IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS RIEL, DIANE THOMPSON and FRED PYSHER,	:	
Plaintiffs	:	
v.	:	No.
CITY OF BRADFORD,	:	
Defendant	:	

PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION

AND NOW, come the above named plaintiffs, Thomas Riel, Diane Thompson and Fred Pysher, by their attorneys, AMBROSE, FRIEDMAN and WEICHLER and the AMERICAN CIVIL LIBERTIES FOUNDATION OF PENNSYLVANIA, and respectfully move, pursuant to F.R.C.P. 65, for entry of a temporary restraining order and/or preliminary injunction to enjoin defendant City of Bradford, and its officials, employees. agents and assigns, from enforcing the local sign ordinances and, specifically, to prohibit them from (1) issuing citations to people who violate the ordinances or (2) removing any signs displayed on private property unless said signs pose an imminent threat to public safety. In support of this motion, plaintiffs aver the following:

1. Plaintiffs incorporate by reference the facts alleged in their Verified Complaint.

2. Plaintiffs further incorporate herein by reference the legal arguments contained in their memorandum in support of motion for temporary restraining order and/or preliminary injunction. Plaintiffs have satisfied the four-part test for granting a preliminary injunction.

3. As is more fully set forth in the accompanying legal memorandum, plaintiffs are likely to prevail on the merits of their First Amendment free speech claims.

4. Plaintiffs will suffer irreparable harm unless the requested injunctive relief is granted. As the Supreme Court has noted, "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury ..." Defendant City officials have issued the three plaintiffs more than ten citations in the past two weeks in an effort to force the plaintiffs to remove their signs. The most recent citations were served on plaintiffs Riel and Thompson on March 22, 2004. Each new citation now carries a minimum $500 fine and possible ninety days in prison. Each day that a sign is displayed constitutes a separate violation.

5. Since the defendants are a governmental unit, they have no legally-cognizable interest in suppressing constitutionally-protected free speech. Granting plaintiffs the requested preliminary relief will not result in any foreseeable, serious harm to the defendant or the public.

WHEREFORE, plaintiffs respectfully request that this Court enjoin defendant City of Bradford, and its officials, employees, agents and assigns, from enforcing the Bradford sign ordinances as they relate to the posting of signs on private property unless said signs pose an imminent threat to public safety.

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS RIEL, DIANE THOMPSON and FRED PYSHER,	)	
Plaintiffs,	)	
v.	)	Civil Action No.: CA-04-90E
CITY OF BRADFORD,	)	
Defendant.	)	

MEMORANDUM IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION

The issue in this case is whether the City of Bradford's sign ordinances, which regulate speech based on content, ban political signs in certain districts, create a prior-restraint licensing system that includes annual fees and a bond requirement before signs can be displayed on private property, and which give local officials standardless discretion to approve and disapprove signs, violate the First Amendment. Plaintiffs, three Bradford property owners, have been cited by Bradford officials more than ten times in the past three weeks for displaying commercial and political signs. Each citation carries mandatory fines and possible jail sentences. Plaintiffs in this motion seek an immediate order enjoining Bradford from enforcing its sign ordinances.

Plaintiffs incorporate herein by reference the facts alleged in the Verified Complaint.

I. BRADFORD'S ORDINANCES RESTRICTING SIGNS

Plaintiffs challenge as unconstitutional, both facially and as applied, Bradford's "Sign Regulations," Bradford Code Chapter 178, and the City's restrictions on signs in "historic districts," Bradford Code §125.15.

A. Chapter 178, Sign Regulations

The "Sign Regulations"[1] apply to any outdoor sign or display that expresses a message and can be seen by the general public.[2] The ordinance makes it illegal for "any person to erect, repair, alter, relocate or maintain within the City of Bradford any sign..." without first obtaining a permit from the Building Inspector, paying a $20 annual permit fee,[3] and filing with the Building Inspector a $10,000 bond or liability insurance policy.[4] The permit application process is burdensome. In addition to the fee and bond, the ordinance requires the applicant to disclose personal identifying information, provide descriptions of the location, the building and the sign itself, including drawings and specification plans, name and address of the sign erector, and any other information the "Building Inspector may require ...."[5] The ordinance does not limit the time within which the Building Inspector must act on the permit application.[6] The ordinance characterizes the permits as "mere licenses revocable at any time by the Building Inspector...."[7] Finally, in a requirement reminiscent of the British Stamp Act that partially fueled the American Revolutionary War, all

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[1] §178-1.

