

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ADAM PETERS, et al.,	:	
	:	
Plaintiffs,	:	CIVIL ACTION – LAW
	:	
v.	:	(JUDGE MUNLEY)
	:	
CITY OF WILKES-BARRE,	:	(MAGISTRATE JUDGE CARLSON)
	:	
Defendant.	:	NO. 3:15-cv-00152

**NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 68(a)**

To: The Clerk:

Pursuant to Rule 68(a) of the Federal Rules of Civil Procedure, Defendant City of Wilkes-Barre (the “City”) hereby provides notice of acceptance of offer of judgment, and, in accordance with the terms of the City’s offer of judgment, the City requests the entry of judgment as follows:

1. On July 22, 2016, the City submitted an offer of judgment to Plaintiffs proposing judgment be entered against the City in this action for: (A) declaratory judgment striking down the One-Strike Ordinance codified at Sections 7-239(d)(1)(f)(vii) & (viii) of the City Code of Ordinances as unconstitutional under the Fourth, Eighth and Fourteenth Amendments; (B) an injunction prohibiting enforcement of the One-Strike Ordinance codified at Sections 7-239(d)(1)(f)(vii) & (viii) of the City Code of Ordinances; and (C) damages to Plaintiffs in the amount

of \$100,000 inclusive of recoverable costs incurred to the date of the offer and exclusive of attorneys' fees, which are to be determined by the Court in accordance with the standards under the Rules based upon a reasonable hourly rate for legal services in the United States District Court of the Middle District of Pennsylvania. A true and correct copy of the offer of judgment to Plaintiffs is attached hereto as Exhibit "A".

2. On August 1, 2016, Plaintiffs provided notice that they accepted the City's offer of judgment. A true and correct copy of the acceptance of the offer of judgment is attached hereto as Exhibit "B".

3. Pursuant to Federal Rule of Civil Procedure 68(a), the City respectfully requests the Clerk enter judgment in accordance with the terms set forth in the City's offer of judgment. See Exhibit "A", generally.

Respectfully submitted,

s/ John G. Dean

John G. Dean

ELLIOTT GREENLEAF & DEAN

201 Penn Avenue, Suite 202

Scranton, PA 18503

(570) 346-7569

Dated: August 5, 2016

Attorney for Defendant

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	:	
Defendant.	:	NO. 3:15-cv-00152

CERTIFICATE OF SERVICE

I, John G. Dean, hereby certify that I have caused to be served this day a true and correct copy of the notice of acceptance of offer of judgment pursuant to Federal Rule of Civil Procedure 68(a) via ECF and via first class mail addressed as follows:

David R. Fine
K&L Gates LLP
Market Square Plaza
17th North Second Street, 18th Floor
Harrisburg, PA 17101

Witold Walczak
ACLU of Pennsylvania
313 Atwood Street
Pittsburgh, PA 15213

s/ John G. Dean

John G. Dean

DATED: August 5, 2016