

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE**

JOHN MCGLONE,

Plaintiff,

vs.

JIMMY G. CHEEK, et al.,

Defendants.

CIVIL ACTION NO. 3:11-cv-00405

**CONSENT ORDER AND JUDGMENT**

Final Resolution of this matter and controversy has been settled by and between the parties, and accepted by the Court, as reflected herein.

**IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2013, ORDERED AND  
ADJUDGED AS FOLLOWS:**

1. This Court hereby declares that John McGlone was prevented from engaging in protected expression on the campus of The University of Tennessee at Knoxville in August of 2010 pursuant to inconsistent policies contained in the University of Tennessee’s “Access to University Property” policy and the University of Tennessee’s “Freedom of Expression and Speech” policy concerning to whom sponsorship decision-making authority had been delegated.

2. Defendants are hereby permanently enjoined from enforcing against McGlone or other third party speakers a sponsorship requirement based on the “Access to University Property” policy and the University of Tennessee’s “Freedom of Expression and Speech” policy that were in effect at the time this lawsuit was filed. Nothing herein shall restrict the University of Tennessee from drafting, adopting, and implementing any new policies, including but not limited to a new sponsorship policy, or amending any policies, including but not limited to, the “Access to University Property” policy and/or the University of Tennessee’s “Freedom of

Expression and Speech” policy. And, nothing herein shall prevent John McGlone from challenging the provisions of any new or existing policies, including a new sponsorship policy, an amended “Access to University Property” policy, or an amended “Freedom of Expression and Speech” policy.

3. Defendant Jimmy G. Cheek, in his official capacity, shall pay fees and litigation costs to Plaintiff’s attorneys in the amount of \$75,000 within 30 days of the date this Order is entered.

4. Pursuant to agreement of the parties, the claims against the defendants in their individual capacities are dismissed with no judgment being entered against them in their individual capacities.

5. The Court retains jurisdiction of this case solely to enforce the terms of this consent judgment.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

BY THE COURT:

/s/  
\_\_\_\_\_  
CURTIS L. COLLIER  
United States District Court

WE HEREBY CONSENT TO THE FORM  
AND ENTRY OF THE ABOVE ORDER:

<p>s/Jonathan Scruggs JONATHAN SCRUGGS Alliance Defending Freedom 15100 N. 90<sup>th</sup> Street Scottsdale, AZ 85260</p> <p>NATHAN W. KELLUM Center for Religious Expression 699 Oakleaf Office Lane, Suite 107 Memphis, TN 38117</p> <p>W. ANDREW FOX Gilbert &amp; Fox Law Firm 625 S. Gay St., Suite 540 Knoxville, TN 37902</p> <p>Attorneys for Plaintiff</p>	<p>s/ Thomas C. Doolan THOMAS C. DOOLAN Associate General Counsel MATTHEW M. SCOGGINS, III Assistant General Counsel The University of Tennessee Knoxville, TN 37996-0170</p> <p>Attorneys for Defendants</p>
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of December, 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Jonathan Scruggs