[2] See, §178-2, SIGN, defined to "[i]nclude[] every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign marquee, awning, canopy and street clock, and shall include any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public"; GROUND SIGN, defined as "any sign supported by uprights or braces placed upon the ground and not attached to any building"; and TEMPORARY SIGN, which "[i]ncludes any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intending to be displayed for a short period of time only."

[3] §178-3 and §178-7.

[4] §178-4.I and §178-16.

[5] §178-4.

[6] §178-6.

[7] §178-9.

signs must "have painted in a conspicuous place thereon, in letters not less than one inch in height, the date of erection [and] the permit number...."[8]

The ordinance then provides a series of content-based exemptions from the foregoing permit, fee and bond requirements.[9] The exemptions contain additional content-based time, place and manner regulations. For instance, the ordinance exempts real estate signs if they are less than eight square feet,[10] professional name plates of less than one square foot,[11] bulletin boards less than eight square feet if for "public, charitable or religious institutions,"[12] work-site signs for architects, engineers and contractors if less than sixteen square feet,[13] memorial signs and tablets of unlimited size if cut into masonry or constructed of "bronze or other noncombustible material,"[14] and "Noncommercial signs not exceeding 12 square feet in area...."[15]

One complicating factor is that Bradford has been distributing to the general public, including Plaintiffs, an out-dated ordinance that is even more restrictive than the one currently in effect.[16] The outdated ordinance, which Bradford distributed to one of the Plaintiffs as recently the

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[8] §178-11.

[9] §178-15.

[10] §178-15.A.

[11] §178-15.B.

[12] §178-15.D.

[13] §178-15.E.

[14] §178-15.G.

[15] §178-15.I.

[16] Bradford added the §178-15.I permit exemption for political signs under twelve square feet and eliminated the vague, content-based restriction on "indecent and immoral" messages in December 2002, after Plaintiff Riel and the American Civil Liberties Union threatened to sue Bradford unless they made the (continued...)

week of March 15, does not contain the last exemption, namely, §178-15.I., which exempts noncommercial signs that are less than twelve square feet. Consequently, the average person reading the document distributed by Bradford officials reasonably perceives that the City still requires a property holder to secure a permit, pay a $20 fee and post a $10,000 bond prior to displaying any political sign on his or her own property. The outdated ordinance also still contains a prohibition on signs with "indecent or immoral matter." Violations of both the outdated and current ordinance are punishable by a fine not exceeding $300 and/or a ninety-day prison sentence, with each day constituting a separate violation.[17]

B. Section 125.15.E

Bradford has another ordinance, §125.15, that restricts signs displayed in what the City calls the "historic district." Plaintiffs Riel, Thompson and Pysher have been cited under this ordinance for displaying signs in the historic district "without HARB approval." The district is historic only by local designation. In other words, it is not a site listed on the National Registry of Historic Places.

The §125.15.E restriction on signs is a classic content-based prior restraint. First, it prohibits all signs "except for advertising informing the public or service, business, occupation or professional carried on [sic] ...." Consequently, political and other personal expression is outright prohibited. Even as to those commercial signs permitted by the ordinance, the applicant must first

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[16](...continued)
changes. Both the outdated ordinance being handed out to people seeking information about signs and the one actually in effect contain another section regulating signs, §178-27, which contains no exemption for signs containing political or personal expression. The section also limits temporary signs to a maximum of thirty days. §178-27.D.

[17] §178-34.

obtain a permit from the HARB ("Historic Architecture Review Board"), which decides whether the sign conforms in composition, design, appearance and size "with similar advertising or information media used in the architectural period of the district."[18] The standards to judge design and appearance, contained in other sections of §125.15, are vague and not susceptible of precise interpretation.[19]

A first violation under this ordinance carries a fine between $25 and $1000, and possible imprisonment for up to ninety days.[20] A second offense carries a minimum $100 penalty and subsequent violations carry a minimum $500 penalty, with the same maximum fines and prison sentences as applicable to the first offense.[21] Each day that a sign is displayed after a violation notice constitutes a separate offense.[22]

Both Bradford ordinances, Chapter 178 and §125.15.E, are content-based prior restraints used to restrict political and other expression by people on their own private property. Accordingly, as discussed in the next section, both ordinances are presumptively unconstitutional under the First Amendment to the United States Constitution and their enforcement should be enjoined forthwith by this Court.

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[18] §125.15.A.

[19] See, §§125.15.A (General Principles), B (Design Guidelines), C (Major Building Elements) and D (Materials and Colors).

[20] §125.18, referencing §117.4.

[21] Id.

[22] Id.

II. LEGAL ANALYSIS

Under Fed. R. Civ. P. 65, this Court must weigh four factors when deciding whether to grant a motion for preliminary injunction: (1) has the movant shown a reasonable probability of success on the merits; (2) will the movant be irreparably harmed by denial of the relief; (3) will granting preliminary relief result in even greater harm to the non-moving party; and (4) is granting preliminary relief in the public interest.[23] Balancing the factors in this free-speech case, where irreparable harm is legally presumed, clearly weighs in favor of granting the requested injunction.

A. Plaintiffs Are Likely to Prevail on the Merits of Their First Amendment Claim

1. The Burden of Proof And Persuasion Is on The Defendants.

At the outset, Plaintiffs note that unlike most legal disputes, in First Amendment cases Defendants carry the burden of proof and persuasion.[24] In other words, once Plaintiffs have shown a restraint on free expression, the burden shifts to the government agency to justify the restraint under the relevant First Amendment standard.[25] Strict scrutiny applies in this case.

2. Bradford's Content-based Sign Ordinances Are Presumptively Unconstitutional and Subject to Strict Scrutiny.

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[23] American Civil Liberties Union v. Reno, 217 F.3d 162, 172 (3d Cir. 2000) (citations omitted).

[24] United States v. Playboy Entertainment Group, Inc., 529 U.S. 803, 816, (2000) ("When the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions") (citations omitted); Phillips v. Borough of Keyport, 107 F.3d 164, 172-73 (3rd Cir. 1997)(en banc), cert. denied, 522 U.S. 132 (1997) (accord).

[25] Phillips, 107 F.3d at 172-73 ("When a legislative body acts to regulate speech, it has the burden, when challenged ... of satisfying the relevant First Amendment standard").

The First Amendment to the Constitution guarantees, among several liberties, the freedom to express political views on one's own property. "A special respect for individual liberty in the home has long been a part of our culture and our law; that principle has special resonance when the government seeks to constrain a person's ability to speak there."[26] That liberty includes a right to erect signs that are, "a form of expression protected by the Free Speech Clause" of the First Amendment.[27] Indeed, yard and window signs are a unique medium that "may have no practical substitute."[28]

Although expression on private property is subject to constitutionally appropriate regulation,[29] Bradford's regulatory scheme is constitutionally flawed in the following ways: (1) §125.15.E bans non-commercial signs, including political speech, in the so-called historic district, while allowing commercial signs; (2) Even the commercial signs allowed by §125.15.E require the property owner to get a permit, which can be denied based on unconstitutionally vague standards; (3) Bradford's sign regulations, Chapter 178, impose license, fee and bond requirements, which are waived in some instances based on the content of the sign and its size; and (4) the outdated ordinance Bradford still distributes to the public contains the permit, fee and bond requirements for all political signs, and imposes a thirty-day-display limit. Since both ordinances involve content-based distinctions, we start with that analysis.

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[26] City of Ladue v. Gilleo, 512 U.S. 44, 58 (1994).

[27] Id. at 48. See also, Metrodmedia, Inc. v. San Diego, 453 U.S. 490, 501 (1981); Rappa v. New Castle County, 18 F.3d 1043 (3d Cir. 1994).

[28] Gilleo, 512 U.S. at 57.

[29] Id. at 48.

