

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SURVIVORS NETWORK OF THOSE)	
ABUSED BY PRIESTS, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:12CV01501 ERW
)	
JENNIFER JOYCE, et al.,)	
)	
Defendants.)	

ORDER AND JUDGMENT

On March 9, 2015, the Eighth Circuit issued an opinion holding that Mo. Rev. Stat. § 574.035.3(1) imposes content-based restrictions on speech in violation of the First Amendment. *Survivors Network of Those Abused by Priests, Inc. v. Joyce*, 779 F.3d 785 (8th Cir. 2015). Accordingly, it reversed this Court's April 19, 2014 Memorandum and Order [ECF No. 64] denying Plaintiffs' Motion for Partial Summary Judgment [ECF No. 43] and granting Defendants' Motion for Summary Judgment [ECF No. 46], and remanded the case for further proceedings consistent with its opinion.

The parties have submitted a Joint Proposed Order and Judgment to dispose of the case without further litigation. Upon full consideration, the Court finds the parties' Joint Proposed Order and Judgment consistent with

the Eighth Circuit's ruling while invalidating no more of the statute than necessary to effect that ruling and provide Plaintiffs the relief they seek.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Partial Summary Judgment [ECF No. 43] is **GRANTED IN PART**. The Court declares invalid and permanently enjoins Defendants from enforcing Mo. Rev. Stat. § 574.035.3(1) to the extent that it prohibits a person from intentionally and unreasonably disturbing, interrupting, or disquieting a house of worship "*by using profane discourse, rude or indecent behavior.*" *Id.* (emphasis added). Section 574.035.3(1)'s prohibition against intentionally and unreasonably disturbing, interrupting, or disquieting a house of worship "*by ... making noise*" was not challenged by Plaintiffs and remains enforceable. *Id.* (emphasis added). Plaintiffs' Motion for Partial Summary Judgment [ECF No. 43] is **DENIED** as moot in all other respects, and Plaintiffs' remaining claims are dismissed as moot.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment [ECF No. 46] is **DENIED**.

IT IS FURTHER ORDERED that any Motion for Attorneys' Fees or Bill of Costs by Plaintiffs shall be filed within twenty-eight days of entry of this Judgment.

So Ordered this 24th day of April, 2015.

A handwritten signature in black ink, reading "E. Richard Webber". The signature is written in a cursive, flowing style.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE