendant”) violated his rights under the First, Fourth, and Fourteenth Amendments; and

WHEREAS, Plaintiff Jeffery Pendleton and Defendant Town of Hudson have reached a settlement; and

WHEREAS, a material term of the settlement is that the Defendant Town of Hudson will be permanently enjoined from engaging in certain conduct concerning individuals panhandling and/or peacefully soliciting donations in public places.

NOW THEREFORE, upon joint motion of the Plaintiff and Defendant, it is hereby **AGREED, ORDERED, ADJUDGED** and **DECREED** that Defendant, and their respective officers, employees, agents and successors, are hereby permanently enjoined and ordered to:

- a) Not preclude and/or restrict Plaintiff and/or other individuals from peacefully soliciting donations in public places—including by stopping and citing panhandlers, issuing no-trespass warnings with respect to public places, and sending panhandlers “on their way”—when such activity does not obstruct pedestrian or vehicular traffic or obstruct the entrance to any business establishment;

- b) Not cite or arrest Plaintiff and/or other individuals for peacefully soliciting donations in public places when such activity does not obstruct pedestrian or vehicular traffic or obstruct the entrance to any business establishment;
- c) Not enforce the November 14, 2013 no-trespass order issued by the Defendant banning Plaintiff from all medians in Hudson; and
- d) Not use RSA 320:2 and Section 232 of the Hudson Town Code to prohibit or restrict the act of peacefully soliciting donations in a public place.

This Permanent Consent Order is also subject to the following terms:

a) Nothing herein shall restrict the Defendant from addressing legitimate violations of law allegedly committed by Plaintiff and/or other individuals engaged in panhandling or the peaceful solicitation of donations in public places;

b) Nothing herein shall restrict the Defendant from legislatively adopting or enacting ordinances governing the time, place, and manner of solicitation of donations in public places, provided that such ordinances are adopted in accordance with state, federal, and municipal law, and are preceded by public notice and the opportunity for a hearing. For a period to two (2) years from the date of this Order, the Defendant shall provide notice to the American Civil Liberties Union of New Hampshire if such an ordinance is to be formally considered by the Defendant in a public hearing. Nothing herein shall restrict a third-party from challenging the legality of any such ordinance under state, federal, or municipal law; and

c) This Order is intended for the benefit of existing and future individuals who panhandle and/or peacefully solicit donations in public places in the Town of Hudson. Any such individual who is harmed by a violation of its terms shall have standing to apply to the Court to enforce the terms thereof. This Order shall remain in effect unless vacated or modified by the Court. The Court will retain jurisdiction over this matter only for purposes of enforcement of this Order's terms.

Except for the terms in this Order, all other claims by Plaintiff against Defendant Town of Hudson are **DISMISSED WITH PREJUDICE AND WITHOUT COSTS.**

So Ordered.

Dated: March 12, 2015

/s/ Paul Barbadoro
Hon. Paul J. Barbadoro
United States District Judge