Content-based regulations of expression are *"presumptively unconstitutional."*[30] Judicial skepticism of content-based restrictions is particularly acute for expression that occurs on private property. "With rare exceptions, content discrimination in regulations of the speech of private citizens on private property or in a traditional public forum is presumptively impermissible, and this presumption is a very strong one."[31] Consequently, in order to prevail, Bradford has the burden to demonstrate that Chapter 178 and §125.15.E serve a compelling state interest and that the restrictions are narrowly tailored to achieve those interests.[32]

There is no conceivable compelling interest to justify Bradford's content-based restrictions and licensing scheme for signs on private property. The one logical interest behind the ordinances is to promote aesthetics, which is a permissible governmental objective.[33] But content-based distinctions cannot be justified to promote aesthetics.[34] Identical signs reading, "Joe lives here" or Joe's pizza" have the same appearance as signs that say "Vote for Joe" or "Joe is a bad mayor."

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[30] Rosenberger v. Rector and Visitors of Univ. Of Virginia, 515 U.S. 819, 828-29 (1995); Forsyth County, Georgia v. Nationalist Movement, 505 U.S. 123, 130 (1992). Simon and Schuster, Inc. v. Members of New York State Crime Victims Bd., 502 U.S. 105, 115 (1991); Sable Communications of California, Inc. v. Federal Communications Commission, 492 U.S. 115, 126 (1989) ("As a matter of constitutional tradition, in the absence of evidence to the contrary, we presume that governmental regulation of the content of speech is more likely to interfere with the free exchange of ideas than to encourage it.").

[31] Gilleo, 512 U.S. at 59 (O'Connor, J., concurring).

[32] Rappa, 18 F.3d at 1053-54, citing Boos v. Barry, 458 U.S. 312, 321 (1988).

[33] See, e.g., Members of City Council of the City of Los Angeles v. Taxpayers for Vincent, 466 U.S. 789 (1984) (finding aesthetic interests, and the desire to avoid "visual clutter," were sufficiently substantial interests to justify a content-neutral prohibition against the use of billboards on public property).

[34] See, e.g., Rappa, 18 F.3d 1043 (law banning signs in public rights of way with exception for commercial speech, but not political, is facially unconstitutional); King Enterprises v. Thomas Township, 215 F.Supp.2d 891, 910 (E.D. Mich. 2002)("Although safety and aesthetics are substantial government interests, they are not compelling enough to justify content-based restriction on fully-protected, non-commercial speech); Curry v. Prince George's County, 33 F. Supp. 2d 447 (D. Md. 1999).

Moreover, political speech in this country receives maximal First Amendment protection,[35] and government cannot allow signs with a commercial message while banning political ones.[36]

Furthermore, every lower federal court that has considered a law that regulates private-property signs based on content has declared it unconstitutional.[37] One case from this Court, Loftus v. Township of Lawrence Park, involved a similar ordinance that restricted signs based on content and gave preference to commercial speech over political speech.[38] Judge Mencer ruled that the law violated the First Amendment.

Nor can Bradford argue that an interest in historic preservation supersedes First Amendment principles. Especially when applied to temporary signs and not the buildings or structures themselves, historic preservation is simply a form of promoting aesthetics. Federal courts that have upheld restrictions on free speech based on historic preservation restrictions have

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[35] R.A.V. v. City of St. Paul, 505 U.S. 377, 422 (1992) (Stevens, White and Blackmun, JJ, concurring) (speech on political matters and governmental affairs "lies at the heart of protected speech"); Burson v. Freeman, 504 U.S. 191, 196 (1992). ("[t]here is practically universal agreement that a major purpose of [the First] Amendment was to protect free discussion of governmental affairs"); Federal Communications Commission v. League of Women Voters, 468 U.S. 364, 381 (1984) (political speech rests "on the highest rung of the hierarchy of First Amendment values").

[36] Metrodmedia, Inc., 453 U.S. at 512-14; National Advertising Co. v. Township of Babylon, 900 F.2d 551 (2d Cir. 1990); Loftus v. Township of Lawrence Park, 764 F. Supp. 354, 361 (W.D. Pa. 1991).

