

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

TERRI CHAVLA, MUNIR CHAVLA,	)	CIVIL ACTION
JOHN DOE 1, aka "Terminator",	)	
JOHN DOE 2, aka "Fox Trot", and	)	No.: 04-0594
JOHN DOE 3, aka "Truth Seeker",	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
MARK KAVAKICH, in his official	)	
capacity as Chief of Police of North	)	
Franklin Township and individually,	)	
	)	
Defendant.	)	

**CONSENT ORDER**

AND NOW, this 17<sup>th</sup> day of ~~November, 2005~~ <sup>January, 2006</sup>, the parties having consented to the entry of this Order, it is hereby ORDERED and DECREED as follows:

1. Government officials, including police officers, are subject to the provisions of the First Amendment to the United States Constitution.
2. The First Amendment protects the right of citizens to criticize government officials, and to speak anonymously when they criticize the government. However, the First Amendment does not permit citizens to engage in communications with or about another citizen, even a government official, when such communication constitutes harassment or otherwise violates the laws of the Commonwealth of Pennsylvania. Criticism of a government official, even when posted by an anonymous user of the Internet, without more, does not constitute the crime of harassment.

3. Libel and slander are civil torts for which a civil lawsuit for money damages might be brought. Libel and slander, without more, are not crimes but communications which constitute libel or slander are not always protected speech under the First Amendment.

4. A police officer who is himself the victim of conduct he believes to be a crime should, when circumstances permit, refer the matter to another police officer or appropriate official, for investigation, prosecution, or other official action.

5. A police officer or other government official should not take, or threaten to take, any of the following actions when such action or threat is done *solely* for the purpose of silencing a non-criminal criticism of government:

- a. Arrest;
- b. File criminal charges;
- c. Act to learn the identity of an anonymous critic;
- d. Disclose the identity of a person as being an anonymous critic;
- e. While in uniform or in a police vehicle, confront a non-criminal person at their home regarding a criticism he believes such person to have expressed;
- f. While in uniform, or in a police vehicle, deliberately follow, videotape or otherwise record the activities or statements of a person he believes to be a non-criminal critic.

6. North Franklin Township, and Defendant Mark Kavakich in his individual capacity as a North Franklin Township police officer acting under color of law:

- a. Shall not make any threats, either generally or specifically, to prosecute people who post messages on the Internet, specifically at [www.localscoop.net](http://www.localscoop.net) solely for the purpose of silencing a non-criminal criticism of government;

- b. Shall not initiate a criminal investigation or prosecution of any person for the posting of a message on localscoop.net without first consulting and obtaining the advice and consent of either (i) an Assistant District Attorney, (ii) an Assistant United States Attorney, or (iii) a Judge of the Court of Common Pleas, and in all such cases after complete disclosure;
- c. Shall not threaten to use any compulsory process to identify or confront people who post messages on localscoop.net solely for the purpose of silencing a non-criminal criticism of government;
- d. Shall not use compulsory process to identify or confront people who post messages on localscoop.net except under the circumstances set forth in (b) above;
- e. Shall not, when in police uniform, or a police vehicle, or otherwise affirmatively communicating that such action is being taken as and by a police officer, and solely for the purpose of silencing a non-criminal criticism of government:
  - i. Seek to learn the identity of a person who has posted on localscoop.net under a pseudonym;
  - ii. Harass or confront a person believed to have posted on localscoop.net concerning such posting;
  - iii. Disclose to any third person or party the identity of a person as having posted on localscoop.net; or
  - iv. Interfere with the contractual relationships of a person believed to have posted on localscoop.net.
- f. Shall not, for a period longer than is necessary to obtain an appropriate delegate to conduct the investigation, permit a police officer operating as such to participate, other than as a witness, in the investigation of an action, believed to be a crime, whose commission took place in whole or in part through posting on localscoop.net, where such police officer is a victim of such alleged crime.

7. Any of the actions prohibited under paragraph 6(e) hereof may nevertheless be taken if such actions are pursued in accordance with the provisions of paragraph 6(b), above.

8. Nothing contained in this order is intended to affect the rights of any governmental entities or individuals who are not parties to this action. The principles of law expressed in this order may or may not apply to governmental entities or individuals who are not parties to this action. This order simply expresses no opinion on that subject.

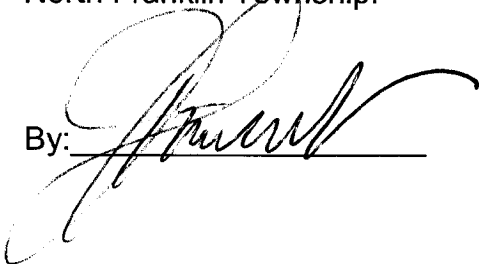
9. Nothing in this Consent Order shall be construed as an admission of liability or wrongdoing by any party.

By the Court:

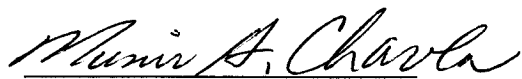
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North Franklin Township:

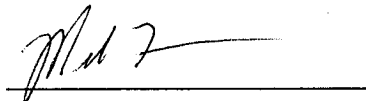
By:



Munir Chavla:



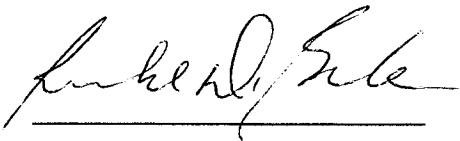
Mark Kavakich:



Terri Chavla:



Counsel for Plaintiffs:



Counsel for Defendants:

