

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

CHOSEN 300 MINISTRIES, INC., ET AL. : **C.A. No. 12-3159**
Plaintiffs, :
v. :
CITY OF PHILADELPHIA, ET AL. :
Defendants :

INTERIM AGREEMENT

I. Introduction

This action was filed on June 5, 2012, and alleges that City of Philadelphia policies and regulations related to the plaintiffs' programs of free food distribution and other services to the poor and/or hungry violate the Free Exercise and Free Speech Clauses of the First Amendment and the Pennsylvania Religious Freedom Protection Act. A hearing on Plaintiffs' Motion for a Preliminary Injunction was held on July 9, 10 and 12, 2012. On July 12, the Court entered an Order temporarily enjoining the City from imposing a ban on the free food programs in City Parks. On August 9, 2012, the Court issued Findings of Fact and Conclusions of Law and a Preliminary Injunction on the ban.

II. Interim Agreement

The parties to this litigation have agreed to enter into discussions to resolve the disputes presented by this case, and to address the long-term interests of the poor and hungry population of Philadelphia, the religious beliefs and missions of the plaintiffs, and the public interest. To that end, the parties have agreed to the following:

1. The City shall suspend implementation and enforcement of Philadelphia Department of Parks and Recreation Regulation Concerning the "Outdoor Public Serving of Food."
2. The signs posted by the Philadelphia Department of Parks and Recreation relating to

the ban on the "Outdoor Serving of Food" shall be removed or obstructed from view.

3. The City shall withdraw the interlocutory appeal of this matter to the United States Court of Appeals for the Third Circuit.

4. The parties, their counsel, and others agreed upon by all parties shall meet at the earliest opportunity to discuss a resolution of the outdoor food service and related issues presented by this case.

5. The Court shall temporarily suspend the Scheduling Order issued on July 12, 2012, and retain jurisdiction over this matter pending discussions between the parties related to a final Settlement Agreement. The parties shall submit to the Court at ninety (90) day intervals status reports that describe the progress of settlement discussions.

6. Pending settlement discussions between the parties, the Preliminary Injunction issued by this Court shall remain in force and effect.

7. In the event the parties reach a final Settlement Agreement, the agreement shall be submitted to the Court for review and consideration.

8. In the event the parties are unable to reach a final Settlement Agreement, the Court shall issue an Amended Scheduling Order, the matter shall be listed for trial upon completion of discovery, and the Preliminary Injunction shall remain in effect pending trial.

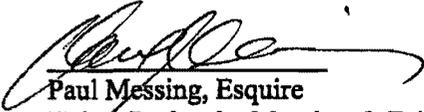
9. The City shall pay reasonable counsel fees and costs to the plaintiffs' attorneys Paul Messing and Seth Kreimer for time spent in the litigation of this case. Any disputes over fees and costs shall be adjudicated by the Court.

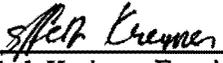
10. Neither this Interim Agreement nor any acts taken in furtherance of this Interim Agreement by the plaintiffs, the City or any City officials or employees is or may be deemed an admission or evidence of the validity of any claims or defenses to the Complaint and Motion for

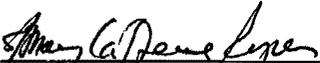
a Preliminary Injunction in any civil, criminal, or administrative proceeding.

It is so agreed.

Counsel for Plaintiffs:


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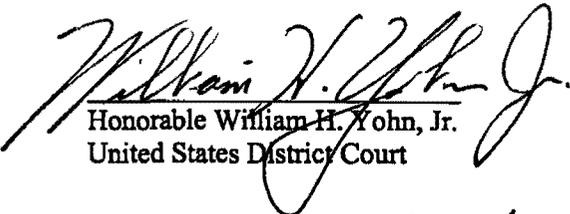

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Approved by the Court:


Honorable William H. Yohn, Jr.
United States District Court

Date of Approval: 9/27/12