[37] See, e.g., Whitton v. City of Gladstone, 54 F.3d 1400, 1408 (8th Cir. 1995); Sugarman v. Village of Chester, 192 F.Supp.2d 282 (S.D.N.Y. 2002); King Enterprises, 215 F.Supp.2d 891 (E.D. Mich. 2002); Knoeffler v. Town of Mamakating, 87 F. Supp. 2d 322, 327-331 (S.D. NY 2000); North Olmstead Chamber of Commerce v. City of North Olmstead, 86 F. Supp. 2d 755, 764 (N.D. Ohio 2000); Curry, 33 F. Supp. 2d at 452; Outdoor Systems, Inc. v. City of Merriam, Kansas, 67 F. Supp. 2d 1258 (D. Kansas 1999); Dimas v. City of Warren, 939 F. Supp. 554, 557 (E.D. Mich. 1996); Pica v. Sarno, 907 F. Supp. 795, 800-01 (D. NJ. 1995) McCormack v. Township of Clinton, 872 F. Supp. 1320 (D. NJ. 1994); Loftus v. Township of Lawrence Park, 764 F. Supp. 354 (W.D. Pa. 1991); Orrazio v. Town of North Hempstead, 426 F. Supp. 1144 (E.D. NY 1977).

[38] 764 F. Supp. 354.

done so only after ascertaining that the laws were content neutral.[39] Last year, a Georgia federal court struck down an historic preservation ordinance similar to the one at issue here, noting that "any prior restraint on speech is constitutional only if it is administered 'without reference to the content of the regulated speech.'"[40] In that case, like this one, the town required a permit before signs could be erected, imposed a licensing fee, gave officials discretion to approve signs based on vague aesthetic standards, and prohibited some signs altogether. The court held the law facially unconstitutional on the grounds advanced by plaintiffs in this case.

Municipalities have fared no better with *permitting* systems for signs on private property. The City of Ladue Court suggested in dicta that a permitting scheme for private property, like Bradford's, could not be justified: "Whereas the government's need to mediate among various competing uses, including expressive ones, for public streets and facilities is constant and unavoidable, its need to regulate temperate speech from the home is surely much less pressing."[41] More specifically, in Curry v. Prince George's County, Maryland the court held that even a content-neutral permit and fee scheme could not be upheld in the context of residential signs:

> In some circumstances a city may both require a permit for activity involving free expression without violating the First Amendment ... and also collect fees that fairly reflect costs incurred by the city in connection with such activity [e.g., street parades, door-to-door solicitation]. But there is no justification for imposing such requirements in the case of . . . signs posted upon a private residence. There are no expenses to defray of the sort attributable to parades and processions as found in

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[39] See, e.g., Knights of Columbus Council #94 v. Town of Lexington, 272 F.3d 25 (1st Cir. 2001); Globe Newspaper Company v. Beacon Hill Architectural Comm'n, 100 F.3d 175 (1st Cir. 1996); Burke v. City of Charleston, 893 F.Supp. 589 (D.S.C. 1995), vacated, 139 F.3d 401 (4th Cir. 1998) (plaintiff, the artist, did not have standing; only property owner can challenge).

[40] Lamar Advertising Co. v. City of Douglasville, Ga., 254 F.Supp.2d 1321, 1331 (N.D.Ga. 2003) (citations omitted).

[41] 512 U.S. at 57.

> Murdock [v. Pennsylvania, 319 U.S. 105 (1943)]. Political signs neither interfere with use of the streets nor create a risk of disorder.[42]

Every other federal court decision involving a licensing scheme for signs on private property has similarly declared it unconstitutional.[43]

Finally, United States Supreme Court recently ruled that a permitting system could not be employed to regulate door-to-door charitable solicitation, which had previously been regarded as an appropriate context for such regulation.[44] Since the arguments for a permitting system in the door-to-door context are much stronger than for regulating signs posted on private property by the owner, it is inconceivable that the Supreme Court would uphold Bradford's permit requirement for signs on private property, even if it were content-neutral.

When it comes to signs on private property, Bradford simply cannot justify a licensing system, much less the imposition of a $20 annual fee and a $10,000 bond requirement. These burdens are so excessive as to be farcical. Consequently, plaintiffs are likely to prevail on the merits of their First Amendment claim that Bradford's sign ordinances are facially unconstitutional.

B. Plaintiffs Will Suffer Irreparable Harm Unless the Injunction Is Granted.

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[42] 33 F. Supp. 2d at 455.

[43] King Enterprises, 215 F.Supp.2d 911-12; North Olmstead Chamber of Commerce, 86 F. Supp. 2d at 775-77; Outdoor Systems, 67 F. Supp. 2d 1270-71; Pica, 907 F. Supp. at 802.

[44] Watchtower Bible and Tract Society of New York, Inc. v. Village of Stratton, 536 U. S. 150 (2002).

As the Supreme Court has noted, "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably *constitutes irreparable injury.*"[45] Plaintiffs have received at least ten citations for signs currently displayed. Twowere received as recently as March 22, 2004. The cost and expense of defending those citations in local courts, and the chill on free speech caused by the citations, is clearly irreparable harm. Unless this Court grants the requested order, Bradford will continue citing Plaintiffs for their signs and taking measures to censor their constitutionally-protected expression.

C. Defendants Will Suffer No Irreparable Harm If the Requested Injunction Is Issued.

Since the defendants are governmental units, they have no legally-cognizable interest in suppressing constitutionally-protected free speech. Granting plaintiffs the requested preliminary relief will not result in any foreseeable, serious harm to defendants. Defendants may at any time promulgate an ordinance regulating signs on private property that contains reasonable, content-neutral time, place and manner restrictions.

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[45] Elrod v. Burns, 427 U.S. 347, 373-374 (1976) (emphasis added). See also, Swartzwelder v. McNeilly, 297 F.3d 228, 241-42 (3d Cir. 2002); American Civil Liberties Union, 217 F.3d at 180 (generally in First Amendment challenges plaintiffs who meet the merits prong of the test for a preliminary injunction "will almost certainly meet the second, since irreparable injury normally arises out of the deprivation of speech rights.") (citation omitted); Abu-Jamal v. Price, 154 F.3d 128, 135-36 (3d Cir. 1998) (same).

D. **Granting the Injunction Will Serve the Public Interest.**

The free exchange of political ideas is in the public interest. As Judge Mencer wrote in a case challenging a substantially similar sign ordinance, "In this case, the most significant harm befalls the public in the form of censured political expression."[46]

III. CONCLUSION

For the foregoing reasons, this Court should grant the requested temporary restraining order.

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[46] Loftus, 764 F. Supp. at 359.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS RIEL, DIANE THOMPSON and FRED PYSHER,	:	
Plaintiffs,	:	
v.	:	No. 04-90 ERIE
CITY OF BRADFORD,	:	
Defendant.	:	

CONSENT ORDER

AND NOW on this 24th day of March, 2004, upon consideration of the Plaintiffs' Motion for a Temporary Restraining Order, it appearing that the parties have come to an agreement regarding interim relief and the Court having reviewed that agreement and concurring therewith, it is HEREBY ORDERED that:

1. Defendant City of Bradford, together with its employees, representatives, agents, servants, assigns and all others acting on its behalf or in concert with the City, is ENJOINED from:

a. Issuing citations, removing signs or otherwise enforcing any provisions in Bradford Code Chapter 178 and Bradford Code Section 125.15.E that either prohibit signs based on content or that condition display on securing a permit, paying a fee or posting a bond, including but not limited to the following sections: 178-3, 178-4, 178-6, 178-7, 178-9, 178-11, 178-15, 178-16, 178-27, 178-31, 178-32, 178-33, 178-

34 and 125.15.E;

b. Advising members of the public, either verbally or through any written materials, that they must obtain a permit, pay a fee, or post a bond prior to displaying a sign on private property.

2. Nothing in this Consent Order restricts Bradford's authority to take necessary and appropriate action to address signs or displays that pose an imminent threat to public safety.

3. This Consent Order applies only to signs and displays on private property.

4. This Consent Order shall remain in effect until the date of the preliminary injunction hearing, which is scheduled for April 20, 2004, at 10:00 a.m.

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Approved on this 24th day of March, 2004, and hereby so ORDERED.

BY THE COURT:

U.S.D.J.